

THE UNIVERSITY OF CHICAGO

WESTERN PRIVILEGES IN CHINESE EYES: A SOCIAL HISTORY OF
EXTRATERRITORIALITY IN QING CHINA'S INTERIOR (1860-1911)

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YUAN TIAN

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This work is dedicated to my late mother

Jiang Xiaoying

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Abstract

After the defeat in the Opium War (1839-1842), Qing China was compelled to accept the imposition of extraterritoriality, a legal framework that granted Westerners immunity from Chinese jurisdiction. Conventional scholarly narratives regarding this colonial construct tend to focus on coastal treaty ports such as Shanghai and Hong Kong, resulting in perspectives that are either centered around Western interests or institutional structures. In contrast, this dissertation redirects attention to Sichuan province, a hinterland in the southwest of the Qing Empire, and explores the societal ramifications of extraterritoriality between the 1860s and 1911. Drawing primarily from a rich collection of judicial cases found in the Ba County archives, this study illuminates the increasing influence wielded by Chinese nationals who availed themselves of the privileges afforded by the foreign extraterritorial regime, while simultaneously revealing the formidable challenges it posed to the Qing government's state-building efforts and societal cohesion.

By foregrounding the experiences of the hinterland, particularly those involving Chinese non-state actors, within the context of Western colonial legal frameworks, this research challenges prevailing assumptions that Western colonial privileges were beyond the reach and relevance of the common Chinese populace. I argue that the expansion of imperialism into the interior regions of China during the 1860s gave rise to a network of Sino-foreign legal patronage, enabling selected groups of Chinese individuals to access foreign consular courts and extraterritorial rights, while also allowing foreigners continued access to socio-economic resources within Chinese society. This novel network facilitated Chinese adaptation to state-

controlled commercial activities and expanded their avenues for civil litigation. However, the emergence of this network disrupted a crucial collaborative mechanism that existed between the state and society in late imperial China, whereby civil disputes could be resolved outside the formal court system. I further illustrates that instead of engaging in violent resistance against extraterritoriality, both the Chinese state and society strategically managed its impact through nonviolent means.

As an increasing number of Chinese individuals embraced foreign extraterritorial privileges, the demarcation between Chinese and foreign jurisdictions under extraterritoriality became increasingly blurred. Rather than serving as a mechanism to regulate and govern Sino-Western interactions, the provisions outlined in the treaty agreements, as evidenced by the actors examined in this study, proved to be a tenuous foundation that was readily discarded. Nevertheless, it was within this unregulated borderland that indigenous judicial norms intersected with colonial legal institutions, giving rise to an enterprising legal culture and shifting the balance of power between the state and society as well as the colonizer and the colonized.

Introduction

In the 1860s, officials in the southwest province of Sichuan began to encounter a daunting predicament in the course of administering justice. The crux of the matter lay in the French Catholic missionaries' pursuit of judicial authority over their Chinese parishioners, intervening in lawsuits and influencing the decision-making process of Chinese magistrates. According to the Sino-Western treaties, only Western expatriates were exempted from Chinese legal jurisdiction. As the late nineteenth century unfolded, however, Sichuan's courtrooms witnessed increasing attempts by foreign nationals, including merchants and consuls, to interfere in lawsuits involving solely Chinese litigants. To exacerbate the situation, even Chinese individuals with tenuous connections to a foreign organization actively sought refuge under the foreign extraterritorial regime. The resulting conflicts are emblematic of the crises which would shape the final decades of the Qing dynasty.

This dissertation studies the emerging influence of extraterritorial Chinese, namely, Chinese nationals who enjoyed foreign legal privileges due to their associations with foreigners, and the pressing challenges it presented to Chinese state-building and society-making during the tumultuous years following the Opium War in the late Qing dynasty. By critically analyzing the interactions among a diverse array of foreign and Chinese actors in local courtrooms, I offer two novel perspectives on the understanding of the foreign extraterritorial regime and the encounters between Sino-Western legal systems.

First, I show how the expansion of imperialism in the Chinese interior since the 1860s gave rise to a reciprocal Sino-Western legal patronage network. This network granted selected groups of Chinese access to foreign consular courts and extraterritorial rights while allowing foreigners

to maintain access to socio-economic resources within the Chinese community. The new Sino-foreign legal patronage network disrupted a significant collaborative mechanism between the state and society in traditional China, which had previously facilitated the resolution of most civil disputes outside of formal courts. Nevertheless, I also demonstrate that rather than violently resisting the intrusion of extraterritoriality, both the Chinese state and society strategically coped with it through nonviolent means. Local elites sought to negotiate their position within this extraterritorial regime, while grassroots officials envisioned the rise of legal pluralism for extraterritorial Chinese as a buffer against the broader crisis of political stability.

Second, I contend that the proven efficacy of extraterritoriality prompted ordinary Chinese individuals to enthusiastically embrace these networks, actively manipulating the colonial legal regime to their advantage in legal disputes. Rather than serving to regulate and discipline Sino-Western interactions, the treaty regulations became a precarious foundation for agreements that individuals, as demonstrated in this study, were all too willing to abandon. However, it was within this unregulated legal borderland that indigenous judicial norms interacted with colonial legal institutions, thereby engendering an entrepreneurial legal culture that shifted the power dynamics between the state and society, as well as between the colonizer and the colonized.

Colonial Legal Encounters in the Chinese Interior

Conventionally understood as a colonial implant aiming to facilitate Western colonial endeavors in Asia, extraterritoriality is often located by scholars in coastal ports with strong colonial presence like Shanghai, resulting in analytical approaches that are either Western-centered or institution-driven. Rather than adhering to the conventional coastal port outlook, I

strive to illuminate the complexity of extraterritoriality by scrutinizing its functionality within an interior Chinese society fraught with numerous constraints on foreign activities. Ultimately, the experiences of individuals with extraterritoriality are heavily influenced by the unique conditions of their immediate surroundings. Since the 1860s, Westerners began extending their reach deeper into the Chinese interior, discovering intricate regional circumstances in the process. In particular, the bustling, cosmopolitan milieu of well-established coastal ports like Shanghai differs significantly from that encountered in the Chinese interior. This raises a key question: what did Westerners rely on to conduct their affairs in a place without any colonial institutions, such as the Mixed Court or the British Supreme Court?

Sichuan offers an ideal vantage point to scrutinize, elucidate, and broaden our understanding of extraterritoriality. First, Sichuan witnessed the highest frequency of anti-Christian uprisings throughout the Qing Empire. Among the twenty-five significant anti-Christian disturbances that unfolded between the 1870s and 1900s, seven occurred in Sichuan. Governor Ding Baozhen lamented in 1877, “Sichuan not only experienced the greatest number of anti-Christian riots but also faced the most intricate cases.”¹ The convergence of Sichuan’s prevalence in anti-Christian sentiment during the late Qing era and its geographical remoteness from the imperial capital bears relevance. After Emperor Yongzheng prohibited Catholicism in the 1720s, Sichuan became a refuge for Catholic missionaries and adherents. Subsequently, when foreigners were permitted to reside in the interior, Sichuan emerged as a focal point of French Catholic endeavors in China.² Notoriously, French Catholic missionaries in Sichuan, like their counterparts elsewhere in the country, exploited extraterritorial jurisdiction to interfere with the legal

¹ Ding Baozhen, *Ding Wenchengong Zougao* [*Selected Memorials Submitted by Ding Baozhen*] (Guiyang: Guizhousheng wenshi yanjiuguan, 2000), 407.

² Ernest P. Young, *Ecclesiastical Colony: China’s Catholic Church and the French Religious Protectorate* (Oxford University Press, 2013), 13.

proceedings of their converts. Consequently, Sichuan furnishes historians with abundant case-based evidence to explore the ways in which Christians harnessed extraterritoriality to shape power dynamics within local society

With the establishment of Chongqing as a treaty port in the 1890s, Sichuan underwent a profound transformation into a region that fostered demographic diversity, economic heterogeneity, and administrative ambiguity. Amidst a burgeoning economic climate and a complex legal landscape, foreign merchants granted extraterritorial jurisdiction to their Chinese staff in exchange for their assistance in navigating the labyrinthine contours of Sichuan's markets. Chongqing's multifarious identity as a treaty port, regional economic hub, and a popular destination for Chinese immigrants from disparate provinces rendered it a crucible of competing powers, shaping the city's legal and commercial landscapes. Notably, commercial disputes involving foreign firms presented an exciting opportunity to investigate how extraterritoriality impacted the city's judicial and commercial environments, serving as a key tool in vying for commercial dominance between Chinese native-place groups.

The exploration of Chinese treaty ports has seen a renaissance in recent years. Nonetheless, there is a dearth of scholarship on Chongqing – a latecomer to the treaty port system. Simultaneously, scholars who focus on Sino-Western relations in Chongqing or the greater Sichuan area sometimes tend to attach the region's position in the interior with provincialism, xenophobia, and reluctance to accept modernity. By attesting the interior's significance in the investigation of treaty ports and Sino-Western legal encounters, I also challenge the presumptive conclusion that Chongqing was more resistant to Western concepts or lagged behind coastal regions in response to Western influences. Although Sichuan was a peripheral area to both the

“heart” of Qing imperial authority and the “heart” of foreign bases on coastal ports, it played an active role in repurposing the definitions of extraterritoriality.

Limitations of the *Jiao'an* Framework

To date, our minimal understanding of the ramifications of extraterritoriality relies solely on scholarly examinations of “*jiao'an* (教案),” or anti-Christian riots, which sought to elucidate the causes behind China’s violent reactions to Christianity in the late nineteenth century. For instance, Paul Cohen mentions how Catholic missionaries, in their defense of Chinese converts in lawsuits, undermined the traditional power of the Chinese gentry in the courtroom, thereby fostering growing animosity towards Christianity.³ However, Cohen does not delve further into this aspect, as his objective is to account for the failure of the Tongzhi Restoration, which aimed to strengthen the dynasty through the restoration of Confucian classics and the adoption of Western technology. Consequently, Cohen perceives the anti-Christian riots as a manifestation of cultural tension between the Confucian elite and the Christian missionaries who challenged Confucian values. In Cohen’s view, the conflicts stemming from the Catholic missionaries’ exploitation of extraterritoriality merely represent one facet of this clash between Sino-Western cultures.

In contrast to Cohen’s perspective, Joseph Esherick contends that anti-Christian riots were not solely a result of clashes between Sino-Western cultures, but rather were influenced by a combination of political and ecological factors in rural Shandong. Esherick astutely observes that

³ The violence specifically targeted Chinese Christians in many anti-missionary riots was partly because commoners resented the protection that Chinese converts obtained from the French consuls. Paul A. Cohen, *China and Christianity: The Missionary Movement and the Growth of Chinese Antiforeignism, 1860-1870* (Cambridge: Harvard University Press, 1963).

the practices of missionaries, who utilized their extraterritorial jurisdiction to interfere in virtually all types of conversion-related lawsuits, “constituted the Catholic Church in China as an *imperium in imperio*.”⁴ Nevertheless, similar to Cohen, Esherick views this as one of the contributing factors to the violent conflicts between China and the West, ultimately leading to the rise of mass nationalism and revolutions that culminated in the demise of Qing rule.

Xiaowei Zheng’s study of the 1911 Revolution in Sichuan, akin to Esherick’s viewpoint, underscores the correlation between Christianity and Chinese revolution. Focusing on numerous anti-Christian riots in late Qing Sichuan, Zheng argues that the late nineteenth century witnessed “a new power dynamic” characterized by the ascendancy of Christian churches as a significant power base in local society. Traditional powerholders in Sichuan, such as the gentry class and the gowned brothers, resorted to violent actions against Christian churches out of fear of losing their authority.⁵

The predicament with the *jiao’an* framework lies in its fixation on instances of violence. By placing violent conflicts at the core of analysis, all forms of interactions between Christian churches and the local community are bundled together in an attempt to account for the causes of violence. In doing so, scholars tend to exclusively focus on the confrontations between the Christian and non-Christian communities, including how missionaries’ interference with the Chinese court system led to resistance from the state and society. Nevertheless, the politics of Christianity within local society are far more intricate than the confrontations and violence depicted in narratives of anti-Christian riots. The implications of the exploitation of extraterritoriality extend beyond being a mere contributing factor to anti-Christian riots.

⁴ Joseph W. Esherick, *The Origins of the Boxer Uprising* (Berkeley: University of California Press, 1988), 87.

⁵ Xiaowei Zheng, *The Politics of Right and the 1911 Revolution in China* (Stanford: Stanford University Press, 2018), 41.

In this study, I remove the issue of missionary interference in Chinese lawsuits from the framework of anti-Christian riots and instead position it within the larger legal context created by the unequal treaties and foreign extraterritorial rights. In contrast to a *jian'an*-centered approach, I focus on the everyday interactions in local courts between Chinese and foreigners from various social backgrounds, as well as the consequences of these encounters on Chinese judicial practices, state-building, and society-making. This research explores a greater range of complicated issues given rise by the foreign extraterritorial regime, encompassing not only missionaries' interference with lawsuits of Chinese Christians, but also how the unequal treaties shaped the commercial and legal landscape of treaty-port Chongqing. This approach allows us to transcend the nationalist and revolutionary narratives often associated with *jiao'an* and gain a better understanding of the intricate relationship between extraterritoriality and the existing legal and economic power structures of Chinese society.

This is not to suggest that I dismiss the correlation between *jiao'an* and extraterritoriality. On the contrary, violent clashes between local society and Christian churches provide a vital context for understanding how extraterritoriality functioned within local society, as they set a harsh tone for Sino-Western encounters during the late nineteenth century in general. However, violence, even when employed by local elites who believed that Christian churches were undermining their authority, should not be regarded as the default response of Chinese society to extraterritoriality. This study seeks to comprehend how individuals utilized extraterritoriality as a means of navigating a tumultuous external environment. The choices made by Chinese individuals when confronted with extraterritoriality shed light on their perceptions of colonial privileges, which may have initially seemed inconsequential to them, as well as how they adapted their expectations of these privileges and leveraged them to achieve personal objectives.

It is through these conscious choices that extraterritoriality and the foreign treaty privilege regime became integral parts of everyday life for the Chinese themselves.

Sino-foreign Legal Patronage and the Third Realm of Justice

During the Qing, it was customary for litigants to seek assistance from non-state actors in their legal disputes, whether it involved drafting a complaint or mediating a dispute. Previous studies have demonstrated the crucial role played by local actors outside the imperial bureaucracy in mediating disputes and administering justice. For example, Melissa Macauley explores how people utilized the services of litigation masters to access higher levels of legal authority.⁶ The reliance on non-state actors in resolving disputes during Qing society arose from two factors: the limited capacity of the late imperial Chinese bureaucracy to meet the increasing demand for litigation resulting from commercialization and social changes since the eighteenth century, and the prevailing belief within official discourse that popular litigiousness was indicative of moral corruption and government failure. As a result, the state discouraged popular litigiousness, leading to frequent rejection of cases brought directly to court by litigants, creating a practical need for non-state actors who could guide ordinary individuals through the intricacies of the justice system⁷

Despite the illegality of litigants hiring litigation masters and magistrates delegating dispute resolution to local actors under Qing law, the use of non-state channels in managing litigation needs was widespread and tacitly accepted. Li Chen's research expands our understanding of

⁶ Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford: Stanford University Press, 1998), 146-195.

⁷ Kenneth Pomeranz, "An Empire in Transition: Law, Society, Commercialization and State-Formation in Late Imperial China," *Eighteenth-Century Studies* 35, no. 2 (2002): 308.

how the Qing state had to recognize the essential role of private legal advisors who were not on the state payroll in local justice administration, despite the official concerns regarding the potential misuse of power by this group.⁸ Even the often disparaged litigation masters, as revealed in Macauley's study, were drawn from the class of degree-holders and held a certain degree of prestige within the local community.

These customary practices of relying on non-state actors in the litigation process significantly influenced how people perceived the inner workings of the Qing legal system. Before the 1850s, this intermediate legal realm was predominantly occupied by local notables. Those assuming this role needed to possess prestige, a degree of legal expertise, and executive power, as these qualities were crucial for satisfactory dispute resolution and the long-term harmony of the parties involved. However, the arrival of foreigners in Sichuan in the mid-1850s introduced new tensions to this intermediate realm. By offering extraterritoriality and other treaty benefits to select groups of Chinese, foreigners became powerful non-state actors in legal affairs.

The roles played by various non-state actors in dispute settlement can be loosely categorized along a continuum from the state's perspective. This spectrum includes local notables serving as dispute mediators, litigation masters who engendered disorder, and those in the middle who performed various overlapping tasks. In Qing official discourse, foreigners representing Chinese litigants by lodging lawsuits on their behalf and interfering with a magistrate's court rulings were referred to as "proxy filling lawsuits" (包攬詞訟). Prior to the 1850s, this term, which carried a pejorative connotation, specifically applied to litigation masters or private legal advisors who profited from filing complaints and providing legal advice to litigants to improve their chances of

⁸ Li Chen, "Regulating Private Legal Specialists," in *Chinese Law: Knowledge, Practice and Transformation: 1530s-1950s*, eds., Li Chen and Madeleine Zelin (Leiden: Brill, 2015), 255.

success. Such actions were deemed to interfere with the administration of justice by the state and were therefore prohibited and condemned.⁹ The parallel between the representation of litigation masters and foreigners intervening in legal procedures in official discourse is not surprising, as they were likely influenced by long-held Confucian notions of non-state actors attempting to manipulate justice against the will of the state.

Although the language used in official discourse reflects a similar source of anxiety about losing control over the administration of justice, the tangible threats posed by foreigners to the Qing state were distinct from those posed by unruly Chinese non-state actors. The first difference lies in their motivations. In contrast to litigation masters who professionalized their legal services, foreign patrons who extended treaty benefits to Chinese did so for a variety of complex reasons. Some French Catholic missionaries intervened vigorously in the lawsuits of their Chinese parishioners because they believed that Chinese Catholics were vulnerable to mistreatment under Qing law due to their faith.

However, over time, the motives for foreigners to extend extraterritorial jurisdiction to Chinese became more intricate. The efficacy of foreign protection became evident, leading to its utilization as an incentive for people to convert to Christianity, which, in turn, may have encouraged some missionaries to employ it as a strategy to expand their congregation. As time progressed, extraterritorial jurisdiction, along with other foreign treaty privileges, also began serving commercial purposes. The criteria by which foreign patrons provided treaty privileges to Chinese gradually shifted from moral obligation to mutual interests. By the late nineteenth

⁹ In other instances, it was also used to designate persons who utilized their ties to the yamen to manipulate the outcomes of legal proceedings in order to profit. For instance, the Yin County yamen in Ningbo issued a statement on October 19, 1882, warning that dishonest individuals were posing as the magistrate's family servants and defrauding people of their money by asserting that they could alter the results of their lawsuits. Ningbo Municipal Archives eds., *Shenbao Ningbo shiliaoji*, vol. 2, (Ningbo: Ningbo chubanshe, 2013), 561.

century, Sichuan witnessed the emergence of a Sino-foreign legal patronage network, in which foreign missionaries, consuls, and merchants extended treaty privileges to various groups of Chinese seeking foreign assistance to avoid Chinese state control over litigation, taxation, and business. In exchange, the Chinese granted these privileges offered a range of material and non-material returns to their foreign benefactors. Even those who openly disapproved of Catholic missionaries intervening in Chinese judicial procedures, such as Protestant missionaries and foreign businessmen, permitted Chinese under their patronage to exercise extraterritorial rights when deemed necessary.

Melissa Macauley illuminates a fundamental aspect of the Qing state's conception of law in her work. In traditional China, legal authority was deeply rooted in moral principles. Active involvement in litigation was condemned and portrayed as evidence of disorderliness and moral decay within a community, as reflected in official and gentry discourses. In essence, the maintenance of local unity and societal harmony was attributed to morality rather than strict law enforcement. The gentry elite, who envisioned an ideal Confucian state, believed that a harmonious paternal bond between magistrates and commoners, as well as between the imperial state and local society, would ensure stability.¹⁰ Consequently, "local elites, especially the 'good' gentry who wrote gazetteers, believed themselves specially endowed with an ability to settle disputes and bestow harmony on the community."¹¹

In exerting influence over the administration of justice, foreign patrons did not shoulder the same moral burden as the Chinese good gentry. Nevertheless, foreign patrons may have sought to justify their treaty violations and disruptions to the traditional Chinese judicial order by

¹⁰ See Ch'u Tung-tsu's examination of magistrates in *Local Government in China under the Ch'ing* (Cambridge MA: Harvard University Press, 1962).

¹¹ Macauley, 190.

employing a different set of colonial morals. These morals were based on orientalist assumptions about the corrupt, brutal, and authoritarian nature of the Chinese justice system. Overall, foreigners actively interfered in Chinese legal proceedings not to uphold a Confucian moral ideal of maintaining interpersonal harmony, but rather to establish and sustain a Sino-foreign patronage network centered around extraterritoriality. This network solidified their position within the local society, which was particularly crucial for foreign settlers in less hospitable inland provinces like Sichuan, where their activities, be they religious or commercial, relied on a local social network.

Interestingly, there were foreign settlers in Sichuan who possessed a comprehensive understanding of, and even acknowledged, the norms and mechanisms of dispute resolution in traditional Chinese society. For instance, Archibald Little, a British businessman who played a pivotal role in establishing Chongqing as an international treaty port, openly expressed appreciation for the Confucian paternalistic role played by provincial guilds (會館) in mediating commercial disputes. He articulated this sentiment as follows: “Here [in Sichuan], the grievance of the individual becomes the concern of the [Chinese] guild, and he is thus protected alike from unjust exactions by officials and the often no less tyrannical procedure of powerful monopolies. The wealthy foreign firms established along the coasts have to reckon with them, and hence the somewhat jealous eye with which they are regarded; but their action on the whole is undoubtedly beneficial as much in upholding fair dealing amongst their members as in protecting them from outside injustice.”¹²

¹² Archibald J. Little, *Through the Yangtse Gorges Or, Trade and Travel in Western China* (London: Sampon Low, Marston & Company), 201.

Hence, when Archibald Little himself actively intervened in lawsuits involving his Chinese employees, he may not have perceived his actions as encroachments on the authority of traditional Chinese elites. From the perspective of the Chinese elite, foreign intervention in lawsuits where both plaintiffs and defendants were Chinese disrupted the original interpersonal bonds of Chinese society. However, in doing so, foreigners inadvertently reinforced interpersonal relationships within the Sino-foreign patronage network that had developed around extraterritoriality. Therefore, for some foreigners, the act of extending extraterritorial protection to certain Chinese individuals constituted an endorsement and continuation of the Confucian paternalistic function fulfilled by traditional Chinese elites. Although their objectives differed, both traditional Chinese elites and foreigners achieved a similar goal through engagement in litigation resolution—to preserve the solidarity of their respective communities.

A second distinction between foreign patrons and Chinese non-state actors lies in the efficiency with which they manipulated justice. While the emergence of Sino-foreign legal patronage in the late nineteenth century could be viewed as a reinterpretation of longstanding patron-client relationships prevalent in Chinese legal culture (as exemplified by the relationship between litigation masters and widows, as described by Macauley), foreigners with extraterritorial rights and diplomatic support were in no way comparable to litigation masters in terms of their influence over adjudication. Most foreigners did not hesitate to interfere in the lawsuits of Chinese individuals under their patronage, and some even resorted to aggressive tactics by directly challenging magistrates' decisions at the yamen. The interference of a foreign patron significantly increased the likelihood that a Chinese civil lawsuit would be heard in court and attracted the magistrate's attention. Litigation masters, on the other hand, had a limited range of legal support to offer. Unlike foreigners, they could not guarantee specific outcomes for their

services. Furthermore, since litigation mastery was illegal under Qing law, practitioners could only provide legal advice to their clients clandestinely, without disclosing their identity or appearing in court to defend their clients, as foreigners could.

The extent to which non-state actors could influence the administration of justice was also contingent upon the Qing state's ability to impose restrictions on them. Chinese local actors, even astute litigation masters, were unable to openly manipulate magistrates' rulings since officials had the power to discipline them, albeit with varying degrees of success. Chinese local actors predominantly exerted their influence on the administration of justice in the intermediate realm outside the yamen. In contrast, foreign patrons could directly influence magistrates' decisions by pressuring them to produce desired outcomes. If we consider the function of traditional Chinese mediators as an extension of state power, through which local officials delegated cases deemed unworthy of state action to the community for mediation according to state principles, then the utilization of extraterritoriality by foreigners can be seen as an attempt by non-state forces to compel the formal court's acceptance of such cases. However, it is important to note that this cannot be merely viewed as foreigners aiding the weak in China in their pursuit of justice, as foreigners did not always side with the weak. Often, foreigners chose to intervene in specific Chinese litigations based on their personal interests.

The presence of extraterritoriality created a legal world in which, for the first time, commoners' "litigiousness" appeared to be encouraged and seriously supported by a legal patron more powerful than the Chinese state. Chinese individuals seeking foreign patronage were more likely to achieve their desired outcomes in lawsuits compared to those turning to litigation masters or village notables, as the former could mobilize greater resources. Some Chinese entered the realm of extraterritorial patronage through conversion to Christianity, while others secured positions as

employees in foreign business firms. Still, others capitalized on their social networks, such as kinship, friends, and acquaintances, to benefit from extraterritorial jurisdiction. Thus, we witness not only Christian missionaries representing the lawsuits of their Chinese converts but also foreign consuls representing cases involving relatives of Chinese staff working at the consulate. Over time, the extraterritorial patronage network expanded to encompass a broader Chinese population. This included individuals who established permanent religious affiliations with Christian churches or long-term employment with foreign business firms, as well as those who formed temporary affiliations to enjoy the benefits of foreign treaty rights. Importantly, foreign extraterritoriality was channeled into the Chinese court as a form of legal power wielded by Chinese litigants through a complex network of personal relations within Chinese society.

In this regard, it is crucial not to unquestioningly accept Qing officials' assertion that foreign support heightened Chinese litigiousness. Foreigners did not increase the propensity of Chinese people to engage in litigation, as claimed by Qing officials. Chinese individuals would have filed lawsuits against each other irrespective of foreign backing. Conversely, foreign legal patronage provided an effective forum for ordinary people to express their desires, needs, and grievances in the formal court. Criticisms of treaty privilege abuse in Qing official documents and gentry writings confirm the effectiveness of foreign legal patronage and the failure of the Chinese state and traditional elites to regulate it. The apprehension and unease felt by Qing officials regarding foreign patrons are not commonly expressed in similar comments about litigation masters. Although the Qing officialdom detested both types of pettifogging, they were particularly concerned about foreigners due to the exceptional effectiveness of their intermediation, which consequently led to unique destabilization.

In what ways did extraterritoriality exert its influence on the local judicial landscape? Phillip Huang posits that a considerable number of civil cases during the Qing dynasty reached resolution in the interim period between the initial complaint and the formal court hearing. Huang designates this intermediate phase as the “third realm of justice.” Within this realm, magistrates delegated civil suits to local notables or runners, empowering them to settle disputes autonomously, albeit in contravention of the Qing code. Given the degree-holding status and familiarity with both the Qing Code and cultural customs possessed by many of these individuals, they were well-positioned to investigate and mediate conflicts. The existence of this third realm of justice substantially reduced the number of cases requiring formal adjudication in the courts.¹³ As a result, not only did it alleviate the backlog of the magistrates’ workload, but the diminished number of recorded cases also bolstered the community’s reputation, yielding benefits for the elite members within.

This study argues that in late nineteenth-century Sichuan, the presence of Westerners endowed with extraterritorial privileges disrupted the delicate balance of the “third realm of justice.” Between the years 1860 and 1911, civil disputes in Ba County supported by foreign entities sidestepped the intermediate stage of community mediation and directly proceeded to the formal court session. Chinese litigants who secured the backing of a foreign patron would not first approach local notables for mediation or submit a plaint (*bingzhuang* 稟狀) to the yamen, awaiting the magistrate’s decision on whether to proceed to court. Instead, they would turn to their foreign patron, who would act on their behalf by petitioning the magistrate in writing to hold a court hearing. Regardless of the triviality of the issue at hand, the magistrate was

¹³ Philip C. C. Huang. “Between Informal Mediation and Formal Adjudication: The Third Realm of Qing Civil Justice,” *Modern China* 19, no. 3 (1993): 251–98.

obligated to handle the case and issue a ruling personally. Terms such as “settle reasonably” (*lichu* 理處) and “mediate” (*tiaochu* 調處), commonly associated with community mediation by local notables or runners, were conspicuously absent from the case files of lawsuits involving Chinese with foreign patrons. Within the Ba County archives, there is no instance where the magistrate delegated to local elites or runners to settle a dispute involving Chinese supported by foreigners. This is a crucial observation since the backlog of unresolved cases posed a major challenge for local yamens during the late Qing period. Moreover, contrary to the established legal procedures in Chinese courts, Chinese plaintiffs represented by foreigners did not personally appear in court for inquiries. The foreign patron closely monitored the trial process and, in order to expedite the investigation, would frequently correspond with the magistrate, urging a satisfactory verdict. In some cases, even after a ruling had been issued, the foreign patron would continue to correspond with the magistrate, attempting to negotiate a more favorable outcome for the litigants they represented.

The magistrate, as a low-ranking official, constantly found himself in a precarious position when confronted with the intervention of a foreign consul, given the unequal power dynamics between China and the foreign powers. In the Shanghai Mixed Court, which handled lawsuits involving residents of the Shanghai International Settlements, there was a provision requiring a joint decision by a Chinese sub-prefect and a foreign assessor in commercial and civil disputes involving Chinese defendants and foreign plaintiffs, ensuring equality and transparency.¹⁴ However, in Sichuan, it appeared that the *de facto* right of a foreign assessor extended to lawsuits exclusively involving Chinese parties. Even if foreign consuls in Sichuan did not physically sit

¹⁴ Par Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth Century China and Japan* (Oxford: Oxford University Press, 2012), 70.

with the magistrate to collectively settle a Chinese case, they never hesitated to interfere with the magistrate's rulings. Over time, the foreign consulate evolved into an increasingly important legal forum for resolving lawsuits among Chinese individuals in Sichuan.

Legal Pluralism and Extraterritorial Chinese

By expanding extraterritorial jurisdiction to particular Chinese groups, foreigners ruptured the long-standing collaborative system between local elites and the state. This challenged the gentry's paternalistic role as arbitrators in disputes. Esherick and Cohen's research reveals that this led to violent retaliation by local elites and officials who felt their power was greatly diminished. This narrative has deeply influenced our understanding, obscuring the nonviolent strategies employed by local elites and officials to counter foreign interference in local politics.

This widely-held belief is likely influenced by the understanding of the monist nature of traditional Chinese politics by earlier scholarship. For instance, Esherick contends, "Traditional Chinese politics had no real place for pluralism. Yet here were Christian missionaries introducing a divisive pluralism to the Chinese state, and creating a structure which could stand over and against the Chinese polity, as an alternative authority system and indeed a rival for political power."¹⁵ However, recent scholarship on Qing law challenges this notion by highlighting the presence of pluralism in Qing politics and its role in the Qing colonization of frontiers. Ying Hu, for example, demonstrates that the Qing Code and the Mongolian customary law were parallel legal orders in the seventeenth century.¹⁶ Moreover, Donald Sutton reveals the

¹⁵ Esherick, *Origins of Boxers Uprising*, 85.

¹⁶ Ying Hu, "Justice on the Steppe: Legal Institutions and Practice in Qing Mongolia," (PhD diss., Stanford University, 2014).

flexible legal arrangements used to civilize the Miao on the southwest frontiers.¹⁷ According to Sutton, the special provisions and exemptions, known as the Miao sub-statutes (*miaoli* 苗例), “functioned as a zone between the Qing and Miao systems, virtually constituted a third system overlapping with each.”¹⁸ These studies show that the Qing legal system incorporated pluralistic elements that adapted to local conditions.

Of particular relevance to this study, Par Cassel observes that the original framework underlying Qing officials’ understanding of the Shanghai Mixed Court drew from the Qing maritime sub-prefect, which adjudicated mixed cases between Manchu and Han populations. Cassel argues that this continuity facilitated the Qing elite officials’ acceptance of extraterritoriality, challenging the view that it was solely a colonial imposition.¹⁹

The Qing imperial court viewed legal pluralism as a critical tool for colonization, tolerating diverse customary laws while ultimately aiming to impose a unified imperial code on the conquered territories. However, this often resulted in chaos in local justice administration, particularly concerning individuals straddling multiple legal classifications. For instance, Sino-Muslims were sometimes treated as Chinese and subject to the Qing imperial code; nevertheless, when they committed offenses relating to the Islamic faith, they were subject to discriminatory

¹⁷ The legal arrangement on the Miao frontiers included the co-existence of the indigenous Miao law and the substatutes (*li*) of the Qing administrative and penal law, and special provisions for adjudicating cases involved the Miao. Sutton, Donald S. “Violence and Ethnicity on a Qing Colonial Frontier: Customary and Statutory Law in the Eighteenth-Century Miao Pale,” *Modern Asian Studies* 37, no. 1 (2003): 41–80.”

¹⁸ Although the pluralist system was unstable and became largely abandoned in the 1760s, some of the laws eventually became agents of transformation as they continually adjusted to local conditions such as the Miao resistance to the swarming Han-migration. For instance, grassroots officials in the frontier region, who had to deal with the realities of a growing polyethnic society, were pragmatic in enforcing the unpopular Qing laws and tended to give more freedom to the Miao to arbitrate outside the court. However, many of the Miao who gradually lose their land to the waves of in-migration by Han Chinese, with the help of Chinese pettifoggers, in fact resorted to the Qing courts, just as peasant litigants in elsewhere in China. Therefore, even if the Miao had the ready option of negotiating even serious cases to conclusion among themselves, the long-term interactions with the Han settlers somehow “taught” them to resort to Qing law in matters such as land disputes and intermarriage.

¹⁹ Cassel, *Grounds of Judgment*, 46.

statutes that saw them as non-Chinese.²⁰ Likewise, Chinese under foreign extraterritorial protection, the subjects of this study, occupied an ambiguous position in the Qing's legal classification scheme. The individuals inhabited borderlands where multiple powers contested authority, which further compounded the difficulties facing the Qing state in regulating their affairs.

Crucially, we must acknowledge the changing role of the Qing in the late nineteenth century, transitioning from conqueror on ethnic frontiers to being subject to the imperialist ambitions of foreign powers. As a result, the Qing government's perception of legal pluralism shifted from a tool for empire-building to a precarious situation vis-à-vis Western powers.

However, this should not hinder our contextualization of extraterritoriality within the legally pluralistic nature of Qing administration, allowing us to examine how local officials responded to the rise of extraterritorial Chinese. Studies on Qing law demonstrate that county-level judicial practices frequently involved resolving discrepancies between legal statutes and social realities. For instance, Sommer highlights how magistrates considered extreme poverty when dealing with cases of wife-selling, rendering relatively merciful verdicts.²¹ Magistrates were also aware that legal statutes were not uniformly applied to all social groups, with wealthy and influential individuals leveraging their connections to avoid punishment or receive lenient sentences. While the Qing Code provided a legislative framework for justice administration, practical decisions were often made by local officials to maintain social order and stability.

²⁰ Jonathan N. Lipman, "'A Fierce and Brutal People': On Islam and Muslims in Qing Law," in Pamela K. Crossley et al., eds., *Empire at the Margins: Culture, Ethnicity, and Frontier in Early Modern China*, (Berkeley: University of California Press, 2006), 83-110.

²¹ Matthew H. Sommer, *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions* (Berkeley: University of California Press, 2015), 308.

In late-nineteenth-century Sichuan, similar considerations shaped official responses to foreign interference in the judiciary. Local officials faced a delicate balance of power, as any decision could provoke backlash from the foreign or Chinese communities. Absolute justice was elusive in cases with unequal parties, as satisfying one often required compromising the other. Additionally, magistrates faced pressure from the imperial court, which cautioned against offending foreigners to prevent local disputes from becoming diplomatic incidents. Consequently, Chinese under foreign protection found themselves in a judicially unrecognized or undefined borderland, enabling legal maneuvering. Despite treaty provisions stipulating that Chinese subjects should be tried under Chinese law, local officials was unable to assert judicial sovereignty due to the power disparity between China and foreign powers.

Over time, local officials caught in this predicament realized that violence offered no lasting solution to the abuse of foreign extraterritorial privileges unless they were willing to jeopardize their own professional futures by engaging in violence against foreigners. Instead, they developed context-specific strategies rooted in flexibility—the ability to assess the situation and act accordingly. On one hand, magistrates acquiesced to legal pluralism for certain groups of Chinese by accepting foreign claims to jurisdiction. On the other hand, they publicly emphasized the importance of upholding Qing judicial sovereignty in propaganda documents, such as reports to the imperial court and public announcements. However, when foreign extraterritorial privileges infringed upon the core functions of local governance, such as taxation and revenue, local officials took concrete measures to protect their interests.

Primary Sources

This dissertation draws from an array of archival and printed sources from both local and the central levels to understand the practice of extraterritoriality in Sichuan. To understand the Qing central government's perspective, I have utilized printed archives such as the *Jiaowu Jiaoan Dang* (The Archives of Christian-related Affairs) and *Qingmo Jiaoan*. The former is a compilation of Qing Foreign Office Zongli Yamen records from 1860 to 1911, focusing on conflicts between Christian churches and local society across China. The latter is a collection of anti-Christian case files, memorials, memorandums, correspondences, and imperial edicts preserved in Beijing's First Historical Archive, covering the period from 1840 to 1911.

County-level legal cases serve as a crucial source for this study. Over a period of 14 months archival work, I reviewed more than 600 case dockets (*anjuan* 案卷) related to Sino-Western relations dating from 1810 to 1911 in the Ba County archives. Ultimately, I collected 336 case dockets that were pertinent to my research.²² The Ba County archives, housed in the Sichuan Provincial Archives, contain the most extensive local archives known to have survived from the Qing period.²³ In addition to these sources, I have made use of local documents, including gazetteers, oral histories, memoirs, newspapers, and accounts by foreign travelers in Sichuan. These sources complement and complicate the narratives provided by Chinese official documents.

²² For the rest of the case dockets that I did not transcribe, I have taken note of the title, the dates (if available), and the main theme.

²³ For introduction on the Ba County archives, Ye Wa and Joseph W. Esherick, *Chinese Archives: An Introductory Guide* (Berkeley: University of California Press, 1996), 279-304. And Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford: Stanford University Press, 2000), 17-22.

Initially, my understanding of extraterritoriality was shaped by classical *jiao'an* studies, which highlighted Roman Catholic missionaries by representing Chinese converts in lawsuits against other Chinese. However, I soon discovered that foreign intervention in Chinese litigations was by no means exclusive to the Catholic missionaries, although this group bore the most scorn for it. Rather, representing Chinese litigants was similarly practiced by a diverse range of foreigners, including consuls, merchants, military personnel, and customs officials.

Moreover, the abuse of extraterritoriality was far more complex than foreigners using their diplomatic influence to act on behalf of Chinese litigants. Instead, it involved the illegal extension of various foreign rights to specific groups of Chinese. For instance, this includes foreigners willingly sharing *lijin* tax exemption with Chinese merchants as well as Chinese individuals exploiting treaty privileges behind foreigners' backs. In other words, many Chinese actors creatively appropriated and repurposed the concept of foreign legal privilege to achieve a variety of goals.

Thus, the sample cases satisfy either one or more of the following five criteria. First, the plaintiff and defendant were both Chinese, and the case did not involve any foreign interests. However, it was a foreigner who filed the suit on behalf of the Chinese plaintiff and intervened in the trial process. It is worth noting that the foreign proxy did not necessarily initiate the litigation personally. In some cases, the Chinese plaintiff initiated the proceedings and used the proxy's name card as a symbol of foreign protection to exert pressure on the magistrate. Second, the case involved a foreigner or foreign company sharing treaty privileges with a Chinese party, enabling the latter to enjoy commercial benefits reserved for foreigners, such as tax and corvée evasion. These violations come to light in the archives when disputes arise between the parties involved and end up in court. Third, the cases were commercial disputes involving money,

goods, and contracts between a foreign company (plaintiff) and a Chinese party (defendant). While the foreign company may have been the nominal plaintiff, it was often the Chinese employees of the foreign company who initiated the litigation proceedings, manipulating the trial process and leveraging their foreign employer's legal privileges to serve personal interests. These disputes, which appear to revolve around foreign commercial interests, expose ongoing social conflicts originating within the Chinese community of Sichuan. The preceding three scenarios demonstrate instances where foreigners knowingly shared or tacitly allowed Chinese parties to exercise treaty rights. However, the Ba County archives also contain a fourth category of cases in which Chinese individuals with close relationships to foreigners, such as Christians, employees, housekeepers, and servants, committed crimes like fraud, extortion, and embezzlement without the foreigner's knowledge, exploiting the foreigner's name and reputation. Fifth, the cases involved foreign individuals suing Chinese individuals whose actions directly caused financial loss or constituted disrespect or harassment, such as debt, theft, verbal altercations, and nuisance. While these cases do not directly involve the abuse of treaty privileges, they shed light on how local magistrates dealt with foreign litigants and the dynamics of everyday Sino-Western relations. Lastly, the sample also includes lawsuits in which the plaintiffs were Chinese with no foreign connections, while the defendants were Chinese with foreign connections. These cases help elucidate how ordinary people in Sichuan developed legal strategies to navigate the power imbalances introduced by extraterritoriality.

I have chosen to focus primarily on civil and commercial litigations to comprehend the practice of extraterritoriality in local society. This decision was inspired by Phillip Huang's work *Civil Justice in China*, which emphasizes the importance of considering both formal and informal laws while recognizing the discrepancy between representation and practice in the Qing

justice system.²⁴ Magistrates, acting as agents of the emperor in local society, had one of their primary responsibilities as maintaining the dignity and legitimacy of the imperial system by adhering to formal laws in their handling of judicial disputes. This was particularly evident in capital cases, where reports had to be submitted to the emperor and reviewed by various levels of judicial authorities above the county yamen. Consequently, ascertaining the true attitudes of magistrates toward socio-political issues in capital cases presents a challenge, as they were strongly incentivized to adhere to formal laws and frame their judgments in ways that conformed to standardized judicial procedures. Recognizing this aspect holds particular significance for this study, which aims to provide a social history of foreign extraterritorial privileges. Lawsuits involving extraterritorial Chinese were inherently diplomatically sensitive, and if they were also capital cases, such as the murder of a Chinese Christian, the magistrate had to exercise even greater caution to ensure that their verdict met the imperial court's expectations. In contrast, magistrates had more discretion to render judgments that deviated from treaty terms and formal judicial procedures of Qing law in civil cases. These cases predominantly remained at the local level and were less likely to be subjected to review by central officials. Consequently, it was usually the decisions of magistrates in civil matters that more honestly reflected their attitude towards the imposition of foreign extraterritorial privileges on local justice. Simultaneously, civil cases provide a more accurate reflection of everyday Sino-Western legal encounters than capital cases, as violent confrontations were not an everyday occurrence, even during the tumultuous late Qing period.

²⁴ Huang, *Civil Justice in China*, 15.

Chapter Outline

This dissertation comprises four distinct chapters that collectively explore the multifaceted dynamics of extraterritoriality in Chinese judicial politics. Each chapter sheds light on different aspects of this phenomenon, unraveling its historical development, jurisdictional challenges, and its impact on the state-building and society-making in late Qing Sichuan. Chapter 1 traces the evolutionary trajectory of extraterritoriality, beginning as a mechanism to safeguard the rights of Chinese Christians and eventually transforming into a legal instrument employed to intervene in broader secular affairs in Chinese society. It delves into the historical progression of extraterritoriality, highlighting its changing role within the intricate fabric of Chinese judicial dynamics. Chapter 2 delves into the complex jurisdictional challenges brought by extraterritorial Chinese and the inherent difficulties encountered by grassroots Qing officials in regulating this phenomenon. It examines the intricate web of interactions and often conflicting interests among three echelons of Chinese administrative powers – the imperial court, provincial authorities, and county magistrates – as they grappled with foreign encroachment upon Chinese judicial sovereignty. Focusing on treaty-port Chongqing, Chapter 3 explores the transformative effects of the unequal treaties regime on the city’s legal and economic milieu. A particular emphasis is placed on the emergence of Chinese wooden junks flying foreign flags on the Upper Yangtze River in the 1890s. This development serves as a testament to the illicit collaboration between native and foreign merchants, utilizing extraterritorial privileges to challenge Qing state control over access to lucrative business opportunities in the Chinese interior. Chapter 4 delves into the intricate judicial disputes arising from Chongqing’s pig bristle export trade, which was predominantly influenced by foreign capital. It uncovers how both Chinese immigrants from

coastal provinces and foreign individuals exploited extraterritoriality to assert their positions in the rapidly evolving landscape of Chongqing's international trade and urban politics.

Chapter One:

A Changing Legal World: Christianity and Extraterritoriality in Sichuan's Courtroom

Benevolence and Terror in the Jiaqing-reign Catholics-hunting

The dawn of the nineteenth century witnessed heightened imperial suppression on Catholicism. On May 29, 1805, the Jiaqing Emperor (reign. 1796-1820) issued an edict to halt the spread of Catholicism. The emperor had recently discovered that European missionaries in Beijing were engaging with bannermen and printing religious texts in both the Manchu and Chinese languages.¹ Some signs suggest that the emperor's suppression edict was also motivated by a broader sense of crisis regarding the stability of Manchu rule during the turbulent years following his succession. Just two years earlier, the emperor had executed an assassin named Chen De, who worked in the Imperial Household Department (*neiwufu* 內務府), for attempting to kill him at one of gates of the Forbidden City. Much to the emperor's anger, the palace guards had been entirely unaware of the plot.² The crackdown on Catholicism was an outburst of the emperor's unease regarding the potential dangers surrounding him.

The emperor's initial outrage stemmed from the fact that despite the prohibition on Christianity in 1727, European missionaries persisted in preaching to Manchu nobles in Beijing, even under his watchful eye. Voicing his frustration, the emperor remarked:

¹ Qin Heping and Shen Xiaohu, eds., *Sichuan jidujiao ziliao jiyao* [Selected Historical Documents of Christianity in Sichuan], (Chengdu: Bashu shushe, 2008), 24-25. Hereafter SJZJ.

² *Veritable Records of the Jiaqing Emperor* [*Daqing renzong rui huangdi shilu* hereafter JQSL] year 8, month 3, *yiyou* day.

In a Christian manual, a tale is recounted about a Manchu prince (beizi 貝子) who exhibited unjust behavior, much to the disappointment of his wife (fujin 福晉) who, despite her efforts, failed to persuade him to change his ways. One day, the prince was taken to hell by devils. The God of heaven, recognizing the princess's Christian virtue, informed her of her husband's suffering. The titles of *beizi* and *fujin* are unique to Manchu culture, so how did Western missionaries come to know and employ these titles in their religious propaganda? If they can fabricate a story about a Manchu prince being dragged to hell, one must question what other nonsense they might propagate.³

Beyond the imperial capital, Sichuan became the focal point of this campaign against Catholicism. In June 1805, Beijing directed Sichuan Governor Wumite Delengtai (德楞泰, 1749-1809) to undertake an extensive search of European Catholic priests hidden in the province.⁴ The impetus for this action originated from the escape of two White Lotus rebels, Wang Zuoqing and Wang Shigui, who had recently traveled from Hubei to Sichuan.⁵ By 1805, the Qing dynasty had just put an end to the nine-year-long White Lotus Rebellion (1796-1804) in Sichuan, Hubei, and Shaanxi provinces.⁶ The escape of these two White Lotus fugitives at such a delicate time seemed to amplify the emperor's apprehension toward heterodox beliefs in general. While a few European missionaries had been apprehended in Sichuan during the 1790s, the real concern for Qing officials at this juncture was the potential collusion between these two heterodox ideologies. The possibility that both White Lotus teachings and Catholicism could clandestinely propagate and even interact with each other in a distant province away from the capital raised

³ SJZJ, 25.

⁴ SJZJ, 23.

⁵ A 1746 persecution of Catholicism in Sichuan was also prompted by the White Lotus crisis. Yet, local officials in the 1750s generally tended to believe that Catholicism was not as seditious as the White Lotus, although they did suspect a connection between the two religions. See Robert Entenmann, "Catholics and Society in Eighteenth-Century Sichuan," in *Christianity in China*, ed. Daniel H. Bays (Stanford: Stanford University Press, 1996), 12.

⁶ On the White Lotus uprisings during the Qianlong and Jiaqing reigns, see Barend J. Ter Haar, *The White Lotus Teaching in Chinese Religious History* (Leiden: Brill, 1992), 250-262.

significant alarm within the imperial court.⁷ As Delengtai stated, “Catholicism has been surreptitiously growing in Sichuan for some time, and we may assume that it has already converted a considerable number of individuals. The European missionaries have always kept their whereabouts concealed. We must apprehend them and prevent the spread of Catholicism.”

Delengtai’s words made it evident that Sichuan was specifically targeted in this campaign due to its unique status as a haven for Catholic practitioners. After the 1724 ban on Christianity, except for a few Jesuits who remained as advisors at the imperial court, Western missionaries were expelled from China. Nevertheless, the Qing court did not strictly enforce the prohibition.⁸ In Beijing, the endurance of Christian missions was facilitated by Qianlong's relatively tolerant approach during the early and middle stages of his reign, when he maintained a certain level of confidence in the stability of his regime. In the decades following the ban, European missionaries continued to enter China surreptitiously from coastal locations such as Macao and Canton.⁹ However, in the 1740s, coastal provinces like Fujian and Jiangsu instigated a series of manhunts targeting Catholics.¹⁰ As a result, those who managed to survive were compelled to seek refuge in interior provinces that were subjected to less scrutiny. Lying in the heart of the Chinese interior, Sichuan became an ideal destination for heretics fleeing religious persecution and European priests traveling incognito.¹¹ Due to this, a significant portion of the early Catholic

⁷ On how Chinese literati and officials associated Christianity with the White Lotus religion, see Ter Haar, *The White Lotus Teaching*, 219-221.

⁸ Wiest, Jean-Paul. “Bringing Christ to the Nations: Shifting Models of Mission among Jesuits in China.” *The Catholic Historical Review* 83, no. 4 (1997): 663.

