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The Jewish Monument at Kaifungfu.

By W. A. P. Martin, D.D., LL.D.

China surpasses all nations in the number if not the antiquity of her stone monuments. Yet even among the most ancient there are not many that interest a foreign student, because they have little or nothing to add to her historical records, which are so copious and in general so reliable.

There are two, however, that form a notable exception in both aspects, *viz.* the Nestorian Tablet at Singan and the Jewish Tablet at Kaifung. The first records the earliest attempt to propagate the Christian Faith in this Empire; the other commemorates not a propaganda but the fortunes of a colony professing an ancient faith to which all the churches of Christendom owe their origin. Not only does this fact appeal to our sympathies, our interest is intensified by the circumstance that native historians make little or no reference either to the Nestorian Mission or to the Jewish colony.

The existence of a company of Chinese Jews at the ancient capital in Honan was made known in a curious way to Ricci and his colleagues, who were the first Christian missionaries to establish themselves in Peking. A Chinese of official rank introduced himself as belonging to their faith, but it soon became apparent that there were only

two points of likeness—he believed in one God and he was not a Mahommedan. Yet of Jesus Christ he had never heard!

From that day the Jesuit missionaries began to make enquiry concerning the colony, and they put themselves in communication with these Jews in the hope of winning them over to the Christian creed. That hope has not been realised; yet the interest awakened three centuries ago in the bosom of those disciples of Loyola has not altogether died out from among their successors of the present day. For is it not to Père Tobar of the Jesuit Mission at Ziccawei that we are indebted for the most recent as well as the most complete collection of documents relating to that lonely colony? I advise all who seek for ample and accurate information on this subject to consult his painstaking brochure *Les Inscriptions Juives de Kaifongfou*,—published in 1900.

The researches of Protestant missionaries in that direction began in 1849. At the instance of the London Society for Promoting Christianity among the Jews, a deputation consisting of two native Christians was despatched to Kaifungfu by Bishop Smith and Dr. Medhurst. Several Hebrew MSS. were obtained, and a full report of their expedition was translated from their journals by Dr. Edkins and given to the world with a valuable preface by Bishop Smith. The messengers also brought back copies of this monument, together with sundry minor inscriptions, all of which were translated by Dr. Edkins and comprised in a little volume.

Among the discussions to which this report gave ri one of the most striking was a paper by Mr. Alex. Wyl in which he attempted to show that a religion called 祆教 *hien kiao*, and described in Chinese books as existing in many parts of the Empire, was Ju

Mr. Deveria has, however, according to Père Tobar, proved conclusively that by *hien kiao* the Chinese meant Manichæans or Persian fire-worshippers.

It remains a mystery why a community that had a large and conspicuous place of worship sanctioned by the Throne were so completely ignored by native writers. Père Tobar affirms that not even the most distant allusion to them is to be found in two typographical works which give an account of the temples and mosques of this city. The only certain reference to them hitherto discovered is in a book "Against Corrupt Doctrines," quoted by R. P. Havret and cited by Père Tobar.

The author offers the information (or is it conjecture?) that the Nestorian Tablet was fabricated by the Jews of Kaifung in collusion with those of Singan, and buried it in the earth in order that after being exhumed it might claim the credit of a venerable antiquity. From this specimen of antiquarian research what are we to think of the intelligence and opinions of writers of his class? Is it not obvious that the Jews were not overlooked, but studiously ignored as if by conspiracy of silence? Such a glaring omission goes far to shake our confidence in the good faith of Chinese historians generally. In fact, it is only where there is no motive for perversion that we can venture to take their statements at their face value.

In reading over the new tract, *Sur les Inscriptions Juives*, I find no evidence of any direct intercourse between the early Missionaries and those Jews. They were not free any time to circulate through the interior, as we are now, and there is room to suppose that in their communications they made use of native agents, just as did Smith and Medhurst, and for the same reasons. If this surmise be well founded it confers on me a distinction to which, until this

hour, I never aspired, *viz.* that of being the first foreigner, not merely of recent times but absolutely the first without exception, to visit those exiles and to witness their deplorable condition.

Early in 1866 I set out from Peking with the intention of crossing the Hwangho at Kaifung, and, after inquiring into the state of the Jews, to strike the great River at Hankow. The first part of this journey I was happily permitted to carry into execution, but the continuation of my voyage through Honan and Hupei was defeated by the occurrence of troubles in the interior which made it impossible to obtain means of transport. After passing through Shantung, and making a pious pilgrimage to the tomb of Confucius, gaining the honors of a *hadji*, I accordingly proceeded to Shanghai by way of the Grand Canal.

The whole journey lay over comparatively untrodden ground, everything was novel, and I made use of more vehicles than the "four" employed by Yu the Great, *viz* the feet of a biped and those of a quadruped; the wheels of a monocycle and a bicycle (wheelbarrow and cart); sedan, sailboat and steamer. But I have given the narrative in my Hanlin Papers and in my Cycle of Cathay, and I do not propose to give a repetition of the details.

Well do I recall the sad impression made on my mind by the aspect of a vacant lot, with nothing but a stone to mark the spot where a synagogue of the "Pure and the True" had once stood. My presence attracted a promiscuous crowd, some of whom professed themselves descendants of Abraham. Their claim, I fancied, was confirmed by their features, although through mixture with the people of the land their complexion had become as yellow as that of any other dwellers on the banks of the Yellow River. The earliest settlers must have taken Chinese wives, as on the

monument there is no reference to the coming of Jewish women.

Standing on the site of their demolished temple, I was surrounded by members of most of their seven families, and resting my hand on the gravestone of a buried Faith I spoke to them of Him who was born King of the Jews, who is now the spirit and King of the greatest nations of the earth, of whom a prophet declared at His birth that He would be a light to lighten the Gentiles and the glory of His people Israel.

No language can exaggerate the decadence in which I found them. Their demolished house was a sad symbol of the congregation. They confessed with shame that, having become a ruin, it was torn down by their own hands. They had sold its stones and timbers to save themselves from perishing of hunger. All knowledge of the sacred tongue had been lost; and though they still possessed a few copies of the Law written on sheepskins or goatskins, they only waited for purchasers, and I secured two of them. A Mahommedan mufti, by whom I was politely received, denounced them as *kafirs* (unbelievers) and said that while some had come over to the Prophet of Mecca others had become Buddhists, and one of them had risen to the dignity of the Buddhist priesthood. Alas! That fragment torn from Mount Zion and projected into the plain of central China, after standing there and pointing Heavenward for so many centuries, was on the eve of being engulfed in the ocean of error!

Its testimony has not been altogether lost, but if it is not become a thing of the past, if the golden candlesticks are ever again to give light, the first essential is to rebuild the temple. What would have become of the Jews who returned from Babylon if they had not rebuilt the sanctuary in Jerusalem?

Not only was it a rallying centre to their tribes, it became a light to the whole world, fulfilling that wonderful prediction that the glory of this latter house shall be greater than that of Solomon's Temple. Arriving in Shanghai, I urged this plea on the rich Jews of that Settlement, and they were not backward to ask questions, but not one of them came forward to lend a helping hand. Two or three of these poor fellows were indeed invited to Shanghai to take lessons in Hebrew; but that was like giving a company of shipwrecked people lessons in navigation, instead of providing them with a ship to continue their voyage!

The year after my visit Herr Liebermoun, an enterprising Jewish traveller, made his way to Kaifung, but, ignorant of the Chinese language, he was not able to learn anything of consequence. Two or three years later (I believe in 1870) those poor Israelites were visited by another foreigner, the Rev. Dr. Schereschewsky (now Bishop). His mission was expressly to try to gather in the wandering sheep, to say to them "we have found the Messiah of whom Moses and the Prophets spake." He was not allowed time to deliver his message, but summarily expelled by an angry crowd, set on, no doubt, by suspicious mandarins.

In the Spring of the present year (1904) they were honored by the attention of another distinguished visitor, Professor Jenks of the U.S. Monetary Commission. Though called to aid the Chinese Government in wrestling with the perplexing problems of a disordered currency, his thoughts were not confined to gold and silver. Besides enquiring into the condition of the Jews and procuring rubbings of their solitary monument, he left the Rev. G. D. Wilder, who had acted as his interpreter, at Kaifung to make further enquiries. Two of these rubbings he presented to me, and afterwards sent me a letter of Mr. Wilder's, from which I shall make a

few extracts. Every line reveals a deepening shadow settling over the heads of that doomed colony. Desperate as their condition appeared to me in 1866, their circumstances have certainly not improved in the nine and thirty years since elapsed. The only spark of hope remaining is the fact that a chapel has been opened in Kaifung by the China Inland Mission, where some of these castaways may find a door of refuge. Mr. Wilder conducted a religious service in that chapel more than once during his stay. He says: "Five or six Jews came in one evening. They seemed very much at home in the chapel, but devoid of any religious interest. They all have idols, but declared that some of the Jews had none: on enquiry it appeared that these latter were only such as were too poor to have anything more than food and clothing."

Many names have been erased from the tablet, and Mr. Wilder throws a curious light on the cause of it. "A foreigner," he says, "came to Kaifung in 1870, and was well entertained at a good restaurant; but the next day the gentry proceeded to smash all the furniture, dishes, etc., and presumably the foreigner was driven out. Was it Schereschewsky? Whoever it was, the Jews were scared and several families scratched their names from the tablet." "Ai (one of the Jews) says that forty years ago his family had a parchment scroll that hung from the ceiling to the floor, covered with curious letters in gold. They scraped off the gilt and made the skin into coats and trousers."

Rev. Mr. Bevis of the C.I.M. sent me a manuscript copy of the Monument in January last (1904), and I made a translation of it, at his request, in idiomatic English, without the insertion of numerous parentheses and Chinese characters such as render most translations unreadable. Receiving the rubbings shortly after, I collated the copies and rectified

errors of transcription. Precious as they are, these documents set forth the ancient Faith in a very diluted form, openly asserting its identity with Confucianism, and borrowing largely the phraseology of Taoism. Yet those Jews who clung to the faith of their fathers with such tenacity appear to have felt that it was something higher than an ordinary school of philosophy. Says one of the inscriptions, in words to which we can cordially assent, "Alas! people only know of the Temple of the Pure and True as a place of worship in honor of *a doctrine*; but they do not know that this doctrine had its great source in Heaven! Is it merely for our own worldy advantage that we thus honor our Religion?"

Reiterating the wish that some benevolent person or association, Jew or Christian, may be induced, even at this late hour, to come to the rescue, rebuild the synagogue, and gather their children into schools, I leave the Monument to speak for itself.

NOTE TO ACCOMPANY TRANSLATION.

The two inscriptions are engraved on opposite sides of one stone. The oldest is dated in the 3rd year of Hung Chi (1485) and records a rebuilding of the synagogue. The other is only twenty-three years later (1512) and commemorates the erection of a special building to serve as a depository of the sacred books.

Along with much useless repetition, and some personal items of no interest to us, they both contain a precious record of the Faith, practice and history of those wandering Israelites.

The restoration on this occasion was not the first of the kind, as the edifice appears to have been rebuilt or repaired more than once. Its materials were perishable, and its site on the banks of an unruly stream exposed it to peculiar dangers, not to speak of risks which in common with all Chinese temples it had to encounter from war and rebellion.

Some of the dates seem to betray a hazy conception of the early history of their forefathers, *e.g.* they make no reference to the sojourn in Egypt, and in the comparatively short interval which they make between Abraham and Moses they do not allow time for it. Again, they place the birth of Abraham in the "146th year of the Chow dynasty." This, says Dr. Edkins, would coincide with the reign of Rehoboam, and he finds an ingenious solution of the difficulty in supposing that the writer intended the 146th year of the State of Chow, founded by Howtsieh about B.C. 2254.

JEWISH MONUMENT INSCRIPTION I.

[*Translation.*]

To Record the Rebuilding of the Temple of the Pure and True.

The founder of the religion of Israel was Abraham, the 19th generation from Adam or Panku. Thus from the beginning of Heaven and Earth, sages have handed it down. It moulds no image, offers no flattery to gods or devils, puts no faith in magical practices. In fact, gods and devils bring no help, images no protection, magic no benefit.

We think of Heaven as something light and pure above our heads, the most august without a rival. Heaven does not speak in words. The four seasons run their course, and all things come to life. Seeing how grain grows in spring, ripens in summer, is gathered in autumn, and stored for winter; how birds, fishes, worms and plants bloom and fade, open and fall; each propagating its kind:—our founder awoke to a conception of this sublime mystery, and sought for a right religion, which should coöperate with the True Heaven; in singleness of heart seeking Heaven with reverence and sole devotion. Such is the origin of the Religion set up by Abraham and transmitted to the present day. We find that Abraham lived in the 146th year of the Chow Dynasty.

Again in the 613th year of the Chow Dynasty, it was transmitted to Moses, Patriarch of the True Religion. Moses was born with a knowing and profound mind, in which

mercy and justice were complete, truth and virtue combined. Seeking for the Scriptures on the top of Mount Sinai, he fasted forty days and nights, expelled bodily appetites, forgot food and drink, praying with a sincere mind, and his devout soul was in communion with the heart of Heaven. The Right Scriptures in one volume contain fifty-three books; and they all have an authentic origin. In them are things most mysterious, most wonderful. Examples of good to move men's good feelings, and examples of bad to show the punishment of evil passions.

Another stage brought the tradition down to Ezra, a Patriarch of the right law. The institutions coming from this patriarch are in linked succession; and this way of honoring Heaven by ritual worship is sufficient to explain the mysteries of our ancestral doctrine. That doctrine certainly has its root in a pure and true ritual worship. The pure is single without any second; the true is right without any wrong; rites express reverence, and worship is bowing down in humble attitude.

In our daily conduct we ought not for a moment to forget Heaven; yet to worship morning, noon and night,—three times a day is the true rule of our Heavenly Doctrine. What preparation is required for this worship? The first thing is a bath, and a change of raiment; the heart must be pure, and the senses not distracted; then we respectfully enter the presence of the Scriptures.

The Heavenly Tao (principle) is without form, yet it seems to be above us. Let us give an outline of the reverent worship of Heaven. First we bend the body in reverence to the Tao,—Tao is in that act. Secondly, we stand in the centre without inclining to either side,—Tao is in that position. We are still and meditate in silence, paying honor to Tao, without forgetting Heaven. In every movement

we seek for and praise aloud that Heaven which suffers not the Tao to fall. We go back three steps to reverence the Tao that is behind; then advance five steps to honor the Tao in front of us: bending to the left to honor the Tao as a good Tao on the left hand, and to the right to honor Tao. Though the right is held to be unlucky, Tao is on the right hand. We look up and honor the Tao that is on high; we look down and honor the Tao that is near us. Finally we bow down and worship the Tao,—honor is in the act of worship. To honor Heaven and not to respect your ancestors is not to honor Heaven. In spring and autumn we make offerings to our ancestors, serving the dead as we serve the living. We make offerings only of beef and mutton, with fruits of the season. We do not because they have passed away cease to honor our ancestors. In every month there are four days for fasting. Fasting is the gate of Tao (truth), the basis on which to store up merit. By storing a good act to-day and a good act to-morrow, merit is treasured up, taking care to shun all sorts of evil, and to perform all sorts of good actions. Seven days of good conduct coming to an end, they turn about and begin again. This is what the *Yih King* (Book of Changes) speaks of when it says, "the happy man does good and finds the day too short." In each of the four seasons we spend seven days in abstinence in memory of the sufferings of our ancestors. Making offerings to ancestors we recompense the authors of our being, we abstain from food and drink for one day. In calling on Heaven we repent of the sins of the past, and apply ourselves to the new duties of to-day. This is what the Holy Sage meant in the Book of Changes under the diagram of Benefit (益) by saying that "wind and thunder are a benefit to the superior man; seeing the good he adopts it; and if he has faults he corrects them." Thus have our moral teachings

come down to us with no uncertain tradition. They came from India with Li, Ai, Kao, Chao, Chin, Shih, Chang, etc.—seventy Commissioners who were sent by authority to being a tribute of Western cotton cloth to the Emperor of Sung. He said "You may come to our Empire and still observe the customs of your forefathers,"—and he retained them (the Commissioners) in Pien-liang (Kai-fung).

In the year of Kuei Wei the first of Lung-hsing in the reign of the Sung Emperor Hsiao (1163) the Wussuta, Rabbi Levi, took charge of the religion, and An-tu-la (a prefect) first built a temple. In the 16th year of Chih-yüan of the Yüan (or Mongol) Dynasty that ancient temple was rebuilt by the Wussuta-rabbis. It was called Ch'ing Chen Ssu, the Temple of the Pure and True, and was situated in the S.E. Corner of the T'u-tzu Market Street, with a circumference of three hundred and fifty feet. Coming to the great Ming Dynasty, the founder (Hung Wu) conciliated all under Heaven by bestowing on soldiers and people who submitted to him plots of ground and villages, where they might dwell in peace and enjoy the fruit of their labors. Truly he had a heart of impartial kindness. It was then felt that the temple should not be without the observance of a ritual. Accordingly Li Ch'êng, Li Shih, An-p'ing-t'u, Ai Tuan, Li Kuei, Li Chieh, Li Shêng, Li Kang, Ai Ching, Chou An, Li Jung, Li Liang, Li Chih, Chang Hao, noted for knowledge of our text books, were employed to exhort men to virtue, and bore the title of Moula. Their mode of teaching has been handed down to the present. In dress and social courtesy they conformed to the time, while in speech and act they followed the teaching of the ancients. Every man kept the law, and knew how to honor Heaven and show respect to ancestors, to render homage to rulers and piety to parents,—all this was due to their teaching. In the

19th year of Jung Lo (1421) the physician An Ch'êng received orders from Prince Ting of the Capital to offer incense and to rebuild the Temple of the Pure and True; in the middle there was placed an Imperial tablet of the Ming Emperors,—may they reign ten thousand years! In the 21st year of Jung Lo (1423), An Ch'êng being recommended for merit had the name Chao conferred on him by Imperial decree, and he was appointed to a command in Cheh-kiang. In the 10th year of Chêng-t'ung (1495), Li Jung and Li Liang at their own expense repaired three divisions of the front temple. In the 5th year of T'ien Shun (1461) the temple was overwhelmed by the River, and nothing but a ruin was left on the ground. Ai Ching and others on presenting a petition received through the prefect, as before, permission from the Provincial Treasurer to rebuild the ancient ruin of the year Chih-yuan, the temple of the Pure and True. Li Jung collected funds and restored its gilded ornaments, making it look as bright as if it were new. In the reign of Ch'êng Hua (1465-1487) Kao Chien, Kao Jui and Kao Shên contributed funds and added three sections to the rear temple. They also renewed the gilding and other ornaments, and deposited three copies of the Scriptures. They further made a covered passage to connect with the front temple; all being improvements of a permanent character. Such is the history of the temple front and rear. In the year of T'ien Shun (1461) Shih Pin, Li Jung, Kao Chien and Chang Hsüan procured one copy of the Scriptures of our religion from Ningpo. Chao Ying also brought a copy and joined the temple at K'ai-fêng. Kao Nien rose from a choice scholar to be magistrate of Hsi in Huichou; Ai Chün from M.A. became sub-prefect of Tê Fu. Chin Hsüan of Ninghsia had a grandfather who filled a post of grandee in the Council of State, and his

granduncle Shêng was commander of a thousand in the Imperial guard.