⁹ Hsia, R. Po-chia. “Christianity and Empire: The Catholic Mission in Late Imperial China.” *Studies in Church History* 54 (2018): 218. In the 1780s, Qianlong launched an anti-Christian campaign throughout all provinces of the realm. Numerous Western missionaries and Chinese priests were arrested, some of whom died in prison. Many converts were punished with exile, prison, and caning. Furthermore, the mission had lost any protection or influence in the imperial capital at this time. Despite these challenges, the Christian communities managed to survive and were eventually left alone as the Qing state had to confront greater obstacles from Muslim and White Lotus rebellions.

¹⁰ Hsia, 217

¹¹ Despite proscription on Christianity, Catholicism in Sichuan actually continued to grow during the 1700s. See Wyman, “Social Change, Anti-foreignism, and Revolution in China,” 28-42. Also see Entenmann’s study for a detailed account of Catholicism in Sichuan during the first half of the eighteenth century. Entenmann believes that

community in Sichuan consisted of immigrants.¹² In 1918, Francois Gourdon (1840-1930), a missionary of the Paris Foreign Missions Society, published *An Account of the Entry of the Catholic Religion into Sichuan* (*shengjiao ruchuan ji* 聖教入川記).¹³ The book documented 52 Catholic families that resided in Sichuan from the 1700s to the 1810s. Of these families, 23 (44.2%) were immigrants from other provinces, while only one originated from Sichuan. The remaining 28 families had no discernible ancestry.¹⁴

In September 1811, the Jiaqing emperor issued another edict, targeting Westerners who had been clandestinely living in the interior.¹⁵ The same year, the Board of Punishment added a sub-statute to the Great Qing Code under the “prohibiting the practice of witchcraft” statute, which stipulated that Western missionaries, if caught printing religious texts, starting a secret congregation, and preaching to a group of people, their ringleader shall be punished with immediate strangulation. In addition, the sub-statute clearly distinguished between how to punish civilians and bannermen converts to Christianity who refused to renounce their religion. Whereas bannerman converts would be deprived of banner status, civilian converts would be sent to Sino-Muslim (*hui*) settlements in Xinjiang to serve as slaves for the *baig*. At the same time, however, the sub-statute showed tolerance towards those who were willing to renounce the Catholic faith. Exemption from all prosecution would be granted if one was willing to announce renouncement

for most part of the eighteenth century, the Sichuan government maintained tacit tolerance with Catholicism despite their stated intention to eradicate Christianity. Robert Entenmann, “The Lefebvre Incident of 1754,” in *A voluntary exile*, ed. Anthony E. Clark (Lanham, MD: Lehigh University Press, 2014), 59-76.

¹² Religious affiliations, such as the White Lotus and Roman Catholicism, served as a replacement for “broken kinship and village ties” in the Sichuan population of the early eighteenth century, which included a substantial number of immigrants. Entenmann, “Catholics and Society in Eighteenth-Century Sichuan,” 9-10.

¹³ This book was written in Chinese by French Catholic missionary F. M. J. Gourdon [Chinese name: Gu Luodong 古洛東] and published in Chongqing in 1918. To reconstruct the history of Catholicism of in Sichuan during the early Qing, Gourdon interviewed missionaries and collected manuscripts across China. F. M. J. Gourdon, *Catalogus cleri indigenae in provincia Se-tchouan, 1702–1858* (Chongqing: Typis Missionis Catholicae [聖家書局], 1918).

¹⁴ Gourdon, 61-84. Cited in Qin Heping, *Jidujiao zai Sichuan chuanbo shigao* [A History of Christian Mission in Sichuan] (Chengdu: Sichuan renmin chubanshe, 2006), 6.

¹⁵ JQSL: year 16, month 7, *renchen* day.

at the yamen and step across a wooden cross. Nonetheless, recidivists also received an additional penalty of three months of cangue wearing.¹⁶

The sub-statute, as well as this campaign in general, was operated on a dual mechanism of terror and benevolence. As the campaign continued, it grew to target not only European priests, but also Chinese converts. Nevertheless, the local government's primary goal with Chinese converts was to dissuade them from believing in Catholicism. By May 1817, more than 3000 Catholic households had abandoned their faith all across Sichuan.¹⁷ Moreover, Sichuan Governor Changming (常明) strategically selected eloquent individuals from among those who had abandoned Catholicism, gave them travel stipends, and sent them to persuade their fellow parishioners.¹⁸ In 1818, the yamen of Ba County, where Catholicism was most prevalent, arrested a thirty-*sui* man named He Haishen and several other Chinese Catholics. In the eyes of the magistrate, He Haishen was a model arrestee because of his compliant attitude. He confessed that he came from a Catholic family that was started by his maternal grandfather. His entire family has renounced Catholicism since the issuance of Jiaqing emperor's decree. Interestingly, He had managed to purchase a low-ranking official title of *cong jiupin* (从九品) by changing his name to He Kai. Moreover, the title was purchased in 1817, while the campaign was still in progress. He was stripped of his official title, but because of his good attitude, the magistrate released him to the control of *baojia* leaders.¹⁹

¹⁶ The Great Qing Code, "Prohibition on Practicing Witchcraft," 03-008. Even harsher penalties than those stipulated in the 1811 sub-statute were imposed by the Board of Punishments in the abovementioned 1805 case involving banner men who converted to Catholicism. Catholics who participated in the propagation of the religion in the 1805 case—both civilians and banner men—and who refused to abandon it were sent to Xinjiang to be slaves, while the banner men lost their status. Also, ordinary adherents were subjected to 100 blows of heavy bamboo beating (*zhang yibai*) and cangue-wearing afterwards until they vowed to renounce the faith. See Board of Punishment official Dong Hao's memorial dated July 19, 1811 in SJZJ, 41.

¹⁷ SJZJ, 64. Also mentioned in Qin, *Jidujiao*, 203.

¹⁸ SJZJ, 30.

¹⁹ Sichuan Sheng Dang'an Guan, eds., *Sichuan jiao'an yu yihequan dang'an* [Archives of Missionary Cases and the Boxers in Sichuan, hereafter SJYD] (Chengdu: Sichuan renmin chubanshe, 1985), 8-11.

In the aftermath of the early eighteenth-century Chinese Rites Controversy, Rome officially forbade Chinese Catholics from observing Confucian practices such as ancestor worshipping and studying the Confucian classics.²⁰ As a result, the paths to civil examination and degree acquisition were closed to Chinese Christians, effectively depriving them of the most significant ladder for upward social mobility in late imperial China. But He Haishen's story proves that still some converts had managed to strike a balance between faith and worldly success in a Confucian society by concealing their religious identity. If it were not for the Jiaqing-era suppression, He might as well continue to live a dual life as a Catholic and a Confucian gentry.

However, not every convert in Sichuan was as fortunate as He Haishen in this campaign. In 1811, six Catholics who refused to recant their beliefs in the face of repeated interrogations at the county and provincial yamens and torture during trials were deported to Xinjiang as slaves.²¹ In April 1815, two Chinese Catholic priests in Yibin County and Jintang County were sentenced to immediate strangulation for propagating Catholicism and 38 of their adherents were sent to Xinjiang. An eighty-year-old convert Zhang Wanxiao was exempted from penal servitude due to his old age, but was instead given the humiliating punishment of public exposure in the cangue forever (*yongyuan jiahao shizhong* 永遠枷號示眾).²² By September 1815, Governor

²⁰ On the Chinese Rites Controversy regarding whether Chinese Christians could also observe Confucian rituals and rites, see D. E. Mungello, ed., *The Chinese Rites Controversy: its History and Meaning* (Nettetal: Steyler Verlag, 1994); George Minamiki, *The Chinese Rites Controversy: From Its Beginnings to Modern Times* (Chicago: Loyola University Press, 1985).

²¹ SJZJ, 29.

²² The two native priests, Zhu Rong and Tong Ao, came to Sichuan as immigrants. Tong was from Guangdong, and Zhu was from Guizhou. The remaining Catholics arrested in this particular operation were 32 converts who agreed to abandon Catholicism after being seized. They were punished with 100 blows of heavy bamboo beating and three years of penal servitude. SJZJ, 56.

Changming, who assumed the office in 1810, had prosecuted more than 2800 households of Catholics in Sichuan.²³

The terror of the Sichuan anti-Catholicism campaign culminated in the summary execution of a French vicar apostolic Gabriel-Taurin Dufresse (1750-1815) in September 1815.²⁴ Dufresse entered Sichuan in 1776 with the assistance of Zhang Wanxiao. In 1785, he and fellow missionary Jean-Didier de Saint-Martin (1743–1801) were captured by the Sichuan authorities and brought to Beijing for a trial, where they were sentenced to life in jail. Dufresse was later granted his freedom by the Qianlong emperor and permitted to return to France. He spent some time in the Philippines before sneaking back to Sichuan in 1813 via Guangdong and Yunnan. By this point, the Sichuan government had already started the campaign against Catholicism. In his bid to evade officials, Dufresse journeyed across numerous Sichuan counties and amassed a number of followers along the way.

The religious fervor displayed by Dufresse and his adherents during the trials was particularly astounding to Changming, who provided a detailed account of it in the case files. Despite many of the arrested converts never having met Dufresse before, they knelt before him upon seeing him in court. Dufresse, for his part, loudly admonished his followers not to abandon their faith. In the end, all 39 of the arrested believers were inspired not to renounce Catholicism. Even under torture, Dufresse remained steadfast to the Christian doctrine of eschatological salvation. Dufresse's actions were cited as evidence of his guilt in "being the chief instigator in spreading evil words to incite the people," resulting in his execution by immediate beheading (*zhan lijue* 斬立決). After the trials, Changming proceeded with the procedure of "respectfully

²³ SJZJ, 58. This number only included those apprehended by the authorities, it did not include those who voluntarily came to the yamen to renounce their religion. For instance, 341 Catholics voluntarily surrendered themselves to the yamen in March 1815.

²⁴ R. G. Tiedemann, ed., *Handbook of Christianity in China Volume Two: 1800-Present* (Leiden: Brill, 2010), 115.

requesting the monarch's permission for carrying out a summary execution (*gongqing wangming* 恭請王命).”²⁵ The subsequent beheading was carried out in a spectacular manner to rouse terror among believers and non-believers alike. Dufresse was taken to the marketplace of Chengdu (provincial seat), where he was encircled by a number of Chinese converts who were forced to kneel down and watch. Next, Changming ordered Dufresse's severed head to be circulated throughout Sichuan for public display. The Jiaqing emperor approved of Changming's actions, remarking that they were “very well done.”²⁶ In November, Changming received a promotion. In a grateful letter to the emperor, Changming expressed a desire to continue monitoring Catholic activities in Sichuan, with the possibility of imposing summary executions on those who commit recidivism.”²⁷

Beyond the courtroom, this campaign planted seeds of animosity and tension in the relation between Catholic and non-Catholic groups in Sichuan by mobilizing the community for Catholic-hunting. The Sichuan government assigned clear roles to different groups of community members: the *baojia* leaders raided home after home to search for converts and religious items, the community leaders (*xiangyue* 鄉約) then reported the converts to yamen and pressed them to sign a pledge of apostasy. Once documents were formalized, the magistrate would orally commended (*dangtang jiangyu* 當堂獎諭) those who had vowed to abandon Catholicism. The yamen will then post a list of apostates in the neighborhoods so that people can inform one another (*ling xiang xianglin gaoyu* 令向鄉鄰告語).²⁸ Meanwhile, the list would be submitted to

²⁵ On *gongqing wangming* and summary executions in the Qing, see Suzuki Hidemitsu, “Kyōsei ōmei kō: Shindai shikei saiban ni okeru ‘kengi’ to ‘teirei’” [On respectfully requesting the emperor's approval: “expediency” and “routines” in Qing dynasty capital punishments], *Hōseishi Kenkyū* 53 (2004): 47–80.

²⁶ SJZJ, 59-61.

²⁷ SJZJ, 63

²⁸ SJZJ, 30, 33

the provincial government on a monthly basis to serve as an indicator of magistrates' competence.²⁹ According to Changming, this intricate network of community surveillance would enable magistrates to firmly hold the ground as “no believer [under such circumstances] would dare not renounce their faith, because they simply do not have that option.”³⁰

The invocation of collective liability placed immense pressure on the *baojia* (保甲) leaders. For instance, in February 1811, the Ba County yamen required the heads of the Yongxing Field (*yongxing chang* 永興場) to sign a pledge assuming primary responsibility if anyone in their jurisdiction were to practice Catholicism again in the future.³¹ As family, friends, and neighbors became political liabilities, *baojia* leaders grew increasingly paranoid and sought to preempt potential issues.³² To shield themselves from the consequences of their neighbors' and relatives' transgressions, non-believers transformed government pressure into vigilant scrutiny, making accusations regarding any activities related to Catholicism in their vicinity.

In 1815, Jiang Debiao, the head of a neighborhood (*paishou* 牌首) in Ba County, reported his neighbor Jiang Fushi to the yamen.³³ It was revealed that Jiang Fushi's son had been betrothed to a Catholic girl named Lu from a nearby neighborhood during his childhood, and they were now married. Fearing that his neighbors would adopt Catholicism influenced by their in-laws, Jiang Debiao summoned the head of the family before the yamen and requested that he

²⁹ SJZJ, 33

³⁰ Ibid.

³¹ SJZJ, 36-37.

³² On the *baojia* system of collective responsibility and its function in grassroots administration in Qing dynasty Sichuan, see Dykstra, “Complicated Matters,” 80-92; for a more general account on the *baojia* system in the late Qing, see Wang Xianming and Chang Shuhong, “Wanqing baojia zhi de lishi yanbian yu xiangcun quanli jiegou: Guojia yu shehui zai xiangcun shehui kongzhi zhong de guanxi bianhua” [Historical transformation of the late Qing *baojia* system and rural power structure: The changing state-society relations in rural social control], *Shixue yuekan* [Historiography monthly], no. 5 (2000): 130–38.

³³ One unit of *pai* consisted of ten families. Given that the two shared the same surname Jiang 蔣, it is likely that they were not just neighbors, but also related.

sign a proclamation stating that any future religious involvement would not implicate the *baojia*. To further absolve himself of any potential implication, Jiang Debiao made a subsequent trip to the yamen to report the Lu family's Catholic activities. He claimed to have tried persuading them to abandon their beliefs since the beginning of the movement, but the Lu family vehemently rejected his counsel.³⁴ Collaborating with another neighboring head, Jiang conducted a raid on the Lu family's home, where they discovered a spiritual tablet and four prayer candles.³⁵

The atmosphere of self-preservation fostered by the campaign undoubtedly created opportunities for abuses of power by yamen clerks and runners. In March 1811, the Ba County yamen heard two cases involving extortion by yamen clerks, who demanded 3000 and 2000 cash from Chinese converts who had previously renounced their faith by signing the apostasy pledge.³⁶ It is noteworthy that these instances of soliciting bribes occurred despite numerous documents from various levels of government in Sichuan emphasizing that yamen clerks and runners should not exploit the situation for their own gain.

Historian Qin Heping has addressed Changming's persecutions of Catholicism in Sichuan, albeit solely from the perspective of state-building. Qin disregards both the social ramifications of the anti-Catholic campaign and the perception of the Catholic community itself. While acknowledging the "speed, precision, and ruthlessness" of Changming's measures against Catholicism, Qin argues that the actions of Sichuan officials during this period were mostly handled on a case-by-case basis and seldom targeted the innocent.³⁷ Furthermore, Qin interprets

³⁴ For such assertions, we could reasonably assume that the *baojia* leaders were likely to exaggerate the misconduct of the Catholics to lend credibility to their allegations. A detailed account of the complex relationships between the Catholics, the state, and the community members during the persecutions of 1746 and 1755 in Jiangjin county, Sichuan could be found in Robert Entenmann, "Catholics and Society in Eighteenth-Century Sichuan," in *Christianity in China*, ed. Daniel H. Bays (Stanford: Stanford University Press, 1996), 1-23.

³⁵ SJZJ, 52

³⁶ SJZJ, 36.

³⁷ Qin, *Jidujiao*, 199-203.

Changming's issuance of documents prohibiting extortion from Catholics by yamen clerks and runners as evidence of his principled nature. Qin's perspective primarily focuses on the efficiency and benevolence of the state during certain phases of the campaign, but neglects its complex impact on the community. This state-centric approach often leads to wishful thinking as it fails to consider the interaction between policy and society. It is crucial to acknowledge that legislation targeting a political minority could have lingering effect on public perceptions of these people. By observing the government's attitude toward a minority group, certain individuals from the majority could capitalize on state policies and abuse the minority for their own gain.

The presented case, showcasing the evolving dynamics between Catholic and non-Catholic groups in Qu County (*quxian*, 渠縣) of eastern Sichuan, offers valuable insights into the subject at hand. In 1796, during the initial crackdown on the White Lotus movement in Sichuan by the imperial court, a clerk named He Gui (何貴) at the Qu County yamen falsely accused a local Catholic individual of colluding with the leader of the White Lotus, Wang Sanhuai (王三槐). This accusation was further echoed by individuals with a distaste for Catholicism, who congregated at the yamen and falsely accused the entire Catholic community of collaborating with the White Lotus. Due to their limited ability to defend themselves before the magistrate, the Catholics chose to appeal the case in Chengdu, where a fair hearing was granted. As a result, several false accusers were compelled to pledge against harassing the Catholics in the future. Subsequently, the Catholics in Qu County experienced a few years of relative peace. However, with the commencement of the anti-Catholic campaign in 1805, rumors emerged alleging that local Catholics were plotting sedition. Commissioners dispatched by Changming to investigate this matter received an extensive list of names from an anonymous local informant, leading to

the conviction of numerous Catholics and the removal of the Qu County magistrate. Witnessing these events, the general populace began openly persecuting the Catholics, subjecting them to beatings, theft of their possessions, arson, and even sexual assault. The newly appointed magistrate refused to address the complaints of the Catholics regarding these crimes unless they signed a pledge of apostasy. Against the advice of their priest, the converts appealed to Chengdu in 1810, as they could no longer endure the dire situation. However, instead of pursuing charges of robbery against the perpetrators, the officials subjected the Catholics to torture. Ultimately, six of the converts who had appealed were banished to Xinjiang, while eight others were sentenced to three years of penal servitude in Sichuan.³⁸

The instances discussed above indicate that the persecutions of Catholicism during the Jiaqing Reign played a pivotal role in shaping Western missionaries' fervent commitment to protecting converts in legal disputes following the Opium War. The primary objective of the Jiaqing campaign was to safeguard the Qing dynasty from the multifaceted threats posed by unorthodox ideologies as a whole. Nonetheless, the strict sanctions outlined in the 1811 statute engendered a lasting perception among Western missionaries that those who steadfastly held their religious convictions would face brutal treatment under Qing law. In his account of the campaign in Sichuan, missionary Francois Gourdon repeatedly referred to the unjust judicial treatment and torture endured by converts, who even perished in prisons or during their penal servitude.³⁹ Seeds of enmity were sown within Sichuan communities, and everyday interactions in neighborhoods provided fertile ground for their growth. All that was required was time for these seeds to germinate, grow, and yield fruit. As the balance of power between China and European nations began to shift following the Opium War, France brought up the conditions of

³⁸ Gourdon, 82-83.

³⁹ Gourdon, 72-95.

Christianity in China during negotiations. In 1844, French minister M. Lagrené lodged a protest with Qiying (耆英, 1787-1858), the Viceroy of Liangguang, asserting that Chinese adherents of Roman Catholicism had experienced unequal treatment due to their faith. Subsequently, in 1846, the Daoguang emperor (reign. 1820-1850) enacted the Toleration Edict, which stipulated that individuals practicing Christianity and causing no trouble would be exempted from criminality.⁴⁰

Chinese Christians as a Legal Problem

However, the 1846 Tolerance Edict did not immediately alter the status of Chinese Christians. Rather, it was the signing of the Tianjin Treaty in 1858 that heralded a substantial growth in the influence of Catholicism. A crucial clause in this treaty pertaining to Christianity granted Western missionaries the freedom to traverse Chinese territories and acquire properties within its interior. Previous studies have addressed the abuse of treaty power by missionaries in the 1860s, wherein they forcefully demanded the return or compensation for Catholic-owned properties that had been confiscated or destroyed during the eighth-century persecutions. Nonetheless, a recurring issue emerged in many of these instances where missionaries and converts were unable to furnish legal evidence of prior ownership, leading to numerous conflicts with the local gentry.⁴¹

Starting in the 1860s, Christianity presented a legal predicament for the Qing administration. During this time, imperial edicts, litigation records, official documents, and local publications frequently featured descriptions of missionary intervention in lawsuits involving their Chinese

⁴⁰ Robert S. Maclay, *Life among the Chinese: With Characteristic Sketches and Incidents of Missionary Operations and Prospects in China* (New York: Carlton & Porter, 1861), 338.

⁴¹ Cohen, *China and Christianity*, 129.

parishioners. A dramatic reversal in power dynamics between Christians and non-Christians ensued, precipitated by the concept of extraterritoriality, which allowed Western missionaries to claim foreign jurisdictions, exempting them from Chinese law. This transformation in the legal landscape bestowed significant advantages upon Chinese individuals with foreign connections in their judicial disputes with the general Chinese population. Consequently, tensions between Christian and non-Christian segments of Chinese society arose, as the latter accused the former of exploiting extraterritoriality to secure an unfair advantage. The term “*jiaomin* (教民),” denoting Chinese Christians, evolved from being associated with a dubious foreign religion to becoming synonymous with legal privileges. In Sichuan, officials often lamented that converts, as a collective, disrupted court order and justice, while the local community envied the converts' newfound access to judicial privileges. Previous scholarly work, such as Esherick's study of the Boxer Uprising, tends to perceive this behavior as a violation of Chinese judicial sovereignty led by missionaries and disliked by the gentry and the masses. However, records in Sichuan shed further light on how both Chinese Christians and non-Christians actively embraced and creatively exploited the extraterritoriality granted to foreigners.

In 1865, Chengdu General Chongshi described two methods employed by Chinese Christians to leverage their foreign connections and secure judicial benefits. He stated, “Those who have long been religious now began to employ their Christian belief as a amulet (*hufu* 護符) to persistently dispute even trivial matters. Some litigants who did not previously believe in Christianity resorted to it out of fear of losing their lawsuits, understanding that the magistrates were powerless as the bishop and clergy advocated on their behalf.”⁴²

⁴²QMJA, vol. 1, 457.

Commencing in the 1860s, official documents and local writings frequently decried the mixed membership of churches, which allowed morally corrupt individuals to exploit the church's influence to the detriment of society. In December 1861, Emperor Xianfeng issued a decree urging provincial officials to differentiate between upright Christians and those of dishonorable reputation when handling litigations involving church members, cautioning against blindly protecting all Christians.⁴³ Similar descriptions could be found in various local gazetteers, including Hejiang County upstream of Chongqing, where it was noted that “ignorant and unrighteous individuals often use their entry into the church as an amulet (*yi jinjiao wei hufu* 倚進教為護符), committing crimes and inciting the ire of common people. They have become a burden to Christianity.”⁴⁴ Likewise, the gazetteer of Wangyuan County, northeast of Chongqing, reported that “during the middle of the Guangxu reign, some scoundrels committed crimes and sought refuge in their status as Christians, using it as an amulet against the authorities, prompting a surge in church membership at that time.”⁴⁵ The gazetteer of Guangan prefect, north of Chongqing, also contained a similar depiction, stating that “bullies and thugs often use their entry into the church as an amulet, seeking sanctuary after committing heinous crimes, resisting legal proceedings due to their fear of officials, or employing the church to evade compulsory labor.”⁴⁶ A Sichuanese proverb from the 1870s captures this popular sentiment, stating, “If robbers seek a priest to manage the problem, they need not fear the authorities (*laqiang bupa guan kuaiba siduo ban* 拉搶不怕官，快把司鐸搬).”⁴⁷

⁴³ *Veritable Records of the Xianfeng Emperor* [*Kuan Min Xian huangdi shilu* 寬敏顯皇帝實錄, hereafter XFSL], year 11, month 11, *bingxu* day.

⁴⁴ Wang Yuzhang, et al., eds., *Hejiang Xianzhi* [Gazetteer of Hejiang] (1928), *juan* 4, 29.

⁴⁵ Zhang Xianqing and Zhao Ruijuan, eds., *Zhongguo difangzhi jidujiao shiliao jiyao* [*Selected Historical Documents on Christianity from Chinese Local Gazetteers*] (Shanghai: Dongfang chuban zhongxin), 574.

⁴⁶ Zhou Kekun, et al., eds., *Guang'an Zhou Xinzhi* [New Gazetteer of Guang'an Department] (1927), *juan* 34, 21.

⁴⁷ Qin, *Jidujiao*, 229.

It is noteworthy how frequently the metaphor of an “amulet” emerges in these claims. In the Chinese language, “*hufu*” (護符) literally translates to a religious talisman that safeguards against misfortune. Metaphorically, it explains how individuals harness the strength, status, and power of a more influential patron to secure judicial power. As Cassel notes, Qing bannermen have often been described as exploiting their banner status as an amulet (*yi qiji wei hushenfu* 倚旗籍為護身符).⁴⁸ In his writing, Lu Xun criticized the descendants of the powerful clans of the Jin Dynasty for relying on their ancestors’ influence as an amulet (*yong zuzong zuo hufu* 用祖宗做護符).⁴⁹ Crucially, this metaphor carries a connotation of disapproval, as powerful patronage was believed to be a privilege reserved for a select few, and its utilization was invariably linked to the abuse of power. Zeng Guofan used this metaphor to characterize a case in which several corrupt gentry (*diaoshen* 刁紳) from Anhui province exploited their academic credentials and connections to the yamen to oppress their compatriots (*shiyou hufu yizhang guanli* 恃有護符，倚仗官吏).⁵⁰ Another instance of this metaphor arose when Zeng Guofan employed it to describe the Nian rebels in Anhui, who exploited their ties to the garrison to freely pass through checkpoints by posing as merchants.⁵¹ In the Ba County archives, this metaphor and its variations were frequently employed in the titles and narratives of cases where a Chinese litigant with foreign connections, such as Christian converts, foreign company employees, or consulate staff, utilized their foreign background to gain an advantage over the opposing litigant.

⁴⁸ Cassel, *Grounds of Judgment*, 28.

⁴⁹ Lu Xun, *Zhaohua xishi*, (Haikou: Hainan chubanshe, 2017), 208.

⁵⁰ Zeng Guofan, *Zeng guofan quanji* [A Complete Collection of Zeng Guofan’s Work, hereafter ZGQJ] *juan* 30, (Changsha: yuelu shushe, 2011), 345.

⁵¹ ZGQJ, *juan* 31, 374.

Sociology of Sichuan Christians and Opportunist Conversion

Significantly, the social composition of Sichuan's Christian community was far from homogeneous, and Catholicism did not always serve as the preferred religion of the oppressed. In the eighteenth century, the majority of converts hailed from the middle strata of society, with some even possessing substantial landed wealth. For example, the Luo family in Jiangjin county was renowned for their affluence in the local area and became the target of a persecution in 1755 due to their economic rivalry with non-Catholic locals.⁵² Missionary Gourdon also provides evidence of successful Sichuan Catholic families in the 18th century engaged in lucrative trades such as silk, salt, and banking (*qianzhuang* 錢莊) industries.⁵³ However, the Jiaqing-reign campaign against Catholicism demonstrated that wealth alone could not shield Christians from persecution, as their faith could be exploited as a vulnerability by their adversaries. At this juncture, Christians needed to establish their unique connection to foreigners' judicial privileges. Merely invoking extraterritoriality when absolutely necessary would not suffice, as instances where privilege was used to defend unreasonable claims were more likely to be remembered by the public.

From the 1860s onward, the Christian community in Sichuan seemingly absorbed a considerable number of converts from impoverished classes, including landless proletarians, destitute migrants, and occasionally outlaws, after the missionaries obtained extraterritorial rights. Throughout the latter half of the nineteenth century, opportunistic conversions became a

⁵² Entenmann, "Catholicism in Eighteenth-century Sichuan," 22.

⁵³ Gourdon, 74-75; 81-82.

noticeable trend within the Sichuan congregation. Ter Haar argues that one of the contributing factors was the recurring socio-political crises in the Yangzi River valley, prompting sect members, refugees, and marginalized individuals to turn to Christianity as a survival strategy. For them, the missionaries' extraterritorial privileges, potentially exempting them from Chinese law, offered unexpected opportunities to seek revenge on their adversaries or confront those in power.⁵⁴ Officials in Sichuan frequently advised caution to missionaries, emphasizing the need to carefully evaluate the character of prospective converts. East Sichuan Circuit Intendant Zhang Huakui's (張華奎) letter to the vice bishop of the eastern Sichuan parish provides insight into this matter:

Only a small percentage of today's Christians possess education, with the majority belonging to the lowest social stratum. Some among them, unable to sustain themselves due to poverty, seek financial support from the church for their businesses. Others, concerned about their prospects in court, seek the assistance of the church and exploit its resources for litigation. Some even seek refuge in the church after committing crimes elsewhere.⁵⁵

The portrayal of extraterritoriality being exploited by both missionaries and Chinese converts cannot be solely attributed to the biases of Chinese officials and gentry who controlled the narratives presented in official documents and gazettes. Even British and North American merchants, along with Protestant missionaries, emerged as vocal critics of the Roman Catholics' misuse of extraterritoriality. Even British and North American merchants and Protestant missionaries also emerged as vocal adversaries of Roman Catholics' misuse of extraterritoriality. For instance, Davidson and Mason, two Quaker missionaries stationed in Sichuan, observed:

⁵⁴ Barend J. Ter Haar, *Telling Stories: Witchcraft And Scapegoating in Chinese History* (Leiden: Brill, 2006), 157.

⁵⁵ Lu Shiqiang, ed., *Jiaowu jiaoan dang* [Archives of Christian affairs and jiao'an (hereafter JWJD)] (Taipei: Zhongyang Yanjiuyuan, Jindaishi Yanjiusuo, 1974–81), vol. 5, 1480.

“One of the crying evils of today is the arrogance and official presumption of the Roman Catholic clergy, the undue exemption claimed by their converts from the jurisdiction of local officials, and their misuse of their connection with the church to persecute and browbeat their neighbors.”⁵⁶

Omar L. Kilborn (1867-1920), a Canadian Methodist medical missionary with over twenty years of experience in Sichuan, asserted that interference in Chinese lawsuits generally hindered missionary work. He claimed that the principle of non-interference was followed by most Protestant missionaries, stating: “The Roman priests were, therefore, empowered to demand and receive interviews and special attention from the Chinese officials in a way they never had been able to do before. Protestant missionaries were at the time offered the same status as their Roman Catholic confrères, but respectfully declined to accept it. The ground taken by the Protestant missionaries was that such a relation was altogether contrary to the spirit of the Gospel message, and that it would lead to abuses of such privileges on the part of our Christians. We shall always do much more harm than we can possibly do good, by interfering in any way, whether personally, or by allowing our names to be used, in cases at law between Chinese and Chinese, and, therefore, the principle of non-interference is strictly adhered to by all, or practically all, the Protestant missionaries throughout the length and breadth of China.”⁵⁷

Interestingly, despite Anglo-American Protestant missionaries consciously distancing themselves from Roman Catholics who were notorious for misusing extraterritoriality, judicial records in the Ba County archives reveal that the Protestants did not adhere as strictly to the

⁵⁶ Robert J. Davidson and Isaac Mason, *Life in West China: Described by Two Residents in the Province of Szchwan* (London: Headley Brothers, 1905), 136.

⁵⁷ Omar L. Kilborn, *Heal the Sick: An Appeal for Medical Missions in China* (Toronto: The Missionary Society of the Methodist Church, 1910), 128-129. Kilborn was also one of the founders of the West China Union University in Chengdu, the first modern university in western China.

principle of non-interference as they claimed. There were at least twelve recorded instances between 1898 and 1910 where British and North American Protestant missionaries acted on behalf of their converts in lawsuits.⁵⁸ Multiple factors motivated Protestant missionaries to interfere in Chinese lawsuits, but the one they were most willing to talk about was the unfairness and corruption of the Chinese judicial system. Kilborn himself regarded the administration of law in China as “venal, tricky, extortionate, and cruel.” In Kilborn’s depiction, the Chinese magistrate “has the power of life and death entirely in his own hands. The powerful influence of officials may be used for the ends of justice, or as all too often happens for their own selfish purposes.”⁵⁹ Furthermore, Protestant missionaries criticized Chinese law for impeding private merchants from accumulating wealth, stating: “Office is now sought as the only avenue to certain wealth. All departments of business are so oppressed by the extortions of government officials that it is almost useless for any private person to lay up money. His property is not safe for an hour; it is only the man of official rank who can revel in indolence and luxury, undisturbed by any fears of criminal charges and interminable process of litigation.”⁶⁰

Recent scholarly research has shed light on the fallacy of the notion that the Chinese justice system was inherently corrupt, revealing it to be an Orientalist rhetoric employed by foreigners to rationalize their encroachment on Chinese judicial sovereignty. To further explore this aspect, it is imperative to reiterate that after the Opium War, the Qing law no longer possessed the ability to target Chinese Christians solely based on their faith. Unlike the eighteenth century, the antagonism towards Christianity during this period emanated from members of the local society who perceived their own interests to be undermined, rather than from the Qing state. While Qing

⁵⁸ I only counted cases where the title plainly stated that the plaintiff was a Chinese Christian represented by a Protestant missionary. There may be other such cases whose titles do not reveal the litigants' religious affiliations.

⁵⁹ Kilborn, 121.

⁶⁰ Maclay, 349.

officials voiced criticism against Chinese individuals who abused the power of foreigners, they faced significant challenges in bringing these individuals to justice through legal channels. Specifically, magistrates, occupying the lowest rank in the imperial bureaucracy, possessed limited authority to regulate the exploitation of extraterritoriality, let alone exercise arbitrary power over foreigners and Chinese individuals under their protection.

Thus, the incentives that pushed missionaries to represent converts in litigation after the 1860s were more nuanced than the belief that Christians were vulnerable under Chinese law, though many of them did believe so. Crucially, the 1860s witnessed an unprecedented surge of Western missionaries penetrating the Chinese interior, encompassing both Roman Catholic and Protestant counterparts. Prior to the establishment of the China Inland Mission (CIM) by the Protestants in 1877, Sichuan had been predominantly under the influence of Roman Catholicism.⁶¹ However, the Protestants, arriving as latecomers to Sichuan, exhibited considerable progressiveness. By 1906, the CIM had achieved substantial expansion, boasting “26 stations, 111 out-stations, 105 missionaries, 162 native helpers, and 1976 communicants.”⁶² Throughout the latter half of the 19th century, missionary endeavors in Sichuan, as attested by a British merchant, witnessed intense competition for conversions between Protestants and Catholics:

The innumerable societies from England and America and the Continent of Europe compete with one another as to who shall show the most business and be able to report home the best results. This great influx of missionaries, thrust suddenly into almost every city of the vast Empire by the Protestant societies, has not only disturbed the minds of the people, leading them to believe that some great political move was imminent, but has also stimulated the Catholic missions,

⁶¹ For more details about the China Inland Mission and its founder Hudson Taylor, see Howard Taylor and Mrs. Geraldine Taylor, *Hudson Taylor and the China Inland Mission: The Growth of a Work of God* (London: China Inland Mission, 1918); Alfred J. Broomhall, *Hudson Taylor and China's Open Century, 7 volumes* (London: Hodder and Stoughton, 1982–1989).

⁶² *China and the Gospel: Annual Report of the China Inland Mission* (London: China Inland Mission, 1906), 59.

who already held the field, to greater activity. Not a town of any importance throughout the vast province of Szechuan that has not now its competing Protestant and Catholic missions.⁶³

The fact that Sichuan's churches attracted numerous opportunity seekers after the 1860s can be partially attributed to the fierce competition among various Christian denominations. By affording Chinese converts comparable legal protections to those enjoyed by foreigners, missionary societies facilitated the expansion of their work and enhanced their competitive position vis-à-vis one another.

Lastly, it is worth noting that Chinese Christians themselves acknowledged the extraordinary efforts made by missionaries to protect them in the court, and it was precisely the allure of legal protection that initially drew many individuals to embrace Christianity. Zhang Youzhi (張有志), a Catholic virgin (*tongzhen nü* 童貞女) from Jianyang (簡陽), a county under the administration of Chengdu Prefecture, vividly recounted how François Coron (1881 – 1939, 葛隆),⁶⁴ a French missionary who arrived in Jianyang in 1905, skillfully established his influence within the local community through a complex web of personal connections that he cultivated by offering certain benefits:

Due to the fact that the priest hailed from a powerful nation, local officials invariably accorded him the utmost respect and compliance. Whenever a new magistrate assumed office, his first visit would be to the priest, who always maintained a willingness to forge amicable relationships with county officials. Both sides effectively exploited each other's spheres of influence and power.

⁶³ Archibald John Little, *Gleanings from Fifty Years in China* (London: S. Low, Marston, 1910), 291-292.

⁶⁴ SJYD, 186. More biographical information of the priest could be found at the online database of the France-Asia Research Institute: <https://irfa.paris/en/>. Two additional Chinese sources suggest that Coron came to head the Catholic church in Jianyang in 1905 and left China briefly during the WWI, after which Coron came back to Sichuan and served in An County (安縣) until his death in 1939. See Mianyang Municipal Committee on Ethnicity and Religious Affairs, eds., *Mianyang minzu zongjiao zhi* [Mianyang Municipal Gazette on Ethnicity and Religion] (Chengdu: Sichuan renmin chubanshe, 1998), 412; An County Gazette Compilation Committee, eds., *Anxian zhi* [An County gazette] (Chengdu: Bashu shushe, 1991), 715.

Since the priest possessed his own ‘teeth and talon’ within the yamen, those seeking proximity to the administrative office would initially seek favor with him. Furthermore, apart from yamen personnel, the priest also persuaded powerful members of the local community, including the gown brothers to join the church. It was these upon whom the priest relied to carry out tasks and propagate Catholicism. Meanwhile, among the common folk, who had long suffered under the oppression of corrupt officials and ill-intentioned gentry, many sought refuge and protection from the church, metaphorically described as “borrowing a house to shelter from the rain (*jiefangzi duoyu* 借房子躲雨).” Local scoundrels and bandits also viewed the church as an amulet (*hushen fu* 護身符). Consequently, the number of converts began to multiply rapidly.⁶⁵

Priest Coron strategically exploited his extraterritorial privileges to engage with the local elite, thereby deepening his influence over Chinese legal proceedings. His connections to the yamen and local elites allegedly granted him the authority to arbitrarily imprison and release individuals. For instance, the priest successfully appealed to the yamen for the release on bail of Han Liangshan, a bandit detained for robbery. Subsequently, a succession of respected locals, including leaders of the powerful secret society the Gown Brothers (*paoge* 袍哥), Wang Xiaobo and Zhong Ruiting, as well as the chief yamen runner Chen Shutang, joined the church. Another group that embraced Christianity with enthusiasm were the litigation masters, such as Tang Zongshi of Tashui Bridge, Zhang Guancheng of Yongquan Temple, and Zhou Xicheng of Zhaowu Bay, who were eager to file lawsuits against others.⁶⁶ According to the Jianyang gazette, the Catholic population in the county was initially small. However, after the priest made a fervent argument in convert Tang Zhongshi’s case, vehemently debated magistrate Lu Hongwen,

⁶⁵ Zhang Youzhi, “My Experience as a Catholic,” in Zhengxie Sichuansheng Jianyangxian weiyuanhui wenshi ziliao yanjiuzu, ed., *Jianyang wenshi ziliao xuanbian* [Selected Historical Materials of Jianyang] (Jianyang: Zhengxie jianyang weiyuanhui, 1984), 253-254.

⁶⁶ These are the names of neighborhoods in Jianyang county, Sichuan.

and compelled him to rule in favor of Tang, approximately 300 individuals joined the Catholic church.⁶⁷

Similarly, Liu Zhibo, a Chinese Catholic priest in Nanchuan (南川), a county within Chongqing prefecture, provided a comparable account of how missionaries' involvement in legal proceedings spurred conversions to Christianity. In 1906, Tang Yingjiang, a Chinese Catholic, was sentenced to death for committing robbery. Tang's French priest, Bernard Cazaban (1873–1924), intervened in the case and saved Tang's life. News of this remarkable incident spread rapidly, leading to a significant surge in conversions, with more than 500 individuals embracing Christianity in a single small village alone.⁶⁸

The Christian Gentry

The infiltration of foreign missionaries into the local power structure, particularly their close collaboration with Chinese elites, engendered concerns among Sichuan officials. In March 1896, Governor Lu Chuanlin (鹿傳霖, 1836-1910) issued a confidential directive to all officials in Chongqing Prefecture, instructing them to conduct a clandestine investigation and compile a roster of degree-holders within their jurisdictions who had converted to Christianity.⁶⁹ This order stemmed from Lu's belief that “the majority of conflicts between the Christian and non-Christian communities in recent years were instigated by the Christian gentry (*jiao'shen* 教紳).” The

⁶⁷ Jianyang County Civil Affairs Bureau, eds., *Jianyang xian minzhengju zhi* [*Annals of Jianyang County Civil Affairs Bureau*] (Jianyang: jianyang xian minzhengju, 1985), 412.

⁶⁸ Xie Honglun, “The Introduction of Catholicism to Nanchuan and its Current Situation,” in Nanchuanxian zhengxie wenshi ziliao yanjiu weiyuanhui, ed., *Selected Historical Materials of Nanchuan* [*Nanchuan wenshi ziliao xuanji*] vol. 1 (Nanchuan: Nanchuanxian zhengxie, 1985), 74-80.

⁶⁹ SJYD, 336.

governor was furious that these individuals, who had already been bestowed with the esteemed honor of an imperial degree, not only chose to embrace heterodoxy but also exploited the privileges associated with both identities. Lu cautioned against the potential hazards that would arise if Christians and the yamen staff were to freely exchange information with each other (*hutong xiaoxi* 互通消息): “Ordinary Christian converts have already exhibited a proclivity to rely on their missionaries to exert influence. We must be vigilant regarding the risks that could emerge.”

In his memorandum, Governor Lu observed that Christian gentry were concentrated in nine county-level regions in eastern and southeastern Sichuan, including Ba County, Dazu County (大足縣), and Yongchuan County (永川縣). Lu expressed his displeasure at the local authorities' neglect of this issue and the silence of the *baojia* system in addressing it. In addition to conducting investigations, Lu mandated that all magistrates keep an updated list of Christian degree-holders and gentry within their jurisdictions at all times. Magistrates were instructed to initially restrict individuals on the list from participating in public affairs while discreetly assessing their moral character. In case of conflicts involving Christian converts, magistrates could select impartial individuals from this group and assign them to handle the matter. This approach, according to Lu, would allow officials to exploit the benefit of “using the Christians’ spear to attack the Christians’ shield.”

To prevent the issue of “converts lurking around officials, awaiting opportune moments to engage in misconduct,” Lu urged all officials to carefully scrutinize their clerks and attendants, dismissing any converts they discovered on the grounds of official duties. Furthermore, Lu emphasized multiple times in the memorandum the need for covert and discreet inquiries. All documents were to be sealed and personally opened by the officials themselves, bypassing the

yamen clerks, as they traversed through various levels of administration to prevent any leaks. Officials had to exercise great caution to avoid arousing suspicion among the Christians while expelling them from the extended bureaucratic apparatus.

This document serves as ample evidence of Sichuan provincial government's concern that local yamens had been drawn under the influence of Christian churches. To counter further encroachment, officials needed to scrutinize the loyalty of those around them while being cautious not to expose their efforts to reclaim power to the Christians. In fact, as early as 1860, Sichuan provincial officials were already cognizant of the intricate ties between Christian churches and local yamens. In Youyang (西陽) during this period, the prevalence of Christianity in the region led to the establishment of positions within the prefectural yamen, such as Christian clerks (*jiaochai* 教差) and Christian gentry (教紳). In Lu's interpretation, the violent anti-Christian riots that occurred in Youyang during the late 1860s were a reaction to the cunning collaboration between local degree-holders and the Catholic church. This collaboration provided a platform for profit-seeking wrongdoers to abuse their power, taking advantage of their position as intermediaries between the two major power structures in local society, and preying upon their fellow community members.

In the 1870s, Zhang Zhidong (張之洞), who served as the Commissioner of Education in Sichuan (*Sichuan xuezheng* 四川學政), traveled to Youyang and its neighboring counties to assess the state of Confucian learning. Zhang ordered the secret compilation of a list containing the names of local degree-holders and students in state-funded institutions who practiced Christianity. Individuals on the list would not receive offers for future imperial exams. Zhang also abolished the position of Christian clerks in local yamens. In Lu's view, thanks largely to

Zhang's prescience and efforts, the subsequent two decades in Youyang witnessed a relative state of harmony between the Christian and non-Christian communities.

The aforementioned evidence sheds light on an important but long-overlooked issue. The extraterritorial influence of foreign missionaries indeed posed a threat to the authority of traditional local elites, as evidenced by various studies on the anti-missionary riots of the late Qing era, such as those by Esherick, Cohen, and Zheng.⁷⁰ However, contrary to their interpretation, I argue that the traditional privileges held by the gentry and the extraterritoriality of foreigners were not inherently conflicting, and their collision did not always elicit militant responses from the gentry. While some local elites resorted to violence as a means of coping with Christianity, others responded nonviolently. In the eyes of these individuals, extraterritoriality was not an invasive anomaly. As many trials were open to the public, the courtroom served as a venue where people obtained firsthand information for gossip and acquired knowledge of the law. The spectators of court trials could study the magistrate's judgments and the power dynamics within the courtroom.⁷¹ Over time, local elites gradually came to perceive the rise of foreign patronage as an effective and potent legal tool through their constant observation of instances where missionaries interfered in lawsuits involving converts. This perception was further reinforced by the Qing state's vulnerability to foreign powers following numerous anti-missionary riots. Moreover, similar to the existing power structures within Chinese society, extraterritoriality was not completely sealed off and could be accessed by those who were determined to do so. It is possible that the narratives portraying gentry,

⁷⁰ See Introduction for Esherick, Cohen, and Zheng's interpretations of the intervention of missionaries in Chinese judicial affairs.

⁷¹ See Chiu Pengsheng's analysis of the impact of litigation masters and legal advisors on late imperial Chinese judicial order. Chiu Pengsheng, *Dang falü yusheng jingji* [*When Law Encounters Commerce*], (Hangzhou: Zhejiang Daxue Chubanshe, 2017), 130-131.

commoners, and bandits as hating foreign missionaries for disrupting the traditional power dynamics of Chinese society originated from groups that failed to establish a mutually beneficial patronage network with the missionaries, harboring resentment toward those who did benefit from the privileges conferred by foreigners.

The First Taste of Privilege

In what ways, then, have Chinese Christians abused the extraterritoriality of foreign missionaries to secure preferential treatment in the administration of justice? We will discuss this question below in the context of some judicial cases in the Ba County archives. The following case record of a foreign missionary interfering with a Chinese parishioner's dispute is the earliest-dated one that can be found in the Ba County archives. In 1862, Desflèches, the Bishop of the Eastern Sichuan Catholic Episcopate, wrote to magistrate Zhang of Ba County to file a plaint on behalf of his parishioner Zhang Zizeng, a 59-*sui* tenant farmer from a village in Chongqing's Shigang Ridge district. The letter claimed that Zhang had been recently harassed by a group of village members, including three of his lineage nephews (*zuzhi* 族侄), several militia braves, and the *baojia* leaders. These people arrived at Zhang's house while Zhang was farming on a rainy day, taking away Zhang's farming tools and demanding that he stop working because it was against militia rules to farm on a Wu Day (*wuri* 戊日).⁷² In response, Zhang first came to three of the militia heads Huang, He, and Zhou to seek an explanation. However, one of his lineage nephews tied up Zhang to the lineage temple, demanded 2,000 cash from him, and

⁷² Wu Day is a Taoist taboo. It is believed that anyone who plows a field or starts a construction on this day will disrupt the balance of *yin* and *yang* and cause disaster. According to the Chinese lunar calendar, there are six Wu days in every 60 days.

threatened to confiscate Zhang's ancestral property for the lineage trust. When Zhang declined these requests, the group requested that Zhang publicly renounce Catholicism and hold a feast for the militia members as a token of apology. Otherwise, he would be expelled from the community. It was through the mediation of Zhou, one of the militia heads, that Zhang was eventually released. Afterwards, Zhang reported this dispute to his French priest Jean Eyraud (1823 – 1874), who then invoked Bishop Desflèches' intervention. The Bishop believed that the claim that peasants shall not farm on a Wu Day was an excuse that the non-Catholic villagers used to extort from Catholics. He asked the magistrate to summon the mentioned personnel to court for interrogation.

A hearing was convened at the bishop's request. However, four months later the accused submitted a different complaint, arguing that it was Zhang Zizeng who had constantly relied on the Catholic church's growing power (*zhang yijiao shiyao* 仗伊教勢耀) to evade militia responsibility that was held regularly on Wu Days since the Taiping rebels came to Chongqing in the Spring. The complaint also revealed that the militia members took Zhang's tools because he was trying to attack them.⁷³ More importantly, this complaint revealed several details that Bishop Desflèches' letter failed to mention. First, the three militia heads that Zhang Zizeng came to after his farming tools were taken away were actually themselves Catholic converts.⁷⁴ The accused also brought the farming tools to the three heads to seek mediation, but did not get any response from them. Afterwards, they filed a complaint against Zhang Zizeng at the yamen, but was not

⁷³ BXDA, 6-23-451. All citations from the Ba County archives in this paper will follow the cataloging conventions used by the Sichuan Provincial Archives (Sichuansheng dang'anguan). Numbers following the designation BXDA Baxian dang'an (Ba County archives) refer to category, catalogue, and *juan*.

⁷⁴ As alluded in Lu Chuanlin's document, the earliest appearance of Christian gentry in Sichuan was found in Youyang in the 1860s. The information in this case further reveals that there were already Catholics among the militia in Ba County around 1862. This suggests that the influence of Catholics in local society grew substantially after 1860.

admitted to court hearing. Second, the accused contended that the Bishop's accusations of them extorting from Zhang and confiscating his ancestral property were lies: "Zhang himself had always been a tenant farmer and never owned any land, so how can we turn his 'ancestral property' into communal land?"