Hsüan bought brass furnaces, bottles and candlesticks for the table of offerings; and his brother Ying, in the 2nd year of Hung Chï (1489), contributed funds to buy a plot of ground for the temple. Ying and Chung by the agency of Chao Chün set up memorial stones. An-tu-la was first to lay the foundations; Li Jung and Kao Jui superintended the work to its completion. Others aided in restoring the temple by contributing money to build a Scripture shrine, a Scripture gallery, a Scripture table, a winding balustrade, a table for offerings, curtains and such like furniture. They also embellished its surroundings so as to make it an ornament to that quarter of the city.

We reflect that each of the three religions has a temple in honor of its founder. The Confucian has a "Hall of Great Perfection" in honor of Confucius. The Buddhist has a "Hall of the Holy Visage" in honor of Shakzamuni. The Taoist has a "Hall of the Pearl Sovereigns" in honor of the Three Precious Ones; and our Religion of the Pure and True has a Hall of Israel in honor of the King of Heaven.

The Confucian and our own religion are in harmony in all essentials, differing only on minor points. Their leading motive is to honor Heaven and show respect to ancestors, to show due regard to prince and minister, piety to parents, kindness to wife and children, and in intercourse with friends to give everyone place, high or low: in all this not departing from the doctrine of the Five Relations.

Alas! people only know of the Temple of the Pure and True as a place of worship in honor of a doctrine; but they do not know that this doctrine had its great source in Heaven; being handed down from ancient times, it should not be misunderstood. Is it merely for our own worldly

advantage that we thus honor our Religion? Receiving the honor of the the Throne, and serving the Throne we do not fail in worship to ask Heaven to reward the sovereign and the state—praying that the Emperors of the great Ming Dynasty in virtue may surpass Yü and T'ang; in wisdom may equal Yao and Shun; that their lustre may rival sun and moon; while their clemency is vast as Heaven and Earth. May the Throne last forever! may His Majesty live ten thousand years! and the Empire stand unshaken as long as Heaven and Earth! May Wind and Rain be favourable, and all enjoy unbroken peace!

These prayers we engrave on this stone, to hand them down for a long time to come.

Composed by Chin Chung, Hsiu-ts'ai of Kaifungfu.

Written by Ts'ao Tso, Hsiu-ts'ai of Hsiang-fu Hsien.

Title in antique head-lines written by Fu Ju, Hsiu-ts'ai of Kaifungfu.

Descendants of the Pure and True have on a lucky day in midsummer set up this stone.

Date 2nd year of Hung Chih (1489).

The Masons Wuliang and Wuhai did the work.

INSCRIPTION II.

[*Translation.*]

To Record the Building of a Temple in honor of the Book of Truth.

Composed by Tso T'ang, Doctor of Letters and Assistant Treasurer.

Copied in red by Kao K'ao, Member of the Hanlin Academy.

Antique head-lines written by Hsü Ang, Doctor of Letters.

Books are called the vehicle of Truth (Tao); but what is Truth? It is the principle to which men in all ages have looked for guidance of their daily life. Its higher manifestations are seen in the three relations and five virtues. While such is its minuteness that nothing can escape its influence. Tao pervades them all. Tao is not transmitted without books, and books are ineffective without Tao. Were there no books Tao would want a vehicle, and men would grope about not knowing where to go, eventually losing themselves in darkness and folly. The Tao of China's sages has been handed down in the Six Classics, a guide to posterity for ten thousand generations.

As to the Religion of the Israelites: our first ancestor was Adam, who originated in Si Yu (Central Asia). Our books appeared in the Chow Dynasty.

Our Books of Doctrine (Tao) in four parts contain fifty-three works. Their principles are profound, and their

teachings admirable. We honor them like Heaven. The founder of this religion was Abraham. Then our books were handed down from Moses, who was our law-giver. After his time this original religion came and dwelt in China, in the dynasty of Han. In the first year of Lung Hsing of the Sung dynasty (1163) a place of worship was built in Kaifungfu. In the 16th year of Chih-yüan of the Yüan dynasty (1275) it was rebuilt as an ancient temple and devoted to the reverential preservation of these Scriptures. Not only in Kaifung, but under the whole Heaven, there are found professors of this religion; and they do not fail to venerate these Scriptures and to respect this doctrine. Though the letters of these Scriptures differ from those of the books of the Confucian school, their teachings are identical, resting on the duties of common life. If put in practice by father and son, the father will be kind and the son filial; if practised by sovereign and subject, the ruler will be merciful and the subject obedient: if practised by brothers, the elder will be friendly and the younger respectful: if practised by husband and wife, the husband will be patient and the wife submissive: if practised by friends, the friendship will gain in good faith. There is no higher Tao than Charity and Justice; in practice it awakens conscience and brings out a sense of shame. There is no higher Tao than order and prudence: in practice it produces dignity of carriage and sincerity of purpose: if practised in fasting, the fast will be strict and reverent: if practised in the worship of ancestors, that worship will be filial and sincere: if practised in public worship, praises are offered to High Heaven for giving life to all things; and every act springs from sincere reverence. In case of widows, orphans, diseased and cripples, it makes men give them succor, so that not one will be out of place. In case of those who are too poor to marry, or to bury their

dead, it makes men help with all their might to supply funds for marriage or funeral.

In times of mourning with abstinence from meats and wine, it lays no stress on outward show, but conforms to the authorized ritual, and puts no faith in superstition.

Coming to weights and measures, there is not one in which a believer would dare to cheat his fellowmen.

In the pursuit of letters there are those who have shed lustre on their parents, and made a name for themselves. There are some who have held office in and out of China proper, dispensing the Imperial favor to the people. Some have sacrificed their lives in resisting an enemy, thus repaying the favor of the Emperor; some by personal virtue have extended their influence to an entire neighbourhood. Coming down to those who plough the fields, they pay their taxes. Those who practise handicrafts meet the wants of the public. Our merchants have gone abroad and made a name on lake and river. Some too have got gain by staying at home and trading. All these have stood in awe of Heaven's will, and kept the laws of the king. They have observed the five relations and the five virtues, showing respect to ancestral usage and piety to parents; honoring their seniors, and treating neighbours with kindness; keeping close to teachers and friends, and teaching their offspring. Pursuing their calling, they have borne petty grievances with patience, and stored up merit. Such are the words of encouragement and restraint treasured up in these volumes; and such is the effect of their doctrines in common life. In them Heaven's will is completely set forth as the guide of nature, and the cultivation of Tao by means of teaching finds an open road. The virtues of Charity, Justice, Politeness and Prudence are thus cherished.

If moulded in images or painted in colors they are an idle display to beguile eye and ear; they are heresies not fit to be followed. But those who venerate these Scriptures, know what they stand on; for Scripture and doctrine have no uncertain source. In the beginning our ancestor Adam transmitted the doctrine to Noah; Noah handed it down to Abraham; Abraham passed it on to Isaac; Isaac to Jacob; Jacob to the heads of the twelve tribes; the heads of the twelve tribes passed it on to Moses. Moses passed it to Aaron; Aaron to Joshua, and Joshua to Ezra. With him the religion of the Fathers bloomed out into fresh brightness.

All who follow this religion pursue the good and shun the evil, day and night cultivating personal virtue with sincere earnestness. We fast on certain days, and in food and drink conform to our books, which we honor and believe.

May Heaven grant prosperity without stint! May men seek the praise of virtue, and every family have the joy of offspring! Such is the spirit of our ancestral religion. May its ritual worship be undisturbed!

We carve a stone in this temple to hand down to future ages; that those who come after us may known its origin and and keep it in mind.

In the 7th year of Chêng Tê of the Ming Dynasty (A.D. 1512) this temple was rebuilt by An, Li and Kao. Chin P'u of Yang chou contributed a copy of the Scriptures and set up a second gate. Chin Jun of Ning-hsia erected a pavilion over these stone tablets.

Chin Chung repaired the pavilion.

Chang Luan and Chang Hsi engraved the stone.

Ancient Tibet and its Frontagers.

By Thos. W. Kingsmill, Esq.

In my former paper on "The Mantses and the Golden Chersonese" I made an attempt to trace these Mantse tribes through the province of Yunnan, and well into Ssech'wen, where they established amongst others the ancient kingdom of Derge. This state, then extending far east of its present position on the Drechu or upper Kinsha, was the original seat of what afterwards, under the rule of the last descendants of the later Han, came to be called the kingdom of Shuh. Geographically Derge formed part of an extensive district once known as Kandar or Gandar, which stretched far into Annam, and to the N.W. reached to Ningyuen fu in Ssech'wen, where the name still survives in a somewhat mutilated form in that of the fertile valley of Kiench'ang, the Caindu of Marco Polo. Although in these regions, as we learn from the semi-mythical story of the *Heo Han Shu*, quoted in the former paper, there was already a considerable admixture of Tibetan (Böd) blood, the Mans were up till medieval times the predominant factor in the population.

Mantse blood, in fact, stretched in early times far into the Hukwang, and traces of it are to be found in the local nomenclature of all the lower Yangtse provinces: this is, however, beyond the scope of the present article. Our earliest historical notices of these regions are mainly

to be found in the *Shiki* or Book of History, a work composed by Ssema T'sien towards the end of the second century B.C. Various rhythmical ballads have, however, been preserved in the *Shu King* or Historical Classic, and of these from a geographical point of view the metrical portion of the so-called *Yukung* is undoubtedly the most valuable. I have already referred to the description of Liang, *i.e.* Derge :—

> Min and Po came under civilisation ;
> Along the courses of the T'o and T'sim.
> The T'sai-mung were planted ;
> The Ho (Hor) tribes brought under.

Not less interesting are the lines referring to the land called in the gloss Yu Cheo 豫州. Here the form of the written character indicates that at one time it was homophonous with *siang* 象 (elephant) as well as with *shu* 舒 (loose, unfold), and so was originally pronounced *Sar* or *Ser*. Now we can trace T'sin 秦 and its homologues to a similar ancient pronunciation, *Ser* or *Sir*; so that Yu Cheo was in reality the land of the Sers or Sirs, in other words the *Seres*, under which name the peoples inhabiting what is now China came to be known in Europe in the Augustine age. Virgil wrote his Georgics most probably about B.C. 35, when the memory of the great conqueror T'sin Shihwangti had not yet died out, and in the second Georgic [v. 120] he thus addresses Augustus :— "What, great Cæsar shall I tell thee?"

> Velleraque ut foliis depectant tenuia Seres?
> How from the leaves the Seres comb their fleeces fine?

The silk referred to here was clearly not that of the carefully nurtured *Bombyx mori*, but that of the more robust *Antheræa Pernyi*, from which in all the northern provinces the Chinese gather the so-called wild silk, from which the

natives weave their pongees. Anyone who has seen the *Antheræa* spinning her cocoon in an oak copse in eastern Shantung cannot but be struck with the correctness of the poet's description.

In connection with this land the ballad proceeds :—

> The I (or rather Sa), the Lok, the Ch'in and Kan
> Joined the Ho.
> Yungpo was embanked,
> The Ko and Mang marshes put in order.

The only one of these capable of identification is the Lok, but it and the others were certainly connected with the complex of lofty mountains between Ssech'wen and the Wei valley in Shensi. The text, however, is hopelessly corrupt, and besides the land has seemingly undergone much superficial change. It is interesting to notice from the early gloss that in addition to varnish, hemp and grass-cloth, the country produced silk.

Now the little we know of these T'sins would rather connect them with the Mans in the south than with the Chinese in the north, and the *Tso Chwen* seems to indicate that there was a difference in language as well as in habits from the latter, while it once or twice refers to friendly feelings as existing with the southern tribes in Ssech'wen. The account of their origin given in the *Shiki* does not help us much, but is curious. A dark coloured bird dropped an egg, and the grand-daughter of the "emperor Chwenhu". swallowed it and afterwards gave birth to a son, who in time became a great chieftain. He married the daughter of Shao-tien 少典 [which, it seems to me, may be a synonym for T'saidam], who gave birth to Ta-fei 大費 (Taföt). Now these old genealogical stories have generally their origin in some topical tradition; and this is easily read as indicating a belief that the Böd tribes were in some way

connected with T'saidam, a sufficiently probable contingency. This Taföt, seemingly an older rendering of Taböt, *i.e.* Tibet, the same authority informs us, was likewise known as the Payik 伯益 *i.e.* Lord of Yik, which in my former notes I have shown was a synonym for Derge, then reaching far towards the east of Ssech'wen. Of Böt 番, the oldest name we find for modern Tibet in Indian and Chinese lore alike, I shall have much to say lower down.

In many of their customs, more especially those connected with burial, as also in their troglodytic habits, the inhabitants of the land of T'sin show affinity with those of northern and eastern Ssech'wen. According to the *Tso-chwen* we find a fraternal feeling existing between T'sin and Pa (eastern Ssech'wen) as early as the 7th century B.C., and in the wars at the close of the 4th century B.C., when T'sin and Chu, the then most powerful state in central China, were waging bloody wars for the lordship of the Empire, we find that Pa, apparently without a struggle, threw in its lot with T'sin, and permitted the passage of T'sin Shihwang's troops through its territory; with the result that the old kingdom of Chu was, for T'sin Shihwang's time at least, extinguished. More curiously still, the same tie of affinity finally helped Liu Pang in founding his empire of Han. Liu Pang was the champion of the last descendant of the house of Chu, and it was in the rôle of avenging his murder that he claimed the assistance of the Mantse states, and finally received from Shihwangti's feeble heir the Imperial Emblems.

Pa in eastern Ssech'wen was conterminous with, on the S.E., the ancient state of K'ienchung. This latter comprised the knot of mountainous country in the extreme west of Hupeh, forming the prefecture of Shinan and adjoining districts. Even now, speaking from personal experience, the

people here are of different type from their neighbours in the rest of Hupeh. Their complexion is distinctly lighter, their heads longer, their hair finer and in many cases of a decided brown and disposed towards waviness, and their eyes of lighter colour and wanting in most cases the characteristic fold of the upper eyelid. All these are Mantse characteristics, and indicate the people allied with their purer Mantse brethren of the Kiench'ang valley. The name in modern Chinese is K'ienchung 黔中, or rather, as pronounced in the north, Ch'ienchung, but in the older dialects of the south it is still K'imchung, or, according to its phonetic, K'amchung.

This affords another instance of the prevailing modern drift of the aboriginal tribes westward in Ssech'wen and the adjacent provinces. The name still survives, but it is to be found along the eastern flank of Tibet proper, where it reappears in the Khamdo of the maps. Lieut.-Col. Waddell, in his *Lhassa and its Mysteries*, speaks of the people of these districts as "the upstanding athletic Khams from the east with the fine physique and free carriage," and records their independence of character. All these are still marked traits of the people about Shinan fu as well; a portrait that he gives of one of these Khams might equally well answer for one of the ordinary dwellers in the Shinan district.

Of the T'sins, unfortunately, our knowledge is entirely derived from Chinese, and therefore unfriendly, sources, and we are left completely in the dark as to their original seats and their western and northern frontagers. We can, however, by diligent search, learn something. About 770 B.C. the Turkish tribe afterwards known as the Hiung Nu attacked and took the capital town of the kingdom of Cheo in the valley of the Wei in Shensi, and killed the king himself. His heir appealed for help to the T'sins, then apparently seated to the south-west, who responded

to the call and drove away the invaders. But the T'sins having taken the country, and finding it good, had no intention of retiring, and in consequence Cheo had to move eastward to the valley of the Lok, and there found a new home. Not many years after we find T'sin establishing a new capital at or near the present Fengt'siang fu in the rich Wei valley, and this would seem to indicate that the original position of the tribe must have been the elevated plateau north and north-east of Ch'engtu, forming the boundary lands of Ssech'wen and Kansu. Till within the last century this land still continued to be occupied by Mantses, and it is only within the last hundred years that they have been assimilated, or forced to take up their residence in the highlands.

The chief town of these districts is officially called Sungp'wan, and it and the country round is mainly occupied by a (so-called) Tibetan tribe, the Sifan 西番 of the Chinese, but who, according to Rockhill, call themselves Sharba or Sharbar. The three words Sharbar, Sifan 西番 and Sungp'wan 松潘 are, however, identical, the two latter being only slightly varying Chinese transcripts of the former, which cannot be more nearly represented in Chinese characters. Very curiously the phonetic element in *fan* 番 is also in some cases to be read as *p'o*, as in 鄱陽, the P'o-yang Lake, and this has led to immense confusion. Following certain Chinese authors, modern writers have divided these Fans into two, nomadic and agricultural, the former being the Sifan 西番 and the latter the T'ufan 土番, and looking at the characters as written such an interpretation doubtless looks natural enough; the *Si* and *T'u* are, however, merely phonetic, and the second character is to be read in the one case *fan* and in the other *p'o*,—Sifan (Sharbar) and *T'up'o* (Tibet). This agrees with what we learn from

the accounts of the British expedition; thus we read [Percival Landon, vol. ii. p. 376]:—"The origin of the name Tibet is phonetically curious. The inhabitants of the country spell its name 'Bĕd.' This, in accordance with the recognised rules of Tibetan pronunciation, they pronounce 'Peu' (as in French, but with a phantom 'd'). Upper in Tibetan is 'Stod,' which for similar reasons is pronounced 'teu.' Upper Tibet, as opposed to the lower districts to the north, east and west of Lhassa, is about conterminous with what we regard as Central Tibet. The pronunciation of 'Teu-peu(d)' was crisped on the Darjeeling frontier into Tibet, and thus became known to Europeans in this form."

From the fifth or sixth centuries these characters with the sound T'up'o have been used to represent Tibet. Töböd is then the name for the high-lying portion of Tibet which adjoins Kashmir and Ladak, the country generally being known as Böd, or rather Böd-yul. Sharbar, the Chinese Sifan, in Tibetan again simply means "Eastern people." The latter part of the word "Bar," the "people," was the name of the eastern part of what is now Ssech'wen, in contrast with Shuk, or Derge, the western. Pa, represented by the purely phonetic character 巴, still survives in the sub-prefecture of Pacheo 巴州, and in Pahien 巴縣, the district of which Chungk'ing is the prefectural capital, as well as in many other place names in this country.

Before leaving the Mantse country, one other of the tribes deserves consideration as still forming an important element in that strange ethnic conglomeration, the modern Tibetan. This tribe, or rather people, known as the Horbas, or Horbar, still survives as a separate entity about Kanze, on the upper waters of the Yalung; but although they have for the most part ceased to exist as separate communities, the type is very persistent all through Tibet, being in strong

contrast with the aboriginal type misnamed *Mongol*, and wrongly presumed to have come originally from the north. This people first come into our purview in the *Shiki* [chap. cxvi], where we find them called K'wen, or K'wen-ming, the latter syllable standing here for *bar*. They were associated with Kiünch'ang 君長, in which we can recognise the Carajan of Marco Polo, the Kandar of the Mohammedan Rashiduddin, of whom I spoke in my former notice. In the old name of modern Ch'engkiang fu (K'wen-cheo), in that of Yunnan fu (K'wenming) and in that of Tali fu (K'wenmi) we can trace the original seats of the tribe across Yunnan. Ethnologically these Horbar belonged to the larger division of the Mantses.

Speaking of this element in the Tibetan people, Lieut.-Col. Waddell [l.c. p. 346] says :—

"The physical type of the Tibetans I find here (Hlassa), as elsewhere from Gyantse onwards, is of two well marked and almost equally prevalent kinds, the one round-headed, flat-faced, and oblique-eyed, approximating to the pure Mongol from the Steppes (Sok), the other longer-headed with nearly regular features, a fairly shapely long nose with a good bridge and little of the "Kalmuk" eye, approximating to the Tartars of Turkestan and the nomads of the great northern plateau (Hor). It was noticeable that a large number of the nobility and higher officials, the Jongpons and others, belonged to this longer-headed and longer-nosed group, which seemed also to comprise many of the Mahomedan Balti coolies who had come with us to Lhasa by way of India, from their country bordering the Pamirs. The latter are indeed scarcely distinguishable from the long-headed Tibetans. Several recent migrations of these nomad Hor Tartars have taken place, I am told, far into south-western Tibet, to the east of the Yamdok Lake near the borders of Bhotan."

The meaning of this will be explained lower down in the paper. Again, speaking of Kanze, referred to above, Mr. Rockhill tells us :—

"Kanze is the chief city of the Horba states, locally called Horsé K'a nga, 'the five Horba Clans'; their names are Kangsar, Mazar, Berim, Chuwo and Chango. This region is, after Derge, the most populous and wealthy of eastern Tibet. . . . The people are among the best looking I have seen in Tibet, and have less heavy features ; aquiline noses, hazel eyes, and curly or wavy hair are not uncommon. The women especially are good-looking, and the natural comeliness of the people is not a little increased by their bright coloured attire and gold and silver ornaments."

Horse racing, singing and dancing are favourite amusements of these people, and it is worthy of note that the double flute, long since disused in China, and the three-stringed lute, the *sansien* of the Chinese, still survive amongst them.

It seems to me open to doubt whether all this blond element in Tibet is Mantse ; we shall lower down see that a good deal has to be classed as Kiang, or rather Kuru. The original Mantses or Maurya peoples were, however, not far removed in blood, and we may therefore feel ourselves quite justified in classing both Mantses and Kiang under the general heading of Turanians, the full meaning of which I shall explain lower down. The Mantse element the Chinese themselves trace up to the Maurya family of Central India, and the evidences on the spot are not inconsistent with this origin.

There is, however, another and far more obscure element in these populations, which seemingly we must look on as the aboriginal. Col. Waddell would trace it to the Mongols on the northern frontier; but though there has been for many centuries a considerable admixture of this so-called Mongolic

element, I do not think that we are justified in considering it fundamental, and would rather expect to find the true aboriginal element in the Böd peoples who have left their name indelibly associated with the country. As in the former case so in this, these Böd people belong to the same wide-spreading family as the aboriginal races who once occupied the north and east of Asia prior to the advent of the blond peoples. Our earliest knowledge of these Böd tribes is curiously not derived from Chinese but from outside sources. In a former paper, the "Serica of Ptolemy and its Inhabitants" [Trans. XIX. 44], I translated the portions of the *Geographica* relating to these districts; I may make a few extracts. Speaking of the mountains bounding Serica, by which term he referred to Eastern Turkestan, he mentions on the south:— "The eastern portion of those called the Emodon and Seric, extending to long. 165°, lat. 36°, and the range called the Ottorokorras, whose extremities lie in long. 160°, lat. 36°. Ptolemy's longitudes, for reasons explained in the paper, are of course of little account, but his latitudes, considering the time and the untrustworthy authorities with whom he had to deal with regard to these distant and almost unknown lands, are wonderful approximations to the truth. We can have no difficulty in placing these mountain ranges as, respectively, the Karakorum range of the Himayalas, the Altyn Tagh and the Burkan Buddha. Here also are two rivers, the Œkhardes and the Bautisos: the former is plainly the Arang or Upper Jaxartes, the Arg Rut of the Bundehish; the latter is of especial interest in this connection. It is plainly the Bhadra of the Buddhist writers, which in their mythical geography is made to rise on the northern summit of Mount Meru and flow through Uttara-Kuru, the Otterokorras of Ptolemy, into the Northern Sea. Bhadra in Sanscrit means auspicious, but is here merely an euphrasis for Bhotta or Bhotiya, *Tibetan*, a

name which at once brings it into line with Ptolemy's Bautisos, while its connection with the Lop basin explains Ptolemy's position for the people whom he calls Batæ, and places south of the Aspakaræ (Horse-riders) but north of the Ottorokorras. The Bautisos, then, which Ptolemy describes as having sources in the Kasian (T'ienshan) Mountains, and in the Ottorokorras, and bending towards the Emodan, can be no other than the Tarim of to-day, with its tributary the Cherchen Darya, once a far more important river than at present.

With the exception of a single passing allusion in Pliny [vi. 20] to a tribe of Attacori, *apricis ab omni noxio afflatu seclusa collibus*, I know of but one other allusion to these dwellers on the northern flank of the great Himalayan range in the classic writers, and that is in Ammianus [xxiii. 6. 65,66]. Speaking of the basin of Lake Lop, he says :—

"This plain, broken at times by rising grounds and extensive flats, is watered by two streams of well known names, flowing through it with gentle current ;—the Œchardes (Arg Rut) and the Bautis. The district varies in nature—here open, there interspersed with rising grounds ; it produces fruit in abundance ; affording as well pasturage for herds of cattle, and bearing extensive forests.

"The fertile lands are inhabited by many tribes, of which we may mention the Alitrophagi (Curd-eaters), the Annibi (? Abii of Arrian, *i.e.* Wusuns), the Sizyges (? Salars), and the Chardi (? Kaoch'e) : these are settled in the northern regions and exposed to the frosts of winter. Then there are the Rabannæ (Chinese Hwanyas 渾 邪), the Asmiræ (Ashmardans, the Shemotana of Yuen Chwang, who lived in what is now the Takla Makan desert west of Cherchen), and the Essedones (a Getic tribe, placed here by mistake, and whose proper place was on the Upper Jaxartes), the most illustrious of all. To these on the west adjoin the Athagoræ

(the Ithaguri of Ptolemy, of whom I shall speak lower down), and the Aspacaræ (? equestrian Kurus or simply Horse-riders): and finally, the Betæ (Böds) resting on the southern summits of the mountains."

Leaving out of account here the more northerly tribes, regarding whom he is hopelessly confused, Ammianus seems to have had some definite information, however crude, respecting the more southern peoples along the northern flank of the Kwenlun range, more especially the three whom he calls respectively the Asmiræ, the Athagoræ and the Betæ. The Betæ of Ammianus must of course be identified with the Bâtæ of Ptolemy, and these with the native Böd, the Bhotiya people of the Indian writers, to whose connections I shall return later on. The Asmiræ are, however, worthy of separate mention, as at one time they occupied a prominent position in the history of Eastern Asia. They are mentioned in the *Han Shu* [chap. xcvi] as Chemöt:—

"Chemöt 且末 lay 720 li to the west of Shenshen (Cherchen); it is a dependent state under a marquis assisted by a right and left general. On the north-west it reaches to Tuhu (Tangut), from which its capital is 2,258 li distant: northward it extends to Weili and south to lesser Yarkand, which is about three days' journey distant. It produces grapes and other fruits, and westwards communicates with Tsing-tsüt (Dardistan) distant some 2,000 li."

According to the monk Yuen Chwang the Sanscrit name of the place was Che-mo-t'o-na 折摩馱那, which we may transcribe as Akshmardana, but locally it seems to have been known as Ashmar or Ashmarda, whence the Asmiræa of Ptolemy, the Asmiræ of Ammianus, and the Chemöt of the *Han Shu*. In the version which Julien translated we read:—

"Leaving Tuholo (Sorghul) we travel about 600 li towards the east and arrive at the country of Akshmardana, otherwise known as Nimo."

So says Julien, but there is apparently a typographical error in the text, simple enough but which has rendered the passage impossible to recognise in the light of recent travels. The transcriber used the characters 湟 末, which Julien rendered Ni-mo; but these I take it were intended for the very similar 淖 末 *i.e.* Che(k)-möt, so that we arrive at the identical sound which appears in the *Han Shu*. The walls of the city, he tells us, were very high, but even in his days it was deserted. The place was clearly that known to the Persians as Machin, which afterwards the Mohammedan writers came to confound with China (Chin). A late author, Sadik Isfahani, who lived after the Yuen dynasty thus referred to it:—

"Machin, a considerable region near Chin; it derives its name from Machin the son of Japhet, the son of Noah, on whom be peace! The chief city of Machin is called Tanktash, *i.e.* 'Place of stones,' and this country is situated in the first and second climates."

Passing Ashmarda and going towards the north-east the monk arrived at the old kingdom of Napopo, plainly intended for Navapur ("Newtown") the Sanscrit name of the place formerly known as the country of Leolan. As there is no question about Leolan being represented by the site of the present Cherchen, we may confidently place Ashmarda somewhat more northerly than Khoten on the bank of the Keriya river, and it is noteworthy that in this very position Dr. Aurel Stein in his excavations amidst the ancient cities of this district [*Sand-buried Ruins of Khotan*, chap. xx] discovered the sites of one or more towns, exhibiting in their ruins the traces of a highly advanced civilisation during the early centuries of the present era.

The last of these three peoples, to whom I have specially alluded, are the Athagoræ of Ammianus, in whom we cannot fail to see the Ithaguri of Ptolemy and the Attacori of Pliny. Ptolemy's Ithaguri and Ottorokorræ fall thus into line: they are simply the Greek renderings of the Adhara-Kurus and Uttara-Kurus respectively—the Lower and Upper Kurus of the Indian Sanscrit writers. Ptolemy says of them [vi. 16]:—

"By these up to the Kasian Mountains (T'ien Shan) are the Issedons, a powerful tribe, and more easterly the Throani (people of Shenshen or Cherchen), and then beside them the Ithaguri."

There can be but little doubt from this short description in fixing the position of these Lower Kurus as ranging from Cherchen eastwards along the northern flanks of the Altyn Tagh eastwards to Shacheo and its neighbourhood; and here the *Heo-Han Shu* places contemporaneously the Si Kiang. According to the genius of the old language we must see in the final *ng* the remains of an older *r*, and recognise the identity of the two—Kiangs and Kurus. The initial syllable *Si* we shall see in another and more easily recognisable form lower down.

These Kiang or Kurus in both Indian and Chinese lore have a long history, which in both cases goes far back into the ages of Myth. By most historians and ethnographers who have essayed to write about these regions, these Kiang of the Chinese authors have been classed as Tibetans; this is really putting the cart before the horse. It is true that the Tibetans of modern times are largely of Kiang strain, but prior to the fourth century the two peoples existed independently, and are of absolutely different family, and their erroneous classification under the one head has placed almost insurmountable difficulties in the way of a proper comprehension of both Chinese and Tibetan history. There has, it is true, been a large admixture of blood, but even in modern times the main element in the people of Tibet is not Kiang but Böd.

According to the Indian myth, supported by persistent tradition, the Kurus belonged to the Lunar Race, and their earliest seat was the country of Uttara-Kuru beyond the northernmost range of the Himalayas. This formed one of the "Nine Continents" of primitive Indian tradition, and is described as a realm of eternal bliss: through it flowed the Bhadra, the sacred river, which, rising on the summit of the holy mountain of Meru, flowed through Uttara-Kuru into the great Northern Ocean. This legend, of course, lay at the foundation of Ptolemy's geography of Serica, and largely affected the medieval conceptions of Central Asia. The Indian name of the river—Bhadra (the "Auspicious")—has generally been accepted as a euphemism for Bhotiya, the Böd River, agreeing thus with Ptolemy's name of the Bautisos, Bhotta being the ordinary Sanscrit appellation of the country.

According to the ancient Indian myth these Kurus were not Aryas, that is to say were not descendants of Airya, and so did not belong to the Solar Race. In the old Iranian cosmogony Feridun (Thraêtaona, the Vedic Traitona) had three sons, respectively Çairima, Tuirya and Airya, the eponyms of the Çairimyans (Sauromats), Tuiryans (Turanians), *i.e.* the ancient inhabitants of the Pamirs and the basin of Eastern Turkestan, and the Aryans (these last forming, however, only one of the many families comprised by modern ethnologists under the general term Aryan). As Feridun is always in the Iranian legend the "Athwyan," *i.e.* the descendant of Athwya, I have suggested the term Athwyan to cover the entire of that section of the blond race now roughly known as Aryan, and would reserve the latter term for the first stream of the immigrants into India some eighteen centuries B.C. and their immediate relations, especially the Iranians and the Salyans or Hellenes. We find then a

definite place for the Turanians,* as Kurus, Yâdavas, etc., whose former home was along the eastern flanks of the Pamirs, where, too, many of them survived well into the historical epoch.

Strabo calls one of the satrapies taken from Eukratides Toriwa, Τοριουα, and we find the same elements in the name given to Yarkand in the *Shiki*,—Tayuen (*i.e.* Toyar). The old Chinese histories give the names of many other peoples in this region, and the greater number of these we can identify with names handed down from other sources, Indian and Greek :—the Wusun (Greek Asii or Asiani, later known as "White Huns" in contradistinction to the Hunni, Huns par excellence) ; the Tahia (Tokhari of Strabo) ; the Hukri(t)s of the *Shiki* (afterwards known as Wigurs), etc. So popular tradition quoted by Yule made Tashkurgan to have been founded by Afrasyab himself, the king of Turan; and here in the old story, after his great defeat at the hands of the hero Sam, he consented to confine his people. In Indian lore these folk, whose original home was in what is to-day called Eastern Turkestan, bore, in contrast to their brethren of supposed purer blood the Solar, the distinguishing title of Chandra Vança, or the Lunar Race. Of this strain the two most distinguished eponyms were Kuru, the ancestor of the Kauravas, and Pandu, father of the Pândavas, whose internecine wars form the main subject of the great Indian epic poem, the Mahâbhârata. In it Yayati, the fifth in descent from Soma (the Moon), had two sons, Yadu and Puru, and these became respectively the eponymic ancestors of the two great "Lunar" races, the Yâdavas and the Pauravas. Of the former line the most distinguished descendant was Krishna, the early Indian god of agriculture. Of the line of the latter come first Kuru, whose descendants

* By most ethnologists the Turanians have been confounded with the Turks. The Turks, as their legends, when analysed, will show, were only on one side Turanian, the other element being really Oghuz.

occupied the plain of the Jumna river, called after him Eurukshetra (the "Field of the Kurus"). The crown was in direct descent to have passed to Pandu, a distant descendant, but he being considered disqualified it was given to his brother Dhritarastra. Pandu accepted the position, but after his death his sons claimed the kingdom, and this claim brought about the great war which forms the burden of the Great Epic of India. With the Indian story we are not concerned, but these tribes occupy in ancient Chinese lore a very important position. Curiously enough, in the characters used by Ssema Ts'ien in his great history, the *Shiki*, to represent the original branch of the Yâdavas who did not join in the Indian Immigration, the Yueh-ti ("Moon-Family") we have the exact reproduction of the Indian term Chandra-Vança, while the pronunciation of the name "Yueh-ti" is as exact a travesty of the pronunciation of the Indian name of Yâdava as the Chinese language was capable of.

This is, however, not the only connection we find with these Yâdavas in ancient Chinese literature. In the *Shi King* [III. i. 7] we find them attacking the Immigrants of Cheo on their long and weary road to China. They are here called Mats, or more correctly Madhs, a name closely associated with these same Yâdavas in India, no less than three of the chiefs of the line bearing the name Madhu. Madhu in Sanscrit means *honey*, and curiously enough the Chinese 密, in Cantonese still pronounced *mat*, has the same meaning. The ballad proceeds:—

Thus spake the Gods on High "Wan wang!
Fear not to grasp the work; nor quail;
Let not your pity spare; be strong;
Strive each the goal to scale!
The Madhs their disobedience prove,
And daring our bright arms oppose,
On Yuan their hostile forces move."
Fierce in his wrath our king uprose,
Quickly his armies raised, and now
In vain his arms the foes withstand.
Thus he from ruin saved our Cheo,
And honour brought our sacred land.

The succeeding stanza describes the siege and capture of the great stronghold of the Madhs; in the old ballad it is called Ts'ung-yung, which we can have little difficulty in identifying with the Leo-lan of the *Shiki*, afterwards rendered by the characters 善善 Shen-shen in the *Heo Han Shu*. There is little doubt that the name must therefore have been Dardar, or something closely akin. From all the indications the site must have been that of the modern village of Cherchen on the Cherchen Darya. Now and then some object of antiquity turns up to mark the site as once occupied by an important city, but it is now at best an oasis in the middle of the howling desert of the Takla makan.

On Ts'ungyung's walls our engines ply—
Ts'ungyung the fair—the wide renowned
Worsted and wan its burghers fly,
Or captives sad in fetters bound,
Gracing our solemn feast appear.
Crushed 'neath our arms in deadly fray,
No haughty challenge meets our ear;
Nobly our king has won the day,
Nor recreant foes his will gainsay.

In the *Tso chwen* attached to the *Ch'un t'siu* [XI. iv] the name is given more at length than in the *Shi* as Mat-su, the latter syllable standing probably for *dal*, so that the full name of the tribe seems to have been Madhal, and this will account for the name as known to the Byzantine Greeks of Hephthal or Ἐφθαλῖται which appears in Procopius.

Whatever the cause, we hear but little for centuries of Madh; there is a story of a quarrel between King Kung of Chao about 1000 B.C. with the ruler of Madh over three ladies, the result of which was that Madh was "extinguished." The story is, however, entirely apochryphal: in the 8th century B.C. Cheo itself was captured and destroyed at the hands of the Hiung Nu, and its people forced to remove to the east—to Lok in Honan—so that intercourse with the

states of Turkestan was completely cut off, and till the time of the early Hans the history of these regions is a perfect blank. One doubtful allusion to these people seems to occur in the minor Ballads. *Shi* [I. iv. 4] sings [the translation is free]:—

Whither away my winsome lad?
To pluck you cherries down by Madh.
But tell me, youth, why challenge fate;
What charmer tempts to danger's gate?
'Tis Mang, of Kiang's clan the pride;
To-day we meet by Sangchung's side.
With her no treach'rous foe I fear,
As K'i's steep banks we deftly clear.

As we shall see afterwards, the Yâdavas in Indian as well as Chinese lore had the reputation of being a beautiful as well as pleasure-loving race.

With the accession of the house of Han and the commencement of the struggle for empire with the Turkish Hiung Nu, we find frequent allusions to these Yâdavas, now known under the name of Yueh-ti, literally the "Lunar Race," and so bearing out the Indian myth. About 209 B.C. the Shenyu Maotun (probably to be pronounced Mughur), the greatest of his race, had established his rule from Sughd to the confines of Kansu. He found occupying the then comparatively fertile country of Eastern Turkestan several tribes of cognate race, standing on a high level of civilisation, well featured and light complexioned: I quote from the CXth chapter of the *Shi Ki*:—

"At this period the Tunghu were formidable and the Yuehti numerous. The Shenyu of the Hiung Nu was named T'eoman (Demur or Timur): this latter having met with a reverse at the hands of T'sin fled northwards, but a few years after, T'sin's great general having died and the conquered states rising in rebellion, China was thrown into a state of confusion, and the garrisons left by T'sin all disappeared. The Hiung

Nu, finding no opposition, gradually encroached and again crossed the Ho advancing up to the Stockades." . . . After some time T'eoman died, and was succeeded by Maotun, the greatest of the race, under whom the Hiung empire grew apace . . . He subjugated," the story goes on to relate, "the Fanyu 渾庾, who occupied the territory, now desert, between Lake Lop and Shacheo; the Kütshe (whom I am unable to trace), the Tinglings 丁靈 (who still under the name of Salars survive, but far removed from their original seats, in the neighbourhood of Sining), and the Lukwen 高昆 and Sinlai 薪犁 (neither of whom I can identify).