Zhang Zizeng did not physically present at any point during the trial process since the controversy first arose in 1862. Instead, Bishop Desflèches provided the entire account on behalf of him. Three years later, however, Zhang Zizeng submitted a complaint to the yamen in 1865. In this account, the now 59-*sui* Zhang clarified that he had been a tenant farmer and a Catholic for many years and implied that the claim that the lineage relatives had threatened to confiscate his ancestral property was fabricated. Yet, Zhang also underlined that he had endured years of hostility from his neighbors because of his faith. When he refused to take part in the training, the militia braves and his lineage nephews did take away his farming equipment. Zhang also provided the names of two witnesses who could testify that he had been extorted 2,000 cash. Zhang was asked to prepare a feast as compensation, but he refused, and as a result, they forced him to renounce Catholicism.

Despite the fact that some of Zhang's statements may have been exaggerated to appeal to the magistrate's compassion, the situation he had described—in which Christians were shunned by family and society for disobeying customs—was not unusual in the Qing dynasty. Although Christianity have developed rapidly since the removal of the proscription in the 1840s, it is a different story when it comes to the discrimination that converts encountered in everyday life. Zhang had been continuously harassed by several of his lineage nephews due to his faith. According to Confucian ethics, intimidating a senior member of the same lineage would be considered a grievous affront. The fact that the nephews did so without being burdened showed

that Zhang had long since lost the authority to act as the lineage senior yet was still required to physically participate in lineage affairs.

We have three different narratives of this dispute, and it may not be possible to unearth the actual details of what transpired and whose account was more trustworthy based on the case file. But for the sake of our analysis, what really matters in this case was not the *truth*, but the timing, the judicial norms, and the changing power dynamics between Christians and non-Christians. First, the case occurred in 1862, a pivotal moment witnessing the growing power of French Catholic missionaries in China.⁷⁵ Soon after the signing of the Sino-French Beijing Treaty in November 1860, the Qing court started receiving petitions regarding the return of church properties previously confiscated and the mistreatment of Chinese Catholics, from the French minister and Catholic missionaries stationed in eight provinces.⁷⁶ In Guizhou and Sichuan, French missionaries started travelling in four-carrier purple sedan chairs for their visits to yamens, a privilege reserved for officials only.⁷⁷ The Beijing Treaty and extraterritoriality gave French Catholic missionaries an unprecedented amount of sway over Qing authorities.

Zhang Zizeng, a common peasant, was thus authorized to continuously disregard local rules and declare his difference openly. Zhang's attitude stood in stark contrast to the converts in the Jiaqing era, who were preyed upon by neighbors despite already leading a discrete life and making an effort to blend in. Notably, the cause of this dispute was Zhang's preference for farming over participating in militia training to defend the hamlet from Taiping rebels. Zhang's indifference and resistance to militia training is reasonable, given that Catholics had long been estranged in Chinese communities due to their faith. As a result of the persecution of the Jiaqing

⁷⁵ Based on my reading of the Ba County archives, this is the earliest dated legal case of a Chinese Christian heard by the Ba County yamen after the Tianjin Treaty was signed in 1858.

⁷⁶ QMJA, vol.1, 22.

⁷⁷ Cohen, 126.

period, Catholics mostly tended to live in their own closed communities, and their loyalty to the traditional Chinese community was further weakened. Since the 1860s, the expanding Catholic community in Ba County and the extraterritoriality of the missionaries had been able to offer a sense of belong as well as effective protection for converts like Zhang Zizeng. Therefore, why would Zhang Zizheng bother to declare his allegiance to a non-Catholic community that had long been isolating and even mistreating him?

More importantly, Zhang Catholic identity eliminated the obstacles and hassles he might have encountered by personally submitting the lawsuit to the court. As we can see, what Zhang did instead was to report it directly to his French priest, who in turn reported to Bishop Desflèches, who then communicated directly with the magistrate. Throughout the process, neither Zhang nor the French missionaries observed the Chinese norms of filing litigation, which is to submit a petition (*bingzhuang* 稟狀) to the yamen first and wait for the magistrate to accept it. In some instances, the yamen just simply reject the petitions; in other instances, the magistrate would decide that “the matter was too minor for him to handle personally and remand the case to lesser lights,” as Huang points out in his study of Qing civil justice. Either way, it was the magistrate who held the authority of deciding whether a petition was worthy of going to the phase of court hearing.⁷⁸ Instead, however, Bishop Desflèches wrote directly to magistrate Zhang to request a court hearing. In turn, we can see that the defendants, despite being community leaders themselves, also had to file a lawsuit by submitting a petition first. Moreover, when the defendants first submitted their petition to the yamen, it was rejected by the magistrate. In the decades that followed, foreign missionaries, consuls, and merchants in Sichuan would continue

⁷⁸ Huang, *Civil Justice in China*, 111-113.

to advocate the legal claims of their Chinese associates and clientele by following the same procedures as Zhang's case was brought before the court.

A Tenacious Revenge

Given that Zhang had been harassed in part because of his faith, one could argue for the legitimacy of Bishop Desflèches' intervention, although Zhang could hardly be characterized as a victim. After all, Bishop Desflèches was still attempting to protect what appeared to him to be the legitimate rights of a committed convert in this case. Nonetheless, as people became more conscious of the power of extraterritoriality, foreign meddling in court proceedings would grow more aggressive, as the Christian faith attracted more opportunists. These individuals used extraterritoriality to pursue selfish claims that had nothing to do with faith.

In 1867, the Chen family of Tianping village (天平寨) in He Department (合州), located in northern Sichuan, reported the theft of 298 taels of silver to the yamen. However, the identity of the thief remained elusive. In November 1868, village chief Pan discovered that the stolen money was taken by two Catholic converts, Li Shusan and Zhang Bingtang, along with an accomplice named Li Liuer, who had hired Yang, a servant for the Chen family, to carry out the theft. Unfortunately, the two converts reneged on their promise to share the proceeds with Li Liuer. Out of anger, Li Liuer exposed the entire conspiracy. In light of this revelation, the Chen family took legal action against the three suspects.

To everyone's surprise, one of the converts, Li Shusan, retaliated by urging his brother to file a separate lawsuit against village chief Pan, accusing him of harboring Huang Xundeng, a White Lotus rebel who was still on the run, in his house. Li's false accusation elevated a mere

larceny case to a matter of significant state interest, prompting the prefect to convene a court hearing. However, it later emerged that Li had fabricated the accusation as a means of diverting attention from his own crime. Li himself admitted, “I was accused of theft, so I concocted the idea of introducing sectarianism to shift the focus away from my own situation.”

Tianping village, located over 50 *li* away from He County, was established as a refuge in 1852 for those fleeing the White Lotus uprisings that plagued eastern and northern Sichuan. Due to its secluded and mountainous terrain, it attracted numerous prosperous Sichuan merchants seeking sanctuary from warfare in their hometowns.⁷⁹ The Chen family, originally from Qu County, was among these merchants who relocated to Tianping to escape the White Lotus uprising. Similarly, Li Shusan had also moved to the village to evade the warfare in his own hometown. Prefect Shen Yi, initially viewing Li favorably due to Li’s status as a degree-holder, advised him to consider moving elsewhere since the rebellion had already been quelled and his relationship with the Tianping residents seemed strained.

However, the other convert, Zhang Bingtang, who had been missing for some time, appeared at the department seat and alerted his priest that village chief Pan possessed anti-Christian pamphlets. The priest then visited the yamen and engaged in a dispute with the prefect, who presented him with the case files and convinced him that Zhang’s accusation was groundless and was an act of revenge. Consequently, the priest decided to be disengaged from the dispute. Zhang, on the other hand, persisted and persuaded Li Shusan to join him in lodging a complaint at the Chongqing Prefecture yamen. Despite being instructed to return to the prefect’s yamen for questioning, they defied the order and instead went to a higher authority, the East

⁷⁹ Zhengzhi xieshang huiyi Sichuan hechuanxian weiyuanhui wenshi ziliao yanjiu weiyuanhui ed., *Hechuan Wenshi Ziliao Xuanji* [*Selected Historical Materials from Hechuan County*] vol. 6 (Hechuan: Hechuan renmin yinshuachang, 1989), 162.

Sichuan Circuit yamen, where they were once again disregarded. Again, they were not discouraged and even vowed to petition the Sichuan provincial yamen in Chengdu and report several Tianping residents to Bishop Pinchon (1814-1891) of the eastern Sichuan district. Li and Zhang, guilty of theft themselves, fearlessly pursued their petitions at all levels of government and among different missionaries, falsely accusing and implicating others to amplify the situation. While Zhang Zizeng had utilized extraterritoriality to defend his lawful interests, Li and Zhang exploited it to assert their authority and seek vindictive revenge against their adversaries.

Remarkably, Prefect Shen displayed unexpected leniency towards these converts. Not only did he refrain from punishing them for theft and false accusations, but he even cordially advised Li Shusan to leave Tianping village. Although the prefect claimed that his courteous treatment of Li was due to his academic achievements, it is prudent to view this assertion with skepticism. Considering the sensitive nature of Li's false accusations against Pan—harboring White Lotus fugitives and disseminating anti-Christian pamphlets—it is unlikely that the prefect, who had undertaken an extensive investigation, would have pardoned Li solely on account of his educational background.

Given the temporal context of the case, it is reasonable to deduce that the prefect's leniency was influenced by Li's and Zhang's status as Catholics. The trial took place between 1868 and 1869, coinciding with two violent anti-Catholic riots in Youyang, situated on the Sichuan-Guizhou border. The first riot occurred in August 1865, with enraged locals destroying a French Catholic church and killing missionary François Mabileau. Following threats of intervention from the French minister, the Qing court executed the ringleader and exiled several participants,

paying 80,000 silver taels in reparations to the Catholic community.⁸⁰ Another riot erupted in 1868, resulting in the burning of the church and the death of French missionary Jean-François Rigaud and several converts. In retaliation, armed converts torched local properties and killed over 145 non-converts. Although the non-converts suffered more significant casualties, the Qing court, pressured by the French, imposed severe punishments on the local militia, executing three and exiling another three. Additionally, an indemnity of 30,000 silver taels was paid to the church.⁸¹ When Prefect Shen investigated the case involving Li Shusan and Zhang Bingtang, it coincided with the French minister's threats against the Qing government, demanding compensation and punishment for the perpetrators who had attacked the church. Witnessing the Qing government's vulnerability during the Youyang incident, Prefect Shen undoubtedly exercised greater caution in handling cases involving Catholics.

The reaction of the Tianping residents implicated in this case further underscores their apprehension about the interference of the Catholic church, rather than the false accusation of their involvement with the White Lotus. The residents remained composed during the investigation into their alleged ties to the White Lotus. However, their anxiety and fear were immediately evident upon learning that Li and Zhang intended to sue them with the support of the Bishop. Village chief Pan explicitly emphasized that the people were terrified because they believed that being implicated in a missionary case (*jiao'an* 教案) would result in dire consequences, jeopardizing their entire livelihoods.

⁸⁰ The ringleader Ran Congzhi was a headman of the local tujia ethnic community. According to the Qianlong reign Youyang gazetteer, the Ran family have held the position of hereditary *tusi* since the Song dynasty. The Ran family was in charge of the militia at the time of the second Youyang Incident. See *Youyang zhouzhi* (Chengdu: Bashu shushe, 2010), 28. Also in *Youyang xianzhi* (Chongqing: Chongqing chubanshe, 2002), 597-98.

⁸¹ QMJA, vol. 1, 748.

Upon learning about this case, the Eastern Sichuan Circuit Intendant was incensed. He instructed the Ba County magistrate to promptly arrest Li Shusan and Zhang Bingtang if found in Chongqing and bring them back to He County for trial. Furthermore, the intendant directed the prefect to file severe false accusation charges (*jiabei zuowu* 加倍坐誣) against the converts, aiming to deter similar offenses in the future. The ultimate outcome of the arrest and punishment of the converts remains unknown from the available text. Nonetheless, this case serves as significant evidence that within a span of five years, the role of converts in legal disputes had shifted from peasants relying on missionaries for protection against oppressive relatives to cunning and vindictive criminals actively leveraging their foreign connections to assert power. Their audaciousness in making false claims to various Chinese and foreign authorities demonstrates their confidence in evading punishment simply by virtue of their Christian conversion.⁸²

Changing Judicial Norms

1. Protestants vs. Catholics

From the 1860s until the conclusion of the nineteenth century, Sichuan was a battleground for violent clashes between Christian and non-Christian communities. Over a span of four decades, some Chinese individuals adopted violence as a means to confront foreign encroachments in their daily lives. While these conflicts resulted in material and human losses for the Church, the Qing government was compelled to provide indemnities and expanded

⁸² BXDA, 6-23-457.

privileges to Westerners, which inadvertently strengthened the influence of Christian churches in Chinese society. The message conveyed was that Western missionaries stood above Chinese magistrates. Following each conflict, the central and provincial Qing officials released documents emphasizing the need for missionaries to refrain from interfering in Chinese lawsuits and for officials to preside over cases impartially. However, at the county-level judiciary, grassroots officials, fearful of offending missionaries, were unable to enforce the directives from higher levels of government to assert Chinese judicial sovereignty. By the late nineteenth century, it had become widely acknowledged among the Chinese population that by involving the church, lawsuits were more likely to be decided in favor of the plaintiffs.

On July 27, 1907, Henry Bristow (1878–?), the British consul in Chongqing, wrote to the Ba County magistrate to file a complaint on behalf of a Chinese individual named Wang Suqing. Bristow's letter stated, "Recently, I received information from a missionary of the British & Foreign Bible Society that their bookseller, Wang, was assaulted by He and Ou over a financial dispute. Wang sustained injuries to his waist and legs, and several copies of the Bible were damaged. I kindly request you to summon He and Ou to court for interrogation."

According to Bristow, Wang had rented bedding from Mrs. Ou, who owned a hostel, and they had agreed that the payment would be made by Chinese priest Yang Jixiu on Wang's behalf. However, on one occasion, Mrs. Ou and her nephew confronted Wang, demanding payment and the return of the bedding. A conflict ensued between the two parties. Subsequently, the magistrate summoned the defendants and Yang Jixiu for a court hearing. It became evident during the proceedings that Yang had failed to pay the agreed amount to the defendants and had attempted to deceive them. The magistrate opted for a middle-ground solution and ordered Yang to contribute to the repayment of the defendants. Although the defendants claimed that Mrs. Ou

had also been harmed by Wang during the altercation and that Wang's friends had occupied their guesthouse, the magistrate dismissed these claims. In a letter to the British consul, the magistrate provided a summary of the court hearing and the verdict, emphasizing, "The defendants should not have resorted to violence over a trivial matter and have been duly punished in court (*dangtang zecheng* 當堂責懲). The owed money has been repaid, and I trust this will bring the matter to a close." Notably, although the magistrate had summoned Wang to court, Wang claimed that he had been busy selling the Bibles and refused to appear. In reality, the plaintiff remained absent from the proceedings, evading the fundamental requirement of participating in a court dispute.

However, the missionary did not seem to appreciate the magistrate's conciliatory approach. The magistrate's leniency toward Wang even led the missionary to believe that there was room for maneuvering in the case. Half a month later, the magistrate received another letter from the British consul, asserting that the missionary was seeking two foreign dollars (*yangyuan* 洋元) in compensation for the nineteen damaged Bibles resulting from the conflict.⁸³ In response, the magistrate sharply pointed out why this claim had not been made during the court proceedings but only surfaced half a month after the trial's conclusion. The magistrate rejected the missionary's claim and urged the British consul to convey the following message to the missionary: "We all understand that this dispute is solely the responsibility of Yang, and Yang's behavior reflects poorly on the church. Therefore, do not be deceived by Yang again. If the missionary insists on claiming compensation, then we must also address the matter of Yang instigating individuals to occupy the defendant's hostel with severe consequences."⁸⁴

⁸³ One foreign dollar equals about one tael of silver.

⁸⁴ BXDA, 6-32-2504.

This case exemplifies that when a Chinese individual's dispute was submitted by a foreigner, the magistrate would always consider it and handle it patiently. By the time this case occurred, high-ranking officials in the imperial court, such as Li Hongzhang and Zeng Guofan, had repeatedly emphasized that conflicts involving Chinese Christians and non-Christians should be resolved in the same manner as other cases.⁸⁵ However, in practice, cases involving Chinese individuals with foreign patrons always received special treatment from magistrates and were exempted from following the regular, complex procedures for filing complaints. Magistrates found it challenging to reject requests from foreign consuls. Similar to the Zhang Zizeng case, the plaintiff did not have to initially submit a petition and wait for the magistrate's decision on whether to accept it or not. Instead, the British consul raised the dispute in a letter and explicitly demanded that the magistrate provide a resolution. Furthermore, the plaintiff failed to appear in court, using an implausible excuse to evade the basic requirement of participating in a court-disputed matter.

In general, British Protestant missionaries exhibited a certain level of decorum when intervening in Chinese courtrooms. It is true that they would utilize their extraterritorial privileges to support disputes that Chinese magistrates considered unimportant and could have been resolved within the community without court involvement. They would also persistently urge magistrates to expedite the resolution of the disputes they represented until a satisfactory outcome was achieved. However, they generally refrained from intimidating magistrates into submission or engaging in disrespectful courtroom debates, as was often observed with many French Catholic missionaries. In fact, the British primarily employed their extraterritorial privileges in commercial disputes that directly affected their own interests, such as those

⁸⁵ The attitude of Imperial officials regarding the processing of litigation involving Christians is covered in depth in Chapter 2.

involving Chinese employees of British companies, rather than in the everyday litigations of Chinese Christians. In these respects, the French interference in Chinese litigations differed from that of foreigners from other countries.

For example, some French Catholic missionaries were notorious for excessively protecting their converts in lawsuits and displaying an overbearing demeanor in the courtroom. In 1905, a convert in Nanxi County, southern Sichuan, was found guilty of robbery. When Priest Jean Breuil (1868-1929) learned of this, he stormed into the yamen in a fit of rage, slamming tea bowls to the ground. The priest vehemently pounded the table and pointed a finger at the magistrate, demanding the release of his parishioner.⁸⁶ The privileges enjoyed by Catholic missionaries in Nanxi were widely known, and local officials dared not refuse their requests. Magistrates personally welcomed and bid farewell to Priest Breuil when he arrived at the yamen in a sedan chair carried by four bearers. A local saying vividly depicts the three things that commoners in Nanxi feared the most: “First, the Catholic church; second, the Hongji Society (a violet secret society); and third, the county yamen.”⁸⁷

2. Legal Strategies: Manipulating the “Convert Identity”

As much as individuals with a Christian background could exploit it to their advantage in court, their adversaries who were non-converts could employ the negative associations tied to Christianity as a counterargument. In the ensuing dispute over debt recovery, both parties, a convert and a non-convert, manipulated the concepts of Christian identity and church support,

⁸⁶ Ding Jiming et al., eds., *Jiangan Xianzhi [Jiangan County Gazette]* (Jiangan: Jiangan Xianzhi bianzuan weiyuanhui, 1998), 609.

⁸⁷ *Ibid.*, 794.

albeit in distinct ways and for different objectives. In 1898, Catholic converts Zhang Qingyun and Hu Yuncheng lodged a complaint with the Ba County yamen, accusing their employee Wu Yichen of theft. The plaintiffs asserted that in March, they had obtained a mortgage from the Catholic church to establish a banking enterprise (*qianpu* 錢鋪). However, in May, Wu Yichen absconded with over 40 taels of silver from the business account. Despite repeated requests from Zhang and Hu, Wu cunningly delayed repayment. Even after the plaintiffs brought the dispute before the neighborhood head (*jianbao* 監保), Wu continued to refuse restitution. Additionally, the plaintiffs accused another debtor, Chen, of failing to repay a loan of five taels of silver. Notably, the central point of their petition was the urgent need to recover the debts due to “the Catholic church pressuring us to pay off the mortgage.”

Wu and Chen, the defendants, were summoned before the magistrate. Wu claimed that he had not fled but had been away for a few days tending to familial matters. Upon his return, he was shocked to discover that Zhang had accused him of embezzlement without granting him an opportunity to defend himself. The second defendant, Chen, admitted that he still owed Zhang three taels of silver but contended that they had agreed to settle the balance after the Chinese New Year. Chen was surprised that his creditors had resorted to a lawsuit. In response, the magistrate instructed the runner to “Immediately escort all parties outside to calculate the debts, settle the debt, and conclude this dispute (*chi ji chaiya chuwei suanbu liaohao wanshi* 飭即差押出外算補了好完事).”

Seven days later, Wu Yichen initiated a new lawsuit accusing Zhang and Hu of falsely accusing him by exploiting their church connections. According to Wu’s account, it was Zhang who had invited him to join the business Ju Sheng Rong (聚升榮) in March, promising a monthly salary of three taels of silver. As Zhang lacked funds, Wu had provided all the initial

capital for the enterprise. Around the Duanwu festival, Wu decided to resign due to the excessive demands of the job. After all transactions were completed, Zhang rebranded the company and partnered with Hu Yuncheng, another convert. However, due to Zhang and his new partner's frequent visits to brothels and casinos, the company incurred substantial debts to the Catholic church. Exploiting their status as converts, Zhang and Hu shifted the blame for the debt onto Wu in front of the priest, urging the priest to take Wu to court. Wu sought assistance from Lü Hengqi, the head of the Banking Business Guild (*qianbang shoushi* 錢幫首事), after the magistrate had previously ordered the repayment of debts. According to Wu, the guild audited Zhang's account book and discovered that Zhang had falsified the entry stating that Wu owed the company 28 taels of silver. When Wu explained this finding to the priest, the priest did not respond. Consequently, Wu decided to counter-accuse Zhang.

Before the magistrate could fully verify Wu's claims, he was transferred to another position. Two months later, Zhang filed a second complaint with the new magistrate, arguing that Wu had fabricated charges to postpone debt repayment during the transition between magistrates. Zhang reiterated that "I was unable to repay the mortgage to the church because of Wu." A second hearing was convened since both sides remained adamant in their justifications. The case was ultimately resolved a month later. After scrutinizing the account book and interviewing the head of the money guild, the magistrate determined that Wu indeed owed Zhang 28 taels of silver. Since Wu was unable to pay the entire debt, the magistrate mandated that he pay 15 taels within a month as an alternative. Furthermore, the magistrate declared all previous contracts and agreements between Wu and Zhang null and void, ordering the destruction of the relevant documents upon the case's conclusion.⁸⁸

⁸⁸ BXDA, 6-32-2376.

The plaintiffs leveraged their Christian background to exert pressure on the magistrate, emphasizing the recovery of debts as a crucial step toward fulfilling their obligations to the church's mortgage. To amplify the gravity of the issue, they may have exaggerated the amount of the debt and included Chen, a debtor with a relatively small sum. As for Wu, regardless of the veracity of his claims, it is evident that he adeptly refuted the allegations made by Christian litigants. Wu redirected the magistrate's attention away from the debts and toward the moral character of the plaintiffs, purposefully portraying them in a manner that aligned with common perceptions of Christian converts. This portrayal included reliance on church connections to make false accusations, engagement in vices, and deception of the priest to secure legal protection. Wu's depiction of the priest also conformed to the stereotype of Catholic missionaries who steadfastly defended converts in court cases, regardless of right and wrong. During the late nineteenth century, negative perceptions of converts and missionaries were deeply ingrained in the minds of Qing officials, easily provoking contempt from the magistrate. While these stereotypes may hold true in other cases involving converts, Wu appears to have employed them in this instance primarily as a rhetorical tactic to disparage the plaintiffs by specifically targeting their status as converts. Wu's legal astuteness in presenting his account suggests the possibility that the complaint may have been drafted by a legal expert or someone well-versed in dealing with convert litigants.

3. Community Mediation: The Third Realm of Justice

Foreign intervention not only influenced the power dynamics within the courtroom but also had an impact on the decision-making process of local elites and magistrates regarding which

disputes should be brought to court. . In other words, the presence of extraterritoriality has disrupted what Philip Huang defines as the “third realm of justice,” – the intermediate phase between community mediation and formal hearing at the yamen. As Huang points out, the magistrate would delegate civil disputes to community leaders or yamen clerks to investigate and resolve based on their best judgement. In this process, the magistrate may also express his preferred course of action to these surrogates.⁸⁹

In a previous section, I have examined the presence of Christian gentry and clerks in Sichuan and the attempts made by missionaries and local elites to exploit each other's influence by forming collaborative relationships within the extraterritorial regime. This implies that the control over dispute resolution in local society has partially shifted from traditional gentry to individuals associated with Christian churches. As a result, commoners seeking legal recourse no longer solely relied on community leaders for dispute resolution. They now had the option to choose from a range of legal proxies based on their effectiveness in ensuring satisfactory resolution. However, not all individuals in positions of authority within the community openly aligned themselves with Christian churches. The question then arises: how did their approach to dispute resolution change as a result of extraterritoriality? The following case will present an alternative perspective to Esherick and Cohen’s theories on the gentry resorting to violence against Christianity after losing their traditional role in mediating conflicts to Christian churches.

Several headmen (*lizheng* 里正, *zongjianzheng* 總監正, *jianzheng* 監正) from Taiping Chang (太平場),⁹⁰ a neighborhood in south Chongqing, filed a plaint (*bingzhuang* 稟狀) to the Ba County magistrate in 1909 regarding the arrest of Dong, a kitchen worker at the Baiguoshu

⁸⁹ Huang, *Civil Justice in China*, 110-114.

⁹⁰ BXDA, 6-54-696.

Chapel (白果樹教堂).⁹¹ Dong was accused of being responsible for a series of recent thefts that had occurred in the chapel. Last fall, the chapel's priest reported to the headmen that some corn and cured meat had been stolen from the kitchen. The priest urged the headmen to search for the thief, but no culprit was found. In May and September of the following year, the headmen were once again informed of the thefts, which included more valuable things – a thousand *jin* (斤) of palm fiber and fifteen *jin* of raw lacquer. Despite their efforts, the headmen could not locate the perpetrator.

In early October, Dong was handed over to the headmen by Yang, a senior convert in charge, who claimed that Dong had been caught stealing a bowl of glutinous rice wine from the kitchen. The headmen conducted a thorough interrogation of Dong and concluded that there was no evidence linking him to the previous three thefts. However, due to Yang's insistence that Dong be sent to the yamen for formal questioning, the headmen filed a complaint with the magistrate, urging him to personally adjudicate the case. The magistrate summoned Dong to court the day after receiving the complaint. Dong confessed that he had no intention of stealing the glutinous rice wine. Instead, he explained that he had provided it to Yu, a peasant working on the church's field who had been ill and requested it as part of a remedy.⁹² Dong stated, "I had no idea that Manager Yang would intervene and use this as an opportunity to seek revenge for past disagreements. Yang informed the priest that I was responsible for the previous thefts, leading them to request that the headmen bring me to court."

⁹¹ By late Qing, the function of *chang* 場 has shifted from a socioeconomic unit to a government-recognized *de facto* administrative unit overseeing *xiangjiao* 鄉腳, *tuanbao* 團保, and *shuchang* 屬場. Administration at the county level pivoted on the *chang*, which connected everyday affairs at the grassroots level to the county yamen. For a detailed study on *chang* and its role in late Qing Sichuan local affairs, see Sun Ming, "Xiangchang yu wanqing sichuan tuanlian yunxing jizhi [The Xiangchang and the Operation of Militia in Late Qing Sichuan]," *Jindaishi yanjiu* no.3 (2020): 36-52.

⁹² Glutinous rice wine, or sweet wine (*tianjiu*), is a common component in Sichuan cuisine. It is sometimes used as an ingredient in traditional Chinese medicine. It was not considered to be valuable.

Did the magistrate believe Dong's innocence as strongly as the headmen did? Judging from the magistrate's concise verdict, "The defendant is to be released upon being gently punished (*boze kaishi* 薄責開釋)," it can be inferred that the magistrate believed Dong was innocent. If the magistrate held a different belief, he would have interrogated Dong repeatedly until he confessed to the crime and revealed the whereabouts of the stolen goods, considering the significant value of the items lost in the previous thefts. Although the magistrate did impose a mild penalty on Dong, it was likely an attempt to strike a balance between appeasing the church and preventing the false conviction of innocent individuals.

Importantly, Dong was not brought to court because the headmen could not determine whether he was the offender or not. As the headmen made clear, there was no evidence connecting Dong to the previous thefts. In other words, at the community mediation stage, it was already evident whether Dong had committed a crime or not. Under normal circumstances, this would have meant that the accusation did not need to proceed to a court hearing. The case was heard in court solely because the plaintiff, Yang, exploited his Christian status to pressure the headmen. When a dispute involved Christian churches, the dynamics of the third realm of justice would shift accordingly, causing community leaders to become more hesitant to intervene and reluctant to rely on their own judgment for resolution. Most of the time, magistrates had no choice but to accept such cases. In the Ba County archives, I have not encountered a single case involving Chinese converts that was rejected by the magistrate, whether it came through petitions submitted by converts or letters from missionaries.

The presence of extraterritoriality, as facilitated by missionaries, unintentionally impacted judicial practices within the broader framework of the third realm of justice. As Huang points out, a 1765 sub-statute in the Qing Code explicitly prohibited magistrates from delegating minor

matters (*xishi* 細事) to be settled by community leaders. However, especially during the latter half of the nineteenth century, magistrates often violated the Qing Code and relied heavily on out-of-court settlements due to the increasing caseloads, commercialization, and population growth.⁹³ According to Bradley Reed, in late Qing Ba County, the local government had to outsource a significant portion of its functions to respected community members such as degree holders, village heads (*xiangbao* 鄉保), yamen employees, and even off-the-books clerks and runners.⁹⁴

Ironically, the potential consequences of upsetting Christian converts and missionaries have compelled county magistrates to adhere to the Qing Code and personally adjudicate cases in a timely manner, even when the empire was grappling with an escalating number of unresolved civil cases.⁹⁵ As Huang also suggests, the majority of cases assigned to community leaders or runners remained unsolved or lacked documentation in the case records. This could serve as further evidence of the value of missionaries' involvement in Chinese legal proceedings and help explain the opportunistic conversions that occurred.

The impact of extraterritoriality on the third realm of justice has been an evolving process. As mentioned earlier, the Zhang Zizeng case in 1862 illustrates how community leaders continued to assert their traditional rights and opposed Christians' exploitation of extraterritoriality for preferential treatment. However, by the time when the Dong case unfolded in 1909, it was evident that community leaders had become cautious when considering their

⁹³ Huang, *Civil Justice in China*, 113.

⁹⁴ Bradley Reed, *Talons and Teeth: County Clerks and Runners in the Qing Dynasty* (Stanford: Stanford University Press, 2000). Several other studies on state-society relations have also addressed the crucial roles that local elites such as degree-holders and wealthy merchants played in local affairs such as mediating disputes and collecting taxes. See Joseph W. Esherick and Mary Backus Rankin, eds., *Chinese Local Elites and Patterns of Dominance*, (Berkeley: University of California Press, 1990).

⁹⁵ On the mounting backlog of unresolved cases after the Taiping Rebellion, see Zhao Xiaohua, "The Problem of Long-pending Legal Cases in the Late Qing" [Wanqing de ji'an wenti], *Qingshi yanjiu*, no.1 (2000): 23-31.

position in cases involving Christians. The subtle rebalancing of power relations in the third realm of justice demonstrates that local elites were learning to negotiate with extraterritoriality instead of merely becoming more militant in their attempts to defend their traditional position.

4. Leveraging Passiveness: Local Elite's Coping Strategy

In July 1895, Bishop Blettery corresponded with the magistrate of Ba County, alerting him to information received from parishioners regarding a potential plot to attack a nearby Catholic church. The converts claimed that two local villains, Qiu and Lin, from the Stony Beach district (*shitan chang* 石灘場), were conspiring to assault the church. Allegedly influenced by recent anti-Christian riots in Chengdu, Qiu and Lin had assembled a group of armed bandits and were secretly discussing their plans at a neighborhood inn. The converts obtained this information when approached by a group of community leaders, including a chief of an Extra-Provincial Guild (*kezhang* 客長), a *baozheng* (保正), a *jiazhang* (甲長), and a member of the *xiangyue* (鄉約). These leaders allegedly demanded a bribe of 2,000 cash to placate the bandits and prevent an escalation of tension

Upon receiving the Bishop's letter, the magistrate was deeply concerned and swiftly mobilized thirty runners to investigate the matter. The magistrate explicitly instructed the runners to apprehend all those involved if the allegations proved true. He emphasized that, given the nature of the case involving the church (*shiguan jiao'an* 事關教案), the runners should handle it impartially and without consideration for personal sentiments (*bugu qingmian* 不顧情面). Any attempts to solicit bribes or impede the investigation would be severely punished. Furthermore, the magistrate issued a decree to the community leaders of the Stony Beach district, instructing

them to collaborate closely with the runners and monitor suspicious activities in the area. The decree also warned the leaders of their accountability and the serious consequences they would face if their negligence led to an incident. The magistrate stated, “You are all people with families and social status, I am afraid you cannot afford that kind of serious consequences.”

The magistrate’s apprehension regarding the matter stemmed from the broader context of China’s defeat in the Sino-Japanese War in late May 1895. This defeat ignited nationalist sentiments and anti-imperialistic fervor throughout the empire. Chengdu witnessed protests in front of a Protestant church, condemning British tolerance of Japanese expansionism. The protests quickly escalated into city-wide anti-Christian riots, spreading to other regions of western and southern Sichuan.⁹⁶

After ten days, the chief runner reported to the magistrate, revealing that the alleged conspiracy to assault the Catholic church was fabricated by the two Catholic converts. The individuals accused of being bandits were actually vagrants who had wandered into Chongqing. Qiu and Lin, whom the converts had accused of organizing and supporting the bandits, were reputable figures within the Stony Beach district. Previously, the local *baojia* had encountered these vagrants near an inn, and due to the tensions arising from the Chengdu riots, the *baojia* promptly asked them to leave. However, since the vagrants were destitute, the head of the *baojia* rallied several gentlemen to raise funds for their travel expenses, amounting to 3,000 cash. Subsequently, the vagrants departed from Stony Beach.

At this critical juncture, the magistrate did not appear to have the intention or the jurisdiction to prosecute the two Catholic converts responsible for spreading false accusations

⁹⁶ Chengdu Local History Compilation Committee, ed., *Chengdu shizhi dashiji* [Chengdu Gazette A Record of Major Historical Events] (Beijing: Fanzhi chubanshe, 2010), 647. For a firsthand account of the 1895 Chengdu riot from the missionary perspective, see Kilborn, *Heal the Sick*, 235-251.

that had caused anxiety within the community. This is evident in the magistrate's response to the investigation report, stating that the matter would be resolved by instructing the two converts to behave. In a letter to the Bishop, the magistrate assured him that there were no bandits in the area with anti-Christian intentions, and he would continue to direct community leaders to patrol the neighborhood and safeguard the church during the interim.

The case record does not provide a specific motive for the two Catholics' false accusations against the local elite. It is possible that the accusations stemmed from past animosities or were a result of the tense social atmosphere in the summer of 1895, which heightened their imaginations and led to over-interpretation of certain rumors. If the former scenario is accurate, their strategy of framing their enemies by capitalizing on the panic caused by the Chengdu riots was undoubtedly cunning and successful.

So how was the local gentry, falsely accused in this highly sensitive period, going to respond? Following the resolution of the dispute, Zhang, the chief community leader (*zong jianzheng* 總監正) of Stony Beach, sought the magistrate's permission to nominate Qiu, who had been unjustly charged by the converts, as a chief leader. Zhang began by reminding the magistrate of the community leaders' diligent efforts in investigating the matter. He then disclosed that one of the converts had attempted to extort 60 silver taels from Qiu during the investigation. However, Zhang did not focus on the convert's misconduct. Instead, he emphasized the strategic location of their district on the Guizhou-Chongqing border and the recent rise in rice prices in Guizhou, which could potentially attract famine-stricken vagrants and bandits to seek refuge in Stony Beach. Zhang concluded by proposing the election of Qiu, a wealthy, upright, and capable individual well-versed in local affairs, to work alongside him.

The magistrate commended the community leaders for their efforts in handling the matter and expressed high expectations for their future work. He urged them to continue their excellent work in maintaining peace between converts and commoners. However, the magistrate's response to Qiu's candidacy as a chief leader was ambiguous, saying that he would need more time to consider.⁹⁷ The cautious language, diplomatic tone, and conflicting information in his response highlight the delicate position of county-level grassroots officials in reconciling the often turbulent relations between the Christian and non-Christian communities. The magistrate recognized that granting approval to Qiu's nomination would acknowledge the unjust conviction of the local elite by the Catholics. Yet, he hesitated to immediately grant the request, as it would imply that his earlier approach of threatening the local elite to appease the Bishop was impulsive and self-centered, potentially undermining his prestige in the locality. While it was natural for the magistrate to protect his own interests by defusing the situation, an immediate promotion of Qiu to the position of community leader could introduce uncertainty into the power dynamics between the yamen and the local elite.

This case sheds light on several intriguing aspects of the evolving power dynamics between the county yamen, the local elite, and the Christian converts. As the power balance shifted between the local elite and the Christians, the former found themselves in a progressively subordinate position. In the volatile socio-political climate characterized by widespread anti-Christian riots in the late nineteenth century, it became relatively easy for Christian converts to falsely accuse and seek revenge against the local elite. Considering that preventing anti-Christian actions was one of the Qing government's primary goals at the time, magistrates could not ignore these accusations. However, the response of the Stony Beach gentry demonstrates how the local

⁹⁷ SJYD, 478-482.

elite astutely exploited their vulnerable and passive position to negotiate with the magistrate for greater control over local affairs. Rather than confront the converts for their provocation, the local elite utilized the false accusations against themselves as leverage in their negotiations with the magistrate. By the end of the nineteenth century, it became evident to some individuals in Sichuan that employing violence against the Christian community would result in severe financial and political consequences. Consequently, the local elite developed strategic alternatives to deal with the encroachment of extraterritoriality into their daily lives, in addition to resorting to violence or engaging in the new realm of authority created by foreign treaty privileges.

5. The Commercialization of Extraterritoriality

Have missionaries ever received financial compensation from Chinese litigants seeking their legal protection? Based on the aforementioned analysis, it is evident that cases handled by missionaries deviated from the conventional litigation process. Instead, the missionaries wrote letters to the magistrate, outlining the dispute and suing the defendant, while the plaintiff typically did not appear in court for questioning. Consequently, the magistrate faced difficulties in verifying the accuracy of the plaintiff's claims. Since the missionary had complete control over the information presented to the court on the plaintiff's side, any monetary agreements between the missionary and the plaintiff would not be disclosed in the judicial case file. However, this does not leave us entirely ignorant of the commercial exploitation of extraterritoriality. Sichuan local sources, such as gazettes and memoirs, have noted instances of

Chinese converts trading extraterritorial privileges, particularly among those who held influence with the missionaries.

On August 6, 1884, a Chinese Catholic named Yuan Maoshan was fatally assaulted by a gang led by two local gentry and the head of a martial arts group known as the Dharma Society (*damo hui* 達摩會). This violent incident took place outside a Confucian temple in Lezhi (樂至), a county located between Chongqing and Chengdu. Furthermore, the county's Catholic church was destroyed and looted by the rioters. The report submitted by Sichuan Governor Ding Baozhen (1821–1866) to the Zongli Yamen provided only a brief mention that Yuan Maoshan's disruption of a rain prayer ceremony served as the direct cause of the violent attack. The report heavily relied on the testimonies of the Chinese converts in Lezhi, depicting Yuan as the victim of a plotted retaliation over a property dispute.⁹⁸ However, local accounts reveal that Yuan Maoshan's death was not as straightforward as presented, but rather intricately linked to his exploitation of his Christian identity and connections within the yamen to profit from manipulating legal proceedings. These accounts include a eulogy for Yuan and a narrative produced by Yuan's neighbor, both of which provide remarkable details about Yuan and his activities in the area.⁹⁹

⁹⁸ JWJD, vol. 5, 1427-1436. Three years later when the Zongli Yamen again took an interest in this case, it was discovered that the accused gentry and Yuan did not actually have a so-called property dispute as Ding Baozhen had reported. There is one probable explanation for why Ding did not want to give too many details of this occurrence to the imperial court, but instead attempted to downplay the case by citing cultural clashes and land disputes, which were widely believed at the time as the principal cause of anti-Christian riots. During his tenure as governor of Sichuan, Ding Baozhen had claimed that his policy of demanding the impartiality of magistrates in lawsuits between non-Christians and Christians had successfully decreased the amount of anti-Christian conflicts. This case, if pursued further, would likely reflect negatively on Ding's reputation. Although the Zongli Yamen aroused suspicions after Ding's death in 1886, it appeared that they had no way or energy to pursue the case, and it was dismissed as a local incident eventually.

⁹⁹ According to local custom, a widow was obligated to deliver a eulogy in honor of her late spouse. However, because of the social tensions that followed Yuan's death, the whole Lezhi gentry declined, knowing that doing so would land them in hot water. Finally, Qin Litang, a degree-holder from neighboring Ziyang county, agreed to write the eulogy for the wife. However, Qin ignored the convention of honoring the dead, instead revealing in the eulogy extensive information about Yuan's life as well as his heinous behavior in the community. The eulogy was included in a textbook compiled by Xiao Yongqing, a private academy teacher in Ziyang in 1934. Thus many people in that

Yuan, the son of a fabric merchant, was neither interested in studying Confucian classics or selling fabrics. At the age of thirty, he converted to Catholicism and swiftly gained the trust of his French priest, eventually becoming the headman (*shoushi* 首事) of the Lezhi Catholic Church. Subsequently, Yuan opened a business adjacent to the church called Songmao. Although this shop appeared to offer basic commodities, it functioned as a front for Yuan to exploit his dual position as the church headman and the county's deputy magistrate (*xiancheng* 縣丞) to meddle in legal proceedings for financial gain through meddling in legal proceedings.¹⁰⁰ It is likely that Yuan was inspired to establish this business due to his own prior experience benefiting from extraterritorial privileges. In the 1870s, Yuan was involved in a lawsuit for assaulting and falsely accusing a local merchant. The merchant expended considerable resources appealing the case all the way to the provincial court, resulting in Yuan receiving a punishment of 100 floggings and jail time. However, with the intervention of Priest Jean Grémaud (1860–1903), Magistrate Hu spared Yuan from serving his jail sentence.¹⁰¹

Before embracing Catholicism, Yuan was a member of the *xiangyue* (鄉約), or village covenant, and played a role community mediation.¹⁰² The existence of the Songmao store further

area growing up reading this text. The account from Yuan's neighbor was recorded and written down by his grandson, Liu Kesheng. The detailed reference information is provided below.

¹⁰⁰ Yuan's titles *shoushi* and *xiancheng* were mentioned in Governor's Ding's report to Zongli Yamen. The *xiancheng* post mainly assisted the county magistrate in the administration of paperwork, litigation, grain storage, and finance. For the role of *xiancheng* in Qing grassroots governance, see Zuo Ping, "A Preliminary Study of *Xiancheng* in Qing Dynasty: Concentrate on the Official Archives of Nanbu County in Qing Dynasty" [Qingdai *xiancheng* chutan], *Shixue yuekan*, no. 4 (2011): 47-59.

¹⁰¹ *Lezhi wenshi ziliao xuanji* [Selected Historical Materials of Lezhi County], vol. 16 (Lezhi: zhengzhi weiyuanhui wenshi ziliao yanjiuzu), 91.

¹⁰² *Ibid.* In addition, the eulogy noted that when Yuan was still a member of the *xiangyue*, he did often help people resolve disputes and difficulties. The eulogy criticized that it was the enormous power gathered after being converting to Catholicism that had turned Yuan into a profit-seeking villain. However, the mixed information presented in the eulogy is also telling that Yuan had always been interested in mediating disputes and did not venture into this field just because it was profitable. For a general introduction of *xiangyue* in the Qing, see Yang Kaidao, *The Xiangyue System in China* [*Zhongguo xiangyue zhidu*] (Beijing: zhongguo shehui kexue chubanshe, 2019).

solidified Yuan's role as a mediator in legal disputes between the community and the yamen, although his role attracted both sought-after and condemning attention due to its exceptional effectiveness and aggression. Anyone requiring legal representation or seeking redress for grievances simply needed to visit Songmao and present Yuan with a gift of seven strings of cash. In return, Yuan would ensure a successful outcome for their case.¹⁰³ Individuals from various social groups, not limited to Christians, sought Yuan's legal services. Whether they were neighbors or strangers, as long as a donation was offered, Yuan would handle their issues. The legal proxy business provided a steady stream of income for Yuan. The original modest Songmao store was transformed into an opulent two-story building with a garden, where the upper floor was dedicated to the Virgin Mary and Jesus, while the bottom floor served as a hostel. Through the efficient litigation services provided by the Songmao store, both the church and Yuan expanded their networks in Lezhi. Even local authorities developed close relationships with Yuan and sought his favor for personal gain. When Magistrate Zheng Tingqing arrived in Lezhi in the spring of 1884, Yuan paid him a visit, and the two promptly became sworn brothers.¹⁰⁴ To enhance his standing, Yuan also purchased an official position as a ninth-ranking inspector. This, coupled with the mention in Governor Ding Baozhen's report that Yuan held the title of deputy magistrate, suggests that by the summer of 1884, when Yuan was killed, he had become an influential figure not only within the Catholic community but also within the county yamen.¹⁰⁵

¹⁰³ A lineage feast in Ziyang, a neighboring county of Lezhi, during the early Guangxu period would cost 800 cash per table of food and wine. By this standard, the 7,000 cash of litigation fee that Yuan charged was neither affordable nor unreasonably expensive. See, Wang Honglin, ed., *Wangshi zupu* [The Wang Lineage Genealogy] (Ziyang: Ziyangshi wenxian xuehui, 2003), 23.

¹⁰⁴ Wang Honglin, ed., *Sichuan Fangyan Huitong* [A Collection of Vernacular Languages of Sichuan] (Chengdu: Bashu shushe, 2008), 145-150.

¹⁰⁵ JWJD, vol. 5, 1434.

Liu, a local pharmacist situated across the street from the Lezhi Catholic Church, witnessed Yuan's activities. Liu stated, "Yuan not only advised the magistrate on how to rule whenever he received bribes from litigants but also appeared in court, sitting alongside the magistrate. Several magistrates in the 1870s and 1880s, including Hu, Jin, Yan, and Weng, tolerated Yuan due to their desire to avoid any disturbances. Magistrate Zheng, who arrived in 1884, earned the nickname 'mute' for his cowardice and indecisiveness. During Zheng's tenure, there were numerous anti-Christian riots across the empire, and Zheng submitted to Yuan's directives due to the Qing government's weakness in dealing with foreign powers."¹⁰⁶

Local documents from provinces where Christianity thrived during the late Qing Dynasty contain numerous records describing the intervention of missionaries and converts in lawsuits. Yuan's example vividly demonstrates how extraterritorial privileges were unabashedly exploited for commercial purposes. Given the existence of such cases, it is likely that there were additional instances of profiting from extraterritoriality through more covert and difficult-to-trace methods. While the exact role of foreign missionaries in the commercialization of extraterritoriality remains uncertain, it is unlikely that they were entirely unaware of the abuse perpetrated by their converts through extraterritorial privileges. However, I am inclined to believe that Chinese converts, rather than the missionaries themselves, played a primary role in facilitating the commercialization of extraterritoriality. Chinese converts were better equipped to match specific needs with appropriate resources due to their connections to both the local community and the churches, regardless of whether these needs involved financial transactions.

¹⁰⁶ Liu Kesheng, "An account of how lezhi people demolished the Catholic church and killed church headman Yuan Maoshan," in *Lezhi wenshi ziliao xuanji* [Selected Historical Materials of Lezhi County], vol. 4 (Lezhi: zhengzhi weiyuanhui wenshi ziliao yanjiuzu, 1983), 26-31.

Conclusion

One of the most profound consequences the Jiaqing-reign persecution on Catholicism was the brutal treatment endured by Western missionaries and Chinese Catholics under Qing law, both in terms of legislation and grassroots judicial procedures. Consequently, when missionaries acquired extraterritorial rights, it was only natural for them to assist loyal converts who had long been vulnerable to Qing law in their litigation needs. These acts of protection were motivated partly by the missionaries' lack of trust in the Qing administration of justice and partly as a display of strength by a group that had historically been oppressed but had gained power since the 1850s. This conspicuous demonstration of power aimed to assert dominance and intimidate opponents. Thus, the interference in Chinese lawsuits, such as the aggressive efforts to reclaim confiscated church property following the signing of the Tianjin Treaty, served as a clear indication of the changing power dynamics between Christians and non-Christians. Consequently, these displays of power witnessed a rapid rise in Christianity's influence and power in China.

From the perspective of Qing officials, this phenomenon, characterized by the litigious nature of Chinese Christians who brought every small dispute to formal courts and the persistent interference of foreign missionaries in the magistrate's rulings, posed a significant legal problem. At the heart of this problem was the emergence of a Sino-foreign legal patronage network centered around extraterritoriality. While extraterritorial legal privileges were officially granted to foreigners only, their presence had transformed judicial norms and power dynamics among different law enforcement agents, both within and outside Sichuan's courtrooms, from the 1860s onwards.

However, as the power of Christian churches grew, attempts to extend extraterritorial protection to Chinese subjects deviated from their original purpose of defending the vulnerable Christian community under Qing law. For instance, Zhang Zizeng's lawsuit in 1862 was an effort by a Catholic, who had long faced discrimination from lineage members and therefore refused to submit to lineage rules, to protect his legitimate interests. However, Li Shusan's case in 1867 was a deliberate attempt to exploit the political sensitivity surrounding the Youyang Riot in order to showcase power to the local society and officials. Following this, numerous instances have demonstrated how converts consciously capitalized on official panic caused by anti-Christian riots to their advantage. Ultimately, by the 1880s, extraterritoriality had significantly broadened in its nature, purpose, and beneficiaries, as evidenced by the Yuan Maoshan case. Extraterritoriality was no longer limited to litigations involving Chinese converts but was now being sold to those in need of litigation services, with the aim of expanding the income and social network of Christian churches. Notably, the agency of Chinese converts played a crucial role in shaping the evolving role of extraterritoriality in Chinese courts.

Although Sichuan officials attempted to attribute the misuse of extraterritoriality to the moral corruption of certain foreign missionaries and Chinese Christians, similar to their criticism of litigation masters for disrupting judicial administration, the evidence presented in this chapter clarifies that the real issue lies in the effectiveness of extraterritoriality in interfering with Chinese judicial proceedings. The effectiveness of extraterritoriality not only empowered Christians to address their long-suppressed litigation claims but also attracted non-believers with litigation needs. While it is easy to dismiss these individuals as opportunists, it is more significant to consider what their stories suggest about the fundamental problems of local justice in Sichuan during the late Qing.

The fact that extraterritoriality could attract numerous opportunists indicates that the existing mechanisms for dispute resolution and mediation in local society were unable to meet the growing demand for litigation. In other words, the missionary's representation of Chinese lawsuits through the extraterritorial regime proved more effective than the traditional dispute resolution methods employed by magistrates and their agents in local society. Despite vehement criticism of this phenomenon by Sichuan officials, in actual judicial proceedings, magistrates were compelled to provide preferential treatment to Chinese litigants with foreign support, and even refrain from exercising judicial sovereignty over these Chinese subjects. Furthermore, certain local officials and members of the elite class chose to participate in this extraterritorial patronage network by befriending converts and missionaries or converting to Christianity. Previous research has often depicted the Chinese gentry class and the Christian church as rival and antagonistic power structures in local society, with the missionary's interference in local justice being one of the reasons behind anti-Christian riots led by local elites. However, the evidence presented in this chapter offers an alternative explanation for the relationships among local elites, the church, and the local state.

Chapter TWO:

Regulating Extraterritoriality: Extraterritorial Chinese and Official Dilemma

In 1876, Guang'an (廣安), the Grand Secretariat Academician Reader-in-waiting (*neige shidu xueshi* 內閣侍讀學士), submitted a memorial to the Guangxu Emperor addressing the contentious relationship between the Christian and non-Christian communities in Sichuan. Guang'an, a Mongol bannerman stationed in Chengdu, provided two firsthand observations regarding the primary factors behind the social conflicts involving Christianity in Sichuan. The first observation aligned with the views expressed by officials in regions where Christianity was prevalent. Guang'an asserted that some Chinese converts were exploiting Christianity for personal gain rather than promoting virtue. The memorial accused converts of engaging in forced marriages, violating land agreements, and demolishing existing structures to construct churches, thereby oppressing both the affluent and the less fortunate.

However, Guang'an did not solely condemn the converts for disrupting the community. He also alerted the imperial court to the link between the weakness of local yamens and the abuses of power by converts in lawsuits. According to Guang'an:

When commoners file complaints against converts, yamen runners hesitate to summon the accused to court. Inside the courtroom, converts refuse to show respect to the magistrate and openly defy the verdict, even when they are clearly in the wrong. If the magistrate punishes guilty converts, they promptly report it to the missionaries, who readily side with the converts based solely on their biased accounts and rashly interfere with Chinese courts. Consequently, the notions of right and wrong, good and evil, are shamelessly reversed. Over time, individuals of both virtuous and malevolent character are attracted to Christianity, hoping to utilize its affiliation as a protective shield (*hufu* 護符). Sometimes, hundreds of people join the church in a single day, and thousands in ten days.¹

¹ QMJA, vol.2, 128.

Furthermore, Guang'an highlighted how the increasing influence of Christianity had empowered converts to resist yamen clerks and runners who had previously extorted money from litigants. However, Guang'an viewed this shift in power dynamics negatively, asserting that it led to opportunistic conversions to Christianity and consequently a rise in litigation cases. He expressed:

The people of Sichuan used to be easily intimidated by authorities, particularly by yamen clerks and runners. Litigation masters, yamen clerks, and runners would exploit every opportunity to profit from disputes concerning households, marriages, land, and property (*huhun tiandu* 戶婚田土細事). The wealthy suffered substantial financial losses when disputes escalated into formal judicial proceedings, while the impoverished lost everything. In many instances, the magistrates appeared oblivious to these activities, essentially condoning the illicit actions through their inaction. Commoners bore the brunt of the clerks' greed but were too terrified to voice their grievances. Nowadays, when converts initiate lawsuits, clerks and runners fear demanding money from them, and magistrates are also afraid of them, hesitating to oppose their irrational demands. As a result, commoners eagerly embrace Christianity, seizing the opportunity to seek revenge upon one another.²

Within Qing officialdom, the proliferation of litigation was commonly associated with moralistic stereotypes. In the discourse generated by officials and the gentry, commoners were often portrayed as gullible individuals easily swayed by cunning litigation manipulators, leading to an increase in trivial lawsuits, strained neighborly relations, and financial hardships for the litigants themselves. While officials attributed the rise in lawsuits to dishonest local actors such as profit-driven litigation masters, corrupt sub-bureaucrats, and occasionally incapable

² QMJA, vol.2, 129.

magistrates, they downplayed the fact that commoners themselves had legitimate litigation needs.³

Phillip Huang's research on the representation and practice of Qing civil justice provides insight into the rhetorical strategies employed by Qing official ideology to reconcile the moral dilemma arising from the Confucian ideal of avoiding litigation and the inherent increase in lawsuits as society grows more complex. As Huang astutely points out:

“To the Qing official mind, there was no contradiction between the two pictures of rapacious yamen staff and mounting caseloads, because the Qing state never acknowledged in its official legal ideology what has been demonstrated in this book: that large numbers of decent people went to court over legitimate concerns. They were therefore not faced with the problem of explaining the inexplicable: how small peasants could have gone to court over civil matters in the face of exorbitant legal expenses imposed by evil clerks and runners. Instead, they came up with a formulation that erased the contradiction: it was evil litigation abusers acting in cahoots with immoral yamen clerks and runners that explained the county courts' increasing problems.”⁴

We can observe a clear continuity between official representations of traditional litigation mongers and Chinese Christians. In the eyes of Qing officials like Guang'an, both groups comprised of morally flawed individuals driven by selfish goals, thus thus wreaking havoc on the administration of local justice. Guang'an's depiction of the newfound enthusiasm for Christianity among the people of Sichuan also unveils a truth that Qing official ideology was unwilling to acknowledge. It becomes evident that commoners not only initiated legal proceedings willingly but also made a deliberate effort to secure the most favorable legal proxies for filing their lawsuits. These commoners in late Qing Sichuan found a new proxy in foreigners with extraterritorial privileges. Unlike conventional legal proxies such as litigation masters, foreigners

³ Huang, *Civil Justice in China*, 186.

⁴ *Ibid.*

granted Chinese litigants unprecedented access to formal courts and increased chances of winning their cases. In addition to safeguarding their legitimate rights, litigants could even exploit their foreign patronage to pursue illegitimate objectives. The notion of an intimidating, punishment-oriented, and inaccessible formal court system, as described by Guang'an, seemingly did not exist in the legal universe involving Chinese litigants with foreign patrons in late Qing Sichuan.

Local officials conveniently downplayed their own failure as “parent officials” (*fumu guan* 父母官) in implementing the Confucian ideal of non-litigation by shifting blame onto traditional litigation manipulators and sub-bureaucrats within the yamen.⁵ After all, as grassroots actors, litigation masters and yamen sub-bureaucrats lacked the authority to directly challenge the magistrates. However, when such disruptions were instigated by powerful entities like foreigners in the late nineteenth century, magistrates faced tough challenges of reconciling the widening gap between the Confucian judicial ideal and the social reality, all while grappling with their own precarious position within this complex dynamic.

Testifying the Strength of Extraterritoriality at Local Yamen

In a densely populated region like Ba County, theft incidents were a daily occurrence. Generally, theft cases were resolved within the community, except when a significant amount of money was involved or when community leaders were unable to reach a resolution. Among the cases that did reach the yamen, many remained unresolved. However, when theft occurred in Christian churches, the authorities made extensive efforts to find the guilty party. Magistrates

⁵ Huang, *Civil Justice in China*, 191.

were under great pressure to satisfy the demands of the church, even in cases where the evidence was insufficient to convict a criminal. For theft suspects who lacked judicial resources, the outcome could be very unpleasant.

In September 1902, priest Pierre Lorain (1847 – 1913) from “*Aide Tang* (愛德堂),” a French Catholic chapel in Chongqing, reported a theft case to the Ba County yamen. Li Youheng, the chapel’s doorman, discovered that his unlocked suitcase containing forty taels of silver had been stolen upon returning from an errand. Cook Liu, who had also just returned from an errand, was the first to notice that Li’s room was wide open and was named as a suspect. Additionally, priest Lorain identified Baozhi, a steward at the chapel, as another suspect because Baozhi had sent Liu and Li on the errands. However, the magistrate faced difficulties in identifying the guilty culprit as both Baozhi and Liu insisted on having an alibi. Consequently, the magistrate ordered the yamen runners to accompany Liu and Baozhi to the chapel and search for the stolen silver.

Two days later, a second court hearing was held at the request of priest Lorain since the suspects were unable to produce the lost silver. However, as Liu and Baozhi continued to assert their innocence, the questioning did not yield any helpful information. In an attempt to resolve the case, the magistrate ruled that Liu should provide twenty taels of silver and He ten taels to compensate for Li’s loss. The magistrate emphasized, “Bring them to court right away if they don’t comply.” Three days later, Liu appeared in court with twenty taels of silver that he claimed to have borrowed from friends, pleading for the magistrate to conclude the case. However, Baozhi could only gather 9.47 taels of silver, slightly below the required amount. Consequently, the magistrate ordered the detention and torture of He until he was willing to confess his guilt (*zaimo shigong* 再磨實供).

The third court hearing took place sixteen days later. Although Liu had complied with the magistrate's order to provide twenty taels of silver, he was sent to court again by the chapel because "priest Lorain was not content with this outcome." In court, Liu cried out, "How could I confess to a crime I never committed? Please have mercy on me." Baozhi, the other suspect, who had been held in custody for over two weeks and subjected to torture, continued to maintain his innocence. The magistrate ruled, "This court has repeatedly questioned the suspects Liu and Baozhi, but they have evasively refused to confess. I order the runners to take Liu to the chapel to beg for forgiveness. As for Baozhi, he will remain captive and be tortured until a sincere confession is extracted (*zaixing mokao shigong* 再行磨拷實供)."⁶

Baozhi had endured a period of detention and torture, yet he remained resolute in his innocence. The protracted trial proceedings and the defendants' unwavering stance now placed the magistrate in a precarious predicament. This situation easily conveyed to the public that the magistrate was inept and incapable of fulfilling his duties. If the magistrate failed to identify the culprit and provide an explanation to the chapel, this embarrassing situation would persist. Consequently, the magistrate began to shift the burden of responsibility onto the runners who were tasked with the investigation.

Two weeks after the third court hearing, the magistrate summoned the runners to court and imposed a three-day deadline for them to uncover the true thief. He issued a stern warning to the runners, stating, "Should you fail to apprehend the perpetrator, Chief Runner Zhou himself will be held accountable as the culprit." Unsurprisingly, the runners were unable to apprehend the offender within the given timeframe. As a result, the runners received corporal punishment (*xieze* 械責) and detainment for their inadequate handling of the case (*ban'an buli* 辦案不利). Only

⁶ BXDA, 6-32-2541.

after visiting the chapel and “seeking forgiveness from Priest Lorain to bring this case to a close” (*yu luolehan liaohao* 與羅勒翰了了好) did the magistrate agree to release the runners. Meanwhile, Baozhi remained in custody for another month until the magistrate ultimately set him free.

The resolution of this case showcases a striking contrast to the portrayal of yamen clerks and runners in Qing official discourse, which often blamed them as the cause of government failure such as corruption and incompetence. Some Western missionaries shared the Confucian elite’s contempt for yamen clerks and runners. According to a Protestant missionary, evil clerks and runners who flagrantly solicit bribes from litigants was the reason why people have become fearful of any engagement with government.⁷ To be sure, these elitist views were not entirely unfounded. Particularly prior to 1858, Chinese Christians faced more injustices than the general population when dealing with clerks and runners. During the Jiaqing-era anti-Catholicism campaign, for instance, the provincial judicial commissioner (*anchashi* 按察使) of Sichuan had instructed the Chongqing Prefecture to investigate reports of yamen runners harassing Chinese Christians when delivering subpoena.⁸ It is apparent that even provincial officials were aware of the wrongdoings committed by yamen clerks and runners, suggesting that the problem was either widespread or the actions of some sub-bureaucrats were particularly heinous and required reining in.

In this theft incident, the power dynamics between the runners, the magistrate, and the church resembled those discussed in Guang’an’s memorial. As Guang’an pointed out, both the magistrate and the yamen sub-bureaucrats exercised extreme caution when handling cases involving Christians. Although Priest Lorain may have initially given up on recovering the stolen

⁷ Maclay, *Life among the Chinese*, 82-83.

⁸ SJYD, 5.

money, he tenaciously brought the suspects to court, utilizing the yamen as a platform to deter potential offenders who planned to commit minor offenses against the church. Moreover, Priest Lorain adopted a more subtle approach to influence the magistrate's judicial decisions. Instead of directly instructing the magistrate, he continuously sent the suspects back to court until he believed the magistrate's rulings were appropriate. Observing the priest's reactions to his rulings, the magistrate eventually understood the preferred approach to dealing with the suspects and made necessary adjustments to his decisions. It is noteworthy that the priest only agreed to settle the matter after two conditions were fulfilled by the magistrate: the punishment and detainment of the suspects, and an apology for the magistrate's incompetence, albeit one conveyed through the runners' corporal punishments and their compelled plea to the priest.

The magistrate seemed to have realized that, when handling cases involving Christians, it was more crucial to demonstrate to those in authority in the church that he had been taking their opinions seriously rather than focusing solely on apprehending the perpetrator and providing a plausible explanation. The magistrate's attitude played a pivotal role in determining whether or not the church would consent to closing the case, particularly in theft cases where locating the culprit and recovering the stolen goods had been proved unlikely. Therefore, the magistrate may have intentionally employed tactics to show deference to the missionaries, aiming to obtain their consent to conclude the case. It is conceivable that the magistrate purposefully threatened to accuse the chief runner of being the offender, thereby compelling the runners to seek the intervention of the priest. Consequently, the priest became an influential patron in the magistrate's court when making decisions.

The Role of Unregistered Yamen Runners in Cases Involving Foreign Interests

Magistrates in the Ba County would explicitly caution their runners and clerks against misconduct and poor manners when investigating cases involving foreign interests. For instance, yamen staff engaged in such cases were often told to scrupulously adhere to specific protocols. In a theft case reported by a French captain in 1896, magistrate Tang explicitly stated in the investigation warrant, “The assigned runners must not clandestinely delegate the investigation to unregistered runners (*baiyi* 白役), employ illegal interrogation methods, or solicit bribes during the course of inquiry.”⁹ These stringent regulations aimed not only to intimidate the runners, as disobedience would result in penalties imposed by the magistrate, but also to ensure that investigations involving foreigners proceeded in a meticulous manner. Between 1885 and 1905, the Ba County yamen convicted chief runners in 13 different theft cases reported by foreigners for delegating the investigation to unregistered runners or failing to apprehend the culprits promptly. In all 13 cases, the runners faced corporal punishments such as public exposure in a cangue or beatings with light bamboo for their perceived negligence.¹⁰

For instance, during the investigation of the 1896 theft case reported by the French captain, magistrate Tang faced constant pressure from the French consul to swiftly apprehend the thief. This pressure was subsequently transferred to the runners. The investigation persisted for two years, and due to the inability to identify the culprit, the chief runner, Liu, repeatedly faced

⁹ BXDA, 6-56-1399.

¹⁰ Between 1885 and 1905, foreigners reported 72 theft instances to the Ba County yamen. The total number of larceny incidents reported by foreigners to the Ba County yamen was 128, with the majority occurring during the late Guangxu and Xuantong reigns. Almost all of the accused in these theft instances were Chinese maids or cooks working alongside foreigners. I think this is in part a reflection of the disparity in power and resources held by foreigners and locals in late Qing Sichuan and the tension and mistrust in the relationship between the lower class Chinese and foreigners.

punishment by the magistrate, ranging from public exposure in a cangue to beatings with a light bamboo stick. Additionally, Zhang Shu, an unregistered runner, was also subjected to beatings with a light bamboo stick for reporting to the magistrate on behalf of Chief Runner Liu. Zhang's appearance in the yamen was an impromptu arrangement since Liu had to cross the river in pursuit of a fleeing suspect and was unable to return to the yamen in time for the report. Liu had requested Zhang to submit the report on his behalf. Nevertheless, the magistrate deemed this as a failure on Liu's part.¹¹

Although a different magistrate presided over another theft case in June 1903, it followed a remarkably similar pattern to the aforementioned case. In this instance, a cargo ship chartered by the British-owned Swire Company experienced the loss of a box of yarn while docked in Wangjiatuo (王家沱), Chongqing. The shipowner reported the theft to runner He, but he failed to apprehend the culprit. Subsequently, British Consul Witton sent a letter to the magistrate of Ba County, urging the continuation of the investigation. Upon receiving the letter, the magistrate immediately summoned runner He to court, but it was Dai Hong, an unregistered runner from the Lianli neighborhood (*lianli erjia* 廉里二甲), who appeared for interrogation. Dai claimed that He had been pressured by Swire and the British consul to continue the investigation on the opposite side of the river, preventing him from reaching the courtroom overnight for the interrogation. The magistrate grew furious with He's reliance on an unregistered runner, resulting in both men being subjected to beatings with heavy bamboo blows and given ten days to apprehend the thief.¹²

¹¹ Ibid.

¹² BXDA, 6-6-32-2539.

Bradly Reed's research reveals that the employment of local residents not officially registered with the yamen to assist with government work was a common practice in late nineteenth-century Ba County. Despite imperial court regulations prohibiting the employment of unregistered personnel in county yamens, the reality was that a considerable amount of grassroots government work was assigned to such individuals due to the limited number of official positions. In other words, many clerks and runners working in the county yamen were unofficially registered individuals who held regular employment. Additionally, the yamen would hire locals on a temporary basis for specific tasks. From a regulatory standpoint, all unregistered personnel, whether employed regularly or temporarily, were considered *baiyi* (白役).¹³ However, as Reed points out, county officials used the term *baiyi* (白役) strategically in their documents to describe these unregistered yamen personnel, depending on the purpose and circumstances. When a report's purpose is to dismiss an unregistered employee, that individual was referred to as *baiyi*, which has a discriminating connotation, "in an effort to portray him in the worst possible terms." In other cases, the unregistered yamen staff were strategically called an "assistant runner" to "avoid the appearance of illegally employing runners beyond the quota."¹⁴

In cases involving foreign interests, magistrates frequently passed down the pressure they received from foreigners to their subordinates, the runners, demanding them to fulfill investigative tasks within a specified timeframe and in strict compliance with state regulations. However, due to the time constraints and the evident shortage of registered staff within the yamen, it was only logical for chief runners to employ unregistered personnel to enhance work efficiency. The runners did not do this for personal gain but rather to expedite the tasks assigned

¹³ Reed, *Talons and Teeth*, 129.

¹⁴ Reed, *Talons and Teeth*, 128.

to them by the magistrate. Moreover, it served the magistrate's interests for runners to delegate specific tasks to unregistered workers, as it expedited the investigation of cases involving foreign interests, which often placed immense pressure on the entire yamen.

Given the prevalence of employing *baiyi* in the Ba County yamen and its alignment with the overall investigative mission, it becomes necessary to comprehend the reasoning behind two seemingly irrational decisions made by magistrates. First, why did they deliberately emphasize in writing that all runners' investigative operations in cases involving foreign interests must strictly adhere to state regulations? Second, why did they consistently punish runners for hiring *baiyi* and failing to complete their tasks on time when investigations stalled? Based on what we have known from Reed's analysis of the local yamen's strategic attitude toward *baiyi* in official documents, there is only one plausible explanation, that is, magistrates with prior experience in handling theft cases were already aware that despite their best efforts, the chances of apprehending the culprit were slim. Consequently, magistrates sought to project a positive image of their administration to foreigners and their superiors by demonstrating their utmost commitment to complying with foreign requests and ensuring their staff's strict adherence to the Qing law during investigations. In doing so, the negative impact and moral burden of a failed investigation were partially shifted onto runners who had not fully adhered to state regulations.

Playing the "Card" of Foreign Patrons

After the ratification of the Tianjin Treaty, the Chinese interior opened up for foreign travelers. Upon arrival in Sichuan in the 1860s, foreigners faced the immediate task of dispatching their business cards and travel passes to local authorities. This customary practice

held particular significance in regions where foreign presence remained rare. By notifying local officials of their entry, foreigners aimed to prevent misunderstandings, seek support, and ensure protection if needed.

To obtain further official recognition, foreigners would often present a reference issued by a senior Chinese official, especially for formal occasions like diplomatic visits to Sichuan. An example of this occurred in 1869 when Robert Swinhoe, the British consul in Xiamen, sent his Chinese writer (*shiye* 師爺) to the Ba County yamen in Chongqing. The writer carried Swinhoe's card and a pass issued by Li Hongzhang, explaining the purpose of their visit and requesting a guard for their door. In response, the magistrate graciously acknowledged their arrival, stating that he had been informed by the prefect of Kuizhou, the Chinese native customs between the interior and the coast, that a group of British representatives was passing through on a commercial inquiry. The magistrate made a copy of the pass and promptly dispatched a guard of five braves.¹⁵

Numerous foreign visitors to Sichuan during the late nineteenth century have attested to the pivotal role of cards in their interactions with local officials. The act of exchanging business cards facilitated visits to officials' offices or residences, sometimes prompting officials to reciprocate the gesture by visiting foreigners on their boats.¹⁶ These cards, bearing the foreigner's name in prominent Chinese characters, served as identification. The exchange of cards was a social ritual that fostered contact between foreign travelers and inquisitive local officials. Most

¹⁵ R. Swinhoe, "Special Mission up the Yang-Tsze-Kiang." *The Journal of the Royal Geographical Society of London* 40 (1870): 274.

¹⁶ Thomas W. Blakiston, *Five Months on the Yangtze: with a Narrative of the Exploration of its Upper Waters and Notices of the Present Rebellions in China* (London: John Murray, 1862), 217.

notably, possessing cards granted easy access to the yamen of the prefecture or governor, as observed by a British traveler.¹⁷

The cards described by foreign visitors, displaying names and titles on red paper and serving as self-introduction, were part of the customary honorific and socializing practices among Chinese literati and officials in traditional China. In Chinese language, these cards are known by various names, including *mingpian* (名片), *mingtie* (名帖), or *mingci* (名刺) or *shouben* (手本). Foreigners adopted this practice, aligning with Chinese norms. However, the presence of foreign name cards in late nineteenth century Chinese interior served an additional crucial purpose: alerting local officials to provide protection. This was particularly important during Swinhoe's journey in 1869, when the province was still grappling with the diplomatic aftermath of the Youyang anti-Christian incident. Officials at all levels, from the provincial to county yamens, were anxious about the potential diplomatic repercussions if any harm befell foreigners.

The safety and well-being of foreign visitors became an integral part of local administrative affairs following the murder of British diplomat Margary in Yunnan province in 1875.¹⁸ The Ba County archives contain 32 provincial government decrees from 1864 to 1911, urging county officials to assign runners and ensure the safety of foreigners in Sichuan. Upon arrival, foreigners would present their passport and personal name card to the magistrate or the east Sichuan circuit intendant, who would then assign runners to accompany them and guarantee their security. This process is described by a British traveler arriving in Sichuan in the 1880s: "I hereby had to send in my passport, with my Chinese card, to the district magistrate (*zhixian* 知縣); and I received a

¹⁷ Blakiston, 138

¹⁸ On the details of the Margary incident and its implications, see S. T. Wang, *The Margary Affair and the Chefoo Convention* (London, New York: Oxford University Press, 1940); Eric V. Bussche, "Eric V. Bussche, "Contested Realms: Colonial Rivalry, Border Demarcation, and State-building in Southwest China, 1885-1960" (PhD diss., Stanford University, 2014): 45-48. In summary, the episode aided British efforts to persuade the Qing to establish Chongqing as a treaty port. This incident will be discussed more in Chapter Three.

fresh pass, together with an escort of two yamen runners (*dingchai* 丁差), appointed personally to conduct me to the next city.”¹⁹

The Power of Foreign Support at Chinese Court

During the tumultuous second half of the nineteenth century, business cards served as credentials for foreigners venturing into the Chinese interior, granting them protection under the local government’s jurisdiction. From the perspective of Chinese inland officials, these foreign name cards served as a reminder of the treaty privileges enjoyed by foreigners, rather than merely a means of socialization. Over time, the significance of these name cards surpassed their initial purpose. In Sichuan courtrooms, the existence of a red card with a foreign name was usually an unwelcome indication, conveying to officials that a specific Chinese lawsuit had been brought under foreign protection. This practice originated in the 1860s with French Catholic missionaries who improperly employed unauthorized diplomatic notes, letters, and name cards to influence Chinese officials handling cases involving Catholics. In response, the Zongli Yamen, on the advice of Chengdu General Chongshi, established regulations in 1864 to govern interactions between missionaries and Chinese authorities. These regulations aimed to prevent French missionaries from interfering in Chinese cases:

Bishops and missionaries who must appeal to Chinese courts on matters pertaining to their personal interests should, like Chinese scholars, always submit their complaints in a petition (*bingcheng* 稟呈) refrain from using unauthorized diplomatic notes (*zhaohui* 照會).²⁰ When visiting high-ranking

¹⁹ Archibald J. Little, *Through the Yangtse Gorges Or, Trade and Travel in Western China* (London: Sampon Low, Marston & Company), 80.

²⁰ *Zhaohui* is a formal exchange of information between foreign ambassadors and Chinese provincial-level or higher government representatives. These documents must be handled carefully because they entail diplomatic relations and reflect the country’s position in terms of both their issuance and content. Even if a message is merely

Chinese officials, bishops were expected to employ a red card inscribed with their name and title, while other missionaries would use a card with their own name and title. The use of the term ‘your humble younger brother (*yudi* 愚弟)’ in letters to senior Chinese officials was prohibited, as it was deemed inappropriate to establish a close relationship with the official.²¹

However, as the court practices at the Ba County yamen reveal, these 1864 regulations were seldom adhered to by foreigners. Although bishops and missionaries discontinued the use of diplomatic notes in their dealings with local officials after 1864, they did not resort to petitions but instead employed name cards, the courtesy prescribed by the Zongli Yamen for foreigners visiting Chinese senior officials, to file almost all kinds of lawsuits to the county yamen. Furthermore, this practice was adopted by other foreigners, including consuls and merchants who arrived in Sichuan after the 1880s.

In my sample of 320 legal cases in Ba County, spanning from 1864 to 1911, involving foreign individuals and organizations, a noteworthy pattern emerges. Among these cases, foreigners presented a total of 228 complaints to the magistrate, with a mere 4 of them conveyed through diplomatic notes (*zhaohui* 照會). The majority, 224 complaints, were submitted via letters or business cards. Strikingly, not a single foreigner, whether acting on behalf of themselves, their organizations, or Chinese individuals, had ever followed the formal format of a formal petition (*bingcheng* 稟呈). Upon receipt of these complaints, the magistrate promptly summoned a court hearing for all the complaints submitted by foreigners.

Furthermore, I observed 57 complaints filed by Chinese individuals with foreign connections, such as Christians or managers of foreign institutions. Among these complaints, 30 exclusively

transactional in nature, if the format and wording deviate from the standard, it may lead to misunderstandings and have unfavorable effects on the recipients. On the other side, a political stance might be shown in the document’s acceptance or rejection, response or disregard, and quick processing or delay.

²¹ JWJD, vol.1, 44-46.

employed the business card of a foreign individual or institution, while 27 utilized a formal petition. Interestingly, out of those that used a formal petition, 19 also attached a foreign business card to the plaint, amounting to approximately 70% of cases. The magistrate duly accepted and scheduled hearings for these suits following the initial filing.

Additionally, there were 9 plaints filed by Chinese plaintiffs against either a foreign company or a Chinese individual with foreign connections. All of these plaints adhered to the formal petition format. Notably, 6 of these cases, submitted by wealthy Chinese merchants or influential merchant groups such as the Basheng Kezhang and the Beijing Silk Guild (京緞幫), received acceptance by the magistrates after the initial filing. However, the remaining 3 plaints, brought by plaintiffs from more humble backgrounds like the Carpenters' Guild, the Pig Bristle Workers' Guild, and a butcher, were declined and did not progress to formal hearings.²²

Ordinarily, a Chinese litigant would need to submit a petition (bingzhuang 稟狀) to the yamen prior to initiating a case. Following submission, they would await the magistrate's decision on whether to accept the case. Typically, the magistrate would either dismiss the petition or assign it to intermediaries for mediation for those petitions that he considered to be unworthy of formal hearings. In stark contrast, foreigners seeking to file a suit on behalf of a Chinese individual bypassed the standardized procedures of petition submission and awaiting the magistrate's judgment. Instead, upon hearing the Chinese plaintiff's account, the foreign patron transmitted the information to their consul, who then directly sent a letter to the magistrate, urging the arrest and interrogation of the defendant. These letters were typically written in Chinese by a Chinese assistant at the consular office and included the name cards of the consul

²² The calculation is based on 320 legal cases involving foreign interests that I collected. There are a total of 294 suits discussed in this paragraph. The remaining 26 cases lacked a clear plaintiff since they were offenses related to foreigners but were discovered by officials, yamen runners, and clerks.

and the foreign patron, such as a merchant or missionary. In Qing legal terminology, such suits brought by the consul through correspondence (*hansong* 函送), business card (*piansong* 片送), or name card (*tiesong* 帖送) were considered informal methods. The complete file of a Chinese case represented by foreigners in the Ba County archives encompassed the cards of foreigners, correspondence between the consul and the magistrate, and records of formal court interrogations and rulings.

Crucially, the magistrate would generally initiate processing these lawsuits within a day or two after receiving the consul's letter. Importantly, the plaintiff was not required to attend the hearing. Only the defendant and witnesses would present their testimonies to the magistrate. Naturally, the magistrate encountered difficulties in verifying the plaintiff's accusations since the consul's letter provided a one-sided account.

Beyond expediting the review and approval process by directly involving the magistrate, the foreigner's card played a significant role during the trial itself. If the magistrate failed to address the case promptly, if the inquiry faced delays, or if the plaintiff found the outcome unsatisfactory, the consul would persistently correspond with the magistrate, attaching the card in each subsequent letter until the desired outcome was achieved. Simultaneously, the card served as an important symbol to the magistrate, indicating that the foreign patron had no objections to the trial's outcome and that the case could be concluded. In essence, critical judicial decisions at the conclusion of a trial, such as granting bail or closing the case, rested not with the magistrate but with the foreign patron representing the Chinese plaintiffs.

Sometimes, the foreign consul did not even need to write a letter to the magistrate to initiate a lawsuit. Instead, the Chinese plaintiff simply presented the magistrate with the foreigner's card. The mere existence of the card sufficed to inform the magistrate that a Chinese case had come

under the attention and protection of a foreigner. For example, in 1900, a Chinese Catholic named Sihe employed French priest Octave Leroy's (1859-1926) name card to accuse Wang Xingshun of robbery. A month later, another Chinese Catholic named Lu submitted the priest's card to the court, accusing another Chinese person of stealing grains and bamboo from their chapel. Shortly after, convert Lu utilized the priest's name card to accuse an elderly peasant named Wei of robbery. Within three months, the magistrate received over twenty robbery complaints against non-Christians, all brought by Catholic converts carrying priest Leroy's card. The converts explicitly mentioned that those accused were connected to a series of anti-Christian riots orchestrated by Yu Dongchen, an East Sichuan native, between 1887 and 1899.²³

However, upon investigation, the magistrate determined that the majority of these claims were baseless and appeared to be acts of retaliation by the converts against the community. The magistrate wrote, "After examining previous correspondence from priest Leroy, it appears that the name cards received in recent cases were identical to those previously sent by the priest, suggesting that the priest had implicitly allowed the converts to employ his name card for unsubstantiated accusations." Due to the sensitive nature of cases involving Christians, the magistrate was hesitant to punish the converts who misused their priest's card. However, he advised his superior, the East Sichuan Circuit Intendant, to meet with the bishop and request the bishop to reprimand his converts, thereby appeasing the Catholic community in the aftermath of the Yu Dongchen riots.²⁴

Chinese converts leveraging a foreigner's card for legal purposes extended beyond Roman Catholic missionaries. As acknowledged by a Canadian Protestant medical missionary stationed

²³ For Yu Dongchen and the anti-Christian riots he led, see Judith Wyman, "The Ambiguities of Chinese Antiforeignism: Chongqing, 1870-1900," *Late Imperial China* 18, no.2 (1998): 98-113; and Young, *Ecclesiastical Colony*, 44-45.

²⁴ SJYD, 558.

in Chengdu, “some Protestant missionaries who, through a mistaken notion of the value of the good to be derived from, allowing their names to be used in Chinese lawsuits, have been the unwitting tools of falsehood.”²⁵

Furthermore, Chinese individuals embroiled in lawsuits would mobilize their social networks to obtain a foreigner’s card during ongoing cases in order to expedite the trial process. For instance, consider the case of Liu Fuxing, a pickle vendor in Chongqing, who had initiated a personal lawsuit against a business partner owing him 140 taels of silver at the Ba County yamen. However, the case remained unresolved for an extended period of two months. Consequently, Liu approached his relative Zhao, who held a position at the U.S. Consulate in Chongqing, with the expectation of exerting influence on the magistrate through Consul Schmitt, thereby accelerating the proceedings. Consul Schmitt corresponded with the magistrate, underscoring the urgency by stating, “Liu shares a close kinship with steward Zhao, who serves at my consulate. Two months ago, Liu lodged a complaint that still awaits resolution. I pen this missive to implore you to promptly initiate a second trial and bring the case to a swift conclusion. I will instruct Liu to present my card to you during the trial.”²⁶

Many Chinese individuals seemed to harbor the belief that if they were able to obtain a written endorsement from a foreigner, whether in the form of a letter, name card, or other document, local officials would accord it considerable weight. More crucially, the Chinese perceived that any foreigner, irrespective of their official capacity, could provide them with legal patronage or protection before Chinese authorities. This perception predates back to the early 1860s. Upon arriving in Chongqing in 1861, British traveler Thomas Blakiston received a warm

²⁵ Kilborn, *Heal the Sick*, 129.

²⁶ BXDA, 6-32-2377.

reception from local Catholics, who approached him seeking assistance in pressuring the magistrate to hold accountable the gentry who destroyed their church. Blakiston observed:

In spite of our remonstrances, these proselytes prostrated themselves before us, bumping their foreheads three times on the ground, considering it a great privilege, and repeatedly asking our blessing. [We] tried to explain to them the difference between Roman Catholics and Protestants, but they could not understand it, saying that we all worshipped the same Jesus Christ and his Mother. On returning to our boats they loaded us with presents of sweet cakes and other Chinese dainties. Some more Roman Catholic Chinese visited us here, continuing to come over in boats from the town till a late hour. They were extremely desirous that we should provide them with a written order such as the mandarins would respect as they had heard (perhaps from the Christians at Hu-lin) that the late foreign treaties stipulated for religious freedom throughout the empire; but we informed them that we were only private individuals travelling through the country, and that we had no authority or power to grant their request.²⁷

Young has observed a similar phenomenon in late Qing Manchuria, where missionaries resorted to sending name cards to deter Chinese officials from taking action against converts who had committed crimes. As Young notes, “When held to account, Christians would refuse to make depositions or compromises, and the missionary would quickly send his card and impede the official in charge from taking appropriate action.”²⁸ This suggests that the utilization of a name card as a representation of foreign authority within Chinese courts transcended the confines of Sichuan.

²⁷ Blakiston, 183-185.

²⁸ Ernest P. Young, “Conclusion,” in Ji Li, ed., *Missions Étrangères de Paris (mep) and China from the Seventeenth Century to the Present* (Leiden: Brill, 2021), 226.

Nepotism and Failure in Securing Foreign Support

It is clear that the cards of foreigners, as the embodiment of foreign privileges, could significantly improve the court experiences of Chinese litigants. However, what would happen if a litigant failed to secure a foreign card? The following cases will complicate the legal implications we have so far seen of Chinese litigants having a “foreign background.” Simply knowing a foreigner or working at a Christian church did not automatically grant one access to the extraterritorial regime. The ability to mobilize foreign assistance also played an instrumental role in determining a Chinese litigant’s judicial power in court. Moreover, this ability was often influenced by elements deeply rooted in the traditional power structures of Chinese society.

In May 1910, Zhou, a Chinese priest affiliated with “Gongxintang (公信堂),” a French Catholic chapel in Chongqing, accused Qin, a kitchen worker at the chapel, of theft and subsequent flight. The complaint was lodged by the French consul in Chongqing on behalf of Zhou. In September, Qin was reportedly apprehended by Dingwen, priest Zhou’s younger brother and a steward at the chapel. Dingwen claimed that Qin had admitted to concealing the stolen items at his brother’s residence, which was then searched jointly by him and the yamen runners. During the search, an eaglewood piece, a white silk shirt, and a waist watch were discovered. However, Qin refused to disclose the whereabouts of the remaining stolen articles.²⁹

The seemingly straightforward case took an unexpected turn when Qin, during the court interrogation, provided intriguing details. According to Qin’s account, Heqing, Dingwen’s son and Zhou’s nephew, orchestrated the theft and persuaded Qin to participate as an accomplice. Together, they sold a hairpin to a pawn shop and some silverware to a local businessman named

²⁹ BXDA, 6-54-726.

Pan, who was acquainted with the chapel. Qin faced corporal punishment for his involvement in the crime.

Seven weeks later, at the behest of Priest Zhou, a second court session was convened. During this session, Qin retracted his accusations against Pan, claiming that he had falsely implicated him after a prior disagreement. However, Dingwen and Priest Zhou remained skeptical of Qin's statement and suspected that Pan had bribed Qin to alter his testimony. The magistrate sided with the priest and ordered Pan to be imprisoned until he returned the stolen silverware. Pan was released two weeks later after paying the priest ten taels of silver.

The magistrate ordered Qin's detention in the vocational training center (*xiyisuo* 習藝所) and stipulated that his release hinged upon acquiring a name card from one of the Catholic churches (*tianzhutang mingpian* 天主堂名片) in Chongqing.³⁰ Over the course of ten months, Qin lodged three appeals with the yamen. In his initial petition, Qin asserted his victimization, highlighting Priest Zhou's prior knowledge that the thief was his own nephew. Notably, Qin underscored the inherent power imbalance, which left him in a passive position throughout the case. "The Catholic missionaries, now cognizant of Priest Zhou's machinations to incriminate me, would never accord me a card or provide support," Qin asserted.

The second appeal fell under the jurisdiction of a newly appointed magistrate in Ba County. In this petition, Qin endeavored to persuade the magistrate to reconsider the release conditions. "If the previous magistrate's ruling maintains that obtaining a name card from a Catholic church is indispensable for my release, I am bereft of hope since I am unable to procure one," Qin argued. Evidently vexed by Qin's argument, the new magistrate rendered the following

³⁰ The Gongxintang, as well as the other Roman Catholic establishments in Chongqing, was administered by the Paris Foreign Missions Society (Missions étrangères de Paris). Collectively they were referred to in Chinese among the locals as *tianzhutang* (天主堂).

judgment: “The perpetrator not only committed the crime of theft but also levied false accusations against individuals he held grievances against. This alone provides evidence of his questionable character. He should remain in custody so that we may observe signs of contrition”

Three months later, a local shopkeeper named Zheng submitted a bail request on Qin’s behalf. The document indicates that Zheng had previously submitted a bail request but received no response from the yamen. In this subsequent request, Zheng highlighted that while Priest Zhou’s nephew was the mastermind of the theft, Qin, as an accomplice, surprisingly assumed full responsibility. Furthermore, Zheng argued that Qin had endured torture during previous interrogations, which led to his mental instability and false accusations. Lastly, Zheng emphasized Qin’s illness and the necessity of his release to fulfill his duties in caring for his elderly, widowed uncle. Magistrates often granted compassionate release on bail in cases of illness or when fulfilling Confucian familial obligations. However, it appears that the magistrate was further exasperated by this request. “I possess the capability to independently determine whether the offender deserves a compassionate release. This bailor must refrain from impoliteness and undue urgency,” he declared, rejecting the appeal.

Reprimanded by the magistrate, Zheng adopted a different approach in a subsequent petition. Commending the yamen’s leniency in sending Qin to the vocational training center, Zheng noted Qin’s earnest efforts to atone for his wrongdoing. Zheng also highlighted his multiple visits to Priest Zhou, beseeching his forgiveness, with Zhou admitting that Qin had indeed been framed by his nephew, Heqing. The magistrate’s response to this petition was simply “Await evaluation.” After waiting an additional two months, Qin submitted a final petition, which marked the last documented entry in the case file. However, the magistrate

declined to grant his release, stating, “Let the offender remain at the vocational training center and continue honing his skills with a tranquil heart.”

The adjudication of this case extended over a year. The defendant’s contradictory testimony and persistent pleas led to unexpected twists in the trial process. Qin demonstrated shrewdness as a litigator, frequently altering his testimony and implicating several other individuals in an effort to mitigate, if not absolve, himself of the charges. Despite Qin’s tenacity, he failed to convince the magistrates that Heqing, the other culpable party, also warranted punishment. Throughout Qin’s interrogation, torture, and year-long incarceration, Heqing, the primary suspect, remained hidden and evaded accountability. Both magistrates deliberately disregarded Qin’s repeated accusations against Heqing, which could have been substantiated by testimonies from other witnesses. The absence of Heqing from the courtroom is both intriguing and self-explanatory. Unlike Qin, a kitchen worker lacking the ability to garner support within the church, Heqing enjoyed an advantageous position due to his father and uncle’s managerial roles at the chapel. Qin’s disadvantage stemmed from his attempt to challenge the nepotistic trap perpetuated by Chinese converts within the Catholic Church.

The magistrate did not summon Heqing to court for questioning, presumably because an agreement had already been reached between the yamen and the plaintiff to spare Heqing from prosecution. Qin fervently fought against the fate of being scapegoated by the priest and his family, but his efforts proved futile without the name card from a Catholic church. The magistrates were unconcerned with the feasibility of Qin obtaining support from Catholic missionaries. Instead, their repeated emphasis on the defendant securing a name card from the Catholic church reveals their conviction that they lacked the authority to independently grant the release. Evidently, the magistrates believed that the intervention of an authoritative figure from

the Catholic church, someone capable of exerting influence over Priest Zhou, was necessary to justify his release. The disposition of the Catholic church played a pivotal role in the magistrate's decisions throughout the proceedings.

Working for a foreign institution does not always confer advantages in legal proceedings, as Qin's experience demonstrates. In reality, lower-class commoners who interacted with foreigners in roles such as porters, servants, or cooks, but had not necessarily gained their trust, often fell victim to the abuse of foreign privileges. Depressing incidents of this nature were not rare in the late Qing Ba County court, where the litigants' social status and ability to garner support from influential patrons held greater sway over the magistrates' decisions than considerations of justice. For instance, in 1898, a Chinese sailor named Zhang was brought before the Ba County yamen by British consul George Litton for cursing a British shipowner who had hired him but failed to pay the agreed-upon wage. Instead of ordering the British shipowner to fulfill his obligations, the magistrate administered corporal punishment to Zhang.³¹

Had Zhang not been a sailor, his situation might not have been as powerless. In fact, even in the face of a powerful foreigner, Chinese defendants could potentially alter their unfavorable conditions by mobilizing their social resources, potentially influencing the trial's outcome by enlisting the support of another foreigner. In 1905, a merchant named Fu Yunzhang borrowed 1,100 taels of silver from two British missionaries to establish a store. When Fu failed to repay the loan within the specified timeframe, British consul Smith filed charges against him on behalf of the missionaries in May 1909. At consul Smith's request, the magistrate arrested Fu and ruled that his release would only be granted upon repayment of the debt. As Fu was unable to raise the required funds, he was imprisoned for six months. During this period, Fu sought bail through a

³¹ BXDA, 6-32-2470.

Chinese merchant, but the magistrate rejected the request due to the substantial amount involved.³²

Eventually, Fu succeeded in persuading the newly appointed British consul Taller, who had arrived in Chongqing in early 1911, to advocate on his behalf. According to Fu's signed declaration, he recently requested someone to intercede for him in front of Consul Taller. Subsequently, Consul Taller conveyed a letter to the magistrate that began: "I would like to apply for bail on behalf of Fu Yunzhang and express my gratitude to you in advance on his behalf." Upon receiving Taller's letter, the magistrate promptly released Fu. It is worth noting that, at least according to the case file, Fu had not yet repaid his loan at this point. Therefore, it can be inferred that Fu must have reached at least a temporary agreement with the plaintiffs and Consul Taller before his release was approved. Qin, Zhang, and Fu were all defendants in cases involving foreigners, and as a consequence of the magistrates' deference to foreign influence, they found themselves in passive positions throughout the proceedings. However, the magistrates' treatment of them ultimately hinged on the judicial resources at their disposal. The markedly disparate outcomes for Qin, a kitchen worker who could not obtain a name card from the Catholic chapel, and Fu, a wealthy merchant who managed to secure an alternative foreign supporter when others turned against him, serve as a reminder that the actual impact of foreigners' extraterritoriality on Chinese lawsuits did not operate independently but rather within a complex network of power within Chinese society.

If a magistrate noticed a foreigner's name card attached to a case file, they would be aware of the need to handle the case with due seriousness. The presence of a name card indicated that the matter had been brought to the attention and protection of a foreigner. Name cards had

³² SJYD, 150-155.

various effects on Chinese court procedures as symbols of foreign privilege. A Chinese litigant utilizing a foreigner's name card could persistently urge the magistrate to handle the case and obtain the desired decision through the foreigner, even without adhering to standard judicial processes or appearing at the trial. The magistrate's ability to make crucial decisions during the trial, such as when to conclude the case or whether to release the defendant, depended on the foreigner's name card or consent.

These occurrences suggest that, at the very least in terms of county-level court procedures, the magistrate had internalized the interference of foreigners in Chinese justice. The constant reminder for the magistrate came in the form of a red name card bearing the foreigner's name written in prominent Chinese characters, signifying that their authority over specific groups of Chinese people did not align with Qing legislation and the Sino-Western treaties. Between the 1860s and the end of the Qing dynasty, foreigners in Sichuan continued to submit petitions to the yamen using name cards. This issue persisted at least until 1908 when Zhao Erxun assumed office as the governor of Sichuan. Zhao once mandated that magistrates "cannot consent to handle a lawsuit represented by a foreigner based solely on a mere name card; they must require that the missionary personally write, in his own hand and accompanied by a Chinese translation, and sign his signature before they can exercise discretion. Otherwise, the claim shall be deemed fraudulently submitted and therefore invalid."³³ However, at least based on the legal records in the Ba County archives, this provision was not effectively implemented.

³³ Qin, *Jidujiao*, 282.

The Magistrate's Precarious Position

Although the magistrates, when confronted with foreign pressures, would delegate it downwards to the runners and clerks, this did not absolve them of their accountability. In fact, from the magistrates' perspective, they were faced with an even greater crisis of assuming responsibility for their superiors. Provincial directives consistently urged county officials to prioritize two aspects in the handling of lawsuits involving Christians: impartial adjudication and timely resolution. For instance, the Sichuan provincial government, through documents published in August 1876 and October 1878, instructed county magistrates across the province to “adjudicate cases involving Christianity impartially” and “avoid prejudices and biases in favor of Christians.”³⁴ In May 1877, governor Ding Baozhen issued an order demanding all magistrates in the province to promptly conclude all lawsuits involving Christians within specific timeframes, lest they jeopardize their positions. Ding asserted, “Sichuan has the highest number of cases involving Christianity in the country, not only due to the cunning of the missionaries in Sichuan but also because the magistrates in Sichuan were slow in hearing cases involving Christians and had the intention to procrastinate and evade their duties.”³⁵

However, these provincial demands not only posed individual challenges but also frequently clashed with one another. On one hand, provincial officials insisted on local officials adhering to principles of fairness and efficiency, while on the other hand, they consistently advised them to avoid offending the missionaries. The treaty settlements that resulted from numerous incidents of vandalism against Catholic properties in May 1886 in eastern Sichuan, signed between the Sichuan government and Bishop Eugène Coupat (1842–1890) in January 1887, epitomized this

³⁴ SJYD, 308; 327.

³⁵ SJYD, 318; 398; 401-402; 410.

contradiction. While Article 11 stipulated that “local officials shall protect the bishop, the priests, and those under their protection,” Article 12 mandated that “local officials shall impartially weigh right and wrong and refrain from favoring Chinese converts in their adjudication of lawsuits.”³⁶

First and foremost, if the magistrate were to comply with the superiors’ desire for impartial hearings of lawsuits involving Christians and non-Christians, they would have to ignore or vehemently reject the interference of the missionaries. Given the missionaries’ extraterritoriality and Beijing’s inclination to appease Christian churches to avoid conflicts, it would be impossible for the magistrate, as a mere grassroots official, to fulfill this request. As pointed out by Archibald Little, a British merchant residing in Chongqing: “This exceptional position of missionaries, as all other foreigners, owes to extraterritoriality. The worst and most glaring abuse is the support of their converts in civil suits before the Chinese officials. It is in human nature to help your friends, and when that help means the support of a powerful foreign government at its back, he must be an exceptionally strong mandarin who will not favor the convert.”³⁷

In reality, the magistrates were unable to keep the missionaries outside the yamen and adjudicate cases based solely on their own judgments. This resulted from the power imbalance between the two parties and the provincial-level directives that further reinforced the magistrates’ precarious position in relation to the missionaries. For instance, one of the settlement provisions negotiated after the 1895 anti-Christian riot in Chengdu between the Sichuan government and the French Catholics stated, “In the future, if a priest wishes to meet with a magistrate regarding a lawsuit involving Chinese converts, the magistrate should promptly

³⁶ Sichuan University History Department, ed., *Sichuan renmin fandi douzheng dangan shiliao* [*Historical Materials of Sichuan People’s Struggle against Imperialism*] (Chengdu: Sichuan renmin chubanshe, 1962), 73.