The empire of the Hiung Nu seems at this period to have stretched from the Upper Jaxartes to the north of Shansi and from Karashahr to the slopes of the Altais; but their Shenyu was dreaming of still further conquests. Accordingly in the year 178 B.C. he addressed a letter to China:—

"The Supreme Shenyu, by the Grace of Heaven, to the Hwangti; sends greeting:—Formerly there existed between us a treaty of peace, and our people have lived in harmony. Some time since the officers in charge of the Marches have encroached and used insulting language towards the Right Yen Wang, which he bore without rejoinder. More recently it has become a matter of anxious deliberation between him and Nansse, Marquess of Lu, how best a breach of the peace can be avoided and the fraternal intercourse of the two peoples preserved, and on more than one occasion letters have passed with Your Majesty. Lately I despatched an envoy, but he has not returned nor have I received any communication; while some of the lower officials have committed breaches of the agreement, and attacking the Right Yen Wang have forced him into the western regions, where he was attacked by the Yuehti.

"Heaven, however, was propitious to our arms; our forces were well found, our cavalry brave and powerful, and in the end we totally defeated the Yuehti, carrying fire and sword through their lands and pacifying the country up to Leolan.

"[In consequence of our success] the Wusun 烏孫, the Huk'(r)it 呼揭 and the neighbouring peoples, to the number of six and twenty, have joined our confederacy and all the bow-bearing nations are now united as one family.

"Having now pacified all the northern regions, it is our earnest wish that an end should be put to hostilities and that there should be no more quarrelings, so that we may send our horses to pasture, and enjoy peace at home as in the old times;—that our young men may grow up to manhood, our old may live in peace, and ease and harmony prevail from age to age."

Such is the only contemporary, or nearly contemporary, record we possess of one of those remarkable ethnic migrations which have left their permanent records on the modern history of Asia, and whose echoes are still to be heard even in far distant Europe. So complete was the defeat that the Yuehti broke up their homes and emigrated in mass; the larger section crossed the watershed between the Lop basin and the Oxus and poured into Baktria, then under the rule of the successors of Diodotus, while the rest in small bodies made their way to the highlands of northern Tibet, with the older inhabitants of which they in time became intermingled, —a strain which shows itself to the present day.

Strabo [XI. viii. 2] almost incidentally mentions this movement as an event so well known that it only required to be alluded to. "Most of the Skythians beginning from the Caspian Sea are called Dahæ Skythæ, and those situated more towards the east Massagetæ and Sacæ." There is a

good deal more in this short sentence than meets the eye at the first glance. First with regard to the people called here Dahæ, there seems in my mind little doubt that they are the same as the Daci of the Romans, and perhaps the Tokhari of our author. Strabo states truly that the Massagetæ and Sakæ (more correctly Çakæ, the difference being important), were eastern tribes: but I have shown elsewhere that these eastern tribes were Getic, and so belonged to the "Platt" type, so that the Dakhæ of the more western people naturally became the Tokhars of the eastern. The Massa-Getæ in this case stand for Gothic Midya-Getæ, and through Persian influence, they having a habit of sibilating their gutturals, Getæ turned into Çakæ: the Greek Skyth seems to be only a modification of the same word.

This slight explanation will enable us to better understand Strabo's next sentence:—"The best known tribes are those who deprived the Greeks of Baktriana, the Asii (or) Pasiani, the Tokhari, and the Sakarauli, who came from the country on the other side of the Jaxartes opposite the Çakæ and S(Ç)ogdiani." All these tribes were well known to the Chinese, and all are described at length in the Han historians. There is little doubt that Strabo intended to write Asii *or* Pasiani, the initial *p* standing for *v*, and the people meant being the Getic tribe called by the Chinese Wusun 烏孫. The Tokhars must equally plainly be identified with the Tahia 大夏, whom the Yuehti actually met on the Upper Oxus. The S(Ç)akarauli we may identify safely with the Ægle of Herodotus [III, 92], and these with the Huk(r)its of Ssema T'sien, of whom I have spoken above: these last later on became the Wigurs of the Wei and subsequent dynasties. The facts of the migration are simple, but have been sadly misinterpreted by the French writers of the eighteenth century, with whom, I am sorry to add, in this instance I

have to associate Julien. All we learn from Ssema is that having crossed the mountains (apparently by Tashkurgan) the Yuehti met with a cognate race, the Tahia (Tokhars) whom they defeated; as immediately afterwards we find the two living in amity, the Yuehti assuming the lead, we may conclude that the two recognised the claims of kindred: at all events Ssema tells us that all the peoples hereabouts spoke cognate languages and were mutually intelligible.

The result of this movement was that the tribes established a new empire. According to the scant notices which occur in the *Heo Han Shu* these immigrants were divided into five separate tribes, and amongst these there seems to have been some fighting. At all events one of the tribes who called themselves the Kwei Shwang, or Kweisiang 貴霜, overcame the other four, and established themselves at what nowadays is known as Shahr-i-sebz (City of Greenery) but which formerly was called Kesh, in the basin of the Upper Oxus, south of Samarkand. From the name of the city, or more likely that of the tribe, the kingdom came to be called Koshano, under which name it appears on the so-called Indo-Skythic coins. According to the Chinese author the king's name was Kitolo, and as Yule in his introduction to *Wood's Journey*, speaks of an Ephthalite called Katulphus, we may presume that it was something like Cædwulf or Cædhlef Gothic Gutleaf. At all events, he took the opportunity of a disturbance in Afghanistan to cross the Hindukush, and pour down on Kao-fu (Kabul), where he established a powerful empire, which under the name of the Ephthalite, or Indo-Skythic Kingdom, endured till the latter half of the 6th century.

But alongside these Yuehti or Yâdavas, who, as we have seen, really played no inconsiderable part in the history of the world, occurred another tribe, also belonging to the Lunar

Race, and of whom I have already spoken [see p. 34]. To the Indians this people was known as the Kurus, to the Chinese as Kiang, both, however, at one time of identical pronunciation. They enter largely into ancient Chinese myth.

The *Shuntien* [*Shu*, II. i. 12] sings:—

"He (Shun) consigned the Kung-kung (Karkotas ?) to the Dark Land;
Enclosed Hwan-teo (Vritra) in the T'sung Shan;
Shut up the Sammiao (Çambars) in Sam-wei (Çambu-Dwipa ?);
Confined the K'wan (Ghaurs ?) to Yü Shan (mountains of Dardistan ?)"

In the *Ta Yu Mu* [*Shu*, II. ii. 20] we are told:—

"The Gods said: 'See, Yu!
There remains Miao.
Assemble the princes;
Order out the armies,
Draw up the troops,
So each hear Our command'—
Restless are these Miao;
Unsettled, regardless of authority;
Insolent, self-vaunting;
False and without honour."

The rhythmical portion of the *Yu Kung* [*Shu*, I. iii. 78] makes but one allusion to these tribes: but it is important, as it connects them clearly with the extreme West and the Lop Nor basin:—

Sam-wei was settled, (and)
The Sammiao ordered.

In the older lore of the Chinese these Sammiao always are made to be the direct ancestors of the Kiang tribes, who in turn become the predecessors of the Tanguts of later history. In the *Shi-ki* [chap. xxvi, the *Li Shu* 歷書] they are called the 九黎 Kiuli (Can. Kaulai), which points unmistakeably to Kuru. The LXXVIIth chapter of the *Heo Han Shu* begins:—"The Si Kiang originally sprung from the Sammiao; their surname was 姜 Kiang, and their country was situated in the Nan-Yok (Southern Mountain,

the Altyn Tagh of Prejevalsky). When Shun drove away the four evil-doers they escaped to Sam-wei (Çambu-dwipa?). The land of the Kiangs lies S.W. of Hokwan and adjoins Siehchi 賜支." This was somewhere west of Shacheo in the basin of Lop Nor.

Hardly more tangible are the glimpses we obtain of these ancient tribes in Indian lore. Here too Samvarna is the father of Kuru, himself the tribal eponym, but Samvarna is hardly more than a name; he was driven from his home and took refuge amongst the reeds of the Indus, and this possibly is a faint recollection of the Immigration of the Kurus into India, where they settled on the plain of the Jumna, which after them came to be called the Kurukshetra ("Field of Kuru"). So a faint echo of the same movement is preserved in the myth of Çambara, the Daitya, enemy to gods and men, the demon of drought and the special opponent of Indra, who destroyed his castles and who was eventually killed by Kama. The connection with drought is evidently but a last faint memory of the rainless country north of the Himalayas, which once formed the home of the Çambaras. The same name scarcely altered we find as Çavaras, applied to one of the wilder tribes of the Himalayas, not improbably one of the branches of those Miaos driven by the early Chinese to the mountains.

But we are here in the land of myth, pure and simple. In Hwangti's time, says the story [*Li Shu*, l.c.], "The common people had faith; the spirits, intelligence and ability. Spirits and men were each perfect in their several spheres, each respecting the other without interference; evil and misfortune did not trouble them. But when Shaohao succeeded misfortunes arose; the Kaulai introduced confusion, and the relations of spirits and people were confused." So when in Indian lore the Çavaras become with the demon

Vritra (Hwanteo), the two dogs of Yama, we are in face of the wide Central-Asian myth of the gates of Hades guarded by its two dogs, who in the far distant Greece become respectively Kerberos and Orthros.

We have few records of what happened in the far west of China during the following centuries, but when, as above related, the great Khan Maotun had driven out the Yuehti, the Kiang took refuge in the new territory of Lungsi, comprising the districts between the present Lancheo and Shacheo. On the accession of the emperor Wu [140 B.C.] he proceeded to develop this country and intersect it with roads in order to carry out of his great scheme of opening out to China the commerce of the the west, and this eventually led to hostilities. The Kiang then, the *Heo Han Shu* tells us, on the south came up to Shuk (Ssech'wan) and China, and were limitrophes of the Outer Man-I; to their north-west lay Shenshen (Cherchen) and Kusse (Gash). They have seldom fixed abodes and little cultivated land, rearing cattle and wandering about as grass and water serve. The father has only his personal name, but the children for ten or twelve generations adopt the mother's clan name. Marriage amongst them is by mutual consent, and if the father die his eldest brother takes over and marries the wife; so, adds the book, there are no widows nor orphans. Their chiefs are elected from certain families; they are early accustomed to hardships and are very jealous of their personal rights.

Although these tribes were thus distinctly nomadic they belonged to the same race as their settled neighbours in Shenshen and Ashmardan and apparently spoke the same language; indeed Yuehti and Kiang fade into one another by almost imperceptible degrees. Continually made the sport of circumstances, and exposed on either side to hostile attacks from their two great enemies, China and the Hiung Nu, they

became gradually lower and lower in the scale of civilisation, and lost practically all the culture that they once possessed; physically too these races had deteriorated through admixture of blood, and we hear no more from the Chinese historians of any indication that they differed in personal appearance or in their stage of culture from the surrounding peoples.

The second Han Empire [A. D. 25-220] never rose to the same power nor attained the same stage of civilisation as its predecessor; and, except partially during the lifetime of its great captain, Panch'ao, never recovered its former position in the western states. Under these conditions the Kiang peoples gradually increased in power: and when finally the Empire fell to pieces and China reverted to the position of a loose congeries of petty kingdoms, the time came for the expansion of these Kiang, who now became under various tribal names the preponderating power in the Lop Nor countries, their influence extending as far as the Yellow River, including the Ordos country. This brought them in contact with another of the great ethnic divisions of Eastern Asia, the Sienpi, or Ushwar, under which we must include many of the tribes loosely denominated Tungusic.

We meet with this people very early in Chinese history as Tung Hu, or Eastern Hu, a name but doubtfully connected with that of Tunguz, principally favoured by Russian ethnographers. There was in the early days of the Hans a great feud between them and the Turkish people on their western flank known as the Hiung Nu. Though the great Shenyu of the latter, Maotun, inflicted on them many defeats, he never succeeded in more than temporarily occupying their territory, and never broke up their solidarity. This territory in the main consisted in the two great districts called by the Chinese Liao, East and West, but which by themselves seems to have been known as Sira, and which reached west to the

Hingan mountains and the eastern flanks of the Yin shan. In earlier times the tribes must have extended still further to the west, and in 660 B.C. we find the state of Tsin, roughly Shansi, raising a large army to get rid of these people, then occupying a considerable space between Shansi and Pechili. The particular tribe is denominated Kaolok 皐落, apparently Karlok, and to be found still existing in the Goloks, a robber tribe who wander about the upper waters of the Yellow River south of Tsaidam, and who are a source of continual danger to caravans passing from Sungp'an to Tibet. The tribe was then so powerful that more cautious councils prevailed, and subsequently on its having made an attack itself and been defeated, the general in command feared to follow up his victory lest it should lead to a general rising of the tribes. Towards the end of the Ts'in dynasty these tribes, by a process in all ages usual in Asia, seem to have thrown in their lot with the rising power of Maotun, and to have adopted the general name of Jung, *Nirun*, and become amalgamated with the Hiung Nu, now the most prominent power in Eastern Asia. This association continued till, with the rise of the Kiangs in the third century, we find a new amalgamation, and no less than 150 tribes in Tibet and along its frontier classed as belonging to the Kiang, besides a large number in the Alashan districts, called in the *Wei Shu* the T'angch'ang, *i.e.* Dsung gar, Kiang. These last afterwards came to be known as the Tanghiang 宕項 or T'anghiang 黨項, and this name with the addition of the Mongol plural was transformed into the Tangut of Marco Polo, the native name of the state called in Chinese Si Hya.

Another people, also belonging to the same Ushwar, or Sienpi race, we find rising into prominence about the same period, called in the *Wei Shu* [chap. ci] the T'ukuhwan, or T'ukufan 吐谷渾, who early in the fourth century,

passing along the flanks of the Yin shan, established themselves about the Kokonor, where we find them in constant hostilities with the Kiangs. Apparently pressed by these, some of the Kiang tribes occupying the eastern slopes of Tibet were forced on to the aboriginal peoples, still paramount in the valley of the Tsangpu or Upper Brahmaputra, about the middle of the sixth century. These they easily conquered, and their chief adopted the title, in Chinese, of Dzan-pu.—So it is written by Klaproth, who is my authority for this translation from the *T'ang Shu*.—This was the foundation of the first Tibetan Kingdom. The word rendered Dzan-pu is seemingly the Tibetan Gyalpo, *king*, still surviving in the titles of the Dalai Lama. The new king fixed his capital on the banks of the K'i-pu ch'wan, otherwise the Losa ch'wan, the Kyi chu of to-day. Towards the end of the century, under his successor, called in the Chinese Lundzan-so Lungdzan, the frontiers were advanced up to the borders of Kashmir, and an opportunity presented of communicating with the heads of the Buddhist Church there established; this opportunity was availed of by his successor, called in Chinese Yidzund Lungdzan, who on his succession found himself sovereign of a compact and respected state, but one still lacking the prescription of ancient tradition. Thus was founded the Tibetan kingdom.

We must dismiss as utterly unfounded the statements made by some of the early writers on Chinese history of the early development of a Tibetan power, and its supposed wars with China; the cause of the blunder will be explained lower down, and I only allude to it here as an instance of the besetting sin of nearly all our supposed authorities on China and Chinese affairs of invariably copying from their predecessors without taking the trouble of verifying for themselves their statements of supposed facts. An ancient

legend still current amongst the Tibetans themselves ascribes their origin to the marriage of a monkey with a female demon of the mountains, and even so well-informed an authority as Lieut.-Col. Waddell sees in this belief an occasion for merriment. It is really one of the numerous animal myths current in Asia, highly prized by the people themselves, and useful to the ethnologist as throwing light, otherwise unattainable, on their early history and connections. One of the most marked of these is the wolf legend of the Getic tribes, which we can trace wherever that race has left its remains; in Hyrkania, the Iranian Vehrkâna, or Wolf country, as well as in the style of the regal race of the Parthians, Arsakes for Vehrk-isk-a, etc.

The ancient Wusuns, as well as the modern Tibetans, had the same legend of their monkey descent, and in their case it is known to have had its origin in their faces, well covered with tawny beards, which in the eyes of the beardless nations around seemed to betoken relationship with the long-haired tawny apes who still exist in numbers on the flanks of the Tibetan highlands. Now the Kiangs who overran Tibet, and who still form a not inconsiderable element in the population [*vid.* p. 49 *sup.*] were originally closely related to these Wusuns, so that the myth thus explains itself, and simply implies what we have been able to gather from other sources, that the Tibetan is of mixed parentage, partly Kiang and partly descended from the oboriginal Böds, a fact remarked by all competent observers, [*see* Rockhill's *Land of Lamas*, p. 243 and Waddell's *Hlassa and its Mysteries*, p. 346].

But to return to our immediate history, the sovereign called in the Chinese history Yidzung Lungdzan is in the Mongol account designated Srongdzangambyo, the form acknowledged by modern writers on Tibet. According to

the Chinese story he sent an envoy to China acknowledging the suzerainty of the Empire, and presenting "tribute"; the emperor was so flattered that he sent an embassy in return bearing presents: Srongdzan Gambyo then demanded a Chinese princess in marriage, which was at first refused, but after a show of hostilities finally agreed to. The princess must have found her new husband already favourably disposed towards Buddhism politically, and threw in her influence personally, with the result that he himself became a pious student of the religion; a Nepalese lady whom he also married threw in her influence in the same cause. Notwithstanding his acceptance of the Doctrine we find him still carrying on wars with his neighbours north and south, in both cases apparently to his advantage.

His grandson and successor, called by the Chinese Kilipabu ?, recalling the ancient grudge of his ancestors against that people, made war on the T'ukuhwans and utterly defeated them, compelling their chief to take refuge in China, after which we hear no more of them as a power. This success inflamed his ambition, and entering into an alliance with Khotan he attacked the king of Kuchar, a petty state lying near the north bank of the Tarim. The allies took the town of Puhwan, probably Aksu, and pretended to a general overlordship over the Tarim countries. This excited the jealousy of China, who in consequence sent into these regions a viceroy charged to take under his protection the four military districts of Kweitse (Kuchar), Yutien (Khotan), Yenki (Karashahr), and Shuli (the ancient Sulak, northern Pamir); making the usual Chinese tactical blunder, common in all ages, the Chinese commanders divided their forces, and the Tibetans falling on them in the Kokonor district easily defeated them. These were the days of the Khalifs, and we need not be surprised that the encroaching

Mohammedans made overtures to the puissant Tibetans; little, however, came of these victories, which were little more than raids, and practically, notwithstanding the asseverations of half-informed historians, the Tibetans never acquired a foothold in the Tarim basin. On the Chinese frontier the Tibetans were for a time more successful, and actually occupied portions of the empire. On one occasion [in 763] they actually captured the Capital (Changan) and burnt the palace: on the approach of a Chinese army they, however, retired. This war continued for many years longer, but at last, in 821 or 793, both sides being utterly exhausted, they determined to make peace: China yielded up all territory west of the Tao and Min rivers, but otherwise things remained as they were. This treaty is recorded on a tablet still in existence in Hlassa in front of the great Buddhist cathedral of the Jokang.