³⁷ Little, *Gleanings*, 302.

consent and personally consult with the priest without shirking his duty.” Although the intention of this clause was to prevent intermediaries from exploiting the situation and escalating the conflict, it was nearly impossible for magistrates to impartially judge the case without being influenced by the priests if they were required to be prepared for immediate meetings and consultations.³⁸

The irony lies in the fact that while Sichuan provincial leaders insisted on county officials being at the forefront of meeting the missionaries’ demands in every detail, they themselves carefully constructed their public image behind the scenes. In Sichuan, the perception of provincial officials handling foreign-related issues was nuanced and varied depending on the audience. In their reports to the central government, provincial officials presented themselves as ministers who shared the concerns of the imperial court and actively proposed policies to ease conflicts and prevent foreign interference in Chinese justice. In their directives to subordinate officials, they acted as majestic superiors, consistently reaffirming Qing jurisdiction and urging county officials to enforce the law impartially and promptly conclude cases involving Chinese Christians. However, the French missionaries perceived the provincial officials in Sichuan as passive and evasive in dealing with matters involving Christianity. A complaint made in 1899 by a French missionary from the southern Sichuan diocese to the French minister in Beijing captures this sentiment:

However, the newly arrived governor remained hidden in his provincial residence, hardly visible to us. He responded slowly with empty polite words to our clear and detailed requests, and even this was only the result of the persistence of the loyal French consul, Mr. Haas. The governor entrusted the matter to the Provincial Foreign Affairs Bureau, a subordinate unit ill-equipped to handle such an urgent matter. Will this deceptive act of deferring

³⁸ SJYD, 492.

responsibility ever end? Only direct intervention from Beijing can resolve the issue. Yet, in Beijing, who knows what China intends and what France can accomplish? The right of France to protect Chinese Catholic missions is undoubtedly necessary, and without its intrinsic role, the church's catastrophe is bound to continue.³⁹

Therefore, it becomes apparent that while provincial officials portray themselves as active problem-solvers in internal bureaucratic documents, in practice, they delegate the difficult task of resolving lawsuits to their subordinates and generally avoid direct engagement with the missionaries.

The imperative for swift resolution of lawsuits between Christians and non-Christians placed additional pressure on the magistrates. Timely case resolution was a significant challenge in late Qing due to the substantial backlog of cases burdening administrations throughout the empire. Importantly, when hearing a case involving a foreign party, the foreigner's agreement was crucial for an effective resolution. If the magistrate were to firmly prohibit foreign interference in the administration of justice, it is conceivable that the foreign parties would vehemently disagree with the case's outcome, thereby prolonging the trial indefinitely. This would greatly hinder the magistrate's ability to bring the matter to a conclusion and reflect poorly on their competence in the eyes of their provincial superiors.

Another factor contributing to Sichuan magistrates tolerating foreign interference with the justice administration, and at times even voluntarily relinquishing control over Chinese individuals protected by foreigners, was the severe punishment suffered by those who did oppose the Christian community. In 1863, French Catholic missionaries requested permission to build a church on the site of the Chongyin Temple in Chongqing. As the temple held significant

³⁹ SJYD, 596.

fengshui importance and had served as a militia training site since the Taiping Rebellion, local elites, particularly the heads of the Eight Provincial Guilds (*basheng kezhang* 八省客長), vehemently resisted the request. The guilds proposed an alternative location for the church, offering to cover the expenses. However, the Catholics not only rejected the offer but also sought assistance from Chengdu General Chongshi to compel the community to surrender the temple. The Eastern Sichuan Circuit Intendant Wu Hao, who agreed with the local elites, continuously delayed handing over the temple to the Catholics. When local elites learned of the Catholics' intention to forcibly demolish the temple, the standoff escalated into a wave of vandalism against Catholic facilities in Chongqing. The dismissal of Wu, who had aligned with the local elites to reject the Catholics' demand, was part of the Sino-French agreement to settle the incident. Hengbao, Wu's aide and favored by the Catholics, was appointed as the next East Sichuan Circuit Intendant.⁴⁰

Viceroy Zeng Guofan astutely observed the predicament faced by magistrates who were caught between foreigners and the Qing imperial court, as reflected in his contemplation of the tragic Tianjin Massacre of 1870, which nearly ignited a full-scale conflict between China and France. Following the incident, Tianjin Prefecture magistrate Zhang Guangzao emphasized the importance of thoroughly investigating allegations of human trafficking within the Catholic congregation. However, in an urgent attempt to appease the French, the Qing court halted further investigation. Instead, Zhang was dismissed from his position and imprisoned on the grounds of failing to prevent trouble caused by the people of Tianjin. Furthermore, the Board of Punishment sentenced Zhang to penal servitude in Heilongjiang.⁴¹ In a memorial to the Tongzhi Emperor,

⁴⁰ Liang Yong, "The Chongqing Anti-missionary Riots and the Chiefs of the Eight Provincial Guilds: Insights from Regional History Studies" [Chongqing jiao'an yu basheng kezhang: yige quyushi de shijiao], *Shehui kexue yanjiu*, no. 1 (2007): 170-175.

⁴¹ ZGFQJ, 366-367.

Zeng Guofan argued that the severe punishment imposed on magistrate Zhang was excessive and would undermine the motivation of local officials to exert their authority over Chinese Christians. As Zeng eloquently expressed:

In accordance with the treaties, Chinese individuals who commit crimes should be tried by Chinese officials under Chinese law. However, upon converting to Christianity, some Chinese behave as if they are no longer subjects of China. Incompetent officials were afraid to investigate or take action against them. Yet, when virtuous officials stepped forward to regulate these converts, they often faced blame and were stripped of their titles. In the Tianjin Incident, magistrate Zhang received an unprecedentedly severe punishment, despite his initial goal of merely regulating certain Chinese converts. This punishment would undoubtedly serve as a deterrent to officials and commoners across the nation, dissuading anyone from taking action if the Board of Punishment continued to punish officials who dared to govern Chinese Christians.”⁴²

Zeng accurately identified the challenge of governing Chinese converts at the local level. The obstacles preventing local officials from implementing Chinese law on Chinese converts arose not only from the interference of Western missionaries and consuls but also from within the Qing imperial bureaucracy. Any bold attempts by grassroots officials to defend Qing law against foreign interference were exceedingly perilous due to the imperial court’s protective stance toward Christianity, shaped by the unequal power dynamics between the late Qing government and foreign powers. Using an allegory, Zeng Guofan likened the Zongli Yamen’s protection of Chinese Catholics to a parent standing by an arrogant child. Over time, as Zeng posited, “this favoritism is bound to breed conflicts within the family and ultimately lead to its dissolution.”⁴³

Zeng proposed that the Zongli Yamen engage in discussions with foreign ministers, suggesting that henceforth all Catholic churches should fall under the jurisdiction of Chinese

⁴² QMJA, vol. 1, 919.

⁴³ QMJA, vol. 1, 918.

local yamens. When someone joined or passed away from the church, they must notify the magistrate, who should have unrestricted access to inspect the church. If a child were abducted and sold to the church or resold elsewhere, the family should be allowed to visit the church to identify and reclaim the child. According to Zeng, only by clearly defining the jurisdiction of local government over Chinese church personnel could they prevent missionaries from interfering in lawsuits involving converts. Additionally, Zeng hoped that the Board of Punishment would reassess magistrate Zhang's punishment, considering leniency to encourage other authorities throughout the country who possess the courage to pursue justice.

In this memorial, Zeng Guofan steadfastly advocated for the exercise of jurisdiction over Chinese Christians and proposed tangible measures to assist magistrates in its implementation. Unfortunately, the Qing court did not adopt Zeng's proposal nor reduce magistrate Zhang's sentence. When dealing with cases involving foreign interference, local officials found themselves navigating a web of intricate power networks and conflicting demands. They faced pressures from various directions. On one hand, they had to contend with top-down pressures originating from the central, provincial, and prefectural levels. On the other hand, they had to manage interferences and expectations from local society, including missionaries, foreign consuls, and local elites. Prior to taking action, a magistrate handling a lawsuit involving foreign intervention had to delicately balance a multitude of conflicting interests and priorities. In order to assert Qing jurisdiction and restore the order of local justice, it was imperative to regulate Chinese converts who exploited extraterritorial privileges. However, this would inevitably enrage the missionaries and potentially trigger a diplomatic crisis, thus unsettling the central government.

Jurisdictional Dilemma of Chinese Christians

Should lawsuits involving converts be classified as a distinct legal category, and if so, how should they be handled? The question of the jurisdictional status of Chinese converts was an extremely tricky issue in the Qing local judicial practices during the late nineteenth century. The severe financial and political repercussions of anti-Christian riots in Sichuan during the 1860s drew imperial attention to this interior province. Resolving the tensions between the Christian and non-Christian communities became a pressing matter in the administrative affairs of late nineteenth-century Sichuan. In 1869, Li Hongzhang was appointed by the Qing court as a special commissioner to oversee the Sino-French negotiation regarding the Youyang Incident, which occurred in a southeast border town between Sichuan and Guizhou. Following the humiliating diplomatic encounter, which involved the French threatening to send gunboats to Sichuan and ended with China paying substantial indemnities and executing several culprits, Li issued an announcement to all yamens in the East Sichuan Circuit. This proclamation specifically addressed the jurisdiction of Chinese converts:

In accordance with explicit treaty provisions, cases involving fatalities should be handled by Chinese authorities, with Chinese offenders tried under Chinese law, while French offenders should be apprehended by the French consul and tried under French law. Although converts may practice a foreign religion, they are still Chinese individuals and should be subject to the authority of the local yamen. Apart from preaching, foreign missionaries should not involve themselves in any public or private matters concerning the Chinese community. Lawsuits between converts and commoners should be adjudicated according to Chinese law. Magistrates should not treat converts excessively harshly or leniently solely due to their religious affiliation. Everyone in this community is either a relative or friend of one another. Minor family, marriage, or land disputes should be resolved through mediation (*tiaochu* 調處) by the lineage, and significant cases should be brought before the

magistrate. It is simple to determine right and wrong; resorting to violence merely to satisfy momentary outrage is unnecessary.

Furthermore, Li reprimanded the Sichuan magistrates, urging them to be “fair, impartial, and expeditious” in resolving disputes between Christians and non-Christians. Li also cautioned against intentional delays in the proceedings and advised magistrates to prevent yamen clerks from exploiting the situation and inciting conflicts between litigants.⁴⁴ Similarly to Zeng Guofan’s 1870 memorial, Li Hongzhang’s announcement in Sichuan appealed to magistrates to uphold judicial sovereignty over Chinese Christians and urged the Sichuan people to settle disputes in accordance with Chinese judicial norms. This meant that minor disputes concerning households, marriages, and land should be resolved within the community, with only major cases reported to the yamen for investigation. Unlike Zeng Guofan, however, Li’s document lacked specific instructions, serving primarily as a moral exhortation.

In Sichuan, Commissioner Li Hongzhang’s declaration was warmly embraced by provincial and county-level officials. The spirit of Li’s document was subsequently reaffirmed in official documents issued by the Sichuan government in the 1870s and 1880s, despite the absence of specific implementation guidelines for magistrates on principles such as “Chinese subjects should be tried under Chinese law regardless of their religious faith” and “magistrates must impartially adjudicate cases between Christians and non-Christians” in the face of influential foreigners constantly challenging their decisions.

In 1876, Tian Xiusu, the magistrate of Huayang County in Chengdu Prefecture, published two proclamations addressed to the people of Huayang.⁴⁵ Tian, hailing from Shaanxi province,

⁴⁴ SJYD, 355.

⁴⁵ To be distinguished from Hunan-born official Tian Xingshu, also known as Tien Hsing-shu (田興恕), who served as the imperial commissioner in charge of military affairs in Guizhou province. Tian Xingshu, who had a rough relationship with the French Catholics in Guizhou, had led a series of attacks against the Catholics in that province.

had served as a magistrate in different parts of Sichuan during the Qing dynasty, beginning his career during the early 1860s amid the Taiping Rebellion (1850-1864) and gaining his position through monetary contributions, a prevalent practice at the time.⁴⁶ During the Youyang Anti-Christian Incident in November 1868, Tian Xiusu was temporarily appointed as the prefect of Youyang and given the task of resolving the case within six months. Upon his arrival, Tian swiftly disbanded the local militia and offered a reward for the arrest of those involved in anti-Christian activities. However, he did not take punitive measures against Christians who had participated in violence against commoners. While Tian's efficient handling of the unrest was praised by provincial officials, his differential treatment of commoners and Christians earned him a negative reputation among the people of Youyang as being subservient to foreigners.⁴⁷

The two notices that Tian published in Huayang County were filled with moral teachings. First, Tian argued that conflicts between commoners and the church arose because some Christian converts used their privileges to seek revenge for personal grudges. This led the majority of people, who were unrelated to these personal disputes, to develop a general hostility towards Christianity. In a Confucian paternalistic tone, Tian advised commoners to live harmoniously with converts as if they were family members and to avoid being easily provoked by others. He also reminded them that harboring animosity towards Christians was against imperial decree, as the emperor had permitted their preaching in China.

As a result, Tian was removed from office and sentenced to exile in Xinjiang in 1865. See Cohen, *China and Christianity*, 114-123.

⁴⁶ Gao Boyu, *Tingyu lou suibi* (Shenyang: Liaoning jiaoyu chubanshe, 1998), 394-400. Tian Xiusu's career was on the rise from 1876 to 1878. During this time, he was not only praised by governor Ding Baozhen for handling the Christian affairs in Youyang and Huayang, but he was also promoted due to successful suppression of bandits in Chongqing and Luzhou in June 1878.

⁴⁷ Peng Qingyu, *Huashuo youyang [On Youyang History]* (Chongqing: Chongqing daxue chubanshe, 2015), 41.

Second, Tian instructed commoners to lodge complaints at the magistrate's yamen rather than seeking revenge in secret if they had disagreements with converts. He reasoned that once the magistrate accepted and heard their grievances, there would be no "unaddressed grievances." However, Tian seemed to overlook the actual difficulties faced by regular people in the legal system, such as the challenges of bringing a case to the yamen's attention and the reality that magistrates often favored converts. Dismissively, Tian stated that those questioning the magistrates' impartiality were speaking nonsense.

Furthermore, Tian repeatedly emphasized that he had followed the guidelines outlined in documents issued by Commissioner Li Hongzhang and the Zongli Yamen. He claimed to have considered only the facts of right and wrong when making decisions and asserted his impartiality towards converts and commoners since taking office. In general, Tian attributed the frequent litigation between converts and commoners to some local troublemakers who deliberately sowed discord, without acknowledging the pressure faced by grassroots officials when handling such cases, including persistent interference from missionaries and foreign consuls.⁴⁸

Would Tian not be cognizant of the insufficiency of moral persuasion alone in addressing real-world problems? As a magistrate who had directly dealt with the Youyang Incident, one of the most significant anti-missionary events in late nineteenth-century China, Tian was undoubtedly aware. However, his true prowess lay in presenting himself as a diligent and loyal official to his superiors, exemplified by his prompt execution of orders from the central government. Perhaps, due to his firsthand experience with the Youyang Incident, Tian possessed a keen awareness of the precarious position faced by grassroots officials under such circumstances. Considering the fates of individuals like former East Sichuan Circuit Intendant

⁴⁸ SJYD, 309.

Wu Hao in 1863 and Tianjin magistrate Zhang Guangzao in 1870, as well as many others who had attempted to oppose Christianity or regulate converts, even a moderately perceptive grassroots official would discern the central government's protective stance towards Christians. While moral persuasion may not address practical issues, it enabled Tian to portray himself favorably in official records as a diligent and upright Confucian official.

Therefore, Tian's bulletins were not intended for the people of Huayang County to whom they were addressed but rather targeted the higher officials in Chengdu and Beijing. As it turned out, they did earn Tian the praise from provincial officials. Ding Baozhen, the Governor of Sichuan, applauded these two bulletins for their "detailed and clear" content, promptly endorsing their dissemination. Shortly after their posting, Ding ordered the provincial government to print multiple copies of Tian's bulletins and distribute them to all yamens in Sichuan. This initiative aimed to enable magistrates to study the proclamations and draft similar admonitions, urging commoners to live harmoniously with converts.

This could perhaps elucidate why, in May 1877, Hou Ruoyuan, the prefect of Zhongzhou in Chongqing prefecture, undertook a similar course of action. In response to the Sichuan provincial judicial commissioner's urgent command, which required all counties in Sichuan to close any unresolved cases involving disputes between converts and commoners and submit a report within ten days, Hou submitted an intriguing report.⁴⁹ In this report, Hou shared how he achieved a caseload of zero unsettled disputes between converts and commoners in his jurisdiction. According to Hou, the key to his success was a rule that mandated converts to use the commoner pronoun "*min* (民)" rather than the convert pronoun "*jiao'min* (教民)" when

⁴⁹ QMJA, vol. 2, 151.

filing complaints in his yamen. By doing so, magistrates could render impartial judgments without prior knowledge of the litigant's convert status. As Hou wrote:

“I have been the prefect of Zhongzhou for seven years and have never allowed converts to use the pronoun “*jiaomin*” in complaints. Officials in my prefect never knew which litigant was a commoner and which was a convert, despite the fact that the two groups continued to suit one another on a daily basis. Because of this, commoners and converts coexisted peacefully in Zhongzhou for a long time. Since I have no idea what constitutes a typical commoner-convert litigation, I have nothing to report. It is true that I have heard cases involving Christians in the same manner as other regular lawsuits.”⁵⁰

Hou claimed to have successfully prevented litigants from revealing their convert status in his yamen for a period of seven years. However, the long-term viability of this policy in Sichuan warrants questioning. In numerous case reports from the 1860s to 1910s that I have examined in the Ba County archives, the term “*jiao'min* (教民)” still appears in the titles and front pages. In the majority of cases, both before and after the 1870s, the social identities of plaintiffs and defendants are clearly stated in plain language on the first page of the complaint. These pleadings include names, addresses, places of birth, and employment details of the parties involved. Notably, not only would Chinese converts address themselves as “*jiao'min*,” but merchants would also identify themselves as “*shangmin*” (商民), and those holding official degrees would plainly state their titles in the documents.

Furthermore, it does not appear that Hou's policy was the primary factor contributing to the scarcity of lawsuits between Christians and non-Christians in Zhongzhou. According to French missionary Gourdon and the Zhongzhou gazetteer, Catholicism was officially introduced to this region by the French missionary Auguste Dangy (1847–1929) in 1884, and there were very few

⁵⁰ SJYD, 318-320.

believers before 1861. Protestantism, on the other hand, was introduced even later. Although there might have been a few scattered believers in the area during the 1870s, the Christian population was considerably smaller than that of Ba County, resulting in fewer lawsuits involving Christian converts.⁵¹

To gain a deeper understanding of Hou's true intentions, it is imperative to consider the timing of his report. It coincided with Tian Xiusu receiving commendation from provincial leaders for issuing two proclamations aligned with imperial decrees, and at a time when the provincial government was actively seeking ways to resolve the backlog of unresolved cases involving Chinese Christians. Thus, it is plausible that Hou touted the notion of "impartiality," a concept frequently emphasized in imperial documents, as the key to his alleged success in reducing lawsuits between Christians and non-Christians. Hou may have taken this action to advance his career, possibly inspired by Tian Xiusu. Ironically, if that were the case, he succeeded. Evidently, Hou's self-proclaimed achievement corroborated the earlier convictions of senior officials that it was the magistrate's bias and incompetence that contributed to the increase in lawsuits involving Christians. Upon reading Hou's report, Sichuan Governor Ding Baozhen and Chengdu General Hengxun both agreed that other magistrates should learn from Hou's approach. As they commented on Hou's report: "How could there be so many unsolved cases if magistrates were only concerned with reason, justice, and wrong and fairly adjudicated all cases regardless of the litigants' religious affiliation?" "As long as the magistrate renders judgment in a fair and timely manner, there would be no trouble," the East Sichuan Circuit Intendant echoed. The intendant further forewarned that magistrates who disobey the guidelines "will be held accountable and punished severely."⁵²

⁵¹ Gourdon, 89-90; SJZJ, 499.

⁵² SJYD, 327.

In addition, there is evidence that Hou's purpose in submitting this report was more to pander to his superiors than based on his real insights into managing Christian-non-Christian relation at the grassroots level. In fact, the proposed solution in Hou's report was first put forward in 1876 by Mongol bannerman Guang'an, who presented a measure to the Guangxu Emperor to address the litigiousness of Christian converts in Sichuan. Guang'an advised the emperor to issue a decree to the governor of Sichuan, stipulating that Chinese Christians, when filing lawsuits, should identify themselves as "*min*" (commoners 民) and refrain from mentioning their status as "*jiaomin*" (parishioners 教民). Guang'an believed that this procedure would enable magistrates to make impartial decisions without fear. He also suggested that magistrates should remind any missionaries who came to their courts for debates that religion was meant for educating people, not for interfering with the laws and traditions of other nations.⁵³

It is possible that Guang'an was not fully aware of the exact challenges facing grassroots-level magistrate in dealing with foreigners, as he was a bannerman stationed in Chengdu. However, given his position as the magistrate of Zhongzhou, Hou was unlikely to be ignorant of the limitations on a magistrate's authority in cases involving Christian converts. The goal of Guang'an's memorial was straightforward, as he explicitly stated that he had presented this solution to assuage the concerns of the emperor and the empress dowager regarding China's deteriorating relations with Western countries."⁵⁴

Yet, just a few months after Guang'an submitted his memorial to Beijing, Hou reported to the Sichuan government that he had been effectively implementing the same idea for years.

⁵³ QMJA, vol. 2, 130.

⁵⁴ Ibid, 129.

Hou's action seems to have been an attempt to please Guang'an by demonstrating the feasibility of his proposition. However, there is no evidence that the Guangxu Emperor ultimately accepted Guang'an's proposal, and the only reactions to the proposal were documented exchanges among officials in Sichuan. Based on the judicial records of the Ba County yamen, this measure was never successfully implemented. This suggests that some decision-makers recognized the utopian nature of the proposal.

When it comes to handling lawsuits involving Chinese Christians, provincial administrators often provided inconsistent instructions. If Hou had truly implemented the measure as claimed for seven years in his yamen, he might have violated an earlier provincial order. In November 1875, the Eastern Sichuan Circuit Intendant proclaimed that "when encountering lawsuits related to Christianity, the magistrate must explicitly state in reports that it is a religious case (*jiao'an* 教案) to ensure careful examination and avoid mistakes and omissions." This directive stemmed from a homicide case in Xuning County in September 1875, in which a Christian convert killed a commoner. However, the magistrate in charge of the case failed to mention the killer's Christian identity in the report to the provincial office, possibly aligning with Li Hongzhang's widely publicized directives on fair treatment of cases involving converts. The murderer fled, and by the time the responsible magistrate was transferred, the killer remained at large.

When the new magistrate arrived in Xuning, he informed the governor of the killer's Christian identity while requesting the publication of a wanted notice. The governor responded frustratedly, "In the provincial yamen, we have set up a special unit overseeing *jiao'an* cases, which did not have to go through a preliminary hearing conducted by the criminal office and arrived directly in our hands. We were unable to adequately respond to this situation since your

predecessor failed to mention the criminal's Christian identity."⁵⁵ The governor's response indicated that the provincial government itself classified legal disputes related to Christians as a distinct category warranting special treatment. Magistrates had to be aware of each litigant's religious affiliation in advance to determine whether a case fell under the category of *jiao'an* and allow provincial leaders sufficient time and mental preparation to respond to urgent situations. This policy not only raises doubts about the effectiveness of Hou's strategy but also provides further evidence of the Sichuan government's ambiguity and contradictions in handling the legal status and jurisdiction of Chinese Christians.

Nevertheless, the self-interested conduct exhibited by magistrates Tian Xiusu and Hou Ruoyuan warrants consideration beyond a mere cynicism, as it originated from a broader crisis concerning the Qing government's diminishing authority over specific segments of its populace. The disconnection between the Qing administration's self-representation and its actual handling of cases involving Chinese converts to Christianity reflects the pervasive helplessness experienced by Qing officials in the face of extraterritoriality. This treaty-sanctioned privilege, initially established to create a legal enclave for foreigners in China, paradoxically became destabilizing for Chinese jurisdiction itself. It is worth emphasizing that the entanglement of extraterritoriality and Chinese jurisdiction at the local level did not solely result from foreign influences. While the imperial court maintained claims to sovereignty over Chinese subjects and verbally condemned the misuse of extraterritoriality, it discouraged local officials from actively enforcing Chinese jurisdiction in practice due to concerns that such efforts would undermine Qing foreign relations—considered of paramount importance—rather than clearly demarcating the boundaries between foreign and Chinese jurisdictions at the local level. Over time, grassroots

⁵⁵ SJYD, 307.

officials adopted a hybrid approach that echoed imperial rhetoric while taking into account the unique circumstances of each case, striving to balance their personal interests, local governance, and Chinese jurisdiction.

In their reports to superiors, magistrates were compelled to project an image of themselves actively embracing imperial concerns and making an effort to enforce Chinese jurisdiction. However, in practice, magistrates refrained from taking actions that might antagonize foreigners, as doing so would impede case resolution and increase the risk of being reported by foreigners to provincial or imperial authorities, thereby compromising their professional prospects. In essence, the magistrate's objective was to confine foreign interference with their judicial decisions to local politics. Tolerating transgressions of treaty rights, rather than vehemently resisting them, was a conscious strategy to prevent a local problem from escalating into a high-profile provincial or even national incident. Instead of fiercely resisting the transgressions committed by both Chinese converts and their foreign patrons, some magistrates tacitly acknowledged the *de facto* emergence of legal pluralism for select groups of Chinese, despite the fact that it contravened both Qing law and the treaties. By consciously sharing a portion of their jurisdiction with foreign consuls, magistrates were able to strike a delicate balance between their personal interests and the objectives of local governance.

The Contested Boundary of Foreign Treaty Privileges

Two issues persisted as ambiguous and unresolved dilemmas for Sichuan officials during the late Qing period. First, they grappled with the extent of their control over personnel within Christian churches, especially considering that the majority of these individuals were Chinese

subjects. Second, they faced the difficult question of whether Chinese individuals with foreign affiliations could enjoy the treaty privileges granted to foreigners. These two issues were intricately linked to the persistent intrusion of foreigners into legal proceedings and, when viewed together, shed light on a larger crisis concerning the contested legal status of Chinese subjects under foreign protection and the contentious exercise of treaty rights by foreigners in China. The challenge posed by these issues to the Sichuan government's management of Sino-foreign interactions and their profound interconnections are most clearly exemplified in a suspicious smuggling case from 1879.

The case revolved around a Chinese Christian named Ye Chuanyang, a native of Chengdu, who was apprehended while clandestinely transporting a cargo of goods from Shanghai to Sichuan without reporting the journey to officials at Sichuan's *lijin* checkpoints. Ye presented a passport purportedly issued by the Hankow Customs Office, arguing that it entitled him to exemption from inspection and taxation at the *lijin* checkpoints.⁵⁶ According to Ye, Bishop Bletterry of east Sichuan had dispatched him to Shanghai to procure supplies for the church, and thus requested the French consul to apply for a passport on his behalf.

At first, Ye's comments perplexed the Sichuan officials, leading to the suspicion that a Chinese Christian was attempting to pose as a French national by holding a passport that was only supposed to be issued to foreigners. However, further investigation revealed that Ye was indeed a true Sichuanese and not of French nationality. This outcome left Sichuan officials even more bewildered as it contradicted the provisions concerning the passport system outlined in the 1858 Treaty of Tianjin.

⁵⁶ SJYD, 31-37.

According to the treaty, any foreigner, including missionaries and merchants, could obtain a passport through their embassy as proof of entry into the Chinese interior. For instance, Article 9 of the Sino-British Treaty of Tianjin stipulated:

British subjects are allowed to proceed to every place in the interior with passports, either for amusement or to trade. The passports will be issued by their consuls and stamped by the local authorities. When passing through any locality, if they are desired to produce it they must hand it up for inspection. If it is correct they will be allowed to go on.⁵⁷

In the late 1850s, the Qing imperial court introduced the passport system for foreign nationals intended to travel in the Chinese interior. This system was established out of concern for the potential pitfalls of allowing foreign access to the vast interior. The opening of the interior to foreigners for travel was a reluctant compromise made by the Qing government after its defeat in the Second Opium War. Faced with the prospect of more and more foreigners traveling and residing in the interior, the Qing government was worried about the unchecked expansion of imperialism on its frontiers, and was also afraid that foreigners' conflicts with the local communities would aggravate diplomatic relations.

To ensure the safety of foreign tourists in the interior provinces and avoid diplomatic mishap, the 1858 Sino-French treaty, for instance, included Article 13, which provided "entire protection shall be given to missionaries who peacefully enter the country, furnished with passports."⁵⁸ This provision aimed to protect foreign visitors in China's interior, while also facilitating interior governments' monitoring of foreign activities within their borders. However, during implementation, it introduced a new layer of complexity to the legal status of Chinese Christians.

⁵⁷ Maclay, 340-341.

⁵⁸ Maclay, 339.

As the treaty clearly delineated, the passport system was designed for the benefit of foreigners traveling within the Chinese interior. However, over time, Sichuan officials discovered that the majority of those utilizing this privilege were actually native converts to Christianity who claimed to have been sent by their churches to visit the coastal provinces, with missionaries applying for passports on their behalf. Despite the fact that such behavior was contrary to the intent of the treaty, Sichuan officials were hesitant to regulate it because, after all, in the 1860s, when relations between Christian churches and Chinese society were strained, the personal safety of Chinese converts also often constituted a *de facto* diplomatic hazard for the Qing government. After all, if a native Christian encountered attack, it could potentially lead to a diplomatic crisis. However, granting Chinese nationals the same protection afforded to foreigners would not only increase the workload and financial burdens of local governments but, as demonstrated by Ye Chunyang's case, also would create room for more serious abuses, such as smuggling and tax evasion, by Chinese Christians.

Responding to this problem, magistrate Zhuang of Ba County proposed to the provincial authorities: "In the future, no escort should be assigned to protect Chinese priests upon their arrival at the provincial borders, regardless of whether they have passports or not." However, none of these issues were ultimately resolved due to the intervention of Bishop Blettery and the French consul in Hankow, who argued for the validity of the issuance of passports to Chinese Christians traveling on church business.

Furthermore, interior Chinese officials themselves occasionally shown a propensity to give in to obviously ridiculous requests from foreign visitors because they internalized the fear of offending foreigners and sparking diplomatic issues. In March 1904, the East Sichuan Circuit Intendant issued a statement informing his subordinates that yamens in the interior were only

obligated to escort foreigners passing through their territory in accordance with the treaty, and they were not obliged to provide them with additional services or funds. A recent instance involving a French viscount traveling from Guangxi to Guizhou and frequently asking county yamens for different services along the way, including servants, carriages, meals, housing, and travel expenses, served as the impetus for this regulation. Upon learning about this absurd event, the provincial governments of Sichuan and Guizhou informed their subordinates that it was forbidden to provide services other than escorting foreigners in transit. The document posed the question, “What honor would the nation have if it catered to all the desires of foreigners?”⁵⁹

The difficulties Sichuan officials had in the Ye Chunyang case in 1879 highlighted the urgent need for gathering detailed demographic information on Christians living in the area. As a result, the provincial government instructed magistrates to swiftly gather comprehensive data regarding Christian churches within their domains in 1880. This required keeping track of the number of congregations, bishops, priests, and missionaries. The authorities also particularly asked for information on the nationalities of these people, their arrival dates in Sichuan, and the duration of their passport validity for residence in the interior.

In the Ba County, the magistrate ordered several clerks to conduct a census of two churches in Chongqing: a British Protestant church called the Yesutang (耶稣堂) and a French Catholic church (真原堂) funded by the Missions Etrangères de Paris. The execution of this project, however, ran into severe challenges. The two churches refused to provide specific demographic data regarding their members despite the clerks visiting them several times. Consequently, the clerks were only able to gather the Chinese names of a small number of converts and

⁵⁹ BXDA, 6-32-2308.

missionaries through covert inquiry and remained completely clueless about their country of origin and arrival dates in Sichuan.⁶⁰

Having failed to properly complete their task, the clerks came back to the yamen and suggested to the magistrate a remedy. They asked if they should present the magistrate's name card to the churches and summon the missionaries to the yamen so that the magistrate could personally persuade them to cooperate. However, the magistrate ignored this proposal and instructed them not to visit the churches again. With the uncooperative attitude of the churches and the concerns of the county yamen, the operation was aborted.

The common impression that the yamen clerks were often power abusers was refuted by what they encountered while attempting to research the demography of the churches. The magistrate's circumspect approach is also crucial.⁶¹ The magistrate's earnest desire to avoid direct conflicts while dealing with foreigners in his realm is demonstrated by the yamen's outright abandonment of what appeared to be a legal endeavor to conduct a demographic census of missionaries and converts within its jurisdiction. Notably, it was not until the 1890s that the Sichuan provincial government eventually obtained a list of names of Catholic and Protestant church personnel residing in their province from the British-controlled Chongqing Maritime Customs Office.⁶²

It becomes apparent that in late Qing Sichuan, the county yamen and the Christian churches had quite different access to each other's realms. Despite population of Christian churches were

⁶⁰ Edward Colborne Baber and William Mesny (麥士尼), two of the men recognized as missionaries by the clerks, were in fact a British official and a traveler. They were most likely visiting Sichuan at the time and staying briefly at the Protestant church, but the clerks mistook them for missionaries. This misunderstanding further demonstrates that the Ba County yamen was almost completely clueless about the composition of personnel within Christian churches at the time.

⁶¹ SJYD, 38-39.

⁶² SJYD, 173-292.

predominantly Chinese, Christian churches evolved into a realm of independent governance that the Chinese yamen found difficult to enter. In contrast, missionaries and Chinese Christians enjoyed free access to the yamen, where they could build their own networks and exert influence over judicial proceedings. On the other hand, the magistrate had to use caution even while attempting to look into the demographics of the Christian community, let alone when trying to exert more of his authority within the church's realm of influence.

Conclusion

In the latter half of the nineteenth century, officials in Sichuan encountered a significant erosion of their authority when adjudicating lawsuits involving Chinese Christians. Interestingly, both the yamen and the general populace readily accepted the presence of extraterritoriality within county courtrooms, leading to the emergence of legal pluralism for specific groups of Chinese. The official discourse of the Qing dynasty consistently attempted to link the loss of jurisdiction to the moral degradation of particular groups or individuals. However, this discursive approach, characteristic of Confucian bureaucrats, proved unconvincing when faced with the effectiveness of foreign extraterritorial privileges. The primary reason for the magistrate's loss of jurisdiction over certain Chinese individuals to foreigners lay in the growing demand for an effective legal forum within Chinese society and the limitations of the Qing state's power in regulating foreign interference—a reality that officials throughout the Qing administration likely recognized but hesitated to acknowledge. Importantly, the challenges faced by Qing officials in regulating the abuse of extraterritoriality were also a result of systemic issues within late imperial Chinese society and the bureaucratic system.

The power imbalances between foreign powers and the Qing court facilitated the effectiveness of extraterritorial interventions in Chinese justice. By the late Qing period, issues involving foreign interests had become highly sensitive political matters. The concessions that the Qing court had made in response to anti-Christian riots made it hesitant to directly challenge the abuse of extraterritoriality. However, the court also recognized the need to uphold the dignity of Chinese judicial sovereignty to defend its political rule. As a result, the pressure of mediating these inherently conflicting interests was delegated to provincial governments, further hindering grassroots officials' efforts to curb the abuse of extraterritoriality. Consequently, county officials faced extremely limited options when dealing with such cases. By the late nineteenth century, skillfully navigating the seemingly contradictory directives from the imperial court and provincial authorities had become an indispensable skill for grassroots officials. While outwardly positioning themselves as adherents to the imperial court's insistence on upholding Chinese judicial sovereignty and utilizing moral indoctrination to regulate litigious behavior among the commoners, magistrates tacitly became part of the growing Sino-foreign legal patronage network in their judicial practices. Local officials were keenly aware that insisting on exercising jurisdiction over Chinese individuals supported by foreign powers was both time-consuming and politically precarious within the late nineteenth-century political landscape.

Chapter Three:

Chinese Junks Flying Foreign Flags: Tax Evasion, Provincial Revenue, and State-building in Treaty Port Chongqing

The 1876 Chefoo Convention

On February 21, 1875, just four days before the four-year-old Guangxu Emperor's ascension to the throne, the imperial court received news of the murder of British diplomat A.R. Margary and his Chinese attendants by local residents in Yunnan, a southwestern province of China. Margary, originally stationed in Shanghai, was part of a British military expedition exploring overland trade routes in the Sino-Burmese borderlands. Upon reaching Tengyue, an area controlled by an ethnic Dai chieftain, they encountered conflict with the local militia, who were unaware of foreign presence in their jurisdiction and perceived it as an intrusion.¹

This incident, occurring on the eve of the Qing enthronement ceremony, not only further strained Sino-British relations but also set an unsettling tone for Qing politics during the Guangxu reign. The resolution of the Margary Crisis went beyond compensating the victims and punishing the offenders, as was typical in similar incidents involving the deaths of foreigners or Chinese working for foreigners during that period. The loss of a diplomat granted Britain significant leverage to request an expansion of their treaty privileges in China. Additionally, the location of the incident in the Qing's contested southwest borderlands added another layer of tension concerning frontier management and ethnic relations.² In 1876, under British gunboat

¹ Zhao Erxun, ed., *Qingshigao* [Draft History of the Qing Dynasty] (Beijing: Zhonghua shuju, 1998), *juan* 154, 13.

² Wei Yingtao and Zhou Yong, *Chongqing kaibu shigao* [Historical Materials on Chongqing's Opening as a Treaty Port, hereafter CKS] (Chongqing: Chongqing difangshi ziliao zu, 1982), 7. For more information on Anglo-French colonial rivalry and Qing frontier management in Yunnan during the late nineteenth century, see Eric V. Bussche, "Contested Realms: Colonial Rivalry, Border Demarcation, and State-building in Southwest China, 1885-1960" (PhD diss., Stanford University, 2014).

threat and pressure from Beijing to swiftly settle the incident, Viceroy Li Hongzhang signed the Chefoo Convention (Yantai Treaty) with British minister Thomas Wade. These disturbing events on the southwestern frontier of the Qing Empire have been temporarily put to rest.

The 1876 Chefoo Convention, along with its subsequent additional articles ratified over the next two decades, represented a significant milestone in British expansion from the coastal regions to the interior of China. These agreements resulted in the opening of four additional ports on the coast and along the Yangtze River for foreign trade, including Yichang, a vital transit center in the Upper Yangtze and the vast Chinese interior.

However, the British community in China expressed dissatisfaction with the negotiation outcomes, mainly due to the impasse regarding the opening of Chongqing as a commercial port. Recognizing Sichuan's economic importance, Britain had formally requested during the 1876 negotiations that Chongqing be designated a port with British consuls overseeing trade operations. Li Hongzhang declined this request, emphasizing that immediate accessibility to foreign traders should not be granted to Chongqing, as the Zongli Yamen had already approved the opening of four other ports: Yichang, Wenzhou, Beihai, and Wuhukou. As a compromise, both parties agreed to have British consular agents stationed in Chongqing but postponed further discussions on port opening “until steamers could ascend the Upper Yangtze.”³

Li's efforts to prevent Chongqing from being integrated into the global capitalist market were short-lived. By the end of 1888, Sino-British negotiations on the opening of Chongqing resumed, leading to the signing of an additional article on March 31, 1890. This article established a Maritime Customs Office in Chongqing. However, the British did not obtain their desired right of steam navigation between Yichang and Chongqing, partly due to Qing resistance

³ CKS, 17.

and challenging water conditions on the upper Yangtze.⁴

Chongqing, strategically positioned at the confluence of the Yangtze River and Jialing River (*jialing jiang* 嘉陵江), serves as a crucial transportation hub connecting the upper and lower regions of the Yangtze and stands as a commercial capital in the southwest. British merchants in China recognized that gaining access to the western China market, particularly the fertile and populous Sichuan province, required the opening of Chongqing. Their ambition to incorporate Chongqing into the global trade network was evident even before the Chefoo Convention was signed.

As early as the spring of 1869, Alexander Michie, chairman of the Shanghai Chamber of Commerce, and Robert Swinhoe, British consul at Amoy, conducted an investigative mission in the Upper Yangtze.⁵ They later submitted a series of reports to the British Foreign Office by the end of that year. These reports highlighted the thriving commerce in Sichuan and the navigability of water routes between Yichang and Chongqing. The mission strongly advocated for the opening of Chongqing to foreign business and aimed to present a positive image of the region, which had gained a reputation for xenophobia among the foreign community due to anti-Christian riots in the 1860s.

Despite Swinhoe's visit coinciding with the Youyang Anti-Christian Incident in eastern Sichuan, he spoke favorably of the Sichuan people, describing them as "friendly and well-disposed." Swinhoe dismissed an anti-Christian propaganda, which described the British people as "obstinate in their lawlessness, sudden as pigs in their appearance, and as destructive as wolves in their ravages," viewing it as "either a squib or an official bugbear to scare the

⁴ Jonathan Parkinson, "The First Steam-Powered Ascent Through the Yangtse Gorges," *Journal of the Royal Asiatic Society Hong Kong Branch* 46 (2006): 160.

⁵ "Obituary: Mr. Alexander Michie," *The Geographical Journal* 20, no. 3 (1902): 348.

foreigner” that had no real effect. He also noted the significant interest shown by respectable local merchants in the British trade expedition.⁶

From Swinhoe’s reports, we know that many British diplomats, including minister Thomas Wade, originally objected to using gunboat advancing to open Chongqing. The British also consciously distanced themselves from the French Catholic missionaries in Sichuan, who had earned a notoriety for meddling in Chinese domestic affairs and abusing their treaty privileges. British diplomats like Swinhoe feared that, if resorting to gunboat threats, “the Chinese should misinterpret our intentions, and imagine that we were going to assist the French missionaries in their quarrels about their Christian converts.”⁷

Despite Swinhoe’s efforts to prove that Sichuan was a suitable region for foreign capital, the anti-Christian and anti-foreign sentiments that had built up in local society since the early 1860s were undeniable facts. Another major obstacle to opening Chongqing was the challenging transportation conditions. The Upper Yangtze was known for treacherous rapids, and for centuries, cargo transportation relied on traditional Chinese wooden junks. In the 1870s, steam navigation in the region posed significant technical difficulties. It was not until 1898 that British merchant Archibald Little successfully navigated the Gorges with a steam-powered vessel after facing numerous hardships during the voyage.⁸ Although there were few subsequent attempts by foreign adventurers, regular commercial steamship operations would not become feasible until the 1910s. Despite these challenges, Swinhoe’s reports portrayed a promising prospect for British trade in Sichuan, which likely influenced the persistence in British request to open Chongqing during the 1876 Chefoo negotiations.

⁶ Swinhoe, “Special Mission,” 272-276.

⁷ Swinhoe, “Special Mission,” 272.

⁸ Parkinson, “The First Steam-Powered Ascent,” 161.

The *Lijin* Duty and the Transit Pass Privilege

The opening of Chongqing presented a significant opportunity for Britain to address China's *lijin* (釐金) tax system, which European merchants in the late nineteenth century considered a major obstacle to expanding trade into China's interior. In May 1874, complaints reached the Zongli Yamen from the British, French, and American ministers concerning the detention of their merchant ships by authorities in Kuizhou (夔州), a city on the upper Yangtze where Sichuan's native custom border inspection station for collecting the *lijin* tax was located. The ministers claimed that the detention had caused damage to the cargoes and demanded compensation from the Qing court.

Upon investigation by Sichuan governor Wu Tang (吳棠, 1813-1876), however, it was discovered that the so-called American ships, allegedly owned by the American company Burnett & Jenkins (*gongtai* 公泰), were in fact owned by a Chongqing native business called Kui Sheng Long. Governor Wu suspected that the Chongqing merchants disguised their ships as American vessels to obtain a transit pass, which granted foreign ships exemption from the *lijin* tax. He viewed the U.S. minister's actions as an instance of foreigners extending consular protection to Chinese nationals (*tingsheng baolan* 挺身包攬) – a phenomenon he and his colleagues in Sichuan had been familiar with.

While this revelation led the U.S. minister to drop his claim, the British and French ministers insisted on seeking a settlement, even if Wu's investigation discovered that the French and British cargoes remained unharmed during the detention. According to British minister Thomas Wade, the custom house at Kuizhou frequently detained ships carrying foreign goods

and forced them to pay a half-rate *lijin* tax, despite the ships had possessed a transit pass. Wade threatened that if Beijing and Sichuan failed to provide a satisfactory solution, he would instruct the imperial maritime customs in the coastal areas to levy lower import duties to compensate for foreign merchants' losses in the interior⁹

This diplomatic encounter in 1874 exemplifies the conflicts existing between the state and society, the imperial court and local authorities, as well as between Chinese and foreigners on the eve of Chongqing's opening. Some of these tensions would continue to shape the legal and commercial landscapes of Chongqing during the treaty-port era and even into the Republican period. Central to these tensions are the *lijin* tax regime and the transit-pass system. Qing historians are familiar with the term *lijin*, which occupied a crucial role in late Qing politics regarding Sino-Western trade and central-local relations.¹⁰ Initially implemented in 1853 as a temporary revenue collection system to finance provincial governments in suppressing the Taiping Rebellion, *lijin* levied taxes on goods in transit by local authorities. Rates varied across regions and changed over time, and attempts to establish a uniform scale for collecting *lijin* nationwide were unsuccessful.¹¹

When *lijin* was first introduced, it applied to both domestic and foreign goods transported between different locations. In the 1860s, *lijin* became a major source of foreign frustration in

⁹ Wang Liang et al, eds., *Historical Documents of Late Qing Diplomacy* [*Qingji waijiao shiliao*, hereafter QWS] (Beijing: shumu wenxian chubanshe, 1987), *juan* 1, 5-8. This case was also mentioned by Chongqing's local historian Wei Yingtao as an early example of "an attempt by the powers to invade Sichuan with their own foreign goods and a test of the Qing government's attitude toward their aggression." See CKS, 5-6.

¹⁰ For English-language scholarship on the *lijin* tax, see, for instance, Susan Mann, *Local Merchants and the Chinese Bureaucracy, 1750-1950* (Stanford: Stanford University Press, 1987); Dykstra, "Complicated Matters," 205-283; Eiichi Motono, *Conflict and Cooperation in Sino-British Business, 1860-1911: The Impact of the Pro-British Commercial Network in Shanghai* (London: Palgrave Macmillan, 2000), 35-53. For Chinese-language scholarship, see the following footnote. In this chapter, I will only discuss *lijin* in terms of its relevance to the foreign trade in interior China after the 1860s.

¹¹ Luo Yudong, *Zhongguo lijin shi* [*The History of Chinese Lijin*] (Taipei: Wenhai chubanshe, 1979), 138-192. Luo's book is perhaps the most-cited and most substantial monograph dedicated to the study of *lijin* tax.

the China trade. Foreign merchants complained about inconsistent and arbitrary duties imposed on their goods as they traveled between the coast and the interior of China, facing new taxation at each interprovincial barrier. Recognizing the potential threat to British interests, the 1858 Tianjin Treaty negotiations secured the privilege for foreign goods to purchase a transit pass (equivalent to 2.5% of the goods' value) at the coastal Imperial Customs Office instead of paying *lijin* tax at various interior barriers. Under the transit pass system, foreign merchants had to calculate travel distances to decide on the most cost-effective tax payment option. If the destination was closer to the coast, paying a local *lijin* tax was likely more affordable than acquiring a transit pass. However, for destinations farther up the Yangtze, such as Chongqing, the 2.5% transit pass fee remained cheaper than *lijin* even when combined with a 5% import tax.¹²

Pressured by Western merchants who had not achieved the desired profits in the China trade, as well as the diplomats supporting them, the Qing imperial court approved the transit pass system, likely as a concession to appease imperialist resentment regarding limited access to the Chinese market. Nevertheless, the introduction of the transit pass system led to various challenging issues at the local level.

As a treaty privilege, transit pass was exclusively granted to foreign businesses, while Chinese merchants still bore the burdensome *lijin* system. In the 1930s, Luo Yudong (羅玉東), a researcher at the Beiping Social Research Institute (*beiping shehui diaocha suo* 北平社會調查所), conducted an investigation into the *lijin* system, commissioned by the Central Bank of China. In 1936, Luo published the pioneering study *China's Lijin History*.¹³ In this book, Luo

¹² Luo, *The History of Chinese Lijin*, 133; Matthews, "Union Jack," 76-81.

¹³ On December 10, 1934, Luo Yudong (1908-1947) was invited by the Central Bank to establish a branch in Chengdu. Until two years before his death, Luo had been appointed by the Central Bank to preside over the

maintains that the creation of the transit pass system reflects the competition between the central and provincial authorities for revenue control in the late Qing dynasty:

Since its establishment, *lijin*'s collection and expenditure remained in the hands of provincial authorities, while the import duty went directly to the imperial court. In contrast, revenue collected from the transit pass belonged to the imperial court, leading to measures taken by provincial authorities to compete with the central court for tax revenue control. On the one hand, they reduced the *lijin* rate on foreign goods shipping to the interior to less than 2.5% to attract more foreign merchants to choose *lijin*. On the other hand, they compensated for the lost revenue from the transit pass by imposing a higher rate on native goods. This practice was observed in the *lijin* bureaus of Yuezhou in Hunan Province and Beihoukou in Hubei Province in 1884. Additionally, Fujin Province implemented a similar tax incentive for foreign goods that cost less than the transit pass.¹⁴

The struggle for revenue control described by Luo reflects a common pattern in post-Taiping Qing central-provincial relations. The years of warfare and the central government's reliance on localities for maintaining political stability led to subtle changes in its relationship with provincial governments. In reality, as one foreign diplomat observed, *lijin* was "tacitly sealed to provincial uses, and only shared with Peking under pressure."¹⁵ Therefore, local officials had a vested interest in protecting the *lijin* system from interference by the imperial court and foreign powers alike. As E. H. Parker, former British consular agent at Chongqing points out: "as the Foreign Customs pays in all its money to the credit of Peking, and Peking appropriates very little of it to salaries or provincial uses, the local authorities must have some new means of oiling the administrative machine."¹⁶

preparation of modern banking and financial industry in various places of Sichuan. See She Dinghua, "From a Financial Historian to a Banker: A Study on the Life of Luo Yudong" [Cong caizheng shixuejia dao yinhangjia: Luo yudong shengping kao] *Guangzhou daxue xuebao (shehui kexue ban)* 12 (2018): 67-71.

¹⁴ Luo, 134-135.

¹⁵ E.H. Parker, *China: Her History, Diplomacy, and Commerce, from the Earliest Times to the Present Day* (London: John Murray, 1917), 253.

¹⁶ Parker, *China: Her Diplomacy*, 249.

Parker might have intentionally downplayed foreign influence on the imperial maritime customs by emphasizing that Beijing was the sole beneficiary, but he rightly explained the rationale behind persistent local efforts to include foreign goods in the *lijin* system. Despite top-down attempts to abolish *lijin* in the 1870s, the 1876 Yellow River drought and other natural disasters further depleted state revenue, forcing the Qing court to resort to disgraceful revenue-generating methods such as selling offices. *Lijin*, as an important source of local revenue, persisted due to the declining power of the central state.¹⁷

The Rise of *Guaqi Chuan* (掛旗船)

The transit pass privilege allowed foreign-owned goods to bypass numerous *lijin* tax stations in the interior, thus greatly enhancing the profitability of import and export business for foreigners. For many Chinese merchants living in the interior, however, foreigners' treaty privileges such as extraterritoriality and exemption from *lijin* were far more attractive than the foreign goods *per se*. As demonstrated in previous chapters, people in Ba County were highly interested in seeking foreign consular protection in legal disputes and had ingeniously found ways to exploit these privileges. It was only natural for Chinese merchants to attempt to utilize foreigners' transit passes for their own benefit, especially considering the tax relief provided by the transit pass was extremely enticing to native merchants seeking profits during the post-Taiping era.¹⁸

According to a British consular official stationed at Hankow, the transit-pass system on the

¹⁷ Parker, *China: Her Diplomacy*, 250.

¹⁸ On the abuse of outward transit pass in the lower Yangtze, see Chapter 2 of Motono, *Conflict and Cooperation*.

Yangtze was “extensively abused by foreigners. They obtained passes in their own names for goods owned by Chinese merchants who paid them a fee for their service.”¹⁹ A.D. Blue, a former engineer officer of the China Navigation Company, also shed light on the issue, stating that: “[In the 1860s] Lawlessness was common among Chinese and foreign traders alike. Many foreign ships were engaged in illegal and immoral trades, in flagrant disregard of treaty rights, let alone of the welfare and laws of China. This applies to the sailing of ships and lorchas (Chinese-style wooden junk) under foreign flags.”²⁰

As Blue points out, the key to this illicit collaboration between Chinese and foreign merchants regarding transit pass abuse was the Chinese junks sailing under foreign flags. Due to the complicated waterway conditions on the Upper Yangtze, steam navigation could only reach as far as Yichang during much of the late nineteenth century. Beyond Yichang, transportation was carried out by Chinese-style junks. Foreign companies had the option to manufacture their own junks for transportation, but in reality, they all used existing Chinese-owned junks on the Upper Yangtze.²¹

Once a Chinese junk was chartered by a foreign company, it would be registered in the Maritime Customs Office under the company’s name and thus fly the national flag of the foreign employer. In Chinese, these junks were called “*guaqi chuan*,” meaning junks carrying [foreign]

¹⁹ P. D. Coates, *The China Consuls: British Consular Officers, 1843-1943* (Hong Kong; New York: Oxford University Press, 1988), 176.

²⁰ A.D. Blue, “European Navigation on the Yangtse,” *Journal of the Hong Kong Branch of the Royal Asiatic Society* 3, (1963): 112.

²¹ Deng Shaoqin, *A Brief History of Navigation on the Upper Yangtze in the Modern Times* [*Jindai Chuanjiang hangyun jianzhi*, hereafter, JCHJ] (Chongqing: Chongqing difangshi ziliao, 1982), 32. Deng Shaoqin worked in the Upper Yangtze Shipping Management Office under the presidency of Lu Zuofu in the 1930s, when the book manuscript was initially completed. The book investigates the opening of the Upper Yangtze to foreign trade, expeditions and trial voyages on the river, and the operation of shipping. It traces the historical development of shipping on the Upper Yangtze from 1869 to 1930 using customs records, work reports, and field interviews. The manuscript was printed and published for the first time by Chongqing’s Local Historical Documents Compilation Group in 1982.

flags. Since *guaqi chuan* were operated by Chinese sailors but enjoyed the foreign privilege of tax exemption, they became the perfect means for Chinese merchants to evade *lijin*.

Having understood the complicated relationships among the transit pass, the *lijin* duty, and the Chinese junks flying foreign flags, let us revisit the incident involving the detention of foreign ships at the Kuizhou customs house in 1874. This incident was likely an example of the widespread illicit collaboration between Chinese and foreign merchants to evade *lijin* taxes during this period. By disguising their own vessels as foreign-owned, Chinese merchants obtained transit passes in the names of foreign companies and enjoyed tax exemptions meant only for foreigners. According to Governor Wu Tang's report, several other Chongqing businesses, in addition to Kui Sheng Long, had also registered their ships under Burnett & Jenkins' names to evade *lijin* taxes. This suggests that Kui Sheng Long was not an isolated case and that Chinese merchants in Chongqing had already collaborated with foreign enterprises and exploited their privileges to avoid *lijin* charges prior to the opening of Chongqing. Moreover, the so-called impersonation by Kui Sheng Long must have been approved by Burnett & Jenkins. The fact that the U.S. consul went to the Zongli Yamen to demand compensation demonstrates that in this case, Kui Sheng Long and Burnett & Jenkins had shared interests. If Kui Sheng Long were simply an imposter, Burnett & Jenkins, as a profit-seeking business enterprise, would never have provided them with consular protection.

On the other hand, however, Governor Wu Tang's reaction to this incident also reflected his determination to prevent local revenue from being undermined by the abuse of transit pass conducted by both Chinese and foreigners. In 1869, as the newly appointed governor of Sichuan, Wu Tang submitted a petition to the Tongzhi Emperor on retaining *lijin* stations in the province. In the wake of the Taiping Rebellion, the imperial court had decided to reduce the number of

lijin stations across the empire, with the intention of retaking control over revenue from the hands of provincial authorities. The imperial court's justification for this initiative was that *lijin* was no longer necessary after the rebellion had been quelled and that the *lijin* barriers placed closely to one another resulted in repeated charges on passing merchants. However, Wu made a compelling point, stating that Sichuan, located in the remote southwest, had few merchants but ongoing military conflicts on the borders with Shaanxi, Gansu, Yunnan, and Guizhou. Wu insisted that Sichuan could not afford to withdraw more stations because the provincial military was severely underfunded.²²

Official Anxiety on the Eve of the Treaty Port Era

There is further evidence to demonstrate that Sichuan provincial authorities were well aware of the misuse of foreign privileges and its threat to local revenue. In addition to Chinese and foreign merchants, French Catholic churches and Chinese Catholics were also implicated in evading *lijin* through the abuse of foreign privileges. An incident in the fall of 1879 involving a Catholic named Ye Chunyang sheds light on this matter.

Ye Chunyang, a native of Chengdu, was detained at a *lijin* customs station while returning to Sichuan from Hubei. According to Ye, he was sent by the East Sichuan bishop to Hankow to purchase church supplies. He presented a passport (*huzhao* 護照 or *hupiao* 護票) with the following words written on it: "The passport was issued at the request of the French consul. The *daotai* and the commissioner at the Hankow Maritime Customs had examined and sealed the

²² *Lufu zouzhe* 录副奏折 [Copies of Memorials at the Grand Council], Memorial of Wu Tang, First Historical Archive of China, 03-4891-015. In Du Hongchun, ed., *A Complete Compilation of Wu Tang Papers* [*Wu Tang xingshu changpian*, hereafter WTXC] (Hefei: Huangshan shushe, 2016), vol. 3, 584.

containers before issuing this passport. As proof of *lijin* exemption, the passport will be presented for inspection at the native customs stations along the trip. Any item not stated on the passport that are included in the cargo would still be subject to *lijin*.”

The officials in Sichuan became concerned when they discovered that Ye had brought back five cartons of foreign wine (*yang jijiu* 洋祭酒), which the East Sichuan Catholic bishop had not mentioned in correspondence with the Sichuan government. Furthermore, upon entering Sichuan, Ye failed to stop by two major checkpoints along the way, where ships were supposed to present documentation for inspection. As one official wrote: “If Christian converts are allowed to freely use the passport and travel across provinces, it would be so much more challenging for us to combat smuggling. Converts everywhere will follow suit, smuggling merchandise into Sichuan under the guise of shipping church supplies.”

Initially, the Sichuan administration sought to leverage this situation to negotiate with the French regarding the extent to which Chinese converts should benefit from certain treaty privileges. Upon reviewing the treaties, the East Sichuan Circuit Intendant pointed out that no clause stated that “Sichuan Christian converts traveling to other provinces to purchase church supplies should be issued a passport and pass checkpoints without inspection.” However, He Zhidao (何芷舫), the *daotai* of the Hankow Maritime Customs, confirmed that this arrangement had been reached in 1863 between his predecessor Zheng and the French. Since then, converts traveling between the interior and the coast to purchase church supplies had regularly received passports from Hankow. Ultimately, due to the intervention of East Sichuan Bishop Laurent Bl  tery, Ye Chunyang only received a reprimand from the Sichuan authorities.

The negotiations surrounding this incident lasted for over half a year and involved various institutions, from the Ba County yamen to the Sichuan Foreign Affairs Bureau. Shortly after its

conclusion, in June 1880, the Sichuan provincial administration issued a proclamation tightening the inspection of Chinese converts using passports to transport foreign goods into Sichuan from other provinces. “In the future, authorities will closely scrutinize local converts’ passports when they bring church supplies back to Sichuan. All additional items brought in should be subject to the appropriate *lijin* duties. Allowing converts to easily evade *lijin* payments would set a dangerous precedent.”²³

This proclamation reflects the widespread anxiety of Sichuan officials regarding the threat to local governance posed by the increasingly blurred Sino-foreign boundaries on the eve of Chongqing’s opening. As discussed in previous chapters, Sichuan officials stigmatized Chinese converts who relied on extraterritoriality to undermine Chinese officials’ judicial authority. Similarly, in the Ye Chunyang case, Sichuan officials’ concerns were motivated by the potential impact of Sino-foreign collaboration on local revenue.

This anxiety had two dimensions. The first dimension was directly related to the negative consequences of smuggling and *lijin* evasion on local finances. This concern had deep roots in the hostile image of Sichuan’s French Catholic community in the late nineteenth century. In the late 1860s, Joseph Desflèches, a French missionary notorious for abusing treaty privileges and interfering in local affairs, had partnered with converts Tong Houyi and Guo Huairan to open two stores in Sichuan that sold foreign imports. To evade *lijin* taxes, Desflèches and his converts used passports to transport goods to Sichuan under the pretext of purchasing church supplies.²⁴

Furthermore, the East Sichuan Circuit received a report in 1875 from Burnett & Jenkins’s Hankow branch about embezzlement and fraud involving converts misusing passports. In 1873,

²³ SJYD, 31.

²⁴ Lin Jianzeng et al., *History of the Spread of the Three Major World Religions in the Yunnan-Guizhou-Sichuan Region* [*Shijie sanda zongjiao zai yunguichuan diqu chuanboshi*] (Beijing: Zhongguo wenshi chubanshe, 2002), 346. The case files of this suspicious smuggling instance is recorded in JWJD, vol. 3, 942-946; JWJD, vol. 1, 1167.

the company had sent Li Zhaodong and Ai Weihuan to Sichuan to buy agricultural products. However, upon arriving in Chongqing, Li and Ai “used their passports as a shield to deceive.” Within ten months, they had already spent over 1,400 taels of silver in the company’s name and ignored several requests from the company to return the books to Hankow.²⁵

A second layer of anxiety stemmed from the significant increase in diplomatic affairs in the everyday governance of interior governments after the Treaty of Tianjin. Since the 1860s, Sichuan officials faced severe criticism from the Zongli Yamen due to frequent anti-Christian incidents in the province. When handling incidents involving foreigners, the local government found itself caught between the central government, foreign powers, and the local community, requiring extreme strategic acumen to reconcile the expectations of all parties. Officials faced the risk of dismissal or even criminal penalties if they were not cautious enough. Thus, the Sichuan government understood that the regulation of transit pass abuse was not merely a local concern but rather a delicate issue that involved both central-local relations and Sino-foreign relations. This is why the discovery that converts were using passports to smuggle goods into Sichuan was of great concern to Sichuan officials. They feared that extraterritoriality and foreign influence would render it impossible to prevent further erosion of local revenues if such practices became widespread.

On the other hand, foreigners seeking to expand trade to the interior encountered the Sichuan provincial government’s suppression of transit pass abuses as a major obstacle. Operating in an illegal manner for an extended period would prevent foreign goods from fully benefiting from the vast market and abundant raw materials in Sichuan and western China. During the 1876 Chefoo negotiations, Britain, therefore, demanded that transit pass privileges be

²⁵ BXDA, 6-32-2348.

extended to Chinese ships carrying foreign-owned goods. Enforcing this clause, however, proved challenging due to the provincial government's staunch defense of the *lijin* tax. Despite this, many Chinese businessmen managed to obtain transit passes illegally after 1876, disguising themselves under fictitious British companies.²⁶

Provincial Resistance after Port Opening

On his 1894 journey to Chongqing, *Times* correspondent G. E. Morrison captured the following scene: "An immense number of junks of all kinds were moored to the bank. Many carry foreign flags, by which they are exempt from the Chinese *likin* duties, so capricious in their imposition, and pay instead a general five per cent, *ad valorem* duty on their cargoes, which is levied by the Imperial Maritime Customs, and collected either in Chungking or Ichang."²⁷

The *Sichuan Customs Gazette* described the formal operation of foreign flag junks on the Upper Yangtze as a mark of Chongqing's official opening to foreign trade. The practice "began on May 12, 1891, when a junk chartered by Butterfield & Swire loaded yellow silk and Chinese ash [a type of medicinal herb] from Chongqing and sailed to Yichang; and on May 26, when a different junk commissioned by Chungking Trading Company loaded kerosene and kelp from Yichang and sailed to Chongqing," the *Gazette* states.²⁸ However, records in both Chinese and English have demonstrated that this practice predated its legalization in 1891 by a significant amount of time.

²⁶ Matthews, "Union Jack," 79.

²⁷ G. E. Morrison, *An Australian in China: Being the Narrative of a Quiet Journey Across China to Burma* (London: Horace Cox, 1895), 12.

²⁸ Sichuan difangzhi bianzuan weiyuanhui, eds., *Annals of Sichuan Province: Customs [Sichuanshengzhi haiguanzhi]* (Chengdu: Sichuan kexue jishu chubanshe, 1998), 3; JCHJ, 32.

The rise of Chinese junks flying foreign flags would unavoidably bring about changes to the power dynamics of local society. For some of Sichuan's old elite, it meant ceding their longtime control of local affairs to newcomers. It seems ironic when British merchant Archibald Little, who played a key role in facilitating Chongqing's port opening, was there to witness the decline of the Kuizhou customs: "It was once one of the richest and gayest cities of the [Sichuan] province, due to the great revenue collected there before the foreign-managed Imperial Maritime Customs at the Treaty Ports of Ichang and Chungking replaced it. It is now a decaying city, noticeable chiefly from the its great walls and magnificent situation, a calling-place for all upward and downward-bound junks and a station for the inspection of their cargoes by the officers of the *Likin*."²⁹

Nevertheless, the Sichuan provincial government has never yielded in its fight against attempts to undermine the *lijin* revenue. On July 2, 1891, right after the establishment of the Chongqing Maritime Customs, Shen Bao reported that "Last month, a foreign flag junk carrying cargo from Yichang to Sichuan was suddenly detained by customs officials at Kuizhou and ordered to pay *lijin* in accordance with regulations."³⁰ Having dealt with so many diplomatic disputes sparked by the misuse of transit passes like this one, in 1896, the Zongli Yamen finally adopted the suggestion of Maritime Customs Commissioner Robert Hart, allowing Chinese merchants transporting native goods for export to apply for a transit pass and pay an export tax instead of the interior *lijin* duties.³¹ However, this decision only gave rise to another round of resistance at local society, and because there was much room for manipulation in these agreements, its execution ran into multiple obstacles.

²⁹ Archibald J. Little, *The Far East* (Oxford: The Clarendon Press, 1905), 77.

³⁰ "Chinese Junks Flying Foreign Flags Detained at Kuizhou Customs," *Shenbao*, July 2, 1891, 3.

³¹ Luo, 136.

In 1899, British Consul F. A. Frazer filed a lawsuit against silk merchant Li Zanchen for an outstanding customs clearance fee of 41.89 taels for a shipment of pig bristles owed to Burnett & Jenkins.³² However, Li asserted that this accusation was a conspiracy orchestrated by Burnett & Jenkins' new Chinese manager, Wu, with whom he had a previous business dispute over Chinese medicinal herbs. At the same time, Lee claimed that he had been working with manager Chai of Kung Tai for many years, and that he had never been accused of defaulting on payments during that period of time. To prove his innocence, Li immediately filed a separate lawsuit against Wu for false accusations.

Between 1902 and 1911, Sichuan exported over 1,000 tons of raw silk annually, accounting for nearly a fifth of the national total.³³ The 56-*sui* Li Zanchen, heading the Ren Yi Yong firm, was a prominent figure in the raw silk trading business in Chongqing.³⁴ A native of Nanchong County, a major raw silk producer in Sichuan, Li was a member of the influential Shunqing Guild, an association of raw silk dealers in China's southwest. Li skillfully navigated Chongqing's emerging export market by leveraging a complex inter-regional business network between the interior and the coast. In addition to trading pig bristles, medicinal herbs, and raw silk products from his hometown of Nanchong, he co-founded Rui Xing Qian, a business venture in Shanghai, with two local merchants.

Li's extensive business, spanning from Nanchong to Chongqing and Shanghai, made him susceptible to disputes. Aside from the lawsuit with Burnett & Jenkins, Li's questionable activities were reported by the Chongqing General Bureau of Products and Lijin (*Chongqing*

³² BXDA, 6-32-2402.

³³ Sichuan difangzhi bianzuan weiyuanhui, eds., *Annals of Sichuan Province: Silk Industry* [*Sichuan shengzhi sichouzhi*] (Chengdu: Sichuan kexue jishu chubanshe, 1998), 249.

³⁴ Zhongguo renmin zhengzhi xieshang huiyi sichuansheng chongqingshi weiyuanhui wenshi ziliao yanjiu weiyuanhui, ed., *Selected Historical Materials of Chongqing* [*Chongqing wenshi ziliao xuanji*, hereafter CQWZX] vol. 3 (Chongqing: Chongqing yinzhizhi diyichang, 1979), 33-34.

huoli zongju 重慶貨釐總局). Established in 1868 by Luo Bingzhang, the governor of Sichuan, the Bureau aimed to ensure stable revenue from *lijin*, which funded the province's military affairs.³⁵ In 1906, the Bureau presented evidence to the Ba County yamen, revealing Ren Yi Yong's attempts to evade *lijin*. According to the Bureau, Chinese businesses exporting goods under the names of foreign companies omitted their own company names on shipping containers, using foreign-language (*yangwen* 洋文) shipping marks to disguise the Chinese ownership. The Bureau, familiar with this tactic, had sent officials to the Chongqing Maritime Customs to record the shipping marks and identify Chinese-owned goods.

In 1906, Ren Yi Yong employed twenty-five foreign-flag junks from four different foreign firms to transport yellow silk (a type of raw silk produced in Sichuan) and cocoons for export. Unfortunately, the *lijin* Bureau officials recognized their shipping mark and demanded the payment for *lijin*. However, Ren Yi Yong claimed ownership only of the cocoons, not the yellow silk, as the *lijin* duty on the latter was higher. The Bureau found this claim dubious, stating, "The same shipping mark was found on both yellow silk and cocoons. Ren Yi Yong cannot solely possess the cheaper goods."

Additionally, Ren Yi Yong refused to provide the inventory and customs declaration invoice for examination. Under pressure, they fabricated a customs bill to deny ownership of the yellow silk. The *lijin* officers requested the immediate arrest of Li Zanchen and ordered him to pay 100.8 taels of silver for *lijin* on the goods. Concerned that wide publicity of this case would encourage other Chinese merchants to imitate Li's actions and exploit transit passes instead of paying *lijin*, the Bureau and the Ba County yamen eventually withdrew the accusation after Li paid the tax and pleaded repeatedly.

³⁵ WTXC, 584.

The tax in question, known as *laoli* (老釐) or old *lijin*, was established during the early 1850s to fund provincial governments' suppression of the Taiping rebels. Revenue from *laoli* went directly to the treasury of the East Sichuan Circuit.³⁶ In 1901, a contentious disagreement arose between Sichuan provincial officials and British Consul F. C. Witton regarding the collection of *laoli* on Chinese-owned products using transit passes issued through foreign companies. Witton argued that at other ports along the Yangtze River, cargoes carried by foreign-flagged vessels were discharged after paying maritime customs duty and were not subject to additional taxation. However, the Sichuan government continued to impose *lijin* on products transported by foreign-flagged junks. Witton strongly protested against this practice, insisting that imposing *lijin* on these vessels constituted violation of the treaty terms.

In defense, Baofen (寶綦), the East Sichuan Daotai, maintained that *lijin* was levied only on Chinese-owned goods intended for sale within the interior and had nothing to do with either the maritime customs or the foreign companies. On this ground, Baofen refuted the allegation of treaty violation. Baofen's response highlighted a crucial aspect of the Sino-foreign debate concerning the application of transit passes to Chinese-owned goods. A significant challenge in enforcing *lijin* under the transit pass system was the lack of reliable means to verify whether outbound goods were truly destined for overseas markets. Officials recognized the loophole in the system: Chinese merchants could use export as a pretext to obtain an outward transit pass for goods intended for the domestic market. Baofen stated, "Foreign interference in Chinese affairs by declaring customs on behalf of Chinese-owned goods" created confusion in the inspection system, leading to some cargoes being subject to both export tax and *lijin*.

³⁶ Sichuan difangzhi bianzuan weiyuanhui, eds., *Annals of Sichuan Province: Major Historical Events* [Sichuan shengzhi dashi jishu] vol. 2 (Chengdu: Sichuan kexue jishu chubanshe, 1999), 87.

Baofen believed that the British consul's protest stemmed more from concerns over foreign companies' diminishing profits due to increased scrutiny of transit pass abuses by the Sichuan government than a matter of treaty compliance. "If Chinese merchants can no longer evade *lijin*, then foreign companies can no longer profit by declaring customs on their behalf." Evidence indicated that J. W. Nicolson, chief manager of the British firm Chungking Trading Company, called a meeting with Sichuan merchant guilds and assured them that goods declared on their behalf by the foreign company would be exempt from *lijin*. Upon discovering this information, Baofen instructed magistrate Zhang of Ba County to hold a secret meeting with the guilds, explaining the true implications. All Chinese merchants present, except for one small guild from northeast Sichuan, agreed to comply with *lijin* regulations, as they sought continued protection from the yamen.³⁷

Upon learning of this, Sichuan Governor Kuijun (奎俊, 1843-1916) promptly sent a telegram to Li Hongzhang, seeking support from higher authorities in the Qing court. As Kuijun wrote:

It is important for us to plan ahead. I was told that consul Witton had already sought intervention from the British minister in Beijing. I have personally confirmed Witton's account of the situation regarding *lijin* in Yichang and Hankow through conversations with people there. In Sichuan, *lijin* has been utilized to fund provincial troops for many years, even after Chongqing opened to foreign trade. The revenue from *lijin* had always been derived from Chinese merchants. I am not sure if the British minister had already paid a visit to you, but it is necessary for me to provide you with a Sichuan-side account of what had happened. Please resist the British demands on abolishing *lijin* based on the information provided in this telegraph.³⁸

³⁷ QWS, *juan* 9, 4914.

³⁸ Gu Tinglong and Dai Yi, eds., *Li Hongzhang Quanji* [A Complete Collection of Li Hongzhang Papers] vol. 28 (Hefei: Anhui jiaoyu chubanshe, 2008), 333.

Kuijun strategically presented Sichuan's opposition to the British request as a matter of preserving Chinese profits and rights (*liquan* 利權). Despite Kunjun's resolute stance in defending *lijin*, the telegram also conveyed caution about the potential diplomatic conflict arising from this matter. Fortunately for Sichuan officials, Li Hongzhang quickly responded, expressing his support for them. Li reminded Kuijun that the Yantai Treaty stipulated three types of *lijin* exemptions: business in foreign settlements, foreign merchants purchasing goods in the Chinese interior for export, and merchants transporting foreign goods for sale in certain regions of the interior.

Li Hongzhang raised the question in his reply: "Chinese junks and Chinese goods are not applicable to any of these exemptions, so how does imposing *lijin* on them violate the treaties?" It is not surprising that Li Hongzhang, who had been a proponent behind the introduction of *lijin* during the Taiping, supported Sichuan's opposition. Intriguingly, even after the Zongli Yamen had granted Chinese merchants transporting native goods for export the right to a transit pass in 1896, Li continued to support Sichuan's defense of *lijin* in 1901. This may suggest a divergence of views between Li Hongzhang and the Zongli Yamen on the *lijin* issue and the waning influence of the Zongli Yamen on foreign affairs as the Qing dynasty neared its end.

Trading Foreign Flags

Historian Luo Yudong posits that provincial authorities, in their resistance against the transit pass system to safeguard local revenue, adopted a strategy of appeasing foreign merchants while squeezing Chinese merchants. Consequently, foreign merchants appeared to be the greatest beneficiaries, as Chinese authorities at both central and local levels could not directly regulate

them due to extraterritoriality. On the other hand, Chinese merchants were left vulnerable, unable to resist extortion from either the state or foreign powers. This perspective, informed by nationalism, is commonly seen in early Chinese-language historiography, attributing the late Qing crises to the state's inability in the face of imperialism. Nevertheless, the extensive practice of "Chinese junks flying foreign flags" demonstrated that Chinese merchants were not as powerless and passive as Luo has assumed. Local merchants managed to carve out a niche for themselves in the Upper Yangtze river, amidst the challenges posed by imperialist ventures and Qing state-building during the last days of the dynastic rule.

Chinese merchants sought foreign treaty privileges for three main purposes: to evade *lijin* taxes, enjoy extraterritorial protection, and reject government expropriation. The acquisition of treaty privileges took various forms. For instance, Chinese merchants could register their vessels as foreign-owned by paying a fee to the consulate. This act was known in the Chinese vernacular language as *guai yangqi* (掛洋旗), or flying a foreign flag. Alternatively, they could directly hire junks chartered by foreign companies to transport their cargo, or pay foreign companies to file customs declarations on their behalf. By doing so, Chinese merchants could obtain a transit pass from the imperial customs by paying a one-time import tax at the coast, thus exempting their goods from various interior *lijin* taxes. Additionally, Chinese merchants could, through trusted foreigners, reach out to foreign consulates and pay a "flag fee" to register their business as foreign companies.

In the 1920s, Chinese merchants seeking to profit from the newly available steam navigation industry on the Upper Yangtze also pursued foreign flags for their vessels to enjoy foreign protection. Huang Xizhi (黃錫滋), one of the wealthiest merchants in Chongqing, negotiated a deal with the French company Olivier et Cie (永興洋行) through his close friend

Tong Jida, a Chinese Catholic working at the Chongqing Maritime Customs. According to Huang's sons, for an annual "flag fee" of 30,000 taels of silver paid to the French, Huang registered his steamers as French merchant vessels, thus enjoying all privileges accorded to foreign ships sailing on the Upper Yangtze. The Huang family and the French also established a joint-venture known as Union Franco Chinoise de Navigation. Despite propagating itself a French-owned business, this company had no French presence in its management at all. The French only served as protectors of Huang's business, representing the company in lawsuits and seeking consular intervention when necessary.³⁹ This foreign shelter exempted Huang's ships from military service and various taxes for more than a decade, enabling the family to make substantial profits during times of crisis.⁴⁰

Undoubtedly, the abuse of transit passes allowed foreign firms and individuals to reap significant profits. Shortly after Chongqing's opening, major foreign firms actively engaged in these illicit transactions. However, the interests of colonial officials and foreign merchants, as well as among different foreign powers, were not always aligned. In 1883, Chaloner Alabaster (1838-1898), the British consul in Hankow, was authorized by the British Legation to combat the misuse of transit passes on the Upper Yangtze, but the outcome proved disappointing, "serving only to temporarily place the profitable malpractices into American hands."⁴¹

³⁹ Huang Jinying, "Memories from the French Juhua Company to Qianghua Company," in Zhengzhi xieshang huiyi quanguo weiyuanhui wenshi ziliao yanjiuhui, ed., *Selected Historical Materials [Wenshi ziliao xuanji] juan 11* vol. 33 (Beijing: Zhongguo wenshi chubanshe, 1963), 204-225.

⁴⁰ Sichuan difangzhi bianzuan weiyuanhui, eds., *Annals of Sichuan Province: People [Sichuan shengzhi renwuzhi]* (Chengdu: Sichuan kexue jishu chubanshe, 2001), 418.

⁴¹ Coates, 176

Adjudication of Transit Pass Abuses

To be sure, foreign firms did not always gain the upper hand in this lucrative transit pass business. Between 1892 and 1911, the Ba County yamen witnessed at least twelve lawsuits where foreign firms directly sued local businesses for overdue customs bills. For instance, in 1905, merchant Zhang Futian planned to ship imports from Chongqing to Guizhou while evading *lijin* taxes along the way.⁴² To do so, Zhang sought the aid of Jardine Matheson to secure twenty-three transit passes from the imperial customs in the company's name. However, Zhang later claimed that the goods were subjected to "tips" demanded by one of Guizhou's *lijin* checkpoints and were consequently re-taxed when he refused to bribe.

Zhang approached Manager He of Jardine Matheson and tried to attribute his encounter at Guizhou *lijin* checkpoint to the authenticity of the transit pass He had provided and refused to pay for the balance he owed for the transit passes. But He insisted that it was just a cunning ploy by Zhang to try to pass on the losses he had suffered. After all, it was not uncommon for Chinese-owned goods to be still inspected and subjected to *lijin*, even with a transit pass.

To resolve the dispute, He brought it to the British consul, who then urged the Ba County magistrate to take taxes seriously and defend British commercial activities. As a result, the magistrate issued an arrest warrant for Zhang. Subsequently, Zhang had to plead with two influential local merchants to intercede with Jardine Matheson on his behalf, promising to repay the owed amount. Only then did the consul request the revocation of the arrest warrant from the Ba County.

⁴² BXDA, 6-32-2411.

It is evident that foreign firms' extraterritoriality continued to significantly impact Sino-foreign debt disputes, even though the disputes themselves arose from treaty violations. As with previous chapters discussing various Sino-foreign litigations, consular intervention compelled the Ba County magistrate to treat the case with greater gravity, and the involvement of a judicial authority was vital in recovering debts. Zhang Futian's case exemplifies this, as Jardine Matheson easily recouped the customs bills owed, thanks to the British consul's actions.

Importantly, in disputes arising from Chinese merchants purchasing transit passes from foreign firms to evade *lijin*, magistrates typically refrained from treating them as severe offenses, provided higher level governments did not perceive these actions as infringing on local revenue. Unlike provincial authorities' staunch defense of *lijin*, most magistrates were driven more by pragmatism than absolutism when deciding cases of treaty rights abuse. The provincial authorities prioritized matters like revenue generation and military finance, whereas magistrates were more concerned with maintaining social equilibrium at the local level as grassroots authorities. Hence, magistrates tended to acquiesce to such behavior and supported foreign companies in pursuing debt collection against Chinese merchants following consular intervention.⁴³

Under the magistrate's explicit or tacit support, the debt collection process involving foreign creditors typically yielded favorable outcomes. In 1907, the British consul in Chongqing sued a Shanxi merchant for absconding after failing to pay Butterfield & Swire and Burnett & Jenkins a total of 618 taels in custom bills. The merchant avowed, as many defendants in debt disputes would, that his financial situation prevented him from paying the full sum. Within seven months, the defendant were arraigned three times in Ba County yamen. Under such pressure,

⁴³ Sommer has discussed the absolutism and pragmatism in the central court's adjudication of wife-selling cases in the Qing. See Sommer, *Polyandry and Wife-selling*, 308-340.

however, the merchant eventually secured a guarantor to assist in paying the bills and provided a collection of goods as collateral. Moreover, the magistrate penalized a runner, who had taken the liberty to release the merchant on bail after the first arraignment.

All such cases followed a consistent pattern: the defendant sought someone to intercede at the consulate on his behalf, and the consul informed the magistrate to release the defendant.⁴⁴ Furthermore, defendants in these disputes were usually not punished beyond detention, except for the Osaka Shosen Kaisha vs. Ding Xin Zhen case in 1905. In that case, the manager of a Guizhou business entity, Ding Xin Zhen (鼎新貞), obtained a transit pass from the Chongqing office of Osaka Shosen Kaisha, a Japanese firm, for a shipment of yarn to Zunyi (遵義) but absconded without paying. As the defendant ignored several payment requests from the yamen and failed to secure a bailor, the magistrate sentenced him to flogging.⁴⁵

Crucially, the magistrates' cooperation in covering outstanding custom clearance bills for foreign companies does not suggest that they intentionally disregarded provincial measures to safeguard *lijin* by neglecting to penalize transit pass abuse during disputes brought before the yamen. Provincial officials were well aware of the abuses of transit passes as well. Occasionally, a consul would directly approach the East Sichuan Circuit and seek intervention, and the *daotai* would usually agree to do so out of personal favor. For instance, in the spring of 1896, Xuan Jingzhai, the proprietor of a mountain goods business in Chongqing, utilized Burnett & Jenkins' flagship to transport a shipment of duck down for export. Subsequently, Xuan absconded without paying for the transit pass and customs declaration. Burnett & Jenkins' agent, Qu, reported the

⁴⁴ BXDA, 6-32-2417.

⁴⁵ BXDA, 6-32-1101.

case to the U.S. consul Schmitt, who had the East Sichuan Circuit *daotai* order the Ba County magistrate to arrest Xuan.⁴⁶

However, the above examples of effective debt collection do not imply that extraterritoriality would permit foreign companies to abuse treaty rights without risk or repercussions. The reality is that the illicit business involving the transit pass offered substantial profits and ample room for manipulation, creating a breeding ground for complicated disputes and even crimes among the three parties involved: foreign firms, their Chinese employees, and Chinese merchants. Each of these parties had an opportunity to either exploit or be exploited by the others. In addition to delinquent customs bill payments, Chinese merchants could also bribe Chinese managers of foreign companies to misrepresent the variety and quantity of goods when filing taxes with the imperial customs. This enabled them to evade *lijin* and avoid paying the full service fee to the foreign companies simultaneously.⁴⁷

Meanwhile, Chinese employees of foreign companies could leverage their network among the foreigners for personal gain. In all instances of transit pass abuse, Chinese managers of foreign companies played a pivotal role in facilitating the deals by serving as a link between the foreigners willing to sell treaty privileges and the Chinese merchants eager to take advantage of them. Given their crucial position in a lucrative and difficult-to-regulate business, Chinese employees of foreign companies were inclined to engage in malpractices.

In 1898, Gong Hengfu, a bookkeeper at Butterfield & Swire, earned a profit of 2,000 taels of silver by surreptitiously engraving the company's seal and selling transit passes to Chinese

⁴⁶ BXDA, 6-32-2375.

⁴⁷ Bi Mingqi, "Tianjin's Foreign Firms and their Compradors," in Zhengzhi xieshang huiyi quanguo weiyuanhui wenshi ziliao yanjiuhui, ed., *Selected Historical Materials [Wenshi ziliao xuanji]* vol. 38 (Beijing: Zhongguo wenshi chubanshe, 1999), 84. Bi Mingqi (1902-1971), a native of Shandong, attended German Catholic schools as a child and worked as a manager of several German companies after graduating from high school. Bi served as the vice mayor of Tianjin in the 1950s.

merchants. This case drew the attention of the British Consul F. A. Frazer and the East Sichuan Circuit. The latter instructed Ba County to “summon Gong Hengfu for trial, expedite the case, and provide a detailed reply to be conveyed to the British Consul.” Although this fraud case involved a significant sum of money, it appears that the punishment the suspect received depended on the foreign side, rather than the Chinese government. The trial lasted six months, and Gong Hengfu eventually requested his referee, who had previously introduced him to the foreign firm, to stand bail for him and intercede on his behalf at the U.S. consulate. The case file lacks specific details of this process, but the U.S. consul eventually wrote to the East Sichuan Circuit, informing them that the bail request had been approved. The East Sichuan Circuit then instructed Ba County: “Immediately comply with the proposal to release Gong Hengfu on bail, and provide a report for me to convey to the U.S. Consul to conclude the case.”⁴⁸

Shipwreck, Smuggling, and Tax Evasion

In addition to the disputes arising from tax abuses, the prevalence of foreign-flagged junks raises another concern – the potential theft of cargo by junk carriers while in transit. During the Qing dynasty, the Upper Yangtze, especially the route connecting Chongqing and Yichang, was notorious for its dangerous rapids. Yunnan copper and Guizhou lead were extensively transported to Beijing via the Upper Yangtze, and when convoys encountered shipwrecks in the rapids, local governments would employ professional divers (*shuimo* 水摸) to salvage the metal. However, shipwrecks often occurred in remote locations, making official oversight of salvage activities ineffective. By the early 1800s, collusion among boatmen, sailors, and professional

⁴⁸ BXDA, 6-32-2379.

divers on the Upper Yangtze in stealing valuable metal from shipwrecks had become a common phenomenon.⁴⁹

Following the opening of Chongqing, similar issues arose for foreign companies, who had to rely on Chinese junks for transportation. During this time, Chinese junk carriers hired by foreign companies used shipwrecks as an excuse to steal cargo in transit. For example, in 1894, junk owner Zhang Fali, chartered by the British-own Chungking Transportation Company, falsely reported a shipwreck to conceal the fact that he had secretly sold the company's 45 containers of gasoline along the way.⁵⁰ Butterfield & Swire sued their junk carriers in 1897, 1901, and 1902 for fabricating shipwrecks and embezzling the company's yarn and gasoline.⁵¹

Table 1: Number of Shipwrecks Involving Chinese Junks Flying Foreign Flags in Late Guangxu Reign

Year	Shipwrecks
1897	50
1906	78
1907	69

Source: Deng Shaoqin, *A Brief History of Navigation on the Upper Yangtze in the Modern Times*, 1982.

Interestingly, the handling of these cases consistently followed a pattern: the foreign consul

⁴⁹ Lan Yong, "Qingdai jingyun tongqian dalao yu shuimo yanjiu" [A Study on the Salvage of Copper and Zinc and Professional Divers in the Qing Dynasty] *Zhongguoshi Yanjiu* 2, (2016): 181-201.

⁵⁰ BXDA, 6-32-2369.

⁵¹ BXDA, 6-6-2374.

approached the magistrate to prosecute the suspicious boatmen, the magistrate summoned the boatmen for interrogation, and then the head of the boatmen guild went to the consul to intercede, resulting in the consul dropping the case. This procedure is commonly referred to as “*shuoqing* (說情),” meaning making an emotional appeal. Although foreign firms often initially demanded that the magistrate punish the boatmen for stealing goods, after the boatmen guild’s intervention at the consulate, the suspects were rarely punished.

This suggests that, at least in the early days of Chongqing’s treaty port era, a tacit agreement was reached between foreign firms and the boatmen guild regarding the handling of theft cases. The key to this agreement was the symbiotic relationship formed between the two communities before steamers replaced junks as the major mode of transportation on the Upper Yangtze. Steamship navigation was a major point of contention in the Sino-British negotiations over the opening of Chongqing, and the British demand, if realized, would have threatened the livelihoods of local boatmen. Although steamship navigation was not introduced until the early twentieth century due to resistance from local and central Chinese authorities, the boatmen community in the 1890s was keenly aware of the long-term threat posed to their livelihood by foreign trade. Apart from being motivated by financial gain, boatmen stealing from foreign businesses may also reflect their opposition to foreign disruption of the Upper Yangtze shipping ecosystem. In the 1880s, Sichuan boatmen would charge any foreigner three times the price they would ask of a native for the same service.⁵² Nevertheless, this hostile relationship was temporarily mitigated by the creation of foreign-flag junks, which provided ample employment opportunities for traditional junk carriers while offering foreign businesses a relatively inexpensive means of transportation.

⁵² Virgil C. Hart, *Western China* (Cambridge: University Press John Wilson and Son, 1888), 23.

From the perspective of Chinese provincial authorities, particularly those in charge of military and financial affairs, flag junks needed to be regulated as they facilitated *lijin* evasion for Chinese merchants, thus depleting local revenue. However, foreign firms' attitude toward junks flying their flags was more nuanced. While foreign firms were willing to profit by selling treaty privileges to Chinese businesses, they would not hesitate to suppress specific abuses that undermined their own economic interests or reputation.

In 1893, James Chalmers, commissioner of the Yichang Maritime Customs, corresponded with Hubei's Jingyi Military Circuit (*jingyi bingbei dao* 荆宜兵備道). Subsequently, the Jingyi Military Circuit and the East Sichuan Circuit jointly issued two routine procedures for handling foreign-flag junks that experienced shipwrecks. First, foreign companies were required to promptly report to the nearest yamen, obtaining a document as proof that the accident was genuine and that the cargo had already paid import tax before entering the interior.

Second, the magistrate had to investigate the shipwreck on the spot and clearly state on the transit pass what was lost and what was salvaged. If the transit pass drifted away when the ship was wrecked, the magistrate, after verifying the claim, issued a document for the junk carriers to submit to the customs for inspection. If the magistrate found evidence of anyone exploiting the shipwreck as an opportunity for smuggling or evading *lijin*, he was required to immediately notify the provincial authorities and customs officials. As the Jingyi Military Circuit wrote to the East Sichuan Circuit: "Foreign companies are skillful in straddling the import tax and interior tax and exploiting loopholes in the two systems. Our provincial military has been severely short on funds, and recent years have seen particularly low revenue at various *lijin* stations. We must work together to stop this malpractice."⁵³

⁵³ BXDA, 6-32-2364.

The provincial government and foreigners have managed to reach a rare consensus in curbing the theft of goods by Chinese boatmen under the pretext of shipwrecks. However, county officials responsible for investigating and adjudicating such incidents must consider the complex power relations in grassroots society and exercise restraint in their actions. As discussed in previous chapters, when common Chinese people steal from foreigners, magistrates readily accommodate the plaintiff's request by retrieving the stolen funds and penalizing the perpetrator. However, in cases of theft committed by foreign-flagged junk owners, magistrates are less inclined to accommodate the foreigners due to the influence of the boatmen guild (*chuanbang* 船幫).

An instance from 1902 exemplifies the magistrate's attempt to strike a balance between conflicting interests in shipwreck cases. In October of that year, a downward-bound junk chartered by Osaka Shosen Kaisha, a Japanese transportation company, wrecked near the town of Mudong (木洞鎮), 75 *li* east of Chongqing. The junk's owner, Du Yixiang, recruited a team of local boatmen to assist in the salvage effort. Upon counting the cargo, Du discovered that 16 cartons of opium and valuable Chinese herbs were missing. Since the junk did not suffer any damage, Du suspected that the boatmen had taken the cargo during the salvage. The Ba County magistrate directed the Mudong town inspector to conduct an investigation, which led to the discovery of a box of opium hidden inside boatman Wang's vessel. Another carton of herbs was retrieved downstream by a professional diver hired by the inspector. However, the boatmen covered up for one another, refusing to reveal who else had taken the cargo.⁵⁴

⁵⁴ BXDA, 6-32-2386.

The inspector, holding the post of Patrol and Inspection Agent (*xunjiansi* 巡檢司) at Mudong township, created during the Yongzheng emperor's reign, was the next rank below the Ba County yamen. The inspector's primary responsibility was to oversee public security and to command the militia to apprehend outlaws in the locality. For non-capital cases, the inspector's office could summon for a preliminary investigation and, if necessary, submit the case to the Ba County yamen.⁵⁵

In this case, the early investigation was primarily conducted by the inspector, who aimed to strike a balance between finding the missing cargo and not upsetting the local boatmen guild. Despite knowing that the boatmen had hidden the cargo, the inspector did not arrest them until the Ba County magistrate explicitly instructed him to do so. However, when the local boatmen guild came to bail the suspects out, the inspector immediately released them, even though not all of the missing cargo had been found. The Japanese side was extremely unhappy with this outcome as they were not consulted beforehand. Consequently, Consul Tokumaru Sakuzo brought the matter to the attention of the East Sichuan Circuit Intendant, who urged the Ba County magistrate to personally investigate the case.

Osaka Shosen Kaisha did not believe Du's version of events either, suspecting that he was part of the scheme. They demanded that he be held in jail. After a month-long inquiry, the five boatmen finally turned over the remaining cargo. The magistrate ordered them to be placed in cangue for five days in front of Osaka Shosen Kaisha. Du was set free after he sought someone's assistance to plead with the Japanese consul on his behalf. The Ba County magistrate exercised

⁵⁵ Ling Peng, "The Complex Structure of Traditional Local Governance in China: Examples from the Ba County Archives's Xianfeng Reign Cases" [Zhongguo chuantong difang zhili de fuza jiegou] *Shehui Zhili [Social Governance Review]* 34, no. 2 (2019): 31-36. For an overall view on the role of patrol and inspection agents in Qing dynasty Sichuan's grassroots governance, see Chen Junyu, "Revisions of Current Understanding of the Spatial Distribution of Patrol and Inspection Agents in Qing Dynasty Sichuan: Based on Gazettes and Archives" [Qingdai Sichuan xunjiansi shikong fenbu buzheng] *Zhongguo Difangzhi* 4 (2021): 85-99.

caution in handling the case to avoid antagonizing Mudong's local interest groups. He refused to reprimand the Mudong inspector for releasing the suspects, as requested by the Japanese consul. Given that the boatmen had obstructed the investigation, covered for one another, and kept the stolen goods for almost two months, the sentence ultimately imposed on them was not excessively harsh.

Some boatmen, in addition to being able to mobilize support from their guild, also demonstrated remarkable cunning and resourcefulness in stealing from foreign companies. In the winter of 1907, boatman Du Hongsheng undertook to carry a batch of Burnett & Jenkins's medicinal materials to Yichang.⁵⁶ However, as soon as Du arrived downstream of the Upper Yangtze River, Burnett & Jenkins unexpectedly lost track of him. Further investigation revealed that Du did not even own the foreign-flagged junk he had used to load the cargo. How Du came into possession of a foreign-flagged junk registered in someone else's name and where he made off with the goods remained uncertain. Prior to leaving, Du had secured Da Chuan Yuan (大川源), a Chongqing-based shipping company, as the deal's guarantor. Consequently, Da Chuan Yuan was sued by Burnett & Jenkins in the Ba County yamen, with the magistrate ruling that Da Chuan Yuan must compensate Burnett & Jenkins for the stolen cargo with 400 taels of silver.

The magistrate ruled that Da Chuan Yuan must pay Burnett & Jenkins 400 taels of silver as compensation for the stolen cargo. After three years of searching, Da Chuan Yuan finally captured Du and sent him to yamen. At court, Du claimed that the merchandise was destroyed in a shipwreck, and he had simply fled out of fear. However, this version of the story was quickly

⁵⁶ BXDA, 6-54-710.

refuted by Da Chuan Yuan, who had spoken to lifeboats along the river and found that no shipwrecks were recorded around the time of Du's voyage.

To Da Chuan Yuan's dismay, the final trial ruled that the company should not seek any compensation from Du as due to the defendant's dire financial situation. Rather, the magistrate administered to Du severe punishments (*zhongze* 重責), likely a combination of corporal punishments and jail terms), as a settlement. The magistrate's reasoning for making this choice was that Da Chuan Yuan, as the guarantor, bore significant culpability for the crime due to its failure to verify Du's identity. "Burnett & Jenkins had a legitimate accusation against Da Chuan Yuan, who cannot deny liability for the compensation because it resulted from its own negligence."

Developmentalism and Treaty Rights Abuses in the New Policy Reform Era

In 1907, the Qing court created a new provincial unit called the Industry Promotion Circuit, which oversaw the development of local industry and commerce. At county and township levels, industrial promotion officers (*quanye yuan* 勸業員) were appointed to supervise and advocate for local industrial activities.⁵⁷ Similar to many reformist initiatives during the Xinzheng era, the creation of this unit was driven by a growing sense of developmentalism and a survival crisis felt by Chinese elites in response to imperialist invasion. One of the main objectives of the Industry Promotion Circuit was to establish state-run enterprises or enhance

⁵⁷ On the industry promotion circuit and its function in late Qing Sichuan's economy and state-building, see Ao Tianyin, *Jindai difang guanfang jingji guanli kaiduan yanjiu* [A Study of the Beginning of Local State Economic Management in Modern Times: Focusing on the Industry Promotion Circuit and its Officers] (Chengdu: Dianzi keji daxue chubanshe, 2015).

state presence in industries crucial to national survival, such as mining, transportation, and postal services.⁵⁸

In Sichuan, the urgency to develop native industry intensified after the conclusion of the Treaty of Shimonoseki in 1895, which granted Japan the rights to trade in Chongqing and to navigate the Upper Yangtze River. Consequently, this privilege would be extended to other powers under the most-favored-nation clause, ending China's efforts to withhold shipping rights on the Upper Yangtze.⁵⁹ As Chongqing became more integrated into the global market, safeguarding local profits and rights (*liquan* 利權) against the encroachment of foreign capital became a critical agenda for Sichuan reformers.