As it is not my object to write a history of Tibet further than has been necessary to explain its very complicated ethnology, I have confined myself to a very brief outline, and only so far so as was necessary for the purpose.

I have already [p. 50] spoken of the female demon of the mountains, who according to the Tibetans themselves represented the Böd (or aboriginal) element in the population. These Böds are apparently sprung from the more ancient stock of the Indo-Chinese peninsula, to whom elsewhere I have given the name of Pareæan, a strain which besides forms the understratum of the Chinese themselves. The overlying races in Tibet, in contradistinction to China, where they are Aryas, are rather Turanian, using these two terms as I have explained earlier [p. 36]. The distinction probably accounts in some measure for the different characters of the two peoples. At all events the history of the two countries up to the period of the Chinese ascendency was quite

distinct and separate, and the characters and instincts of the two peoples utterly unlike and in most particulars almost contrary the one to the other.

Before closing this paper I must point out that there is no foundation in fact for Klaproth's use of the word Tibetan as an ethnic term. Tibetan is no doubt a well marked language, distinct on the one side from the peculiarly monosyllabic speech of China and on the other from the inflected polysyllabic Sanscritic languages of India. The time has, probably, not arrived to more precisely define it; but on a somewhat superficial examination it does not bear the impress of being of any great antiquity, and will probably be found, like the people themselves, to owe its peculiarities to many different sources. Klaproth was the first who attempted to place these theories of a Tibetan race on any scientific basis. He thus [*Tableaux Historiques de l'Asie*, p. 130] introduces the subject:—

"According to the few notices we find in ancient Chinese works, it appears that the Tibetans occupied in high antiquity the western part of China bounded on the south by the Nanling (Altyn Tagh), which separates the southern provinces from the rest of the Empire. Others stretched to the east up to the Siang, which flows through the Hukwang and falls into the Tungt'ing Lake. Some tribes of similar origin were to be found even in the mountains of Honan; and it was on the banks of this river that the Tibetan people called the three Miao had their homes some thirty centuries B.C., or at the period of the arrival of the first Chinese colonies who descended from the Kwenlun mountains."

I have given this extract literally and at some length because with the usual habit with Chinese scholars of always repeating the statements of their predecessors, however false and unfounded, it has been repeated so frequently as to have

become practically an article of faith. As a fact, Klaproth's Geography and Ethnography here were both at fault, and the result has been an entire falsification of not only the early history of Tibet but an entire misconception of the story of Eastern Asia, especially with regard to the Turanian inhabitants. I have explained above the story of the Çammiao and their connection with the Kiang or Kurus; it was these Kurus who many centuries afterwards, in fact in the fifth century of the present era, for the first time came in contact with the native tribes inhabiting Tibet. These they conquered, and as a result established at Hlassa the first Tibetan state. It was not Tibet nor Tibetans, then, but the Turanian tribe of the Kiang or Kuru who in the early centuries of our era proved so formidable competitors with the Hans for the possession of the empire of Eastern Asia. The error is akin to attributing to the ancient Britons the French wars of Edward III and Henry V.

Notes on Chinese Banking System in Shanghai.

By John C. Ferguson, Ph.D.

The system under which the large foreign banks, such as the Hongkong and Shanghai Bank, the Russo-Chinese Bank, etc., work in their dealings with foreign merchants is exactly the same as the system under which banks in London, Paris or New York do business, with the exception that a much larger proportion of their transactions is in exchange. It is only in their dealings with Chinese banks that relations are entered into which would be new and unfamiliar to a banker in Western countries. As long as the transaction between the European and the bank is confined to deposits, drafts, invoices, shares, etc., one might easily imagine himself to be in some part of the Western world, but if he presents for deposit a cheque on a Chinese bank, which he has received from a Chinese merchant in payment of goods, he immediately finds that the procedure is very different from that of depositing the cheque of a foreign bank. The banking clerk behind the counter upon receiving the Chinese cheque calls for the shroff, who examines it and decides whether or not it shall be received. Sometimes the foreigner is asked to write his endorsement upon the cheque; at other times he is told that as soon as the money

is collected from the native bank it will be placed to the credit of his account; and again, at other times the shroff accepts the cheque at once at its full face value. The introduction of the shroff, who is always Chinese, into the transaction shows that the foreign bank has dealings with native banks through the medium of its Chinese employees, and not through any member of its foreign staff who has been trained in the Chinese language and business methods. The bank employs a compradore under contract and bond, and holds him responsible for dealings with native banks. The compradore employs his own staff of accountants, who remain in his office and keep sets of books quite independent of the regular accounts of the bank. He also employs a staff of shroffs, who attend to the duties at the various counters at which sycee[1] or coin transactions occur. These shroffs are on quite a different footing from the Chinese clerks who are employed directly by the Manager for desk duty. The shroffs are the employees of the compradore, and subject to his orders, and are independent of the foreign clerks except as the clerks make representation to the Manager, who issues orders to the compradore. The compradore with his accountants and shroffs is an *imperium in imperio*; he decides upon the value of gold bar, silver bar, and coins, placing his own value upon their fineness and rejecting any which are below his standard. When native banks wish to negotiate a loan from a foreign bank the compradore decides upon the security and is held responsible if the security fails. He also attends to the transfer of money to and from inland places where there are no foreign banks. In short, he is the medium through whom all transactions are carried on between a foreign bank and

[1] DEFINITION.—*Sycee* is silver bullion; *shoe* is an ingot of silver; *fineness* is the quality of silver; *betterness* is the fineness above the standard.

Chinese banks or merchants. In Shanghai these compradores have come to hold a most important and responsible relation to the entire business of the Chinese community.

I.—*Different Classes of Banks.*

There are different classes of Chinese banks: (1). Those enjoying the greatest prestige are called official banks, Kwan Yin Hao (官銀號). These banks, in addition to receiving on deposit taxes, duties and other official revenues, do an ordinary banking business such as foreign banks do, *viz.* they receive deposits and pay interest on them, they make loans, they keep current accounts with merchants and make advances on the security of goods, they issue cheque books and deposit books, they transfer money from one place to another both by cheque and by actual transfer of coin. In Shanghai the largest bank of this class is the Yuen Tung (源通), which is also called the Customs Bank. This bank is the most important of all the Chinese banks in Shanghai, for it receives the Customs duties, which amount to about one-third of China's entire receipts from imports and exports. It does not keep all its receipts on deposit, but divides them with many other large banks. Last year a rival bank to the Yuen Tung was opened and is called Yu Feng (裕豐). (2). Another class of banks is the Hwei Piao Hongs (滙票行). These are usually opened by large merchants who have business in many different places, and who, instead of giving their business of money transfer to banks, open a hwei-piao hong themselves and thus make an additional profit out of their own exchange transactions.[2] These hwei-piao hongs are only exchange

[2] This class of banks was founded by Shansi traders who travelled into all parts of China selling their products—salt, iron, etc. The exchange of copper cash, silver and gold in payment of these products soon led to the use of drafts, which in time gave the bankers a large official patronage.

banks and do not carry on ordinary banking business. They follow the lines of business of their owners, and in consequence some hongs only do business between Shanghai and Hongkong and Canton, others do business between Shanghai and the Yangtsze ports, others between Shanghai and the Northern ports. Such hongs need very little capital, but they must be backed up by a great volume of business in various places, which brings in large returns of money, so that the hong is able to pay bills drawn from these places on it. By means of these hongs the balance of trade between various places is kept level and there is very little shipment of bullion. It is very hard to find out the amount of business done by these hongs, as their dealings are kept very secret and as their reputation is known to be their chief capital. Although they do not transact openly the usual general banking business, yet in actual practice they are able to do business in such a way that it will accommodate their patrons in the line of advances, overdrafts and loans. In order that they may avoid being blamed by the regular banks for trespassing on their business, the interest and discount on such transactions are disguised in the rate of exchange, *e.g.* a merchant expecting goods to arrive makes a loan from one of these hongs for one or two months, the interest on which is charged in the rate of exchange on the draft with which the merchant pays for the goods in the interior place. (3). A third class of banks is the Ts'ien Chwang (錢莊) or Ts'ien Pu (錢舖), which are

This resulted in the establishment in Peking of the Sz Heng (四亨) Banks, which are the leading banks of the capital. The influence of the Shansi bankers is very great in all the large centres. An example of this was seen three years ago (1903) in Tientsin in the dispute between the Shansi bankers and Viceroy Yuan Shih-Kai. By controlling the transfer of money to other places these bankers are able to have a large control over local business.

generally called cash-shops. The larger cash-shops do a general banking business and usually have a capital of from ten to fifty thousand taels. The smaller ones are confined to doing business with small traders, and thus their business is chiefly in the exchange of dollars, subsidiary coins, cash and sycee. The capital of these smaller shops is usually two or three thousand taels. The small trader receives his money in cash or small coins, which he must convert into dollars or taels to buy his stock; the working classes receive their money in dollars or taels, and change them into cash or small coins in order to make their purchases at the shops. These exchanges furnish nearly all the business of the small cash-shops. The rest of their business consists in small loans or overdrafts to shopkeepers who do their exchange business with the cash-shop. These cash-shops also add to their capital by issuing paper notes and, in some places, bamboo strips for fifty, one hundred, five hundred and one thousand cash. As a rule these are received by any local bank at face value in making payments or deposits, but they can only be changed into currency at the bank which issues them.

Responsibility.

One peculiar feature of all the various classes of banks is that the local manager has supreme power over the business, and the owner of the bank is not allowed by custom to interfere in its management. The owner is not allowed even to look at the manager's books except at stated periods which are fixed by local custom, but in many places are three years. Though the owner can take no part in the business carried on by his manager, he is held responsible for the debts of his bank if it fails. The theory of this peculiar condition is that if the owner does not have confidence in his manager he should not appoint him, and that having appointed him the

owner should not spy upon him; the business, however, belongs to the owner, and he should be responsible for any debts in the same way as he enjoys the profits.

Lack of System.

Notwithstanding the large number of banks which are established in all parts of China, they are not subject to any government inspection nor to any fixed rules except such rules as are passed by the local Bankers' Guild, in which each bank has its own voice. The official banks—Kwan Yin-Hao, are always reported by a local official to the highest provincial authority, Viceroy or Governor, who in turn reports to the Board of Revenue. These reports simply state that on such and such a date a bank was opened in such and such a place and that official funds of such and such an amount have been deposited with it. The reason of making these reports is not to subject the bank to any rules of business but to protect the local official in case of the loss of his deposits by being able to fall back upon the fact of his having reported the name of the bank in which official deposits were made It will be seen that the banking business of China is considered by the Government as a purely mercantile undertaking which does not need control any more than any other business. This was the attitude of the Government until recently toward the native postal agencies which carried on their private business in all parts of China and charged whatever rates of postage they could force the public to pay. In short, banking is an ordinary business in China without Governmental regulation or control.

Local Control.

In common with all other classes of business, banks are under the control of a local guild. The Bankers'

Guild is a voluntary association and possesses no means of enforcing its rules other than the pressure which it can bring to bear on local business. Sometimes its rulings are thought to be partial to one class or one section of the local banks, in which case the aggrieved class or section separates into another guild with which the original guild is forced to make terms. A pointed illustration of this can be found in Shanghai, where the banking interests which grew up in the Settlements soon became larger than those represented in the Shanghai City and suburbs. They then divided themselves into a new guild which controlled only the business of the Settlements, which are called the Northern Mart—Peh Shih (北市), while the City and suburbs, known as the Southern Mart—Nan Shih (南市), is controlled by the old guild. The reason for the separation was that the interests involved were of such a different character in the two districts or marts that they could not be controlled by the same rules. The Bankers' Guild confines its attention to legislative rather than to executive work, *i.e.* it makes rules for the various members of the guild, but it does not do the work of a clearing-house nor of an assay office. However, it provides for both of these classes of work. It is not necessary to describe the details of the clearing-house, which are the same as are to be found in a similar institution in Europe or America. But the work of the assay office is so peculiar to China that it must be described in detail.

The Assay Office or Central Weighing Station, Kung Ku Chu (公估局)[3] is established by the Bankers' Guild for the purpose of giving stability to the value of silver used

[3] I prefer to use the term "weighing-station" instead of "assay office," as the word "assay" means with Western nations the chemical analysis or testing of an ore to determine the ingredients and proportions. It will be seen from the description that no chemical analysis is used, but that the silver is only

locally. It has no relation to the Government but is a voluntary commercial establishment. Unlike the Bankers' Guild, which is found wherever there are banks, the weighing-station is only found in large centres where sycee or bullion from many different places is brought together by merchants. Where a station is established all the silver bullion used in that place must be weighed and appraised in this station before it will pass current or be received by the local banks. This weighing-station decides upon a certain fineness of silver which shall be the standard of current fineness of the local market. When sycee is brought to the station which is found to have a fineness better than the local standard it is marked for its betterness, and according to its weight is marked for value in local taels at an increase above the actual local weight. For instance, if a shoe of silver is brought to the station weighing fifty local taels, and upon examination the fineness of the silver is found to be superior to that in local use by a certain percentage, the station will add on this percentage to the shoe, and make the local value greater by this addition, so that the fifty taels in local weight will pass current for Taels 53.50 or some such increased value. In case the silver brought to the station is lower in standard of fineness than that of the local market, the station will value it at a much lower proportionate rate than the percentage of inferiority would warrant. Thus if the fineness of the silver brought is only three per cent inferior to that of the local market the station will mark it as five per cent or six per cent inferior, and thus compel the owner to have the silver remelted and brought up to the local standard. In actual practice it thus happens that almost all of the silver

weighed, after which a valuation is placed upon it in comparison with a fixed local standard. Hence I consider the term "weighing-station" to be more appropriate.

in use at Shanghai has a higher standard of fineness than is required by the local standard. The silver is brought to the station in packages which average about fifty taels in weight. The valuation of the silver is marked upon the large shoes in the handwriting of the clerk on duty,[4] but when the package is made up of many small shoes or pieces of silver the valuation is marked on the paper wrapping. Each time the silver is brought to the station the old paper wrapping is retained and a new one given with the valuation marked thereon. The silver must be kept in this wrapper when it is used in the market. In fact, the wrapper is the certificate of the station, and if it is lost or destroyed the silver must be weighed again. I have visited the station in Shanghai and watched the work of the clerks. Coolies came in carrying baskets containing silver from a bank or merchant, all wrapped in packages averaging about fifty taels. The coolies wait in the court of the small building until their turn comes and then carry their burden to the open window behind which the clerk sits with his pen in hand. The coolie hands the silver in, package by package or shoe by shoe. An assistant receives it, opens the package and dumps the silver into the scales. He then calls out in a loud voice the weight, which is recorded in a book by the clerk, and at the same time he passes the silver on to the clerk, who examines it piece by piece, decides upon the general average, writes on a new wrapping his decision, and passes it on to an assistant to be wrapped up in the wrapper on which the clerk has written. The assistant then returns the package to the coolie. The whole process occupies not more than a minute or two, no care seems to be taken to get an accurate weight, the clerk has no means of deciding upon the fineness

[4] *Vide* Père Hwang's book.

except by the use of his eyes in a dingy room, and the whole transaction has for its sole record a few characters written on a coarse piece of wrapping paper. The inaccuracy and slovenliness of the monetary system of China needs no better example than the above way in which the value of silver is determined, but it is an illustration also of the large amount of confidence which the bankers have in each other that the wrappers of these packages will not be exchanged. The station in Shanghai receives twenty cash for passing upon the fineness of each package presented to it. After it has passed its opinion upon the silver it will refund any difference between the value it has placed upon it and the proven value, if the owner can produce the proper wrapper. The first weighing-station or assay office in Shanghai was established by the Shantung merchants who were interested in the sea trade by junks from Newchwang and the ports of Shantung. Finding that all of the silver which they brought to Shanghai was of a superior fineness, and that it only passed for the same value as that of the inferior silver used in Shanghai, they established a Shantung weighing-station in the City, where all silver coming to Shanghai should be assayed or marked. After the trade of the Settlements began to grow, the newly established Bankers' Guild of the Northern Mart became dissatisfied with the valuation of this Shantung station and decided to establish their own. The trade of the Settlements having grown so much greater than that of the City, the present weighing-station or assay office of the Northern Mart (Settlements) has nearly all of the work to do both for the Settlements and the Native City.

The general average of the betterness in Shanghai of silver brought from other places is Taels 2.70 or Taels 2.80 on every shoe of an average fifty tael weight. This does

not mean that this silver is actually more valuable by Tls. 2.70 or Tls. 2.80 than that of other places, but it means that it is more valuable by Tls. 2.70 or Tls. 2.80 than the silver formerly current in Shanghai. In other words, this betterness is purely fictitious, and is only maintained by the prestige of the large trade interests represented in Shanghai. However, it is allowed in commercial circles throughout China, and only in the conversion into Treasury Taels, which are actually to be paid into the Government Treasury in Peking, is this fictitious value no longer maintained.

Another important agency under the control of the Bankers' Guild is the Melting Station (傾鎔廠) where silver can be taken and remelted. Here everything is done in the most primitive fashion. Bellows, crucibles, matrices are such as can be seen in the shops of blacksmiths and coppersmiths on any street. Carelessness and inaccuracy characterize every step of the melting process. Perhaps the only accurate part of the melting-station process is found in the weighing of the silver as it is received. I found the scales delicate and a full supply of small weights, but no attention is paid to anything less than a candareen. In melting silver a coarse alloy is added of copper filings to the extent of about six ounces in every fifty, according to the statement of the manager of the station. This statement was only another instance of the inaccuracy of the establishment. It is safe to say that no one in this melting-station has any accurate method of knowing (1) how much alloy is contained in the silver brought to the station, (2) how much alloy is extracted and how much added during the process of melting, or (3) how much alloy is contained in the finished ingot as it leaves the station. A certain general estimate of the pureness of the silver is made by the workmen, based upon years of observation in their work—but that is all. The alloy is not

weighed before being added to the melting silver but is scooped out of a pan in large or small quantities as the workman thinks necessary. It is probable that the opinion of the workmen as to the purity of the silver is not far from the truth, but it is never accurate.[5] This melting-station is under the control of the Bankers' Guild only in the sense that the guild approves of silver being sent to the station and is willing to receive ingots made by the station. The guild requires the station to stamp each ingot with the name of the station, and the station further requires each workman to stamp the ingots cast by him with his own stamp. Considering the crudeness of the appliances of the station it is remarkable how nearly accurate the work has been proven to be by careful chemical analyses made by experts in Western laboratories of ingots certified by the station to have a certain fineness. Tests have been made by several foreign banks and others which have proved to be so nearly accurate that all of the foreign banks in China have been content to submit to the valuation made by the weighing-station and the melting-station as sufficiently accurate to serve the purposes of local trade. However, it must be stated that the present inaccuracy of valuation, while leaving a good margin for profit to bankers, can only maintain in a market where there is a common consent in commercial circles that it is profitable to local interests, and as soon as such a prop would be withdrawn an accurate standard would be demanded. One fixed principle obtains in all places, and this principle is to hold the local value of silver somewhat different from that of any other place, so that the banks can charge not only for

[5] If the amount of alloy in the silver ingots is not known accurately by the melting-station workmen, how much less accurate is the estimate put upon the ingots by the cursory examination of the clerk in the Central Weighing Station.

transfer expenses but also make a small profit for themselves on the different rates of exchange. Even places using the same standard, *e.g.* the Tsaoping, will introduce some consideration by which the rate of exchange is affected, such as the local rate of exchange between copper cash and silver or the local rate at which taxes are paid. It is safe to say that no transaction occurs between parties residing in two different places in which the banks in addition to the legitimate transfer charges do not also make a profit from some crafty manipulation of exchange. In Nanking it is popularly said that if a tael and a dollar are exchanged back and forth five times in a bank the owner will have nothing left. It might be added that such an exchange of silver between two places professedly using the same standard would result in the owner having nothing left even if no transfer charges were paid. As a writer in the Financial Supplement of the London *Times*, March 28th, 1905, in "China and its Currency," says: "Every transaction yields a profit to the Bank."