In October 1910, Wang Tengfang, an industrial promotion officer based in Fushun County, southern Sichuan, noticed that a British flag flying over a local building. Given that Fushun was nearly 200 kilometers from Chongqing, Wang was perplexed by the presence of a foreign flag and decided to investigate further. The building with the British flag turned out to be the residence of a local businessman, Lin Zhuhui. It came to Wang's attention that Lin had recently been employed by a British merchant who went by the Chinese name Gebu (閣部) to manage the China Mutual Life Insurance Company. As Wang delved deeper, he was astonished to discover that the company had already established several branches in Xuzhou Prefect (敘州府) and Luzhou (瀘州), all displaying the British flag on their buildings. These regions, including Yibin, Zigong, and Fushun, were among Sichuan's wealthiest localities due to the presence of salt and shipping industries.⁶⁰

⁵⁸ Liu Ziyang, *Qingdai difang guan'zhi kao* [A Study on the Local Bureaucratic System in the Qing] (Beijing: Gugong chubanshe, 2014), 131-134.

⁵⁹ CKS, 27. However, due to technological challenges, foreign powers did not achieve steam navigation on the Upper Yangtze right after the signing of the Shimonoseki Treaty.

⁶⁰ Yibin, also known as Suifu during the Qing, was an important distributing center on the Upper Yangtze.

Wang was alarmed about the British company's quiet yet rapid expansion in the heartland of Sichuan, as it seemed to contradict what he had learned at the Industrial Promotion Officers Training Institute. He lamented: "We were repeatedly taught that the treaties had clearly stipulated that foreign commercial activities must operate within specified limits of the port and cannot expand into the interior, much less fly their national flags in the interior."

However, Wang refrained from taking immediate action on his own, fearing that this situation might lead to a diplomatic crisis. Instead, he reported the matter to his superior, Zhou Shanpei (周善培, 1875–1958), the Sichuan Industry Promotion Circuit Intendant (*quanye dao* 勸業道). In response, Zhou stated, "Foreign merchants are explicitly forbidden from conducting business outside of the concessions. Lin's use of a British company's license to launch an insurance business in Fushun County is a violation of the treaties." Zhou instructed the magistrate of Fushun to summon Lin Zhuhui to court for questioning. If Lin promptly remove the British flag and ceased operations, he may avoid further scrutiny; however, if he ignored the order, the magistrate should seize his business. Additionally, Zhou directed his subordinates to make several copies of Wang's report and send them to various governments in Sichuan along with the following message: "If you discover any business with foreign registration operating outside of the concessions, follow the procedures in this case to address such abuses."⁶¹

This case presents a fascinating parallel between the state-building efforts of Sichuan reformists and the pioneering ventures of a British insurance firm into the Chinese interior. To better understand the dynamism of this situation and its reflection of conflicts over *liquan* during the Xinzheng era, I will provide background information on each party involved.

⁶¹ BXDA, 6-54-736.

Zhou Shanpei, the Industry Promotion Intendant, was a prominent figure in Sichuan's Xinzheng Reform. The son of a county magistrate in eastern Sichuan, Zhou grew up witnessing China's dual crises of foreign incursions and dynastic decline.⁶² In 1899, Zhou embarked on a Hunan provincial voyage to Japan. There, he was introduced to the latest achievements of the Meiji reform in education, politics, and industry. In 1901, at the request of Sichuan Governor Kuijun, Zhou led twenty-two local students to study in Japan. Upon returning, Zhou inaugurated a number of reform measures by establishing the Bureau of Commerce, the Bureau of Industrial Promotion, and the Police Department in Sichuan. As an educator, Zhou founded several modern institutes that trained Sichuan's first batch of native police officers, industrialists, and legal professionals. He also actively sponsored social reform initiatives targeting poverty, elderly care, opium-smoking, indentured servitude, and prostitution.⁶³

A crucial aspect of Zhou's state-building efforts was the advocacy of Sichuan's native industrial development. Before assuming the role of *daotai*, Zhou raised 20,000 taels of silver from the Sichuan Bureau of Industrial Promotion and local merchants to establish the Huichang Match Factory in 1904. Through his efforts, the factory evolved into Sichuan's first entirely government-run modern business in 1907, with the Sichuan Bureau of Mining and Investigation acquiring shares previously held by local merchants. During the opening ceremony of Sichuan's first commercial arcade (*shangye chang* 商業場) in 1909, Zhou passionately proclaimed: "Industry and commerce must compete, compete with other provinces and foreign countries, for it is through competition that progress is achieved."⁶⁴

⁶² Zhou's family was originally from Zhejiang province. Zhou's father served as the magistrate of Yingshan county in eastern Sichuan.

⁶³ Sichuan difangzhi bianzuan weiyuanhui, eds., *Annals of Sichuan Province: People* [*Sichuan shengzhi renwuzhi*] (Chengdu: Sichuan kexue jishu chubanshe, 2001), 230.

⁶⁴ See Kristin Stapleton, *Civilizing Chengdu: Chinese Urban Reform, 1895-1937* (Leiden: Brill, 2000), 74-6. For more of Zhou Shanpei's biographical information and his work in promoting industrial development in late Qing

The Shanghai-based China Mutual Life Insurance Company, established in 1898 by James Wattie, was one of the earliest Western firms to venture into the Chinese life insurance market.⁶⁵ While British Standard had operated in Shanghai since the 1850s, their clientele was limited to expatriates in coastal ports due to a lack of essential statistics on the Chinese population during China's early years of opening to foreign trade. The 1890s marked a significant shift as Standard Life Assurance Co. started offering Chinese clients policies based on demographic information collected between 1888 and 1900. Samuel Burnett Neill, an actuary at China Mutual Life Insurance, further improved these numbers by incorporating opium use as a criterion to differentiate Chinese clients. The turn of the twentieth century witnessed a surge in rivalry among life insurers in the Shanghai market.⁶⁶

Due to the fierce competition on the coast, China Mutual Life Insurance decided to expand into the Chinese interior. In 1906, the Chongqing periodical *Guangyi Congbao* (廣義叢報) published an advertisement titled "On the Good Intentions of China Mutual Life Insurance Company's Chongqing Branch." The article employed the Daoist concept of impermanence (*wuchang* 無常) to encourage readers to invest actively in insurance to enhance risk management and credibility. It highlighted that the company had established its headquarter in Shanghai to prevent "Chinese profits and rights from leaving the country." Furthermore, it stated that

and early Republican Sichuan, see Wang Xuemei, "Qingmo Sichuan de Quanye Huodong" [Industrial Promotion in Late Qing Sichuan] *Sichuan Shifan Daxue Xuebao (Shehui Kexue Ban)* 23, no. 1 (1996): 119-125; Zhao Wansong et al., eds., *Yisuo yanyu renpingsheng: Chengdu shi jinjiangqu zhiming renwu quanxiang pu* [Famous Figures in Chengdu's Jinjiang District] (Chengdu: Zhengzhi xieshang huiyi Chengdushi jinjiangqu weiyuanhui bangongshi, 2020), 156-159.

⁶⁵ Y. Dung and Tuh-Yui Chang, "Insurance in China," *The Annals of the American Academy of Political and Social Science* 161, no. 1 (1932): 229. For more information on insurance industry in the Republican era, also see Matthew Lowenstein, "The China United Assurance Society and the Making of Chinese Life Insurance, 1912-1949," *Enterprise & Society*, 21(3), 681-715; Faure and Köll, "China: The Indigenization of Insurance."

⁶⁶ Shanghai Municipal Archive, ed., *Shanghai Archival Materials Research [Shanghai dang'an shiliao yanjiu]* vol. 21 (Shanghai: Sanlian shudian, 2016), 173.

“insurance is one of the modern Western inventions that, like optics, Western music, automobiles, and banks, can bring harmony to human life.”⁶⁷

The advertisement cleverly captures the torn state of mind of urban Chinese inhabiting the crossroads of profound social and political change. On the one hand, it panders to nationalist sentiments in China by emphasizing their support for Chinese profit and rights, downplaying foreign ownership, and suggesting that purchasing foreign goods can coexist with patriotism and self-preservation. On the other hand, it associates insurance investment with modernity, portraying it as an integral part of an ideal contemporary life. Given that Sichuan experienced modernization pursuits and national crises, the alluring vision of life depicted in the advertisement would undoubtedly resonate with its people.

Both China Mutual Life Insurance Company and Sichuan reformist officials envisioned a form of modernity for the region. However, while both sides pursued a common objective, their methods and approaches were distinct and sometimes at odds. For foreign firms, modernization involved further opening the Chongqing and west China markets to international capital, removing limits on foreign activity, and abolishing restrictions like *lijin*. On the other hand, for Sichuan officials, modernization meant preserving their autonomy by maintaining a clear boundary between “Chinese” and “foreign.”

By the Xinzheng era, however, this boundary had been repeatedly transgressed by foreign claims to jurisdiction over the Chinese people and resources, such as mines and rivers on Chinese soil. Moreover, this permeable boundary was not simply a result of imperialist expansion into China’s interior, but also a crisis from within. At the core of this crisis was a Sino-foreign patronage network that had been developing in Sichuan since the 1860s. Within this

⁶⁷ “Lun yongnian renshou chongqing fengongsi zhi haoyi,” *Guangyi congbao* (1906, no. 99), 1.

network, foreigners extended treaty privileges to select groups of Chinese in exchange for assistance accessing the interior.

The central contention in this case is the threat posed to Qing state-building by Sino-foreign collaboration. Late Qing Sichuan reformers' regulation of foreign businesses' attempts to penetrate the province's heartland was part of a broader state-building and nation-building effort to prevent foreign capital from undermining the nascent native industry. By 1910, Zhou's unit had made significant progress in its years-long campaign to boost native-owned capital in vital industries through collaboration between local merchants and the government. Zhou found it particularly unsatisfactory that merchants like Lin Zhuhui were facilitating foreign companies' access to the Sichuan market. However, based on their experience dealing with foreigners abusing treaty privileges, Sichuan officials knew it was best to avoid inflaming an already sensitive situation. When Wang discovered Lin Zhuhui's foreign-owned business outside the concessions, he acted cautiously. Ultimately, Zhou treated Lin Zhuhui and China Mutual Life with just enough tolerance to prevent a potential diplomatic crisis.

Likewise, there was no reason for China Mutual Life, a foreign company newly settled in Sichuan seeking good relations with the local community, to escalate the matter. Hence, there was no intervention from the British consul using extraterritoriality to pressure Sichuan officials. Moreover, some foreign powers, especially Britain, had openly expressed support for China's modernizing reforms. Consequently, it would have been unreasonable for the British to directly interfere with Zhou's decisions at this particular moment.

Nevertheless, Zhou Shanpei was likely aware that the directive he issued might not effectively prevent foreign businesses from forming partnerships with the local society in various ways and gradually penetrating Sichuan's heartland. This partnership had grown from an

ecosystem of Sino-foreign collaboration that had been taking shape inside Sichuan for a long time. The equilibrium reached between Zhou and the British firm underscores the delicate balance between officials regulating treaty abuses and foreigners challenging the boundaries set by the officials. As long as foreigners continue seeking commercial access to the interior, and Chinese merchants seek to evade military service and exorbitant taxation imposed by the state, Sino-foreign collaboration in abusing treaty privileges will persist. One example of such an endeavor is when Chongqing businessman Huang Xizhi registered his steamers under French names in the 1920s.

Conclusion

By the 1860s, Sichuan had emerged as a new focal point of imperialist endeavors in China. To secure access to economic resources within the Chinese community, foreigners extended selected Chinese groups the benefits of their treaty privileges, granting them judicial and trade advantages exclusive to foreigners. Concurrently, foreigners garnered Chinese assistance in navigating the intricate social and commercial landscape of late Qing Sichuan.

In late Qing Sichuan, the appropriation of foreign privileges permeated everyday life and was most evidently observed in shipping, trade, and the courtroom. Local officials were deeply concerned that long-existing socioeconomic boundaries established by the state, such as those between Westerners and Chinese and between the coastal and interior regions, would continue to erode due to Sino-foreign collaboration in exploiting treaty privileges. Their unsuccessful attempt to define clear boundaries resulted in the local government losing control over legal matters and a significant source of revenue. Although Sichuan officials in the 1860s might have

attributed the transgressions regarding treaty privileges to their inadequate understanding of international legal regime, it became evident by the 1910s that neither poor treaty knowledge nor the presence of unscrupulous individuals were the roots of these problems. Official attitudes toward Chinese appropriation of foreign privileges shifted from moral condemnation to pragmatism, as they realized that what truly mattered was the agency of a larger populace seeking foreign patronage.

The rise of Chinese junks flying foreign flags on the Upper Yangtze was a compromise resulting from a long-standing struggle among the Qing state, imperialists, and Sichuan society regarding the extent to which foreigners could penetrate the interior. These junks bore witness to Chongqing's establishment as a treaty port and played a defining role throughout Chongqing's treaty port era. As a major mode of transportation on the Upper Yangtze River up until the early twentieth century, foreign flag junks facilitated the movement of people, goods, and capital between the interior and the coast. As political and social space, these junks were inherently unstable and dynamic, continuously shaped by conflicts amongst their owners, clients, patrons, and inspectors.⁶⁸ All year long, they shuttled between Yichang and Chongqing, constituting a moving fence between Sichuan and the Yangtze reaches east of Chongqing. While this symbolic fence was initially employed by Qing officials as the last sort to resist imperialist expansion into the southwest frontiers, these junks themselves often became sources of destabilization. The paradoxical combination of foreign privilege and Chinese ownership on these junks made them subjects of economic pursuit and official surveillance. The transgressions arising from their operations, including smuggling, tax evasion, and theft, were part of a broader story of state and non-state actors responding to the overflow of foreign privileges into Chinese hands.

⁶⁸ See Reinhardt's discussion of steamships as social space. Anne Reinhardt- *Navigating Semi-Colonialism_ Shipping, Sovereignty, and Nation-Building in China, 1860-1937*-Harvard University Press (2018), 133-178.

Chapter Four:

A Battle for Control: Extra-provincial Immigrants and Commercial Disputes in Chongqing's Foreign-dominated Pig Bristle Industry

In 1875, the Fujian-Zhejiang Viceroy (*minzhe zongdu* 閩浙總督) presented a memorial to the Guangxu Emperor, detailing a thorny issue regarding the judicial status of Chinese employees of foreign firms: “Since ports in Fujian were opened to foreign trade, foreign nationals were permitted to file suits against Chinese, with their respective consul acting on their behalf and submitting the the case to local magistrate. Recently, however, when Chinese employees of foreign firms were involved in lawsuits with other Chinese, their foreign employers would also bring the case to the consul and ask him to deliver it to the magistrate. As a result, the number of foreign cases (*yang'an*, 洋案) in Fujian has surged in recent years.”

The viceroy then proposed a solution: “Thereafter, only cases truly involved foreigners could be represented by the consul to the magistrate for adjudication. Chinese employees with disputes against Chinese merchants or commoners should bring their case to the magistrate on their own and wait for a hearing. The foreign employer should not intervene, and the foreign consul should not represent Chinese litigants. Although it is stipulated in the sixteenth clause of the Sino-British treaty that mixed lawsuits should be jointly adjudicated [by the consul and the magistrate] to ensure fairness and openness, that situation only applies to lawsuits between Chinese and foreign merchants. Lawsuits involving only Chinese employees of foreign firms should fall under Chinese jurisdiction and not the foreign consuls’ purview.”¹

¹ Ge Shijun, ed., *Huangchao jingshiwen xubian* (Taipei: Guofeng chubanshe, 1964), 1114.

This situation was not confined to Fujian province alone, which was among the earliest coastal regions to open to foreign trade following the Opium War. Within two decades, officials in the inland port of Chongqing, accessible to foreign merchants in the 1890s, encountered similar instances of litigation abuse regarding the contested jurisdiction of Chinese employees of foreign firms. Due to over a century of Chinese immigration from other provinces since the early eighteenth century, Chongqing underwent a remarkable transformation in terms of commercialization and urbanization. The entry of foreign companies in the 1890s further shaped the city's commercial landscape, expanding trade volume, altering power dynamics, and complicating demographics. While the opening of ports revitalized the hinterland's economy, it introduced additional uncertainties to the legal environment for resolving commercial disputes involving foreign companies.

Phillip Huang observes that pre-1850 Ba County displayed a relatively straightforward legal culture, characterized by fewer instances of litigation abuse, noncompliance, and judicial manipulation compared to the commercialized Danshui-Xinzhu region in Taiwan during the same period. Huang predicts that with further commercialization in Sichuan, Ba County in the late nineteenth century would experience litigation trends similar to those in Danshui-Xinzhu.² By examining judicial disputes in Chongqing's foreign-dominated export trade, this chapter argues that at the turn of the twentieth century, the legal culture in Ba County was not solely shaped by general trends of commercialization but was particularly influenced by the presence of foreign companies. The structural changes introduced by foreign companies in Chongqing's legal and commercial landscapes can be understood through two key aspects.

² Huang, *Civil Justice in China*, 170.

First, with the arrival of foreign businesses in the 1890s, a patronage network emerged in the courtroom, whereby foreign merchants granted their Chinese employees the privileges associated with consular jurisdiction. Although extraterritorial privileges were originally intended for the benefit of foreign residents, Chinese employees of foreign firms often exploited treaty language to enjoy extraterritorial protection. While foreign merchants were aware that granting such unforeseen privileges to Chinese employees risked tarnishing the reputation of extraterritoriality, many of them still enabled such violations to maintain access to crucial resources within the Chinese community.

Secondly, the influx of foreign firms also brought new Chinese immigrants from the coastal regions to Chongqing. These immigrants, who were recruited as skilled workers by foreign firms, contributed to the vitality of Chongqing's economy but disrupted the dynamics within the city's existing Chinese community comprised of earlier settlers. In the treaty-port of Chongqing, disputes regarding who were the “outsiders” and who had control over trade became a constant source of judicial conflict. The efforts of individuals from different communities, both Chinese and foreign, to assert dominance in Chongqing's commerce were channeled through extraterritoriality, evident in subtle and cunning strategies aimed at forging alliances or excluding outsiders within the courtroom.

Sino-Western Relations in an Inland Port

Despite the fact that Western missionaries had been stationed in Sichuan since the 1850s, at least until the 1880s, the Chinese residents of Chongqing continued to be intrigued by Westerners and their lifestyles, in contrast to coastal urbanites who had grown accustomed to a

diverse foreign demography in their surroundings. When E.H. Parker, a British consular official, first arrived in Chongqing in 1881, he caused quite a stir. Parker was the first British official to live in Chongqing. The British government despatched him to Chongqing in 1881 to report on the prospects of establishing a maritime customs office and growing British trade in this inland city.³ The Chongqing prefectural yamen assigned runners to accompany Parker from the pier to his residence because there was an ongoing anti-missionary disturbance at the time. As one of the runners recalled: “As soon as Parker stepped off the boat, he was surrounded by curious local people waiting at the pier, who followed him along the way, trying to get a good look at the foreigner. When we arrived at Parker’s house, people swarmed around us again, desperate to see the inside of this foreign official’s home. There were so many people that the house’s front door and glass were damaged.”⁴ Furthermore, one of Parker’s Chinese servants, Li Sheng, was involved in a fight with a local teenager, who allegedly ripped Li’s garments off in the midst of the chaos. This “incident” resulted in Parker receiving 240 silver taels from the Eastern Sichuan Circuit as recompense for his loss.⁵

In response to the emergence of anti-foreign sentiments in the Yangtze Valley during the 1870s, the Qing court had granted foreigners the right to seek protection from local yamens while traveling or living in the Chinese interior.⁶ Despite this, foreigners residing in Sichuan persisted in complaining to the Ba County magistrate that they were being monitored and harassed by locals. In consular agent Parker’s words, Chongqing was a “filthy town” and the

³ For more information on Edward Harper Parker (1849-1926) and his life in China, see Philip R. Marshall, “H.A. Giles and E.H. Parker: Clio’s English Servants in Late Nineteenth-Century China,” *The Historian* 46, no. 4 (1984): 520–38; David P. Branner, “The Linguistic Ideas of Edward Harper Parker,” *Journal of the American Oriental Society* 119, no. 1 (1999): 12–34.

⁴ BXDA, 6-32-2442.

⁵ BXDA, 6-32-2444.

⁶ SCJY, 40.

people there were “ill-conditioned, ignorant, and inhospitable.”⁷ A missionary of the London Mission Society described the people of Chongqing as “terribly cunning and deceitful, very superstitious, and often egregiously stupid, although always wise enough and quite prepared, should a chance come in their way, to regard a foreigner as fair game.”⁸ The Ba County yamen deliberately discouraged unwanted engagement between the local populace and foreigners in order to avoid violent clashes. In 1884, a proclamation was issued forbidding commoners from loitering or congregating near the British consulate.⁹ Several months later, another warning was published urging Chongqing residents not to cause disruption or loud noises near Westerners’ homes.¹⁰

Chongqing was not a cosmopolitan metropolis even nearly two decades after it initially opened to international trade. Despite the fact that foreigners were now frequently seen on the docks, the locals remained inquisitive about the Western way of life. In 1909, a Hubei merchant called Wang Dianchen petitioned the Ba County magistrate to enact an edict prohibiting locals from gathering outside his Western-style restaurant, Deji. Located in the Dongmenhao expat district, Deji was a popular hangout for Western visitors, and the dinner parties it hosted frequently drew “ignorant women and children” who would stand outside the door, stare inside, and insult the foreigners. Wang had tried to reason with the people but had been unsuccessful. Fearing that this would expand into a Sino-Western clash, Wang urged government action.¹¹

⁷ Parker, FO 228/675, 135-7 (7.25.81), cited in Matthews, “The Treaty Port of Chongqing,” 133.

⁸ J. W. Wilson, “A Word about Chungking and the Way to it,” *Missionary Magazine and Chronicle Relating Chiefly to the Missions of the London Missionary Society* 23, no. 1 (Nov. 1893): 284-86.

⁹ BXDA, 6-32-2312.

¹⁰ BXDA, 6-32-2580.

¹¹ BXDA 6-54-691.

Foreign Firms and Mountain Goods Trade

The anti-Christian uprisings in and around Chongqing during the nineteenth century created a palpable tension in Sino-Western relations within the city, with both the Chinese and Western sides harboring animosity and disdain for one another. As a result, Chongqing developed a reputation among coastal foreigners as being unwelcoming and dangerous, although it remained an attractive destination for certain adventurous foreign merchants. These merchants recognized the city's tremendous potential for expanding international commerce. Arriving in Chongqing in 1883, British merchant Archibald Little even lauded Chongqing could be in time "be made another Shanghai of Western China."¹² A native of Manchester, Little arrived in China in 1859 and was most known for accomplishing the first successful ascent through the Gorges by a steam-powered vessel in 1898, an operation that had been previously attempted by several foreigners.¹³ Little's perseverance and determination in navigating the Upper Yangtze were due not only to his adventurous spirit, but also to his strong interest in opening up international trade in Chongqing, an idea echoed by the British merchants community in China. In December 1898, shortly after Little had completed the Upper Yangtze voyage, the British Royal Society of Arts invited him to deliver a speech. According to the society, spreading influence to the Upper Yangtze region was "one of the most important questions in the British Empire."¹⁴

After decades of Sino-British negotiations, Chongqing was eventually made accessible to foreign merchants, and Archibald Little established the city's first foreign-owned business firm –

¹² Little, *Through the Yangtse Gorges*, 4.

¹³ Parkinson, "The First Steam-Powered Ascent," 161.

¹⁴ Archibald Little and Albert Rollit, "The Yangtse Basin and the British Sphere," *Journal of the Society of Arts* 47, no. 2404 (1898): 77.

the Chungking Trading Company (立德洋行) – in 1893. Little’s depiction of Chongqing was full with enthusiasm and adoration, in stark contrast to the accounts of missionaries and diplomats who lived there: “The handsome streets of the business quarter are as crowded as those of Canton. It is a luxurious city, and contains an unusual number of beautiful buildings, stately guild-halls, belonging to the different groups of traders from all provinces of the empire; as well as the gorgeously-decorated residences of the wealthy merchants and bankers. The people generally are well, not to say handsomely dressed; an air of marked prosperity and wealth pervades the place, and although there is much poverty among the coolie class, whose scanty wages only allow them to live from hand to mouth, this poverty is mitigated by the free rice kitchens which are kept open to all throughout the winter, and whose expenses are liberally met by subscriptions from the well-to-do classes.”¹⁵

Perhaps it was Archibald Little’s profound interest in and appreciation for local society and culture that inspired him to investigate the hidden facets of the Chongqing market. As one of the most esteemed foreign authorities on Chongqing in the late nineteenth century, Little quickly recognized that the untapped potential of the Chongqing trade lay in the abundant regional specialties and raw materials of the Sichuan basin. As a pivotal transportation and economic hub in western China, Chongqing had long served as a veritable distributing center for products hailing from China’s rugged southwestern region, including animal feathers, bones, hides, palm fibers, and medicinal herbs.¹⁶ The trading of these items between the southwest interior and the

¹⁵ Ibid., 80.

¹⁶ Li Chongren, eds., *Annals of Sichuan Province* vol. 2 [*Sichuan shengzhi dashi jishu*] (Chengdu: Sichuan kexue jishu chubanshe, 1999), 113.

coast had a rich history, commonly referred to among Chinese merchants as mountain goods business (*shanhuo* 山貨貿易).¹⁷

With Little's entry into the niche mountain goods trade, he smartly decided to focus on the processing and export of pig bristles, the firm hairs that grow on the backs of pigs, which were an essential raw material for brush manufacturing prior to the advent of nylon in the 1940s. Once again, Little's astute decision was based on his comprehensive knowledge of Chongqing. Since every rural household in Sichuan raised pigs, pig bristles were a readily available and inexpensive raw material. As an American traveler observed: "The pigs here grow a fine quality of bristles, ten thousand piculs (thirteen thousand pounds) of which are shipped from Chungking every year ... This is the one product that foreign merchants make money."¹⁸ The Chungking Trading Company, situated on the southern banks of the Yangtze River, included a three-story structure containing an office and factory for bristle processing. Although Little also ventured into other industries such as mining and printing during his twenty years in Chongqing, it was pig bristles, a humble agricultural byproduct, that ultimately made him a millionaire when he left the city in 1904.¹⁹

Prior to Chongqing's opening to foreign merchants, the local Sichuanese were unaware of the commercial value of pig bristles. During the early nineteenth century, raw bristles were only occasionally collected in modest quantities by merchants of the Canton Guild (*guangbang* 廣幫),

¹⁷ For more information on the mountain goods trade and its role in the general economy of Sichuan, see the edited volume compiled by Bank of China's Chongqing branch during the Republican era. Chongqing zhongguo yinhang, ed., *Sichuan sheng zhi shanhuo* [*The Mountain Goods of Sichuan*] (Chongqing: Zhongguo yinhang zong guanlichu jingji yanjiushi, 1934).

¹⁸ William Edgar Geil, *A Yankee on the Yangtze: being a Narrative of a Journey from Shanghai through the Central Kingdom to Burma* (New York: Eaton & Mains, 1904), 105.

¹⁹ We do not know exactly how much money Little made from trading pig bristles in Chongqing. At the zenith of his business, his company engaged more than 100 long-term contract skilled workers and generated over 10,000 *jin* pig bristles per month, with premium quality bristles selling for 3.6 silver tales per *jin*. See Chongqingshi zhengxie hui, ed., *Chongqing wenshi ziliao xuanji* [*Selected Historical Materials of Chongqing*, hereafter CQWSZLXJ.] vol. 3 (Chongqing: Wenshi ziliao yanjiu weiyuanhui, 1979), 60-61.

who came to Sichuan primarily to sell goods from the south and abroad. For instance, Yueqingxiang (粤慶祥), a Cantonese company, would occasionally purchase raw bristles from Sichuanese peasants and transport them to Canton for further processing, after which they were exported overseas.²⁰ Little's company, along with other foreign companies that followed suit in trading pig bristles and other types of mountain goods, drastically altered this scenario, which, along with shipping, became the foundation for foreign trade in Chongqing.

At the dawn of the twentieth century, Sichuan became renowned for pig bristle exports, transforming it into a globally sought-after commodity. However, this lucrative trade, from both a processing and exporting perspective, was wholly dominated by foreign-owned companies until the 1920s.²¹ Foreign firms allowed Sichuan pig bristles to become an industry in the proper sense of the word at the turn of the twentieth century. These firms were instrumental in morphing Sichuan's pig bristle production into a full-fledged industry. To standardize the production process, foreign companies engaged Chinese middlemen and established collection stations throughout rural Sichuan to directly source raw materials from peasants. This alluring proposition led to a surge in peasant households entering the mountain goods export business. Apart from pig bristle, these households expanded their harvesting activities to include other items like Chinese white wax, raw lacquer, egg white, and even human hair – essentially anything of interest to foreign firms.²²

²⁰ *Nan'an qu wenshi ziliao xuanji* [Selected Historical Materials of Chongqing's Southern Bank District, hereafter, NQWSZLXJ] vol. 2, 39.

²¹ In 1925, the Gu family of Chongqing, founded Sichuan's first Chinese-owned pig bristle business, Gu Qing Ji. Over the next few decades, Gu Qing Ji focused on the US market and gradually developed into a world renowned exporter of pig bristles. During World War II, China supplied almost all the pig bristles needed by the global market for the manufacture of munitions. Gu Qing Ji's bristles accounted for thirty-five percent of China's total annual bristle exports. See the memoir of Gu Gengyu, the third-generation owner of Gu Qing Ji who was nicknamed the King of Pig Bristles. Gu Gengyu, "My Two Decades in the Pig Bristle Business," in Zhongguo minzhu jianguohui chongqingshi weiyuanhui, ed., *Chongqing gongshang shiliao* [Historical Documents of Chongqing's Industry and Commerce] vol. 4 (Chongqing: Chongqing chubanshe, 1986), 1-37.

²² CQWSZLXJ, vol. 3, 62.

However, the sporadic income generated by selling mountain goods proved to be erratic. Due to a lack of information and poor negotiating power against foreign firms, peasants experienced significant financial losses from time to time. A case in point is when the Japanese firm, Kusakabe & Co., offered an attractive price for dove tree, a rare plant indigenous to Sichuan.²³ News of the high price drew in scores of peasants to the forest to fell trees. As a result, the bulk of the dove trees exceeded Kusakabe & Co.'s purchase order, eventually causing the remaining trees to rot outside the city gate, resulting in losses for both the peasants and the environment.²⁴

To some degree, the foreign-dominated mountain goods industry trapped Sichuan peasants and middlemen in a quandary. On one hand, the tempting financial gains from collaborating with foreigners created an unprecedented desire for wealth generation. On the other hand, the lack of regulation in the market and foreign companies' exceptional status made it difficult for the Sichuan government to regulate effectively. Consequently, local peasants often bore the brunt of their profit-driven opportunism. In 1903, pig bristle prices soared to record levels, prompting the Sichuan government to intervene, warning locals against cornering the market. Such action was taken because of a prior incident where Chinese merchants attempted to corner the market with egret feathers. Due to exorbitant prices, all foreign firms refused to purchase the feathers, despite high overseas demand, causing severe losses for the merchants involved.²⁵

²³ This plant's scientific name is *Davidia involucrate*. It is known in Chinese as *gongtong shu* (珙桐樹), or more colloquially as dove tree.

²⁴ CQWSZLXJ, vol. 3, 52.

²⁵ "Zhumao juqi," *Sichuan Guanbao* [Official Gazette of Sichuan] (1904) no.2, 53.

Natural and Cultural Challenges for Operating Foreign Business

Although early foreign settlers such as Archibald Little held promising visions of the Chongqing trade, foreign businesses seeking to establish a foothold in the city faced significant challenges. In particular, the dangerous water conditions of the Upper Yangtze River hindered the efficient and safe transportation of goods. Despite Little's daring achievement of sailing the upper Yangtze by steamship, the commercialization of steamships would not occur until the 1910s, leaving foreign companies to rely heavily on the traditional method of shipping goods via Chinese-style wooden junks. This over-reliance on junks posed specific challenges, with journeys from Ichang to Chongqing often taking more than five weeks, considerably longer than a journey from London to Shanghai by steam vessel. As an example, in 1902, a bale of Manchester piece goods was transported to Chongqing. The journey began with the goods being shipped to Ichang, after which they were re-packed and carried in a wooden junk by a team of men. The remaining journey was arduous and hard-fought, taking more than five weeks before the goods finally arrived in Chongqing.²⁶

In addition to struggles with the natural environment, foreign businessmen had to overcome cultural obstacles. Chongqing's business scene had long been dominated by extra-provincial guilds established by sojourning Chinese merchants, founded based on the shared interests of native-place and industry. The Ceramics Guild and the Medicinal Materials Guild were among the earliest of these guilds, established by Huzhou and Ningbo merchants in the 1750s, laying the foundation for immigrant entrepreneurs' impact on Chongqing's commercial landscape.²⁷

²⁶ Great Britain Foreign Office, *China: Report for the year 1902 on the trade of Chungking* (London: Harrison & Sons, 1903), 5.

²⁷ Huang Youliang, "The Community Function of Native-Place Guilds in Sichuan" [*Sichuan tongxiang huiguan de shequ gongneng*], *Zhonghua wenhua luntan* no. 3 (2002): 41-46.

The majority of these immigrants arrived in Chongqing following the Yongzheng reign, with the Qing government implementing policies to incentivize settlement in Sichuan compensating for demographic losses during the tumultuous Ming-Qing transition.²⁸ Extra-provincial settlers and their descendants played a critical role in transitioning Chongqing from a war-ridden inland frontier to a prosperous metropolis. As early as the Qianlong reign, the Ba county magistrates would delegate judicial cases, especially those involving commercial disputes, to the heads of the Eight Provincial Guilds (*basheng kezhang*).²⁹ These individuals were successful merchants in a particular industry, and many had acquired examination degrees through donation. Although not on the state bureaucracy's payroll, members of this group had *de facto* power in mediating between the state and society. For instance, when the testimonies of the plaintiff and the defendant conflicted, the magistrate frequently tasked *basheng kezhang* to investigate and mediate on behalf of him.³⁰ Despite not being formally granted the power of adjudication by the state law, the *kezhang*'s ability to resolve disputes was widely acknowledged. In addition, the *kezhang* were given many other semi-administrative responsibilities by the magistrates.

Since the extra-provincial guilds were formed on the dual bases of native-place and industry, members of the *basheng kezhang* often also held leadership positions within their own industries. For instance, the head of the Jiangxi Provincial Guild was initially a society head (*huidong* 會董) and later a guild head (*bangdong* 幫董) of the fabric industry, which was notable for having one

²⁸ For a study of migrations to Sichuan in early and mid-Qing, see Robert Eric Entenmann, "Migration and Settlement in Sichuan, 1644-1796" (Ph.D. diss., Harvard University, 1982).

²⁹ For how *basheng kezhang* and other collective responsibility heads assisted with disputes resolution in Chongqing, see Maura Dykstra, "Complicated Matters," 98-99.

³⁰ Chiu Peng-sheng, "State Law and Guild Regulations: Mechanisms of Shipping Dispute Resolution in Early Qing Dynasty Chongqing [Guofa yu bang'gui: Qing dai qianqi Chongqing cheng de chuanyun jiufen jie jue jizhi]," in Chiu Peng-Sheng and Chen Hsi-yuan (陳熙遠), eds., *Power and Culture in the Operation of Ming and Qing Law [Ming-Qing falü yunzuo zhong de quanli yu wenhua]* (Taipei: Lianjing chuban gongsi, 2009), 275-344.

of the most complex networks of merchant groups among all industries in Chongqing. The difference between the two leadership positions lied in the authority it held: the guild head was elected from among the multiple society heads and thus dealt with more important matters such as resolving disputes among people within the industry.³¹ In cases where state law must be prosecuted, the Chongqing Prefecture Yamen would convene the Ba county magistrate and the guild head of a certain industry for a preliminary adjudication. If necessary, the case would then be brought to the county yamen for a formal adjudication, which is essentially the step of passing sentence. In other words, the bulk of the legal judgments in a case were made prior to the actual court hearing by the collaboration between the guilds and the magistrates.³²

Throughout the nineteenth century, immigrants exerted constant effort to establish a firm foothold in local affairs. One such instance occurred in the form of the Chongqing anti-missionary riot of 1863. This disturbance arose from the French Catholics' dismantling of the Chang'an Temple, an essential fixture in the city's affairs, housing the local offices of the Eastern Sichuan Militia and the extra-provincial guilds. The *basheng kezhang* joined forces with the Sichuan gentry to launch an intense assault on Catholic assets across Chongqing.³³ Even though the Qing court quenched the unrest to placate Bishop Desflèches and the French consul's demands, the extra-provincial guilds' activism nevertheless cemented the sojourning merchants' leadership position in urban politics, safeguarding Chongqing's regional interests from foreign encroachment.³⁴

³¹ Disputes within the same society were settled by the *huidong*, whereas disputes between members of different societies within the guild went to the *bangdong*.

³² CQWSZLXJ vol. 3, 41.

³³ The French took this action because they thought the people of Chongqing should compensate for a Catholic church that was allegedly destroyed during the proscription of Christianity during the Yongzheng reign. See Chapter 2 for more information on this incident.

³⁴ Liang Yong, "The Chongqing Anti-missionary Riots and the Chiefs of Eight Provincial Guilds: Insights from Regional History Studies" [Chongqing jiao'an yu basheng kezhang: yige quyushi de shijiao], *Shehui kexue yanjiu* no. 1 (2007): 170-175.

For foreign merchants arriving in Chongqing, the Chinese extra-provincial guilds represented a substantial adversary and a potential hindrance to market access. These organizations had established themselves in Chongqing over a century before foreign merchants' arrival, and had accumulated valuable business intelligence, an intricate network of contacts, and crucially, the trust and recognition of the local populace and government, cultivated over an extended period. These were precisely the assets that were conspicuously lacking among foreign merchants arriving in Chongqing in the 1890s, essential for conducting business. Compounding the foreign merchants' challenges, Chongqing's expatriate community was small, underdeveloped, and isolated compared to those in the more prosperous downriver treaty ports. Furthermore, the absence of efficient steam-powered transportation connecting Chongqing with the coast meant that many foreigners felt trapped in a backwater, with their personal security subject to the local government's whim, which they scarcely trusted.³⁵

Dependence and Distrust: Foreign Merchants and their Chinese Employees

Despite facing numerous natural and cultural challenges, foreign merchants with a spirit of adventure persisted in expanding their mercantile operations to Chongqing. Their success in establishing an efficient business model was heavily reliant on Chinese middlemen, whose role went beyond the usual strategy employed by foreign companies in the coastal regions. In Chongqing, a remote area with little foreign influence, the absence of colonial institutions presented unique obstacles for foreign merchants, who lacked the support of a Mixed Court or other similar facilities that could streamline their dealings with the Chinese. As a result, Chinese

³⁵ Matthews, "The Union Jack," 136.

employees played a critical role as intermediaries not just in conducting business, but also in facilitating interactions between foreign firms and the Sichuan government, whose officials were not proficient in English at the time. All communication between foreign companies and the yamen were drafted in Chinese by Chinese employees or paid writers.

Foreigners in Sichuan generally lived in a socially isolated environment where their Chinese employees acted as the primary bridge between them and the local community. This extreme reliance was contrasted by a power and information disparity, which inevitably resulted in distrust towards Chinese assistants by foreigners, who held little information but wielded significant power. In Chapter 2, I have discussed the dissatisfaction of some Christian missionaries with Chinese converts who took advantage of their privileges. The same level of mistrust was witnessed in the business world where complicated transactions involved large sums of money. Chinese employees of foreign companies, who dealt with money daily and held certain privileges, were often driven by profit to undermine their foreign employers. Foreign merchants were aware of this situation, and some like Archibald Little openly criticized that unscrupulous Chinese interpreters whom foreign merchants in the interior had to fall back on caused endless trouble by “assuming an unwarranted authority under the shadow of extraterritoriality, accepting unblushingly bribes from officials, and bringing disrepute to their foreign employers.”³⁶

Little recounted anecdotes of Chinese interpreters in Sichuan who took advantage of their foreign employers. For instance, one interpreter blackmailed Captain Pottinger for 1,000 taels of silver and became a successful mining broker in Shanghai. Another extorted 12,000 taels from the Sichuan officials they encountered.³⁷ Little believed that the solution to these challenges lay

³⁶ Archibald J. Little, *Gleanings from 50 years in China* (Philadelphia: J. B. Lippincott Company, 1901), 290.

³⁷ Little, *Gleanings*, 170.

in training young English merchants to become fluent Chinese scholars. They should be able to communicate skillfully in Chinese, negating the need for a native interpreter or writer.³⁸ This recommendation was supported by Chongqing's British consular agent, Parker, who called for a team of Chinese-speaking British agents, with each agent representing firms in one particular line of business.³⁹

Little's vehement disapproval of Chinese assistants who defrauded foreign businessmen may have arisen from his own personal experience with his once trusted employee, Lu Xudong, who had been embezzling the company's funds and purchasing private property for several years. As foreigners were not allowed to own land in the interior, the land upon which Little built his business was registered under a permanent rent contract in the name of Lu Xudong, a Cantonese man who had migrated with Little from Shanghai to Chongqing. After arriving in Chongqing, Lu established connections with people from various backgrounds and played a significant role in the early stages of the company's growth. A trusted favorite of Little, Lu was appointed chief manager and oversaw the company's finances, receiving a competitive salary of 50 silver taels per month. Yan Chunsun, an Ichang native, and Zhou Yunpu, a Chongqing native who later became the interpreter for the US consul in Chongqing and the founder of the American Oriental Bank of Sichuan, were two additional Chinese managers who were also held in high regard by Little, earning salaries of 30 and 25 taels per month, respectively.⁴⁰

However, Little's relationship with Lu Xudong did not end well. Given that he had bought land in Lu's name for several years, Little and Lu's private property became intertwined. In 1904, Little sold his company to Mackenzie & Co., a Shanghai-based British company, and left

³⁸ Little, *Gleanings*, 44.

³⁹ Edward H. Parker, *China, Her history, Diplomacy, and Commerce, from the Earliest Times to the Present Day* (London: J. Murray, 1917), 159.

⁴⁰ NQWSZLXJ, vol. 2, 60.

China. The manager of Mackenzie & Co. later discovered a significant deficit in the company's account and sued Lu at the Shanghai head office. As Lu was unable to account for or return the shortfall, he was forced to surrender the deeds to his private property to Mackenzie & Co. Suffering from depression shortly after the incident, Lu died in Chongqing, with Little suspected of having arranged for him to take the blame.⁴¹ This prolonged partnership, which weathered numerous challenges and eventually gave rise to a thriving business, ultimately ended on a sour note. The situation highlights the recurring themes of dependency and mistrust in the relationship between foreign businessmen and their Chinese employees in the interior.

Importing Talents from Tianjin

The production of pig bristles, from the raw hair to a substantial industrial manufacturing material, demands significant skill and expertise. Only highly-skilled workers can produce bristles that meet international standards and yield substantial profits for their owners. While pig farming was widespread in Sichuan, the lack of knowledge of the industrial production process for bristles in the local population hindered its growth as a source for the raw material. To address this issue, Archibald Little recognized the need for skilled workers and established high standards for bristle production. After living in coastal ports for several years, Little had knowledge of the Tianjin region's superior manufacturing standard, which was the best in China. Thus, Little recruited ten skilled Tianjin workers, offering each a handsome travel fund of 70 silver taels and a monthly salary of 25 silver taels. Zhou Qide, a Tianjin man who had already settled in Chongqing, was hired to serve as the supervisor of these workers.⁴² Recognizing the

⁴¹ CQWSZLXJ, vol. 3, 58.

⁴² CQWSZLXJ, vol. 3, 56.

importance of quality control, Little declared that his company would only purchase long raw bristles from peasants, effectively changing the way that raw bristles were traded in Sichuan. Prior to this change, raw bristles were sold as a mixture of short and long hairs, referred to as the “original form (*yuanzhuang* 原莊).” However, Little’s premium incentives created a new form of raw bristles, the “selected form (*tizhuang* 提莊),” which only contained high-quality long hairs. As more and more brokers shifted to procure the more lucrative long hairs, Little drove competitors, such as the Cantonese merchants who offered only meager payments for rough-quality bristles, away, making his company the most profitable producer of pig bristles in the region.⁴³

Sino-foreign business conflicts at this time are sometimes interpreted by scholars as resulting from “a collision of two different economic principles.” For instance, when analyzing a failed Sino-British negotiation over cocoon purchase and outward transit passes for export goods in 1878, Shanghai, Eiichi Monoto believes that it was because the Chinese merchant considered free trade “a very strange economic principle;” and that his British rivalry similarly “could not understand the economic principle underlying the *lijin* tax system.”⁴⁴ Nevertheless, what Archibald Little did in Chongqing offered a counterpoint to Monoto’s interpretation. As the first foreign businessman to explore the Chongqing market, Little astutely understood and effectively deployed traditional business conventions of the Chinese guilds.

In Chongqing, Archibald Little had the reputation for being a China hand. He never presented himself as a foreign elite who set a boundary with the Chinese community. Rather, he modeled himself after the social traditions of Chinese guilds, actively building rapport with

⁴³ CQWSZLXJ vol. 3., 57.

⁴⁴ Motono, *Conflict and Cooperation*, 63-64.

Chinese employees and consciously cultivating the integrity of a commercial organization headed by him.⁴⁵ People who had worked for Little recollected that he was always willing to comply with local customs. During the Chinese new year, Little gifted his staff with Sichuan-style smoked meat, lucky money, and a dinner banquet. Like a Chinese business owner, Little would toast his staff table by table and express gratitude for their hard work. In the first lunar month, Little would follow local tradition to throw a Spring Drinking Party for his staff. Sometimes, by distributing funds, rice, and medicine to Chongqing's impoverished, Little performed community leadership duties analogous to Chinese gentry-elites. As I will explain in more detail in the next section, the ways by which Little's company recruited and managed apprentices were almost entirely based on the traditional Chinese business model of master-apprentice system. Most important, Little had expressed admiration for the Chinese guilds' role in commercial dispute resolution in multiple occasions:

The settlement of all trade disputes by the guild, and the shunning of all laws and lawyers; the rules laid down by the guilds obeyed unquestioned, and the unwritten etiquette of business no less strictly observed; the liberal subscriptions and legacies given to the guilds, and the way in which these institutions are the first to be called upon for funds in times of calamity and distress – mark the resemblance between East and West in different ages. Szechuan is specially worthy of study in this respect, its customs being unalloyed with outside ideas ... The trade control of the Chinese guilds is still a living power, and, as far as I have seen, one invariably exercised for the good of its members and the honour of the craft. I could even wish at times that our city companies still exercised some supervision over the trades which in name they represent. Here, the grievance of the individual becomes the concern of the guild, and he is thus protected alike from unjust exactions by officials and the often no less tyrannical procedure of powerful monopolies. The wealthy foreign firms established along the coasts have to reckon with them, and hence the somewhat jealous eye with which they are regarded; but their action on the whole is undoubtedly beneficial as much in upholding fair dealing amongst their members as in protecting them from outside injustice.⁴⁶

⁴⁵ Huang, *Sichuan huiguan*, 28.

⁴⁶ Little, *Through the Yangtse Gorges*, 201-202.

While Little had openly criticized the abuse of extraterritoriality by Chinese working around foreigners, he tended to act like a guild head, occasionally intervening on behalf of his Chinese employees, despite violating the terms of extraterritoriality. In a dispute in 1899 between Little's Chinese employee, Peng, and a local man over a small amount of money, Little brought the matter to the British consul, who subsequently wrote to the Ba county magistrate demanding the defendant's questioning. Although both parties shared the blame in this dispute, and the plaintiff did not even attend the court for questioning, the magistrate favored Peng under pressure from the British consul. Wu Dashun, the defendant, was ordered to return ten taels of silver to Peng and take corporal punishment of 200 blows of beating by light bamboo. The magistrate also authorized the British consulate to decide whether or not to release Wu.⁴⁷

Little's efforts to cultivate positive relationships with local society also proved successful in facilitating his access to sensitive resources within the Chinese community. In 1901, Little decided to open a mine in Nanchong County in northeastern Sichuan. To avoid provoking xenophobic feelings among Chinese communities regarding foreign ownership of the mining industry, Little sought the support of local elites in Nanchong, such as Ding Yunhong, by offering to jointly establish a new British company, Tongxue Press (*tongxue shubao ju* 通學書報局) in Chongqing. The company imitated modern publishing business in coastal areas by registering under the name of a foreigner to facilitate management, sales and the avoidance of tax payment to the Chinese government. Since Little only accounted for 1,000 taels of the total of 20,000 taels of silver raised by the Nanchong gentry, he essentially lent his name to facilitate the

⁴⁷ BXDA, 6-32-2463.

company's British registration.⁴⁸ Meanwhile, Little provided the company with valuable extraterritorial protection. In the years that followed, the company suffered several instances of illicit reproductions of its publications by local booksellers. The intervention of Little and the British consul of Chongqing raised these disputes to the level of copyright infringement and succeeded in getting the booksellers to destroy the pirated publications and pay compensation.⁴⁹ Little and the Sichuan gentry ultimately both benefited from the establishment of the publishing company, which contributed to the development of Sichuan's culture, increased acceptance of foreigners and foreign objects, and facilitated Little's business operations.

Analysis of Legal Cases

Archibald Little's prosperous venture in the lucrative pig bristle trade incited an influx of foreign entrants to Chongqing. By 1899, the magnitude of Chongqing's foreign-managed trade had already burgeoned to an astounding 26,000,000 silver taels.⁵⁰ By 1902, the number of foreign firms engaging in mountain goods business had proliferated to include six British, four Japanese, three French, and two German enterprises.⁵¹ However, the profitability of the bristle trade rendered it susceptible to numerous legal disputes. Between 1898, the inception of the Chungking Trading Company, and 1911, the year marking the Qing dynasty's collapse, the Ba county yamen presided over 28 cases involving foreign firms engaged in the pig bristle trade. The individuals embroiled in these cases represented a diverse array of backgrounds, including

⁴⁸ BXDA, 6-32-2342.

⁴⁹ BXDA, 6-32-2344.

⁵⁰ Parker, *Her History, Diplomacy, and Commerce*, 158.

⁵¹ Great Britain Foreign Office, *China: Report for the year 1902 on the trade of Chungking* (London: Harrison & Sons, 1903), 4.

foreign consuls, businesspeople, Chinese laborers, merchants, and guilds. The ensuing section delves into several case studies examining disputes within the foreign-dominated pig bristle trade, elucidating the distinctive character of Chongqing as a migrant city perpetually molded by “outsiders.” My objective is to underscore the endeavors undertaken by outsiders, encompassing immigrants from other Chinese provinces and foreigners from abroad, to stake their claim in Chongqing's urban politics. This is achieved by scrutinizing the conflicts that arose between the Qing state, foreign firms, the local community, and the Tianjin sojourners who relocated to Chongqing in the 1890s as employees of foreign enterprises. The two varieties of “foreignness” explored herein are intriguingly intertwined through extraterritoriality, which proffers a potent mechanism enabling outsiders to exert influence over society-making. These cases afford invaluable insight into the courtroom traditions of late Qing Chongqing, which underwent significant transformations as a result of the burgeoning presence of foreigners and the complexities of extraterritoriality.

Case 1: Local Apprentices vs. Tianjin Manager⁵²

On March 3, 1901, nine young individuals were summoned to the Ba county yamen at the behest of British consul C. A. W. Rose. These individuals, all local residents of Ba county under the age of 20, were apprentices engaged in the processing of bristles at Archibald Little's Chungking Trading Co. They stood accused of breaching the terms of their contractual obligations. In the winter of 1897, their guarantors had introduced them to the firm as intern apprentices. Subsequently, in the spring of 1898, they formalized their commitment by signing

⁵² BXDA, 6-32-2380.

the apprentice contract (投師合約). As stipulated by this contract, they were to serve as apprentices for an initial period of three years, followed by an additional five years as employees, before being permitted to seek alternative employment. During the apprenticeship phase, the firm provided them with meals, training, and a monthly laundry allowance of 3,000 copper cash. Upon completion of their apprenticeship, they would be eligible to negotiate an annual compensation of 8 silver taels with the company. As apprentices, they were required to process 6 *jin* of bristles per day and strictly forbidden from accepting external orders. Failure to meet the daily production quota would result in a fine of 7.5 copper cash per *jin*.

In the spring of 1901, as their apprenticeship neared its conclusion, the young men approached Zhou Qide, a native of Tianjin who had been hired by Archibald Little to oversee bristle processing and train apprentices. They sought guidance on transitioning to formal employment. However, Zhou declined to terminate their apprentice contracts. Instead, he initially requested an additional month of apprenticeship, and later requested another extension. To make matters worse, Zhou withheld the laundry allowance owed to several apprentices, amounting to a total of 63,000 copper cash. In response, the apprentices initiated a strike, expressing their preference to pursue alternative careers rather than continuing to work under Zhou's authority, as they were unwilling to comply with his demands. Zhou reported the protest to the British manager, Nicolson, who then approached the British consul to bring the conflict to the attention of the Ba County yamen.

Ba County magistrate Zhang attributed the conflict to “deficiencies in the company’s regulations” (*hangnei dinggui weishan* 行內定規未善). He announced that, prior to making a decision, he and the British consul would convene to review the regulations pertaining to the transition from apprenticeship to formal employment. Four days later, a ten-article contract was

drafted. However, this new contract brought about minimal changes, except for the inclusion of the clause stating that “If the workers misbehave, the firm should refer them to the yamen for disciplinary action, in accordance with local customs.” In essence, it appeared to be an endorsement of the stringent terms set by the British firm. Even the seemingly lenient additional provision was driven by pragmatism, as noted by the magistrate: “Allowing the workers to be subjected to arbitrary punishments by the manager could potentially lead to even greater issues.” The majority of the content within the contract was drafted to favor the interests of the firm and appeared to be unfair. For instance, article 3 specified that “Workers on sick leave would not receive pay and would be required to pay a fine to the firm.” Article 7 stated that “If a worker falls ill or sustains an injury while on duty, the firm bears no liability.” Furthermore, a penalty of 300 silver taels would be imposed if employees engaged in freelance work or disclosed commercial information about the company.

The magistrate’s final ruling, which instructed the apprentices to adhere to the contract and refrain from disobedience, left them dissatisfied, prompting them to file a petition. During the second court session, the apprentices provided a more impassioned and structured account of their relationship with Manager Zhou:

We experienced daily reprimands, physical abuse, and humiliation from Zhou, yet we were too afraid to oppose him as he was our supervisor. When Manager Nicolson was present, Zhou treated us with proper respect, but in Nicolson’s absence, Zhou subjected us to torment. Last year, Zhou demanded that each of us contribute 20 silver taels to the Tianjin Guild, an organization serving Zhou’s fellow Tianjin residents in Chongqing. However, we lacked the financial means to meet this requirement. We believe this is why Zhou intentionally made our lives difficult. At present, we are pressured to sign the new contract but have yet to receive the withheld 63,000 cash laundry allowance. We have also heard rumors that Zhou intends to take action against us after we sign the contract, putting our

safety and that of our families at risk. We would rather seek alternative employment than sign the contract.

Despite the sentiment expressed in this statement, the magistrate's decision remained unchanged. In fact, the magistrate appeared irritated by the apprentices' disregard for his previous order, stating, "The previous hearing already ratified the contract. Why do you persistently ignore my commands? Before seeking new employment, you must fulfill the terms of your contract by returning to the firm."

It is easy to imagine the mistreatment these apprentices would face upon returning to the company. Furthermore, we can confidently assume that Magistrate Zhang would not risk offending the British by defending the apprentices in the face of similar injustices. The processing of pig bristles is a demanding and hierarchical occupation. Apprentices at the lower end of the firm's hierarchy worked downstairs, spending extended periods washing bristles while standing barefoot in hot water and enduring the unpleasant odor. They were only permitted to ascend to perform the dry combing work once they had been promoted.⁵³

This case sheds light on significant details concerning the foreign-dominated bristle trade in late Qing Chongqing, including working conditions, organizational structure, and recruitment practices within foreign firms. However, if we hastily categorize this instance as merely demonstrating how a foreign company colluded with a weak local government to exploit the working class, we risk overlooking a subtler layer of conflicts between the local population, the extra-provincial community, and the expatriate community, which were playing an increasingly influential role in shaping Chongqing's urban politics. While the terms of the contract were undoubtedly unfair and harsh, the apprentices made it clear that it was Manager Zhou's

⁵³ CQWSZLXJ, vol.3, 57.

mistreatment that compelled them to leave. According to their testimonies, Zhou's mistreatment was a form of retaliation against the local apprentices for their refusal to contribute to the Tianjin Guild. This evidence indicates that the litigation stemmed from regional competition between the local workers and the recently arrived Tianjin workers, as the latter group sought to establish their influence in Chongqing's public affairs. Moreover, Manager Zhou skillfully exploited the extraterritoriality and consular jurisdiction enjoyed by foreigners to further his goals.

Archibald Little implemented a recruitment strategy involving the relocation of a group of skilled Tianjin bristle workers to Chongqing, alongside the hiring of young apprentices from the local community. However, this hierarchical structure, with newcomers placed above locals, almost inevitably led to conflicts over time. The repressive interactions between supervisors and apprentices in Little's firm seemed to draw inspiration from traditional master-apprentice rituals in the Chinese business. A former apprentice in Chongqing's fabric industry recalls:

Securing employment was an exceedingly arduous task. To obtain an apprenticeship, one had to obtain a reputable referee, typically a family member or a friend already involved in the industry. During the Guangxu reign, prominent fabric stores in Chongqing exclusively offered apprenticeship positions to their business partners. Prospective candidates had to pass written and oral examinations as a prerequisite for admission. On their first day, apprentices were required to be suitably attired and perform the three-kneeling-nine-kowtow (*sangui jiukou* 三跪九叩) ceremony to the master under the guidance of their referee. Subsequently, the master instructed the apprentice to memorize the Confucian hierarchy of 'heaven, earth, emperor, parents, teacher' (*tian di jun qin shi* 天地君親師), emphasizing it daily. The three-year apprenticeship was unpaid, except for a modest laundry allowance. During their initial year, apprentices were assigned various tasks, including cleaning, cooking, lighting incense for the gods, setting the table, and even looking after the master's children.⁵⁴

⁵⁴ CQWSZLXJ vol. 3, 47.

These working conditions in Chongqing's native fabric industry appear to be equally stringent as those in the foreign-owned Chunking Trading Company. The apprenticeship process demanded young men to mobilize social connections and navigate multiple tests. We now possess further evidence indicating that manager Zhou, supported by the Tianjin extra-provincial community, was the true focus of grievances among the local apprentices. Given the challenges of securing an apprenticeship, it is unlikely that the apprentices would forsake the firm they had exerted great effort to enter solely due to the workload.

Case 2: Local Manager vs. Skilled Tianjin Workers⁵⁵

However, a case from two years later presents a reversal of power dynamics in the Chongqing-Tianjin conflict. In August 1903, British consul C. A. W. Rose reported to Ba County that ten Tianjin bristle workers deliberately caused trouble and disrupted operations at Heling Company (*heling yanghang* 鹤龄洋行), a British firm that entered the Chongqing pig bristle business in 1900.⁵⁶ At the consul's request on August 12, the magistrate summoned the Tianjin workers to court for questioning. According to the workers, a few months prior, a British merchant named He Longde (贺隆德) had visited Tianjin and hired them to work in Chongqing. In Tianjin, they signed a contract guaranteeing a monthly salary of 70 silver taels, along with travel reimbursement.

⁵⁵ BXDA, 6-32-2482.

⁵⁶ In the case records, the firm was also known as 隆德洋行, named after its British owner's Chinese name 贺隆德, but I was unable to find out about the actual English names of this firm and its British owner. The entire Ba county archives contains three legal cases involving this firm, which were filed in 1900 and 1904, respectively.

However, upon their arrival in Chongqing, manager Chen, a native of Chongqing, began telling their British owner that the local apprentices were on par with the Tianjin workers but demanded a significantly lower wage. Manager Chen then requested Liu Jinbo, the head of the Tianjin workers, to provide their contracts for administrative purposes. Without doubting Chen's motives, Liu submitted the contracts. Subsequently, the British merchant refused to pay the Tianjin workers the agreed-upon salary and even denied the existence of such a contract. When Liu Jinbo demanded payment, a fight ensued between him and the British merchant. Consequently, the merchant sought the consul's intervention and requested charges of assault and property destruction against the Tianjin workers. During the court proceedings, the Tianjin workers unequivocally expressed their aim of receiving the promised salary without any intention of causing trouble. The magistrate, acknowledging their desire to continue working for the firm, decided to have them escorted by runners to the British consulate, where they could seek forgiveness from the British consul. (*jiyuan zuogong zhuanjiao chaiya fu ying lingshifu shuoqing* 既然願做工，轉交差押赴英領事府說情)

A day later, the magistrate received three letters. The first letter, purportedly written by British merchant He Longde (賀隆德), was most likely composed by manager Chen or a skilled Chinese writer. The letter was crafted in elegant classical Chinese and strategically addressed the magistrate as the elder brother (*xiong* 兄) to convey respect and intimacy.⁵⁷ It provided additional “striking details” regarding the dispute.

⁵⁷ Given that most foreign merchants at that time were unable to read and write classical Chinese, the plaintiffs mostly likely had consulted a litigation master. Hiring a litigation master (*songshi*) to draft judicial documents was common in Qing China, although this practice was against the Qing law. This is why the name of the litigation master should not appear in the complaint documents. For a study on litigation masters, see Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford: Stanford University Press, 1999).

The Tianjin workers displayed criminal tendencies shortly after being hired, which caused my hesitancy to signing a contract, so I used polite language to put it off. However, the workers went on strike and refused to deliver goods, resorting to violence on numerous occasions. Yesterday, they even vandalized the firm's lobby and pursued me and manager Chen throughout the building with weapons in hand. We had to sneaked out to hide at the end of the alley. You can interview the neighbors to verify my claims. These Tianjin workers have now occupied the firm, preventing anyone from entering, and were seen practicing martial arts inside it. This raised my concerns of their possible association with the Boxer rebels (*yihe quan* 義和拳), as some of the workers had a secret ankle tattoo.

The letter concluded by reminding the magistrate of the need to safeguard foreigners residing in the interior in accordance with the treaties and referred to the Tianjin workers as “worker bandits” (*gongfei* 工匪), demanding their transfer to Tianjin for punishment. The second letter, written by Consul Rose, reiterated the merchant's requests and emphasized the necessity of punishing the workers as a deterrent to potential troublemakers.

The third letter, authored by manager Chen, aimed to convince the magistrate of those Tianjin workers' readiness for insurrection. It claimed that the workers had collected weapons and hoarded them at the firm, raising suspicions about their intentions in a restricted city. Manager Chen also accused the workers of intimidating local employees, threatening them not to return to the firm. Those caught faced severe punishment, such as having their thumbs severed. Chen further alleged that the Tianjin workers frequented brothels and abused their status as foreign company employees to mistreat prostitutes. Moreover, they intentionally compromised the quality of pig bristles by cutting off the long hairs, making them unsuitable for export.⁵⁸ When the British owner politely asked why they were doing so, they declaring their authority

⁵⁸ As discussed earlier, long bristles (*tizhuang* 提莊) was more valuable than short ones.

over profit and disregarding the British owner's concerns. (*huoyou wozuo zhuanqian zhebenquan yu wo buyu ni wairen xiangshe* 貨由我做，賺錢折本權於我，不與你外人相涉).

Although the magistrate agreed to hold a second court session at the consul's request, he remained unconvinced by the plaintiffs' accounts and dismissed the allegations of insurrection. Instead, he determined that the Tianjin workers could only be released upon finding a legitimate bailor and obtaining the company's approval.

A month later, an unexpected development occurred when three terrified yamen runners informed the court about the detainees' escape.⁵⁹ Five of the Tianjin workers had sought to visit their brother, Wang, who worked at Archibald Little's Chunking Trading Company. However, upon arrival, they hid within the firm and refused to come out. Only one of them, Li, was apprehended by the runners. The runners attempted to secure the surrender of the remaining Tianjin workers from brother Wang, who insisted on the yamen providing a signed document from the British consul (*cheng yao lingshi Ziyang fangneng jiaoren* 稱要領事字樣方能交人). Faced with no alternative, the runners reported the situation to the magistrate, who ordered them to wait outside Chunking Trading Company and not allow anyone else to escape again.

The acquisition of a "signed document" from the British consul by the Ba County magistrate did not materialize. Furthermore, the four fugitive prisoners did not surrender themselves. On September 9, the magistrate made the decision to transfer the remaining workers detained at his jail to Tianjin. In a letter to the Tianjin county, he stated, "Based on the court's hearing, it has been determined that these individuals are guilty of disrupting operations at a foreign

⁵⁹ The runners had waited nearly two weeks before reporting the escape of the prisoners to the magistrate because they were afraid of the consequences. It is possible that the runners had initially tried to resolve this matter by negotiating with brother Wang Yinchun privately. When Wang requested the signature of the British consul, the runners clearly felt that this matter was beyond their authority. The magistrate penalized the head runners with light bamboo blows for seriously failing to do their duties.

establishment and nearly causing a violent incident (*bachi diaonan jiniang shiduan* 把持刁難，幾釀事端). Consequently, I hereby hand them over to their native-place yamen for disciplinary measures.”

Shortly after the prisoners departed for Tianjin, the Ba magistrate received another correspondence from Consul Rose, which conveyed, “Recently, some relatives of the Tianjin workers approached the consulate to extend their apologies on their behalf and offered to stand as sureties for them. Kindly release the inmates from custody and permit their return home. Made them promise never to return to Chongqing again.” Simultaneously, a number of Tianjin merchants residing in Chongqing submitted a formal plea for bail to the Ba county yamen, stating, “We have already met with Consul Rose, and he has granted us permission to bail out the workers (*xianhui lingshi loudaren yanming qubao yizhun* 先會領事，婁大人言明取保已准).”

As a consequence of this arbitrary request, the Ba county magistrate found it necessary to promptly inform the local authorities along the route between Chongqing and Tianjin, seeking their cooperation in order to expedite the release of the prisoners. Following this, the four Tianjin workers who had been concealing themselves at Chunking Trading Company appeared at the yamen and implored for forgiveness. Displaying signs of weariness, the magistrate issued the following verdict: “Send them to the British consulate and let the consul determine whether or not they should be deported back to their place of origin (*jiejiao yinglingshifu quzhu huiji* 解交英領事府驅逐回籍).”⁶⁰

By this point, only one of the Tianjin workers, Liu, had still been detained in the Ba County jail. This was due to the fact that Liu’s elder brother had disappeared long before the initial

⁶⁰ Alternatively, it could also be translated as “escort them to the British consulate and then send them back to their native-place.”

hearing took place. Seeing that all his fellow Tianjin workers had been released, Liu petitioned for parole. However, Liu's appeal went unaddressed as the magistrate had assumed a new position elsewhere. Nearly a year after the initial hearing, in July 1904, Liu once again requested a compassionate release from the new magistrate. The runners were then instructed to transport Liu to the British consulate and obtain the consul's name card as authorization for his release (*yang yuanchai songjiao yinglingshi chashou chepian huixiao bei'an* 仰原差送交英領事查收，掣片回銷備案). The name card was included in the yamen's case record as evidence to close the case.

Similar to the previous case, this intricate legal dispute sheds light on the intensifying tensions between the local community and the Tianjin extra-provincial residents. While the first case unveiled the victimization of local apprentices by Tianjin individuals, the second case illustrates how the local community swiftly mastered the art of leveraging foreign merchants' extraterritoriality and consular protection to expel the Tianjin gang from the bristle industry. In this dispute, Manager Chen played a pivotal role as both an instigator of conflicts and a strategic mastermind behind the litigation. He astutely advised the British merchant that employing local apprentices was a more cost-effective choice than hiring Tianjin workers. Moreover, the accusations against the Tianjin workers showcase their shrewd understanding of Chinese law and political affairs. For example, colluding with the Boxers not only constituted capital crimes but also involved highly sensitive political matters following the 1900 Boxers Uprising. The Qing court had imposed punishments on numerous officials who displayed empathy towards the movement. By presenting such charges, the plaintiffs aimed to persuade the magistrate to rule in their favor. It is apparent from these claims that the plaintiffs' ultimate goal was to expel the Tianjin workers from Chongqing.

The Tianjin extra-provincial community has demonstrated remarkable networking skills and a tradition of mutual aid. Despite being relatively new residents of Chongqing, individuals from Tianjin effectively mobilized their community and utilized various resources to protect the Tianjin employees. In fact, they employed foreign protection in ways that proved more efficacious than the efforts of local workers, essentially altering the outcome of an already implemented government decision. Without the intervention of the British consul and Archibald Little's firm, the achievements of the Tianjin community would have been unimaginable during the Qing era.

Most significantly, the resolution process of both cases witnessed the growing prominence of the foreign consulate as a vital legal forum within Chinese local society. The case records clearly demonstrate the crucial role played by the British consul's perspective in the magistrate's decision-making process. Despite being Chinese nationals under the magistrate's jurisdiction, the litigants seemed to render the magistrate powerless to issue a final judgment, as evidenced by his voluntary transfer of that authority to the British consul.

These two cases occupy an ambiguous position in the Qing's legal classification, as they were initiated by foreigners but primarily revolved around conflicts within the Chinese community itself. As Judith Wyman observes, the conflicts between insiders and outsiders were already part of an ongoing societal and identity-forming process in Chongqing long before the arrival of Westerners.⁶¹ In this context, the facilitation of Chinese people's access to extraterritoriality by the British merchant and British consul provided yet another mechanism for addressing the persistent social conflicts in an inland frontier society. Due to the power disparity between China and Western countries, judicial claims brought by foreigners, particularly those

⁶¹ Judith Wyman, "Social Change, Anti-Foreignism and Revolution in China: Chongqing Prefecture, 1870s to 1911" (Ph.D. diss., University of Michigan, 1993).

forwarded to the magistrate by the consul, would inevitably receive greater attention and have a higher likelihood of success. The British merchant's relative unfamiliarity with Chongqing, in comparison to Archibald Little, may have positioned him as a more manageable and collaborative foreign patron in the eyes of Manager Chen and the local workers.

Case 3: Chongqing Pig Bristle Processing Guild vs. Skilled Tianjin Workers

The aforementioned discussion of two cases may create the false impression that the Qing courtroom was accessible and that the magistrate was open to accommodating a range of litigants' demands. However, it is important to note that such circumstances were exclusive privileges granted solely to foreigners or Chinese individuals with foreign connections. On the contrary, the following case serves to illustrate the multitude of challenges a regular plaintiff would encounter when attempting to file a claim against someone with foreign affiliations.

In September 1909, the Ba County Pig Bristle Processing Guild, established in 1906 by a consortium of bristle workers, brought a lawsuit against Song Wenbin and Chen Wenqing at the Ba County yamen.⁶² The lawsuit accused them of violating guild regulations. Both Song and Chen hailed from Tianjin and were employees of Mackenzie & Co., a dominant British firm in Sichuan's bristle export industry since 1904.⁶³ At that time, it was widely known within the industry that skillful Tianjin workers demanded 20 silver taels from each apprentice they accepted in Chongqing. Some trainees resorted to pilfering bristles from their companies and selling them elsewhere to obtain the required funds. Consequently, in order to safeguard the overall reputation of bristle workers, the guild deemed it necessary to discontinue the practice of

⁶² BXDA, 6-55-4124.

⁶³ CQWSZLXJ vol. 3, 6.

charging apprentices a fee. However, the guild recently discovered that Song and Chen had violated this rule by each taking in between 30 to 40 apprentices, from whom they had collected over 1,000 silver taels. Furthermore, a few years earlier, Song had embezzled guild funds for personal purposes. When this matter was reported to the Chongqing Prefecture yamen, Song managed to escape. Subsequently, upon returning to Chongqing, Song joined Chen's bristle processing workshop and continued to profit from employing apprentices. The guild leaders had attempted to persuade Song and Chen to comply with the regulations, but the duo, relying on their connections with Mackenzie & Co., adamantly refused. The guild had previously lodged a petition at the yamen, but the magistrate redirected them to community leaders for resolution.

As the resolution from the community proved unsatisfactory, the guild made another petition to the yamen, which was once again declined. The magistrate's rejection letter stated, "You claim that each apprentice was required to pay 20 silver taels, but if Chen had taken in between 30 to 40 apprentices as you alleged, how is it possible that he earned over 1,000 silver taels? Your accusations appear exaggerated. This matter should be resolved internally within your guild. Do not hastily resort to litigation before the court!"

Evidently, the magistrate had misconstrued the plaintiff's account, which clearly stated that Song and Chen had collectively extorted over 1,000 taels from the apprentices. This suggests that the magistrate may not have attentively read the complaint before dismissing it, indicating a lack of initial interest in accepting the case. Such discouraging responses to civil petitions, which were supposed to be resolved within the community, were commonly encountered in yamen responses during the Qing era.⁶⁴ Undeterred, the guild filed a third lawsuit ten days later, in which they emphasized that Song and Chen had jointly taken in over 70 apprentices and

⁶⁴ Philip C.C. Huang, "Between Informal Mediation and Formal Adjudication: The Third Realm of Qing Justice," *Modern China* 19, no. 3 (1993): 251–98.

demanded 20 silver taels from each. Additionally, the plaintiffs presented seven pieces of evidence demonstrating Song's misappropriation of guild funds. The evidence substantiated that Song had embezzled a total of 108.7 silver taels under the guise of entertaining the guild's business partners. The petition also included the names of witnesses, including Song's apprentices and the owners of the establishments where the misappropriated funds were used.

Concluding their plea, the guild expressed in humble terms: "We, as modest and intellectually unimposing commoners, harbor no desire to become entangled in legal disputes. However, the flagrant disregard for guild regulations displayed by the defendants has ignited profound anger among our members. Therefore, we implore Your Honor to detain the suspect for questioning, with the objective of establishing the regulations and defending the honor of the esteemed guild temple (*zhenggui baoci* 正規保祠)." Regrettably, the magistrate chose to dismiss the guild's assertions and the evidence they presented, stating, "In your previous complaint, you asserted that Chen had taken in between 30 and 40 apprentices. Yet now, you claim that the number exceeds 70 apprentices. Your allegations have been altered in an arbitrary manner that fails to persuade me. Thus, this case will not be accepted."

Undoubtedly, the magistrate possessed the authority to reject the plaintiff's plea for "defending the regulations and the honor of their guild." After all, Chinese guild customs, such as social gatherings, master-apprentice ceremonies, and membership fees, served as strategic measures to establish a cohesive organization and deter potential rivals from encroaching upon industry profits. An employee in Chongqing's fabric industry recalls, "The regulations imposed by the fabric guilds are exceedingly intricate for those unfamiliar with the trade. It necessitates an insider's expertise to discern superior products from an extensive array of

samples; otherwise, one would undoubtedly fall victim to deceit.⁶⁵ Regardless of one's affluence, employing a well-trained fabric apprentice as the manager of one's shop is imperative for sustaining business operations. These rules have effectively deterred amateurs from entering the fabric industry."⁶⁶

Such actions of the guilds and the motivations underlying them were strictly prohibited by the Qing Code's statute on "monopolizing the market (*bachi hangshi* 把持行市)." However, throughout the eighteenth century, guilds endeavored to legitimize these practices before the state by engaging in charitable endeavors and organizing social activities based on their place of origin. By the late nineteenth century, it had become customary for prominent guilds to register their regulations (*hanggui* 行規) at the yamen, seeking recognition and protection when necessary.⁶⁷ Small-scale guilds established by laborers or craftsmen gradually gained official recognition in later stages. In 1909 alone, the Ba County yamen received four petitions concerning violations of guild rules. These complaints were respectively filed by the Pig Bristle Processing Guild, the Bamboo Sheets Craftsmen Guild, and the Life Saving Society of Professional Divers.⁶⁸

The failure of the Pig Bristle Processing Guild to secure the magistrate's support in this instance cannot be attributed to their working-class background. Rather, the defendants Song and

⁶⁵ Chongqing's fabric guilds have a lengthy history dating back to the Qianlong dynasty. Their guild rules had evolved over time, and the local government had implicitly supported and even defended them. When a foreign firm first arrived in Chongqing, competing with an established guild system, such as the one in the fabric industry, was difficult. This could explain why foreign capital preferred pig bristles over fabric, an everyday product, because the former's commercial value was less appreciated by the Chinese merchants and thus made it easier for foreign firms to take control of it.

⁶⁶ CQWSZLXJ vol. 3, 48-9.

⁶⁷ Chiu, *When Law Encounters Commerce*, 359.

⁶⁸ The Bamboo Sheets Craftsmen Guild (*Mixi Bang*) is likely a guild formed by craftsmen working with bamboo, a plant widely seen in Sichuan. For more information on bamboo craftsmen in Sichuan, see Jacob Eyferth, *Eating Rice from Bamboo Roots: The Social History of a Community of Handicraft Papermakers in Rural Sichuan, 1920–2000* (Cambridge: Harvard University Press, 2009).

Chen, along with manager Zhou Qide from case 1, were among the original group of skilled bristle workers whom Archibald Little brought from Tianjin to staff the Chungking Trading Company. By the time the conflict arose in 1909, both Song and Chen had earned the status of specialists. To expand business operations and reduce salary expenses, Little recruited around eighty local apprentices to work under the guidance of the Tianjin workers. Despite constituting the majority of the bristle processing industry's workforce, these local apprentices were only compensated with a minimal wage. Additionally, Little implemented a requirement that all apprentices host a feast for their masters upon completing three years of training, in order to incentivize the Tianjin workers' supervision. This feast and the ensuing appraisal were essential steps for an apprentice to become an official employee.

In 1904, Archibald Little sold his company to Mackenzie & Co., a prominent British firm offering packing services in Shanghai. The staff members from the Chungking Trading Company continued their employment under Mackenzie & Co., transforming it into a new powerhouse in the pig bristle trade. To boost bristle production, Mackenzie & Co. introduced a piece-work wage system, replacing the monthly payment, and further expanded the team of local apprentices. The company maintained Little's tradition of endorsing traditional Chinese master-apprentice ceremonies but took it a step further by mandating that each apprentice present a 20-tael-silver honorarium and host a banquet for their master before the apprenticeship commenced. At the banquet, the apprentice was expected to present the master with a complete set of formal attire, including a hat, shirt, and gown. To secure an apprenticeship at Mackenzie & Co., a young man would typically need to pay around 50 silver taels.⁶⁹

⁶⁹ NQWSZLXJ, vol. 2, 46.

During the days of Archibald Little's Chungking Trading Company, some skilled bristle workers from Tianjin had already established their private bristle processing workshops, employing inexpensive local apprentices as laborers. Interestingly, Little was aware of this phenomenon but chose not to interfere with it. Occasionally, when these workshops encountered difficulties, they would even exploit Little's or the company's names to shield themselves from repercussions.⁷⁰ The question arises: why did foreign businessmen permit their Chinese employees to operate private businesses and extend judicial protection to them? As Little's pig bristle export business expanded, he required additional sources of supply. As a British businessman, Little wielded nearly complete control over the export of Sichuan pig bristles, and he harbored no concerns that the Tianjin workers' workshops would pose a threat. On the contrary, these clandestine workshops not only provided Little's company with a steady supply of goods but also relieved him of the burden of managing the workers. Consequently, it was in Little's best interest for the Tianjin workers to operate their workshops privately and employ low-cost local apprentices for pig bristle production.

Bi Mingqi, the former deputy mayor of Tianjin who served as a manager for several German companies during the Republican era, also recounted a similar phenomenon: "The Chinese employees of foreign firms who established processing plants for local specialties naturally gained various benefits and conveniences with the support and influence of the foreign firms. When selling goods from their own factories, the employees prioritized the needs of the foreign firms to which they belonged. As long as these businesses operated without prejudice to the interests of the foreign firms, they faced no opposition. After all, the employees were like the

⁷⁰ BXDA, 6-32-2422; 6-32-2484; 6-32-2556; CQWSZLXJ, vol. 3, 62.

foreign firms' claws and teeth, and the foreign firms were always pleased to see them grow more prosperous."⁷¹

Bi Mingqi's firsthand accounts of the entwined interests between foreign firms and their Chinese employees shed light on the intricate relationship among Mackenzie & Co., the Tianjin workers, the Chongqing apprentices, and the local government in this case. Clearly, Mackenzie & Co. had followed Little's precedent by implicitly encouraging the entrepreneurial ventures of the Tianjin workers. This is why Song Wenbin and Chen Wenqing, as employees of Mackenzie & Co., were able to run their own pig bristle workshops and disregard guild rules to exploit local apprentices through rigorous master-apprentice rituals. Due to Mackenzie & Co.'s vested interests, it was unrealistic for the Pig Bristle Processing Guild to seek legal recourse against Song and Chen. Consequently, the lawsuits filed by the guild were repeatedly rejected by the magistrate. Importantly, the guild's intentions extended beyond merely seeking punishment for Song and Chen. Their multiple complaints stemmed from a desire to have their guild regulations officially recognized by the local government, thereby solidifying their position in the bristle industry. However, it was unlikely for the magistrate to align with their cause and overturn the conventions established by foreign firms. In essence, the Pig Bristle Processing Guild was too feeble as an organization to challenge the interests of foreign firms.

Lastly, these three cases serve as comparative examples that shed light on the specific dynamics of extraterritoriality within Chongqing's litigation culture. The primary distinction between case three and the preceding two lies in whether or not the plaintiffs received foreign support. In case three, the Pig Bristle Processing Guild followed the established protocol by formally submitting a formal petition (*bingzhuang* 稟狀) to the yamen and awaiting the

⁷¹ Bi Mingqi, "Tianjin's Foreign Firms," 84.

magistrate's decision on accepting the case. Conversely, the plaintiffs in the first two cases leveraged their legal acumen and garnered the support of a foreign patron, thereby enabling the foreign consuls to file lawsuits on their behalf. Litigation pursued through this channel followed a different trajectory in reaching the Ba County yamen. Instead of submitting a petition and waiting for the magistrate's decision, the plaintiffs approached the foreign consul, who directly wrote a letter to the magistrate requesting the arrest and interrogation of the defendants. In the first two cases, where foreign consuls represented the plaintiffs, the magistrates conducted meticulous hearings and made earnest efforts to accommodate the plaintiffs' demands. In contrast, in the third case, which lacked foreign support, the magistrates repeatedly rejected the case despite the plaintiffs strictly adhering to official proceedings and diligently preparing evidence. Although all three cases essentially revolved around conflicts within the Chinese community, they were treated differently in court. This disparity underscores the significant influence that the plaintiffs' ability to mobilize foreign support had on the official attention bestowed upon their complaints and the outcomes of the trials. In conclusion, these cases unveil the nuanced dynamics within the late Qing Sichuan courtroom, where accessibility and accommodation were selectively granted to individuals with foreign connections. This presented formidable challenges for ordinary plaintiffs seeking justice against those with foreign ties.

Case 4: Local Merchants vs. Broker of Japanese Firm

The preceding case exemplifies the institutional obstacles that ordinary litigants faced when attempting to sue individuals with foreign associations. It becomes evident that despite the litigants' persistent pleas and meticulous presentation of evidence, they were unable to capture

the magistrate's attention. This raises the question of what strategies litigants should employ to improve their chances of prevailing against parties with foreign connections. A case from 1908 involving a local merchant who proactively sued a broker from a foreign company illustrates remarkable judicial acumen.⁷²

In November 1908, Wang, the proprietor of Yunjixiang, a pig bristle shop, accused Dong Huanchen, a broker working for the Japanese firm Kusakabe & Co., of forgery and delayed payment. According to Wang, in June, Dong placed an order for pig bristles on behalf of Kusakabe & Co. When Wang delivered the goods, Dong claimed that the payment of 280 taels of silver had to be postponed because his Japanese employer had not yet provided him with the funds. After an extended wait, Wang decided to personally visit the Japanese merchant. To his astonishment, the Japanese informed him that the transaction had been completed long ago and presented evidence—a receipt bearing Wang's signature.

Wang suspected that Dong had misappropriated the funds by deceiving both parties and fabricating the receipt. In preparation for the litigation, Wang retained the services of a professional legal writer, Zhang Zhenhua, to articulate his grievances before the yamen.⁷³ As Zhang wrote, "I have brought this dispute before the Pig Bristle Merchants Guild and the community leaders. We engaged in an open discussion in the temple yard and unanimously agreed that receipt forgery constitutes a severe violation of the bang protocols. Many of our guild members have been adversely affected by this unscrupulous conduct. If left unaddressed, this issue will undoubtedly become more prevalent in the future. The guild head Jin Zesan, the guild notaries Qin Youchen and Fu Huaqing, as well as several neighborhood heads can all testify to the veracity of my claims."

⁷² BXDA, 6-45-28076.

⁷³ The litigation master Zhang's name was recorded in the plaint, which is rarely seen in Qing legal documents.

This narrative showcases the plaintiff's judicial astuteness and thorough preparation. By emphasizing attempts to resolve the dispute within the guild and the community before resorting to the yamen, the plaintiff presented himself as a law-abiding individual who exhaustively pursued alternative avenues for dispute resolution, rather than an impulsive litigant who hastily sought official intervention. Moreover, by invoking the experiences of other merchants who had suffered from similar abuses, the plaintiff elevated the case from a routine debt recovery matter to one that implicated broader public interests. Even from the perspective of Confucian judicial ethics, the plaintiff and his legal advisor impeccably framed the dispute, leaving the magistrate with little room to dismiss the complaint. Wang's strategic approach proved effective as the magistrate accepted the case three days after receiving it and issued a subpoena to summon the relevant parties to court for questioning within two additional days.

Equally significant is the timing of filing accusations against individuals with foreign connections. Although the dispute occurred in the fifth month, the plaintiff waited until the tenth month to initiate the lawsuit. Why? While the plaintiff claimed to have sought community resolution before turning to the court, additional clues in the defendant's testimony suggested that the plaintiff's timing choice was informed by complicated calculating. According to Dong, he had been purchasing bristles from Yuxiangji for Kusakabe & Co. for several years, during which no disputes had arisen. In the third and fifth months of that year, Dong ordered bristles for another Japanese client, Mitsui, who was new to the bristle business in Chongqing. The quality of the bristles provided by Yuxiangji in this particular batch was inferior to the "selected form" long bristles that Dong typically ordered for Kusakabe & Co. Consequently, Dong and Wang agreed on a price of 102 taels of silver, rather than the usual 180 taels for the "selected form" bristles. However, Wang was dissatisfied with this arrangement and approached Dong multiple

times afterward, accusing him of intentionally lowering the price. The lawsuit was filed at a time when both of Dong's Japanese employers—Kusakabe and Mitsui—were in Japan, meaning that Dong had no foreign support to rely on during this specific period. In response to the allegations of forgery and embezzlement, Dong countered, "If I had indeed profited from deceiving my Japanese employers regarding the bristle price, how is it that they never discovered it and continued utilizing my services?" Interestingly, similar to the plaintiff, Dong also sought the heads of the Pig Bristle Merchants Guild as his witnesses, including Jin Zesan, who had been listed as a witness for the plaintiff.

Dong's testimony has cast doubt upon the veracity of the plaintiff's account. To unravel the truth, the magistrate initiated another round of investigation. Unfortunately, the case record abruptly concludes, leaving us unaware of the subsequent findings. If the accusation indeed proved to be a carefully orchestrated falsehood, then the plaintiff achieved a measure of success, particularly in the initial phase of persuading the magistrate to consider the dispute worthy of a court hearing. The plaintiff's strategies to capture the magistrate's attention were remarkably effective, especially when considering the challenges faced by commoners seeking redress against litigants with foreign patronage, as magistrates typically exhibited bias favoring the latter.

Nevertheless, this does not imply that the magistrate's decision to hear the case was solely influenced by the plaintiff's diligent preparation. In fact, these accusations find their roots in a broader societal context characterized by the burgeoning sentiments of envy and hostility towards Chinese individuals who, in various capacities, earned their livelihoods by serving foreigners. In this particular case, it appears that the plaintiff and his legal advisor capitalized on the increasing instances of individuals illicitly profiting from maneuvering through a labyrinth of

misinformation and myths that interweaved local society with the expatriate community. Among these individuals are Chinese workers employed by foreigners. For example, many Tianjin workers in Archibald Little's enterprise would accept kickbacks from raw bristle traders under the tacit approval of their foreign employers.⁷⁴ Additionally, some individuals would exploit their foreign affiliations to extort and intimidate ordinary people.

Conclusion

As an urban agglomeration of immigrants, Chongqing, at the dawn of the twentieth century, bore witness to the persistent endeavors of outsiders striving to establish themselves within the realms of the city's commerce and political landscape. However, this period saw the incursion of imperialism into China's interior, thereby complicating the definition of "outsiders." Two distinct categories of outsiders emerged: foreign merchants and the skilled individuals they imported from the coastal regions, both seeking to carve out their niche in Chongqing's burgeoning international trade. These intrepid foreign entrepreneurs, alongside their equally ambitious and shrewd Chinese counterparts, traversed the legal boundaries of extraterritoriality, exchanging resources at their disposal to accomplish goals that would otherwise be unattainable. This symbiotic relationship enabled foreign merchants to successfully navigate the complex market of the Chinese interior while capitalizing on Chongqing's abundant resources.

Archibald Little, renowned for completing the first-ever ascent through the Upper Yangtze River by steamer, not only established a thriving business in Chongqing but also set a precedent for foreign merchants eager to penetrate the infamously inhospitable Chinese interior market. He

⁷⁴ NQWSZLXJ, vol. 2, 42.

portrayed himself not as a privileged foreign colonizer but akin to a Chinese guild head, adopting the paternalistic functions of Chinese elites and judiciously extending extraterritoriality to his Chinese employees as circumstances warranted.

Conversely, Chinese employees of foreign firms actively leveraged the advantages of this Sino-foreign legal patronage. In Sichuan, a region already beset with tensions among diverse immigrant communities from across China, extraterritoriality became an integral component of an ongoing societal and identity-forming process, which had been evolving long before the advent of Westerners in the 1860s. Newcomers utilized extraterritoriality to swiftly amplify their influence within a treaty port teeming with opportunities, while earlier settlers employed it to tenaciously safeguard their interests from potential encroachment. Once more, foreign extraterritoriality became inextricably linked with the politics of the Chinese community, directing the perennial tensions of Chinese immigrant society towards the courtroom and addressing them through judicial stratagems. Within the Ba county court, the notion of “involving foreign interests” oscillated between the frivolous and the potent, continually reshaped by Chinese litigants to articulate their exigencies.

Conclusion

On July 17, 1903, the magistrate yamen of Ba County received a complaint from Osaka Shosen Kaisha, a Japanese shipping company based in Chongqing. The complaint addressed the actions of He Pingzhi, a local young man who was posing as an employee of the company and causing disruption in the township. He Pingzhi, who was unemployed and temporarily staying in a hostel, had a reputation for extravagant behavior and was often seen wearing a small wristwatch. On a previous occasion, he had loaned his watch to a woman in an attempt to impress her, but she had not returned it. It was later discovered that the woman had pawned the watch for drinks. When the dispute escalated, He claimed to be an employee of Osaka Shosen Kaisha and threatened the woman. This false affiliation with a foreign company seemed to empower He, and in a fit of anger, he assaulted both the woman and the hostel owner, Li Hai, who had tried to intervene.

Upon learning of the incident, Osaka Shosen Kaisha immediately pressed charges against He since they had no record of him being their employee. He Pingzhi was brought to court, where he confessed to fabricating his identity as a foreign company employee in order to intimidate the woman into returning his watch. As He Pingzhi pleaded for leniency, his past records were reviewed, revealing that he had previously impersonated a Christian convert. Although the case file did not provide details of his earlier offense, it was evident that He was no stranger to assuming false identities to achieve his goals. The magistrate deemed him “devious and cunning” and sentenced him to public exposure in cangue and imprisonment.¹

¹ BXDA, 6-56-1417. He Pingzhi petitioned for release one month after the case was closed, claiming that wearing the cangue had substantially impacted his health. He cried to the jail runner all night, lamenting that his condition prohibited him from eating. The magistrate released him soon. This demonstrates that He was a savvy litigant who knew how to use the resources at his disposal.

At the turn of the twentieth century, a time of dramatic social and political transformation, He Pingzhi was one of the millions of Chinese underclass who struggled to make a difference to their lives. Although without permanent home or stable income, He Pingzhi clearly yearned for the modern and privileged lives of the foreigners in Chongqing and the Chinese around them. A small watch is a tool for him to show off to people, especially women, while his fictitious status as an employee of a foreign company was both a means of gaining momentum in disputes and an ideal life to which He Pingzhi aspired. The words that came out of his mouth in the heat of the moment must have been fantasized many times in his mind. But with the revelation of his crime, He Pingzhi's dream was shattered, as was his small watch, which was perhaps the only piece of luxury he owned.

To what extent does He Pingzhi fit into the Chinese individuals examined in this study, whose lives were influenced to some degree by extraterritorial privileges? On one hand, He was a destitute man attempting to appear wealthy and modern, unable to afford even the loss of a small watch. On the other hand, he demonstrated a clear understanding of the privileges enjoyed by foreigners and their Chinese associates, cleverly exploiting this knowledge repeatedly to his advantage. In fact, we only learn about He's impersonation from a case file because one of his schemes failed. Considering his previous impersonation as a Christian, it is likely that he would have continued this behavior in the future. Thus, He Pingzhi, who sought to pass as someone with foreign connections to gain petty advantages or resolve difficult situations, was among the many ordinary Chinese individuals occupying a marginalized position under the broad umbrella of extraterritoriality. These individuals lacked direct access to foreign privileges or protection, yet they endeavored to benefit from them, even at the risk of committing crimes.

Indeed, the act of fabricating connections to foreign institutions for pragmatic purposes was not an innovation exclusive to He Pingzhi. As the late nineteenth century progressed, a growing number of Chinese individuals shared He's mindset. Between 1894 and 1910, the Ba County yamen encountered 16 cases in which Chinese offenders posed as staff members of foreign institutions to commit crimes. Some individuals pretended to be employees of the French Consulate in Chongqing, forging letters of recommendation with the consular seal to deceive their neighbors by promising them jobs at the Consulate.²

In one instance, an offender whose jacket had been dirtied by a child claimed to be the French consul's writer and demanded a large sum of money from the child's parents, threatening to take them to court under the auspices of the French Consul. This offender even collaborated with two accomplices—one posing as a soldier of a French steamship and the other as the manager of a French company—to lend credibility to their lie. Despite their audacious acts, these offenders' methods were often constrained by their limited understanding of the local community, resulting in clumsy errors that led to their detection and subsequent court reporting.

For instance, two men attempted to avoid paying a boat fare by using a lantern inscribed with the words "Commissioners of the Japanese Empire" to convince a boatman that they were officials sent by Japan to tour Sichuan. Another individual, posing as a staff member of the Japanese Consulate, robbed a woman of her bedding.³ It is important to note that the 16 reported cases represent only the instances in which the offenders were apprehended, implying that there were likely many more con artists employing subtler means of deception without being discovered or caught. In a letter written by British consul John Tratman to the Ba County magistrate in October 1897, he mentioned, "Chongqing has recently witnessed numerous

² BXDA, 6-32-2481.

³ BXDA, 6-56-1157.

instances of Chinese individuals pretending to be business associates of the British firm Chungking Trading Company to commit fraud, and many of them have evaded capture.”⁴

The emergence of tricksters and fraudsters skilled in exploiting foreigners reflects the legal landscape shaped by extraterritoriality in the late nineteenth century. Extraterritoriality was not a detached colonial system irrelevant and unattainable for ordinary Chinese; rather, it intertwined with the interpersonal network and power structures of Chinese society. The establishment of a Sino-foreign legal patronage allowed foreigners to access crucial resources within the Chinese community while enabling Chinese individuals to evade state control. This symbiotic relationship between Chinese and foreigners was effective because the foreign support was too influential for Chinese grassroots officials to discipline in the interior. However, the abuse of extraterritorial privileges also presented a paradox for the foreigners themselves. As extraterritoriality extended further into Chinese society beyond the foreign-controlled coastal concessions, it established unexpected connections with the Chinese, surpassing the initial notion of Western privilege and becoming an issue that caused challenges for both Chinese and Western elites. The power and convenience symbolized by extraterritoriality enticed Chinese individuals with diverse agendas, injecting continuous momentum into the transformation of extraterritoriality. Through the mediation of these Chinese individuals, extraterritoriality developed in ways that were not initially envisaged by the foreigners, intervening in Chinese affairs beyond the scenarios approved by them. When the first foreigners in China extended extraterritoriality to the Chinese, violating the treaties following the Opium Wars, it is unlikely that they foresaw the consequences of their actions, unwittingly opening Pandora’s box. By the turn of the twentieth century, foreigners themselves had to acknowledge that the extraterritorial

⁴ BXDA, 6-32-2406.

regime, which had once provided them with status, wealth, and protection, had become an uncontrollable monster, tarnishing their reputation and causing material losses.

Superficially, the problems stemming from extraterritoriality were framed as the late Qing government's struggle to safeguard the integrity of its own judicial sovereignty against Western colonizers. However, these problems also mirrored the inherent contradictions within late Qing society. On one hand, extraterritoriality facilitated Chinese individuals seeking to bypass state control, whether they were litigants aiming to expedite legal proceedings, merchants engaging in profit-boosting smuggling activities, or revolutionaries seeking political asylum after offending the Qing court. On the other hand, the chaos caused by extraterritoriality led an increasing number of Chinese reformers to perceive it as a symbol of China's weakness. In the socio-political reality of late Qing, the Chinese both depended on and despised extraterritoriality. When extraterritoriality was initially established, its creators condescendingly denounced the corruption and injustice of Chinese law, using an Orientalist ideology combined with force to justify the necessity of extraterritoriality and provide Westerners with protection from Chinese law. If there was any common ground between the Chinese and Westerners in the early nineteenth century regarding the establishment of extraterritoriality, it might have been the notion that extraterritoriality should serve as a boundary separating Chinese and Western jurisdictions. However, in practice during the late nineteenth century, both foreigners and Chinese individuals continually transgressed this boundary, involving some foreigners in the corruption and miscarriages of justice within local Chinese yamens. While effective protection under extraterritoriality provided an opportunity for certain Chinese individuals to stand up against community bullies, the broader society faced a greater inequity in the distribution of judicial resources due to the abuse of Western judicial privileges. County-level officials felt

compelled to prioritize cases involving individuals who could mobilize foreign support, leading to the oppression of those who lacked such influence. Consequently, new divides and tensions emerged regarding who could access extraterritorial privileges and for what purposes. Naturally, ordinary people developed mechanisms to cope with this new allocation of legal resources. The impostors mentioned earlier in this conclusion are manifestations of these responses.

In the eyes of the Chinese, foreign missionaries and merchants paved the way for consuls. By the end of the nineteenth century, it had become widely recognized in Sichuan that by establishing connections with foreigners, Chinese individuals could benefit from preferential treatment in court proceedings, business opportunities, and various other privileges. Although these Chinese individuals exploiting foreign privileges often operated on the fringes of the law, as long as their actions did not jeopardize foreign interests or elicit severe backlash from other Chinese, foreigners and Chinese officials saw no need to regulate them. The practical advantages and sense of privilege afforded by foreign protection were rare occurrences in the daily lives of ordinary people amidst the turbulent years leading to the Qing's collapse. It is only logical to infer that an increasing number of individuals aspired to gain membership in this privileged community.

This dissertation presents an alternative perspective on understanding foreign treaty privileges by shifting the focus beyond the coastal treaty ports and delving into the local courtroom setting. Through this study, I have explored how foreign legal patronage enabled specific groups of Chinese individuals to enjoy judicial privileges and how extensively such patronage has transformed the legal culture in Ba County, leaving the magistrates in a vulnerable position to defend the authority of Chinese law. Accordingly, I contend that extraterritoriality should neither be seen as a foreign colonial privilege beyond the reach of the Chinese, nor as an

object of resistance and animosity from the Chinese. Instead, it was deeply embedded in Chinese society and strategically mobilized by different groups of Chinese to accomplish a range of objectives.

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