What is a Tael?[6]

Primarily it is an ounce of silver, but, as the standard of weights varies throughout China, there are many kinds of taels. The weight is not the only element of variance, for the tael in local use in any one place has its own standard of fineness and sometimes also a fictitious weight which is allowed to it by local usage. Hence in determining a tael

[6] A similar question could once have been asked in England, "What is a Pound?" It seems originally to have been a pound weight of silver coined into 240 pieces, but in the reign of Elizabeth as many as 744 pence to the pound were coined. It was not till 1816 that gold was declared to be the standard of value. The sovereign was put in circulation by proclamation July 1st, 1817.

it is necessary in the first instance to distinguish between (1) a tael in weight and (2) a tael in value. In weight there are two principal standards, the Kuping (庫平) or Treasury tael[7] and the Tsaoping (曹平) or Commercial tael. In value the standards are innumerable, but the principal ones noted in this paper are the Canton tael, the Shanghai tael and the Customs (Haikwan) tael, as they form a sufficient basis to calculate all other tael values. Endless confusion has arisen among foreign writers on this question by the failure to distinguish taels in weight from taels in value.

The able Correspondent of the London *Times*, writing in the Financial Supplements of March 13th and 20th, 1905,[8] in speaking of the Shanghai tael, has made the proper distinction. "The value of the Shanghai tael is made up of three elements—the weight, the quality of silver, and a convention." It may be safely said that there are only two standards of weight for silver taels in China—the Kuping and the Tsaoping. The relation between these is usually

[7] By Kuping is here meant the tael weight of the Board of Revenue at Peking. The term is also used in many provincial capitals to denote the standard of the provincial treasury. Hence when the term Kuping is used it is necessary to enquire if the Kuping of the Hupu (Board of Revenue) is meant. [*vide* Journal of the China Branch Royal Asiatic Society, Vol. XXIV, pp. 58-63, where it is shown that the provincial capitals of Chinanfu in Shantung and Nanking in Kiangsu have their own Kuping standard and that even smaller cities, such as Nanyangfu in Honan, Sungkiang in Kiangsu, Ningpo and Wenchow in Chehkiang, Pakhoi in Kwangtung, have a local Kuping standard. None of these mentioned agree with the Board of Revenue Kuping. The value given to the taels of various sections in this article of the Society's Journal is in almost every instance inaccurate and misleading, though given by men living in the district].

[8] These two papers were followed by three articles in the Financial Supplements of June 5th, July 24th and July 31st, 1905, on "Problems of Currency Reform in China." These five papers are the clearest and best that have been written on the subject.

given as the following:—100 Kuping taels equal 102 Tsaoping taels; but even in this relation inaccuracy is found, for the relation is quite as often expressed as 98 Kuping taels equal 100 Tsaoping. The first comparison, *viz.* 100 Kuping taels equal 102 Tsaoping taels is the original one and more nearly accurate, but in general use both methods of reckoning are used. It is probable that the accurate standard is 100 Kuping taels equal 101.80 Tsaoping taels. The difference not being great in small transactions and the parties to a given deal being more or less urgent for other reasons to finish their work, it usually happens that the two standards are used by the same bank; one is used in paying out money and the other in receiving it. Two different scales—one for receiving and one for paying—are even found on the same counter of a bank, publicly exhibited and publicly recognized without complaint.

For instance, the value of a Canton tael is determined by the rule that 100 Canton ounces equal 102.5 Tsaoping ounces. As silver was first imported into China at Canton the weight of the Canton tael (ounce) as compared with the Troy standard ounce has been fairly well established on the basis of 100 Troy ounces weighing 82.781 Canton taels (ounces). This standard has not always been used in Canton with accuracy, but it is the standard used by banks in other parts of China in expressing the value of imported silver. This imported silver is reckoned in other places first in weight as compared with Canton taels, then changed to Tsaoping taels according to the above basis, and then changed from Tsaoping taels to the taels used in the place where the reckoning is made. Using the above basis of 100 Troy ounces, weighing 82.781 Canton taels (ounces), 1 Canton tael equals 579.72 grains, and 1 Tsaoping tael equals 565.6992 grains. As the imported silver is usually

reckoned at a fineness of 998 as an average, we must, in determining the value of a Canton tael as compared with a certain weight of 1,000 fine silver expressed in Troy grains, divide 579.72 by 998, which gives the value of a Canton tael to be 580.64 grains of 1,000 fine silver. The Correspondent of the London *Times*, mentioned above, gives the value as 581 grains. This is as near a similarity as can be obtained by two persons reckoning from different bases, for, as has been already shown, inaccuracy characterizes every step. The *Times* Correspondent says: "Where the foreign obligations of the Imperial Government are concerned the equivalence of the several currencies is taken as follows:—

100 Haikwan taels=101.642335 Kuping taels.
100 Kuping taels =109.60 Shanghai taels."

By reckoning 100 Kuping taels to equal 102 Tsaoping taels I find that the value of a Kuping tael is 577.015 grains of silver 1,000 fine. This is probably within 2 or 3 grains of the result which would be obtained by a person calculating on a different basis, but the difference would be due to the number of changes of different taels through which the Kuping value had been calculated. Pure silver is reduced to 998, then converted to Canton taels, then to Tsaoping and finally to Kuping. This would account for the variation even of as large an amount as three grains.

In determining the value of a Shanghai tael it is necessary to note that there are two differences between it and the Tsaoping tael, (*a*) difference in weight and (*b*) difference in touch. The approximate difference in weight is 2.04 and in touch is 5.51, both reckoned on the basis of one hundred taels. Thus 100 Tsaoping taels of 998 pure silver equal Shanghai Taels 107.55 (or of 1,000 pure silver equal 107.76). To express the Shanghai tael in another way, a bar of American silver (998) weighing 108.535 Troy ounces is equivalent to

100 Shanghai taels. This makes the Shanghai tael equal 520.968 grains of 998 silver or 519.926 grains of 1,000 fine silver. This value has been given to me by the highest banking authority in Shanghai and can be considered as reliable as any bank reckoning in China can be made. This value of the Shanghai tael in Troy grains of pure silver is the only value in grains given in this paper which I consider absolutely accurate, and its reliability extends only to the years 1904 and 1905. The value of the Canton tael given by me is probably as accurate as can be determined. My certainty about the value of the Shanghai tael in grains for the term indicated is not based upon the accuracy of the calculation but upon the fact that this standard would have been accepted by the Chinese banks in Shanghai. I consider the attempt to express the value of any tael in grains to be misleading unless it can be based for a given time upon large transactions by local banks which have been carried through on the ratio given. If the difference in touch between the Tsaoping and the Shanghai Tael exceeds 5.51 in the reckoning (as it sometimes does) it is evident that the result would change the number of grains to which it would be equivalent, but it would not make a difference exceeding 521.5 grains. The value of a Shanghai tael may be taken as somewhere between 519.5 grains and 521.5 grains. The difference represents the margin on which the banks make their profits in exchange.

As to the value of a Haikwan or Customs tael, the *Times* Correspondent gives it, as quoted above, to be 583.3 grains of pure 1,000 silver. This does not agree with my information as given to me by the above-mentioned authority. According to usual commercial transactions 100 Haikwan taels equal 111.40 Shanghai taels. By this standard a bar of American silver weighing 120.908 ounces equals 100

Haikwan taels. Reducing each of these and comparing them with the value of the Shanghai tael given above, it is evident that the value of the Haikwan tael in silver 1,000 pure is 579.197 grains. In converting Shanghai taels into Haikwan taels the difference is calculated as follows :—

Difference in touch	...	1.80
,, ,, standard[9]	...	2.00
,, ,, weight	...	7.60
		11.40

This computation is also given in the following manner :—

Weight on scale	... ...	100.
Difference of Tsaoping	...	2.80
,, ,, fineness	...	6.168
Meltage, etc.	... ...	.208
		109.176

Divide by the conventional standard 98 and we have 111.4

It must be remembered that the Haikwan tael, first introduced by the Treaty of Nanking, is a hypothetical standard invented for the purpose of collecting the largest amount of import duty possible on a silver basis.

[9] This is what is referred to by the London *Times* Correspondent as the "convention," *i.e.* "that 98 taels of this weight and this silver liquidate a liablity of 100 taels Shanghai "convention" currency. I have already referred to this in the first part of my paper [page 65] as the fictitious value of the Shanghai silver tael. The term "convention" is misleading if it means anything more than that it is a "convention" in local banking circles which has been forced upon the banking interests of China by the commercial prestige of Shanghai merchants. Perhaps "custom" would express the idea better than "convention." Such a "convention" or "custom" can never be maintained by Shanghai if another port comes to have equal commercial interests.

It is higher than the Tsaoping and Kuping taels. It was probably based upon the Canton tael, as will be seen from the theoretical reduction of the value of the Haikwan and Canton taels to almost the same number of grains. There is no independent Haikwan standard existent in China. The standard, being higher than the standard of any of the open ports, is reached by allowing for the difference both in weight and touch of the local tael. The Haikwan tael is calculated in Shanghai from the Shanghai tael, in Hankow from the current Hsiangping, in Tientsin from the current market tael, etc. etc. As a standard on the same footing as the Tsaoping or Kuping it is non-existent. It is this method of reckoning on a basis different from and higher than the local tael which makes the position of a Customs Taotai in the open ports such a remunerative one. Instead of having to convert his receipts only from a local standard to the Kuping standard of the Board of Revenue, he has other additional steps to take in converting the receipts first from the local taels to the Haikwan standard when the duties are paid in, then from the Haikwan standard to that of the local banks where he keeps his receipts deposited, and then from the local standard to the Kuping standard. For instance, in paying import duties in Shanghai no merchant, Chinese or foreign, gives a cheque for Haikwan taels. He pays his duties in Shanghai taels, but instead of paying on the basis of 100 per cent he pays on the basis of 111.4 per cent. The Customs Taotai in amassing his large fortune can always trace his wealth to the chance of the additional conversions of silver which the establishment of the Haikwan tael has made possible.

From the above it will be seen that there is absolutely no fixed standard by which the exact value of any tael can

be determined. What I have given as to the value of the Shanghai tael represents the value of 1905 as reckoned in the banking circles of Shanghai and is that to which Chinese bankers would have agreed in making payments. The same authority as quoted above assured me from reliable records that the value of a Shanghai tael about 25 years ago was 518.986 grains, but trade in recent years has made changes. Mr. T. W. Kingsmill informs me that as the result of actual account sales about twenty years ago the value of the Shanghai tael was Troy grains 520.43. In all probability the changes have been due to the driving out of Shanghai of copper cash, for which Mexican dollars and subsidiary coins have been substituted. This change in the quantity of copper cash would affect the relative value of silver, for it must never be forgotten that copper cash form the real unit of value in China. The foreign banks make their transactions as if there existed a fixity of exchange between the different standards of taels, and it is this condition which makes the position of the compradore of a foreign bank such a paying one, for the compradore reckons with his bank on a fixed ratio but makes his own transactions with native banks on the general unfixed basis. This opens up a wide door to profits. The changing of money from one standard to another in China is a transaction in which, as the *Times* Correspondent says, "each man counts confidently on getting the better in the encounter of wits." To sum up the whole situation, it is true to the facts to say that there is always a margin on the very closest scrutiny of the value of any tael. Does the compradore know the exact value? No. It is this lack of knowledge that furnishes the incitement to him to gamble on the chances of getting the best of his native opponent in the battle of exchange, the foreign banker not being interested enough to even watch the struggle.

Illustration.

If we follow a single transaction of an article purchased in Western Szechuen for export from Shanghai we shall see the fluctuations of exchange through which its value is forced to pass. The Chinese trader in Chengtu sends his employees into the country a hundred miles distant to make the purchase. He will carry his money with him in sycee. On arriving at the place where his purchase is to be made, he goes to a cash-shop and changes his shoes of silver into cash, by which he pays for his purchases, article by article. Supposing the amount of purchases to equal 1,978,465 cash, it is equivalent to about Tls. 1,500, but in the transfer from silver to cash the cash-shops of the city have already made a profit of 2 °/₀ or 3 °/₀, or, in cases where there is a scarcity of cash, perhaps as high as 5 °/₀ or 6 °/₀. The goods are shipped to Shanghai against the security of some hwei-piao hong which undertakes to transfer the money back from Shanghai after the foreign merchant has paid the price. Now this foreign merchant gets his report from London as to the market price of these goods in sterling. He pays his compradore for the goods in a cheque on a foreign bank equivalent to the value in sterling, and this is the only gain in exchange or transfer which comes to the foreign bank. Then the compradore pays the export duty on the basis of Haikwan taels, but with a draft for Shanghai taels. After having done this he pays the local agent of the Szechuen firm the balance, but in doing so he makes a manipulation of the exchange, either by deferring the payment till a different sterling rate is quoted or by some other method. The draft on reaching the agent is presented at the bank on which it is drawn and the agent enquires from the bank at what rate it can transfer the money to Chengtu in Szechuen. This bank then goes to

an exchange bank (hwei-piao hong) which reckons the Shanghai taels into Tsaoping taels, then from Tsaoping to Hankow taels, then from Hankow to Chungking standard and then from Chungking to Chengtu standard, when the original purchasing merchant is finally paid his silver, amounting to Tls. 1,500. Now commerce has not only suffered the inconvenience of the frequent applications to banks for exchange, but it has been obliged to pay not only legitimate transfer expenses but also a percentage on each transaction where there have been different standards used, which in this instance would number about ten. This incubus of exchange must be reckoned with in developing the commerce of China. As this transaction represents the payment for goods with sycee, the conversions backwards and forwards on the journey to and from Szechuen would probably cancel each other and no large actual loss would occur; but if the transaction were entirely the transfer of money to and from an interior place in Szechuen to a foreign country there would have been as the result a considerable loss, resulting from the many exchanges.

Scarcity of Currency.

As an example of how much business is carried on in Shanghai with a small supply of currency, I have collected from a reliable source the subjoined tables which show the amount of sycee in taels, of Mexican dollars and of silver bars held by the compradores of all the foreign banks in Shanghai on the dates given. Perhaps as much more was held by the native banks at the same time, so that in estimating the amount of currency available from all sources in Shanghai at the dates given it would be fair to multiply my figures by two.

Date.	Taels.	Mexicans.	Silver Bars.
1902.			
Jan. 4th	4,680,000	4,265,000	29
„ 25th	4,580,000	4,885,000	1,121
Feb. 1st	4,630,000	4,455,000	
„ 22nd	5,380,000	5,260,000	
March 1st	6,085,000	5,600,000	
„ 29th	5,540,000	6,650,000	
April 6th	6,365,000	6,600,000	
„ 26th	8,850,000	5,840,000	
May 3rd	10,150,000	5,820,000	
„ 31st	10,910,000	4,040,000	
June 7th	10,680,000	3,350,000	
„ 28th	10,880,000	3,930,000	
July 5th	10,710,000	4,370,000	
„ 26th	9,130,000	5,710,000	
Aug. 2nd	7,400,000	6,070,000	
„ 30th	6,120,000	6,350,000	
Sept. 6th	6,310,000	5,720,000	
„ 27th	6,140,000	5,120,000	
Oct. 4th	7,150,000	4,520,000	
„ 25th	4,760,000	4,060,000	
Nov. 1st	4,520,000	3,800,000	
„ 29th	2,790,000	3,290,000	
Dec. 6th	3,110,000	2,850,000	
„ 27th	4,300,000	2,390,000	

Date.	Taels.	Mexicans.	Silver Bars.
1903.			
Jan. 10th	4,540,000	2,650,000	
„ 24th	1,900,000	2,800,000	
Feb. 7th	2,340,000	2,720,000	
„ 28th	3,450,000	4,400,000	
March 7th	3,330,000	3,290,000	
„ 28th	1,150,000	3,230,000	
April 3rd	1,970,000	2,940,000	
„ 25th	1,190,000	2,770,000	
May 2nd	1,330,000	2,560,000	
„ 28th	2,850,000	2,090,000	
June 6th	2,520,000	1,960,000	
„ 27th	1,310,000	1,880,000	
July 4th	945,000	1,995,000	
„ 27th	1,930,000	1,740,000	
Aug. 1st	1,620,000	1,960,000	
„ 29th	990,000	1,645,000	
Sept. 5th	1,460,000	1,670,000	
„ 26th	1,370,000	1,840,000	
Oct. 3rd	900,000	1,920,000	
„ 31st	2,820,000	3,100,000	
Nov. 7th	2,880,000	3,050,000	
„ 28th	3,660,000	2,620,000	

The amount of business carried on at these dates cannot be accurately ascertained, but a comparison with the Customs Trade Reports and an estimate of the general business transactions in Shanghai would show that a very large percentage of the trade is represented by transactions on paper and not by a corresponding amount of actual currency on hand. This is a most important factor in determining the fate of a monetary system in China, in which a coin will be considered as a unit of value and not as a certain specified weight; in other words, a monetary system in which tokens and not weights are used. The amount of trade done in Shanghai in excess of the currency on hand to pay for it shows that the Chinese merchants do not insist on seeing the proper weight of silver handed out out to them in exchange for goods, but that they are willing to accept paper payment. Now paper payment is more of a risk than a token currency, and if they do accept at present the greater risk of using paper they will certainly take up with a monetary system based on tokens and not on values. The banking interests will oppose anything which will do away with their profits on exchange in different standards, but the general public good will demand a uniform monetary system. It is the object of the above table to show that when such a system is established in China it will be readily accepted by the public, as it is accustomed to doing business where no actual interchange of silver occurs.

APPENDIX.

Herewith is given a list of the value of the taels used in various places as compared with Tsaoping taels. This value is that of 1904 as furnished to me by a competent authority. The real basis upon which the value of the various taels was made, and upon which it still rests, is the comparison in value between the tael of silver and copper cash. It must always be borne in mind that copper cash, and not silver, are the unit of value in China. China is a copper-using country, in distinction to silver-using and gold-using countries.

Place.	Name of Standard.		Value comp. with 100 Tsaoping Taels.
Peking	Ku (Treasury)	庫平 Ping	98.04
Open Ports	Hai-kwan	海關平 ,,	97.30
Shanghai	Teo-kwei	豆規平 ,,	107.55
Tientsin	Kung-fah	公砝 ,,	101.60
,,	Hong	行平 ,,	101.10
,,	Taotai's	道庫平 ,,	98.20
,,	Grain	糧平 ,,	100.20
,,	Money	錢平 ,,	101.90
,,	I-fah	議砝平 ,,	101.80
,,	New Hong	新行平 ,,	101.04
Peking	Kung-fah	公砝平 ,,	101.32
,,	Four Ounce	四兩平 ,,	105.90
,,	Seven li Peking	七厘京平 ,,	105.80
,,	Six li Market	六厘市平 ,,	104.80
,,	Eight li Peking Market	八厘京市平 ,,	102.12
,,	Seven li do. do.	七厘京市平 ,,	102.02
,,	Six li do. do.	六厘京市平 ,,	101.92
,,	Siang-tan	湘潭布平 ,,	101.40
,,	Siang	湘鄉平 ,,	109.20
Prov. Chihli	Ho-si-wu	河西務平 ,,	99.44
,, ,,	Tung-chow Hong	通州行平 ,,	98.60

Place.	Name of Standard.			Value comp. with 100 Tsaoping Taels.
Prov. Chihli	Tung-chow Market	通州市平	Ping	98.10
,, ,,	Tung-chow Money	通州錢平	,,	100.02
,, ,,	Tsang-chow	滄州平	,,	98.20
,, ,,	Feng-run	豐潤平	,,	97.68
,, ,,	Shen-chow	深州平	,,	99.75
,, ,,	Pao-ting	保定平	,,	99.22
,, ,,	Taku	大沽	,,	98.30
Prov. Shantung	Market	市平	,,	98.00
,, ,,	Hwa	化平	,,	99.70
,, ,,	Chow-tun Money	周邨鎮周錢平	,,	97.05
,, ,,	ChefooWeighing-station	烟台公估平	,,	101.28
Prov. Yun-nan	Prov. Capital	省城墳平	,,	100.75
Prov.Kwei-chow	Kwei-yang Money	貴陽錢平	,,	100.80
,, ,,	Kwei-yang Market	貴陽市平	,,	100.55
,, ,,	Kwei-yang Treasury	貴陽庫平	,,	98.69
,, Szechuan	Chentu ,,	成都	,,	103.00
,, ,,	Chung-king Yü	重慶渝平	,,	102.25
,, ,,	,, Sha-tsien-teo	重慶沙錢斗	,,	101.60
,, Kansuh	Lan-chow	蘭州	,,	101.95
,, ,,	Liang-chow	涼州	,,	101.73
Manchuria	King-chow	錦州平	,,	99.90
,,	Newchwang	牛庄平	,,	101.22
,,	Shan-hai-kwan	山海關平	,,	98.82
,,	Fung Hwang Ch'en	鳳凰城平	,,	99.82
,,	Kwang-chen-tz	寬城子平	,,	101.38
,,	Liao-yang	遼陽平	,,	99.52
Kirin	Kirin	吉林平	,,	101.82
,,	Western Kung-fah	西公砝平	,,	101.66
New Dominion	Prov. Capital	省城岫化州平	,,	101.75
Prov. Shen-si	Si-ngan	西安府平	,,	99.40
Prov. Shantung	Chi-nan-fu	濟南府平	,,	99.35
,, ,,	Tung-chang Money	東昌府東錢平	,,	99.80
,, Shansi	Ping-yao Market	平遙街市平	,,	101.30
,, Kiangsi	Nanchang	南昌平	,,	100.25
,, ,,	Hukow	湖口鎰老河平	,,	103.50
,, Fukien	Foochow Sing-yi	福州新議平	,,	101.00

Place.	Name of Standard.			Value comp. with 100 Tsaoping Taels.
Prov. Hupeh	Fan-chen	樊城平	Ping	102.30
,, ,,	Shasi	沙市平	,,	101.55
,, ,,	Lao Ho Kow	老河口平	,,	102.33
,, ,,	Hankow	漢口平	,,	101.70
,, Chehkiang	Hangchow Treasury	杭州司庫平	,,	98.14
,, ,,	Hangchow Market	杭州市庫平	,,	99.72
,, Kiangsu	Soochow Treasury	蘇州庫平	,,	98.00
Prov. Kwantung	Kwei-ling Kung-fah	桂林公砝平	,,	99.90
,, Hunan	Changsha Money	長沙錢平	,,	101.75
,, ,,	Siang-tan Market	湘潭湖布平	,,	102.10
,, ,,	Changteh	常德平	,,	99.85
,, ,,	Siangkiang Market	湘江鎮街市平	,,	100.74
,, Honan	Kai-feng Money	汴錢平	,,	99.85
,, ,,	Chow-kia-kow South	周家口南平	,,	99.55
,, ,,	,, ,, ,, North	周家口北平	,,	99.35
,, ,,	Tao-kow Money	道口鈔道錢平	,,	98.63
,, Shansi	Tai-yuen	太原各公平	,,	99.36
,, ,,	Kwei-hwa Money	歸化錢平	,,	98.15
,, ,,	Ku-hao do.	曲沃錢平	,,	100.75
,, ,,	Lu-chen do.	潞城錢平	,,	100.80

Notes on Chinese Law and Practice preceding Revision.

By Ernest Alabaster.

Says Mencius: "If the ruler be without guiding principle and the ruled without regulations to hold fast to, then in the Palace principle will be disregarded and in an official position system and order will be set aside. The gentleman will fail to do his duty and the lower classes will transgress the penal Law. Under such circumstances it will be but luck if the State be preserved."[1] Thus of the recognized importance of Law. Its origin in what we now call China may be traced to the institution of marriage with some idea of order which is to be ascribed to Fu Hsi (伏羲) —whoever and whatever Fu Hsi may have been, some five thousand years since. Fu Hsi may have experienced personal difficulties in this connexion, but in any case Fu Hsi prescribed that no union might take place within the various groups or families into which his turbulent followers were divided. Secondary Education had, however, not greatly spread, and each such union was accordingly and generally speaking a rape, though a rape permissible on those without the group. The family within itself, at least, might live

[1] (上無道揆也下無法守也朝不信道工不信度君子犯義小人犯刑國之所存者幸也—*Mencius* 離婁.)

at peace. Various references to these early days will be found in the *T'ung Chien* (通鑑), which records in its terse style the kind of gifts to be brought by the male—skins, etc., and likewise records the classification of families by name, the introduction of middlemen, etc.

In the 76th year of the reign of the deified Yao (大堯), according to this same work, the *Wu hsing* (五刑) or "Five Punishments" were fixed, though the working details devolved upon the illustrious Shun (大舜). These punishments were death (大辟), castration (宮), maiming (刖), cutting off the nose (劓), branding the forehead (墨). But Shun went further than merely to define punishments; he acted on the adage which will be found in the Ritual Record (禮記) with reference to this very matter, that is, that "the penalty should be adjudged reasonably" (凡制五刑必即天論). Shun also introduced commutation of these penalties to banishment, the cangue, the bamboo, or a simple fine where any doubt as to guilt existed. If the offence was chance or accidental, he pardoned the offender; on the other hand, for a second offence the capital penalty was to be inflicted. Shun likewise divided transportation into two degrees, within and beyond the Empire. In this connexion we may remember that "Law" and "Corporal Punishment" of some sort, as expressed in the word *hsing*, were, naturally enough, ideas very intimately associated; the same hieroglyphic did duty for both, and its meaning is frequently only to be differentiated by the context. In the Confucian remark that "the gentleman bears in mind *hsing*, and the ordinary and average man favours to come,"[2] we have an example.

The conception of the force of the Law is well shown where Mencius converses with his disciple, T'ao Ying (桃應).

[2] (君子懷刑小人懷惠—*Lun Yu* 八佾.)

T'ao Ying asked what would have been done to Ku Sou (瞽叟), the father of Shun, if Ku Sou had committed murder —Shun being on the Throne, with Kao Yao (皐陶) as his Chief Judge. Mencius replied that Kao Yao would merely have had him arrested. "But would not the Emperor have forbidden such a course?" asked T'ao Ying. "How could Shun so act?" replied Mencius, "Kao Yao had received the Law from a proper source." That is the conception, the ethical conception, but the ground of privilege, *I ch'in* (議親), Imperial Connexion, would knock such a conception sky-high. "The Law makes no distinction between Prince and Peasant; if the Prince offends he must pay for it, just as does the Peasant" (王子犯法庶民同罪). Very pretty indeed is this saying of the common herd, but it is wide of the mark in practice.

An illuminated and judicial mind must have been possessed by the distinguished Wu Wang (武王) of the Chows, for we find in the *Shu Ching* (書經) his fears of the spread of alcoholism and his views as to the right way to adjust penalties consequent on indulgence. If the toiler has a glass too much at the end of a hard day's work, let him off; admonish the drunkard pure and simple; and then if he again offends, have him executed. Capital punishment has its advantages; it is cheap, and in days when it was scarcely possible to imprison, efficacious. Imprisonment, indeed, was not introduced until a comparatively late date, and then only for the purpose of retaining prisoners in safe custody until their execution or acquittal, as the case might be; but in the second year of Tao Kuang it was devised to meet those cases of offences by women where the gravity of the crime seemed to render it advisable to prevent their escaping with the fine by which, in the ordinary course, they were allowed to commute their sentence of transportation,

and where, at the same time, sending them to slavery appeared unduly severe. There are, however, records of even distinguished persons being imprisoned, and a grandson of Ch'eng T'ang (成湯) of the Hsia dynasty was imprisoned for not obeying his tutor and until he recovered his right mind. But this was rather being "sent to a fortress," much as Frederick William consigned his charge a century and a half ago.

As the Law developed and was recorded, the idea of codification naturally suggested itself to the common-sense leaders of a common-sense race, and legal codification, too, was pre-eminently consonant with the co-marching idea of ethical codification. What says the *Lun Yü*—"The Yin dynasty adopted the Regulations of the Hsia . . . . the Chou dynasty adopted the Regulations of the Yin."[3] I do not, of course, mean to say that the code of the present is an ethical document; it is nothing of the sort; it is essentially matter-of-fact, but the roots of it, of course, lie in the ethical idea. I have shown that Shun, over four thousand years since, was reaching for order, but the first definite system appears to be that ascribed to Ch'eng Wang (成王) in B.C. 1115. Mu Wang (穆王), a prince of the same line, when a centenarian, put forth an edict in which he stated his intention of preparing a code, and he expressed his wishes in its application. He wished this code to be not harsh but merciful; he desired that none should be punished unless committed up to the hilt. Where the balance of evidence favoured the prisoner, he wished him to be given the benefit of the doubt and to be allowed to commute the penalty for a fine. It would seem, incidentally, that this monarch did not favour lawyers. This all in B.C. 952

[3] (殷因於夏禮周因於殷禮—*Lun Yü* 爲政.)

or thereabouts. It is to this period that various passages in the Institutes of Chou (周禮) refer. Certain broad features are laid down for the then legal supervisorate, which corresponds to the present Judiciary Board or Ministry of Justice. In one of the early sentences the principle is laid down that in newly settled countries penalties (or in other words, the Law) should be applied lightly; in countries more developed, but at rest, rationally; in countries when disturbed, harshly. The "Five Punishments" and the "Eight Grounds for Privilege" (八議) are likewise dealt with in this work. The legal regulations of Marquis Lü (呂侯)—the great minister of Mu Wang (穆王) of the Chows, are to be found in the *Lü Hsing* (呂刑) portion of the *Shu Ching* (書經). Here, also, we find the germ of the triple distinction of felony, misdemeanour, and offence—*i.e.*, the five grave offences (五刑), the five misdemeanours liquidatable by fine (五罰), the five offences (五過). About the eighth century B.C. we get to the system known as Li Kuei (厲規)—the Regulations of Li—the Li probably referring to the Chow monarch thus named. This appears to have been a highly methodical production, and was divided into six parts, of which the first three related to practice, the fourth to procedure, and the last two to definitions of offences. It was some three hundred years later that we find Confucius himself as Chief Justice to the State of Lu (魯). His habit of introspection seems to have placed him on the road to the jury system, for, not content with his own mind, he had a habit of consulting seniors unconnected with the case before arriving at a decision. Shih Huang-ti (B.C. 220), *more suo*, framed a scheme without regard to precedent, which only remained in force until the close of his dynasty some fifteen years later. The founder of the Han line, Kao Tsu (高祖), materially modified the laws of the Ch'ins, which incidentally appear to have been exceedingly harsh, not to say inequitable.

Kao Tsu, before his accession and while as yet merely an aspirant for the sovereignty—coming, as the record naively puts it, "first on the scene"[4]—expressed his views before the people (the *populus*, not, I think, the *plebs*) as follows: (1) that to kill another should involve capital punishment; (2) that injury to another should involve redress; (3) that robbery and theft should involve compensation; and finally, that all the unsatisfactory portions of the Laws of the previous line should be excised. With this bid for popularity, Kao Tsu won his seat, and when he began to feel on very sure ground and had consolidated his power, he entrusted to his chief minister Hsiao Ho (蕭何), the duty of elaborating the above three general principles and of distinguishing between the relative gravity and levity of offences, paying due respect to *status*. The original three thus became nine. Taking all things together, it is an open question whether a code, in the present accepted sense, existed before the reign of Yung Lo (永樂) of the Mings, about A.D. 1400. Then, however, was framed the well-known system upon which the present Code has been grafted. Yung Lo, indeed, was either China's Edward I. or her Justinian, and though I am prepared to award to him the latter title, it perhaps more properly belongs to that monarch of the Great Clear dynasty under whom the present collection was arranged—I allude to the illustrious Shun Chih (順治); though seeing that the Emperor was but nine years

[4] A distinguished scholar (Chinese) describes Kao Tsu as the Napoleon of China. Kao Tsu supported reason with sword in hand but he had both reason on his side, and tact likewise. Kao Tsu I should rather describe as a common-sense man who rose through the mass, Napoleon as unconsciously specious. I doubt if Napoleon was a natural or national necessity; Kao Tsu was. In one sense only do the two men closely resemble one another: they were society reformers and fundamental law-givers, and both possessed the genius of capacity in taking infinite pains to see that they got what they wanted.

old when the Code was first published, the title had best, perhaps, remain in abeyance. Who, however, was China's Tribonian, the then President of the Board of Justice? Let us examine the preface which bears the name of the monarch just alluded to, and is the first document in the Code. We note his appreciation of a more complex age; that he observes while the laws were originally suited to a simpler state of society they need adjustment to the changed conditions; that confusion was worse confounded without a code; that he had therefore assembled a committee of judicial officials to revise the Ming Code.

In this connexion we may bear in mind the present subject of re-codification. The Code naturally provides for itself, not for other codes, and Imperial will backed by popular sympathy can, of course, do anything. But re-codification even can but follow *the* Code as a basis. We may well ponder over what I have quoted of the Code preface, and reflect too that *wei hsin* (維新), to "reform,"[5] is a Confucian maxim.

Parenthetically I may add that Confucius was essentially a man of the world, and no error is greater than to suppose that he was a mere conservative, nor is he understood by the modern Chinese in that light. One of his conceptions of perfection in wisdom was 溫故而知新 "to cherish origins and keep in touch with the present." True, he "valued the past and was zealous in seeking for wisdom there" (好古敏而求之者也)—but this was search for what would bear "fruit." Confucius desired the reign of common-sense Reason. "What is done, is done; what has had it's time, has had it's time; what is passed, is passed—it is idle to discuss, or recriminate, or blame," says he in his Remarks. The codified

[5] It is, perhaps, rather to "keep up-to-date" than to "reform."

thoughts of this wonderful man, with their common-sense practical precision, depth of insight into humanity, crystallization of thought, felicity of expression and application, majesty of diction, may culminate in an intellectual invasion of the world. As education advances and the reasoning faculties are developed by education, and as soon as quick transit misces area and area, and all barriers are broken—for the frontier of a country is in general artificial, and not arising from nature, so soon will mind rise superior to matter, spheres of influence melt away, harmony prevail, and riots no longer take place. Confucius saw nothing particularly swagger in being a soldier, he would rather regard a soldier as being the expression of a wrong idea, though his practical matter-of-fact tendency would admit the necessity of his existence and his generosity admire physical "bravery," which does not mean the overcoming of a weak body by a stronger one.

* * *

The Code, as we all know, is divided into six portions, dealing with Civil or Government, Fiscal or Popular, Ritual or Religious, Martial, the so-called "Criminal," and Public Works Law. It consists of *Lü* (律), the Code proper, and following it (in most cases) the *Li* (例), supplementary Laws. The former is not changed; the latter modify the legal treatment originally specified, and are subject to constant additions and a decennial revision. There is one *Lü*; following may be a score or more of *t'iao li* (條例). Robbery with violence, for example, has 52 supplementary laws attached to the article—varying from the 6th year of Chia Ch'ing (1802) to the 9th year of T'ung Chih (1871). The *Li* are not necessarily arranged chronologically one after the other, the variation in the order being due to an idea of fitness of sequence which may well disaccord with existing views. The *Li* bear at their close the date when they were revised or added, the terms

hsiu kai (修改), *hsiu ping* (修併), *hsu tsuan* (續纂), *pan hsiu* (頒修), being employed in this connexion—the latter, of course, as an Imperial mandate. Thus a *Li* may have been revised in Chia Ch'ing sixth year (1802), and again in the 19th year of that reign (1815); and again in T'ung Chih ninth year (1871) His Majesty may have issued instructions that the revision should again be promulgated. In this connexion the periods of Chia Ch'ing (嘉慶) and of Tao Kuang (道光) were prolific in addition and amendment. The practice of dating the *li* does not, however, appear to have become definite before the first-mentioned reign, and very many *li* for one cause and another are undated. Amendment and addition will be found in all parts of the Code, but naturally chiefly in the overwhelmingly preponderating "Criminal Law;" and the Fiscal Laws, too, show numerous changes; the small division on the Ritual Laws comparatively few, and as a rule not of late date, though there are exceptions. Besides Commentary, the *lü* contain notes exactly explaining any little doubtful point. Thus "whoever commits high treason" (definition given); or, "no distinction is to be made between principals and accessories;" or, "no matter whether plunder be obtained or not," etc., etc., etc. These notes form part of the *lü* in point. There are also similar explanatory notes in the Supplementary Laws. The article rules as against the *li*, and if a case arises which cannot be treated under an article exactly, it is treated under the article most nearly applicable, a report being made to the Throne. Where it is found necessary to provide for an unforeseen contingency, a *li* is established, but no fresh *lü* are made though old *lü*, *i.e.*, *lü* anterior to the present dynasty, are occasionally adopted in the form of a *li*. A Supplementary Law is frequently definitely stated as being intended to be provisional and to become nugatory so soon as, *e.g.*, the offence in point has been curbed by special rigor. While the *lü* lays

down the root of the matter, the *li*, say the Chinese, "follow human disposition;" the Law never changes, but the Supplementary Law adapts the former both to circumstances and time. Thus in cases of theft, where, in resisting arrest, the thieves kill or wound anyone, by the Law no distinction is made between principal and accessory, and the sentence is in every case decapitation, subject to revision, but the Statutes herein distinguish between the one who kills and the one who wounds, the former the principal, the latter an accessory; and furthermore, in cases of wounding between injuries from edged weapons and blows, hacks, etc., specifying different penalties for each. Finally, we may note that as soon as a new law (*li*) is published, the offenders of a former case are to be all tried and punished under it; and we may take note too, that so soon as such Law has been announced to the Empire, if an official disregards it with intent to do an injustice to either party he shall be punished as for purposely setting aside the Law.

In all there are 427 articles and, in my edition, about 2,000 Supplementary Laws.[6] All classes are provided for, from high official to peasant; the note of the Code is indeed comprehensiveness combined with exactness. There is in this general connexion a point to remark, *i.e.*, the sovereignty of the Law. Military interference, for example, is not tolerated, and many cases bearing on the matter are quoted. The fact of incorporating a section of Military or Martial Laws means nothing—except that there is specific penalization for specific subjects. The general principles remain and the Martial Law takes no different a position *vis-à-vis* the Code as a whole than does, for example, Ritual Law.

[6] Exclusive, of course, of preparatory matter—prefaces, *tse li*, tables of affinity, of punishment, etc., etc., etc.; and exclusive of the last and miscellaneous section (總類), with its regulations regarding the Autumnal Assize (秋審).

Indeed we find the following under the Civil or State Laws. "Military officials wounded in battle shall be rewarded according to their rank and merit; but if killed in battle are to receive hereditary rank (世職), according to the rank held at time of decease." Incidentally, military merit is a point which has always been recognised in China—a point sometimes forgotten. Here we have an example of its crystallization in Law. The conferring of hereditary rank is, of course, within the province of the Li Pu; but study the first sentence and we find the matter to be one of inclusion of Military Law within the Civil Laws. It is merely of a piece with the arrangement of the Code as a whole.[7] There is a further interesting point in this connexion —the incidence of Tartar Law. An article[8] specifically prescribes that Tartars are to be dealt with according to Tartar Law and by the Li Fan Yuan (理藩院). It is in this connexion provided that on receiving Tartar cases of a kind entitled to be sent to the Department, the latter will despatch a Tartar Official and a competent interpreter to the Judiciary Board, the former of whom will act as an assessor conjointly with the official who deals with the case.[9] Various distinctions are in this connexion drawn as to when the assessor is to sign jointly with the official judging. This particular article has a further interest. Sir George Staunton has thus remarked on it:—

> "This section of the code has been expressly quoted by the provincial government of Canton and applied to the case of foreigners residing there and at Macao for the purpose of trade. The laws of China have never, however, been attempted to be enforced against those foreigners except with considerable allowances in their favor, although on the other hand, they are restricted and circumscribed in such a manner that a transgression on their part of any specific article of the laws can scarcely occur, at least, not without at the

[7] Art. XLI. [8] Art. XXXIV. [9] *id.*

same time implicating and 'involving in their guilt some of the natives, who thus, in most cases, become the principal victims of offended justice.'

"The situation of foreigners in China is certainly by no means so satisfactory on the whole as might be desired, or even as it may be reasonably expected to become in the process of time. . . . . It is one of the necessary but embarrassing consequences of the footing upon which foreigners are at present received in China, that they can neither consider themselves as wholly subject to, or as wholly independent of, the laws of the country in which they live. When unfortunately involved in contentions with the Government, there is a line, on one side of which submission is disgraceful, and on the other, resistance unjustifiable; but this line being uncertain and undefined, it is not surprising that a want of confidence should sometimes have led to a surrender of just and reasonable privileges; or that at other times, an excess of it should have brought the whole of this valuable trade and of the property embarked in it to the brink of destruction."

But this was written a century ago. If it was sought to be applied (or was Sir George possibly in error?) then one can easily picture the intense misunderstanding which must have prevailed and wrapped one side from the other as in a fog.[10] As a matter of fact the article only applies to the outlying Mongol tribes, note particularly the characters *hua wai* (化外); the five Supplementary Laws (in my edition) under it all treat of Mongols, etc.; and the administration in point is the Li Fan Yuan (理藩院)—the Colonial Board.

* * *

[10] The fullest admiration is due Sir George Staunton, the first translator of the Chinese Code, for his elegant work. It is a monument—a labour not sufficiently recognised. It is possibly not entirely accurate, as we now measure accuracy, and my own translations and notation are entirely independent of Sir George's. Indeed, I do not possess a copy, and my comments are based on recollection. But considering that Sir George's work was produced a century ago and that (so far as I know) no complete translation has since appeared, Staunton's exposition, though only of the *lü* and not of the *li*, is wonderful.

What may be called the general principles of the Code and of its practice are surely thoroughly sound. The provision for a knowledge of the Laws, the provisions for the conduct of Magistrates, the precise classification of relationship, the definite operation of mitigation, such points in procedure as "voluntary surrender to justice," the very simplicity of the forms of trial kneeling (a right and proper obedience to the Court), no jury (a possible advantage), no or little pleading (also a possible advantage), and over and above such, such concrete parts as the Laws of Inheritance, the Land Tax Regulations, etc., etc., etc., are full of admirable principles and what we term "sound law." Some of these points I shall deal with later in more detail.

* * *

One of the first things that we have to remember is, of course, that the effect of the Code is based on and quickened by penalties. There is no need to particularise; glance through the Code. It is the benevolent principle of "spare the rod and spoil the child." The mere fact that a penalty attaches—as will later be incidentally gathered—does not, however, mean so much, for I suppose in a way that all penalties, whether mental or physical, whether contrived by humanity or nature, attach to omission and especially to commission. In fact, both commission and omission are from one view of the general question, and as I shall specifically point out, penalised complementarily. A person commits an offence, his punishment is detailed; an official fails to detect, and so is his. But rather what I desire to distinguish is what I may define, and what we call, criminal commission as distinct from civil commission or omission. Criminal commission is a point we can all seize—the leading suggestions of which have been particularised in the Chinese classification of the *hsing lü*—homicide, property

acquisition, etc. Of civil commission and omission there are examples, for example, in the census laws; for there is surely no suspicion of what we call *mens rea* in many of these points. But here and elsewhere even natural distinction has had to give way to the magnetic influence of a rigid division and what may be from our view "criminal" becomes attached perforce to a civil commission or omission. That rigidity is one point, and the mere penal idea is another, which tends to the fluxing of the distinction.

* * *

The great body of the Law consists of what I have translated "Criminal" Law. But what we understand by such a designation is not only found under the *hsing lü* (刑律), but as I have hinted, is to be found scattered throughout the Code in connexion with the particular subject to which it belongs; the six category classification, of course, merely referring to that portion of the general law (or rather Regulation) which more properly came under the cognizance of the particular Board in question, *e.g.*, Civil or State Board, Revenue, War, etc.—the Hsing Pu, Disciplinary or Judiciary Board, being charged with special legal disciplinary powers. So we find misprision of treason under the Civil or State Laws; sacrilege under the Ritual or Religious Laws. On the other hand we find High Treason as the first article of the Criminal Law, and Treason Felony following it. There are two ways of looking at a thing, and this arrangement may be as convenient as any other. What sometimes may be overlooked is that the articles, etc., of the Code—I refer to the "Criminal" section, deal not so much with a complete offence *per se*, but rather with a complete subject—in just the same way as the Code as a whole. All manner of circumstances and of other offences, pertinent and sometimes not so pertinent to the subject in

point, are introduced to obtain completeness and perfection, as a result of perpetual revision and additions, and not infrequently as a result of attempted appliance of matter sometimes archaic to present day life. But if I may for the moment be discursive, it would be a bold man who should say that, for example, English Law does not hold to the archaic—our procedure which is so perfect (our rejoinders, and our sur-rejoinders, our rebutters, and our sur-rebutters, our torts, our "rule in Shelley's case," our "rule of Hotchpot," our "law of Gavelkind"). So competent a judge as a Japanese jurist comments adversely on our jury system, yet I suppose we shall stick to it as we do to free-trade. Even so progressive a nation as the United States preserves its conservatism, and I notice "now comes the plaintiff" in the prints of to-day. Certainly there is much that is archaic in the Chinese Code (strictly in the *lü*) and there is some irrelevance (nearly always in the *li*, sometimes or never in the *lü*). Sometimes, not infrequently these apparent irrelevances are in reality pertinent. There is, for example, an article[11] headed "larceny of trees and shrubs from the Imperial Mausolea." The *lü* is entirely pertinent. The first of the "*t'iao li*"[12] commences "whosoever rides in a carriage or upon horseback and passes the Imperial Mausolea, and in similar case persons who arrive thereat and desire to enter therein shall in any case dismount at a distance of not less than 100 paces, under penalty of being sentenced to 100 blows of the heavy bamboo for disrespect." A short *li* to begin with, but more important is the point that this particular matter was dealt with under this *lü* because it was the *lü* which was most nearly applicable. So do seeming impertinences become pertinences and so in hundreds of other instances

[11] Art. CCLIV. [12] Art. CCLIV (1).

more impertinent than this. Lord Esher's remark on English Law is true of this Code: "There is nothing (or not much) which is not consistent with common sense."

I give below my translation of that article[13] of the Criminal Law concerning the "making of corrupt books and speeches." It is a short article, but it will bring out the distinction between the *lü* and the *li* I have previously referred to, and it will show, though not so well as an article I shall later quote, the refinement of the Chinese legal mind the same here as elsewhere, and it will show also that the Code does not need so much to bring it up-to-date. The *lü*, or article, in point runs thus :—

> "Whosoever frames prophecies, whether by corrupt book or speech, and circulates such with intent to delude the public, shall be sentenced to decapitation subject to revision. Those who have been so deluded shall not be punished. Where the number of persons deluded does not exceed three, a penalty of transportation for life to a distance of 3,000 li shall be adjudged according to the circumstances of the case. Those who possess corrupt books and clandestinely secrete such instead of delivering them to the officials, shall be sentenced to 100 blows of the heavy bamboo and transportation for three years."

Such then is an idea of what the Law calls "laying down general principles—*She ta fa* (設大法)." Let us proceed to the "accommodation of these principles to human nature," as exemplified in the first Supplementary Law of this Article.[14]

> "Whosoever wantonly publishes corrupt speeches, or writes placards calculated to mislead public opinion, shall, if a principal, be sentenced to immediate decapitation, and, if an accessory, to decapitation subject to revision. Those who having framed prophecies by corrupt book or speech and by the circulation thereof have deluded not more than three persons shall be sent to the Mahommedan cities to serve as slaves for the greater and lesser *begs*, and likewise for those of the Mahommedan population who possess *status*. As regards reckless characters who compose a topical song and chant it through the streets, and those who publish and circulate ribald and obscene

[13] Art. CCXLVIII. [14] Art. CCXLVIII (1).

writings, it is the duty of all territorial officials within or without the capital city, to forthwith arrest and examine, and if it be then found that such persons have not in fact used corrupt language calculated to deceive the public, they shall be treated under the article awarding a severe penalty for doing what ought not to have been done. Revised in the 6th and 19th years of Chia Ch'ing, and amended in the 1st year of Tao Kuang."[15]

The following Supplementary Law[16] deals with the treatment to be awarded booksellers within the Capital City who may vend such productions. The third[17] and last supplementary Law or section of this Article is quite pertinent to these times, and sets forth what unwary newspaper correspondents may expect. I quote part.

"Correspondents of the several provinces sent to Peking for news, who invent reports and transmit the same to various places, shall, if officials, be dismissed, and, if members of the military class or private individuals, be sentenced to 100 blows of the heavy bamboo and transportation to a distance of 3,000 *li*," etc., etc., etc.

This is undated but must be somewhere about 1830. This, then, is a further accommodation of general principles to human nature. A feature of the Code is not only the manner in which it penalises the primary law-breaker, but likewise officials or magistrates who may be lax. Thus in the matter just quoted, if officials are careless in detection, they are "to be delivered over to the proper Board for punishment;" and the same in scores of other sections, and whether as regards Viceroys or mere constables. As regards precision, and refined distinction, I will but refer briefly to the Law regarding False Accusation[18]:—

"Where two or more accusations are brought, the more serious of which are established while the less grave charges are disproved, or where the several charges brought all involve the same punishment,

[15] A.D. 1802, 1815, 1821. [16] Art. CCXLVIII (2).
[17] Art. CCXLVIII (3).
[18] The Law regarding False Accusation is treated under Art. CCCXXVII. with its twenty-six Supplementary Laws.

> and one be found true and the others false, no penalty attaches to the accuser. As it is laid down in the general law that, if two counts be proved, the prisoner shall be sentenced under the more serious and no notice shall be taken of the less serious, or if various counts proved be of the same gravity, the prisoner shall be sentenced on one count only, so in these cases of several charges, some false and some true, the falsity of some is not to affect the penalty due the others, and there is no excess of punishment to be transferred to the accuser."

I might here observe that Law of Libel or Slander does not, in our sense, exist. The mere perpetration of a libel or or a slander is not punishable criminally, but will become so punishable if leading to some criminal act, such as suicide. From this view the law on the point is part of the general law of responsibility; this portion of the law is intangible, and melts away into the substantive offence.

* * *

The following, being the first section appended to the Article concerning Treason Felony[19] is a concise example of the Law being softened by the Statute.

> "Whensoever a person having been found guilty in a case of rebellion has been sentenced to be transported for agricultural labour in the New Dominion and chances to die before arriving thereat, his wife and sons may be granted their liberty. If the grandsons of convicted rebels are too young to be separated from their parents, their mothers shall be allowed to accompany and take care of them.

* * *

Both the multiplicity of distinctions (and we recollect that "the size of even a hair is relative,")[20] and the modification of the force of the *lü* arise from the natural desire to reconcile law and justice. From a point of view the *lü* may be said to represent rigid Law, the *li* practical justice; on the other hand if the Law does not provide a remedy for injustice, one has to be found, so it is said: "Though the Supplementary

[19] Art. CCXLVI (1).

[20] (德輶如毛毛猶有倫—*Chung Yung.*)

Law on the point is not clear, it is not proper that two cases exactly similar should be decided differently." But it has not always been found possible to reconcile the frequently irreconcilable. "Person is more important than property," it is said, but in practice a robber who kills or wounds the owner of property is more severely dealt with than a person who kills or wounds the protector of a bawd. The Emperor in his injunction to the Judiciary Board contended that while it was worse to steal a woman than to steal property, a robber who wounds his victim will be capitally sentenced, while in the other case the offender will only receive a penalty two degrees above the ordinary. Perhaps one of the most obvious efforts in the Code to reconcile the two ideas is in that article headed "Where there are two charges, the heavier only is to rule" (二罪俱發以重論).[21] Again, the penalties meted out in High Treason seem fearful, and the law applicable to those remotely involved, or even not involved, seems unjust. Giving its gist merely, that Law[22] runs thus:—

> "Whosoever is guilty of High Treason, without distinction of principal and accessory, shall suffer death by being sliced to pieces. The principal's grandfather, father, sons, grandsons, brothers, all relations whether of the same or a different surname living under the same roof with the principal, being above sixteen years of age, shall be decapitated, disease or infirmity notwithstanding. Males among the aforesaid categories of fifteen years of age and under, mothers, daughters, wives, concubines, sisters, and sisters-in-law shall be given into slavery in the families of meritorious officials, and their property shall be confiscated. It shall be permissible for engaged daughters to pass to the engaged husband. Sons and grandsons who have passed into another family by adoption, and a woman engaged to the offender, but not yet married, shall not be punished. Aiders and abettors in harbouring the offenders, or in allowing escape, shall be decapitated," etc.

[21] Art. XXVI (with three Supplementary Laws).
[22] Art. CCXLV.

The first Supplementary Law[23] then proceeds thus:—

> "An offender guilty of High Treason having been sentenced to be sliced to pieces, his sons and grandsons, if found to be altogether ignorant of the aforesaid's plans and intentions, irrespective of whether they be over or under sixteen years of age, shall be delivered to the Imperial Household Department to be emasculated and thence sent to the New Dominion to serve as slaves for the officers and soldiers thereat. If the age of the aforesaid be under ten years, they shall be confined in prison until they have attained the age of eleven, when they shall suffer punishment as aforesaid. When the Comptroller of the Household has received such prisoners he shall depute subordinate officers to make a minute and careful examination at the operation. The prisoners shall then be delivered to the Judiciary Board for a further scrutiny, and thence be delivered to the Board of War for despatch to the New Dominion to serve as slaves for the officers and soldiers thereat, etc. etc."

This latter law, it is to be noted, in conjunction with historic events then proceeding, was added in the 6th year of Chia Ch'ing (1802), and was revised in the 19th year of the same reign, and also in the 10th and 15th years of Tao Kuang.[24] But the severity of the Law regarding High Treason is susceptible of the fullest explanation, its object being merely to exterminate so dangerous a species, and prevent its propagation. This very point arose some seventy years since, the Judiciary Board considering the manner in which the relations and connexions of the traitor were involved to be over-hard. The Emperor, however, held otherwise, his note being inexpediency. By special Act of Grace the possibility of pardon is admitted; but the Law was specially and rightly severe, and ought not to be altered. His Majesty also remarked that merely to forbid the marriage of the persons transported in such cases at the place of transportation would be ineffective. The

[23] Art. CCXLV (1). [24] A.D. 1802, 1815, 1831, 1836.

Emperor, however, pointed out that there was in this connexion one inequality which appeared to have slipped the Board, *i.e.*, that juniors are emasculated, whereas those who have arrived at years of discretion are merely despatched to military servitude. The inequality was adjusted, as far as I can find out, by levelling up, and both seniors and juniors became liable to emasculation. Such may be the effect of political expediency in this connexion.

And other ventures, whether in the Code or in its application, to reconcile Law and Justice are numerous and subtle. If we turn to homicide pure and simple, while there is no getting beyond the fact that it is regarded as a debt, and a debt which can only be repaid in kind, yet from this view there are no more excellent examples of reconciling Law and Justice than the recognised operation of innumerable justificatory or extenuatory circumstances in liquidating this debt in whole or part. In the case of accidental homicide the sentence is recorded, but is purely formal, and the penalty is commuted to a fine paid to the relatives of the deceased. When there are extenuating circumstances in such case, the capital sentence may be commuted to transportation, thence to a fine in lieu thereof. Justificatory circumstances are allowed as a matter of course in certain cases, sometimes arising from the mere conditions or circumstances under which an act was done, sometimes from the mere position of the parties (*i.e.*, relationship), and sometimes from both these causes combined. Examples of the first category are very obvious. A man in self-defence kills an assailant who attacks with murderous intentions ; or, of another class, where an offender in certain offences stops short of the commission of the full offence, or the case of persons taking a minor part in the commission of a serious offence. Examples of the second category are extremely numerous, arising chiefly in cases where the

position of the parties is that of parent and child, husband and wife, etc. Examples of the third category are also numerous. Thus, if a husband catches the paramour of his wife or daughter in the act, and in the first heat of righteous indignation or without deliberate intention he kills him, the circumstances will be allowed. Not so, however, if the said husband tied up the villain and cuts his throat because he was abusive, nor where a person chances to kill a man he catches with his brother's wife. Again, justificatory circumstances will be allowed as a matter of course if a man kills his wife intentionally or unintentionally, if she is shown to be guilty of unfilial conduct to and abuse of his parents, or when she commits adultery without his connivance, or where she does him actual bodily harm, if he kills her in the heat of the moment. On the other hand, in this general connexion, let me dissect the phrase "unauthorisedly killing an offender" (擅殺罪人). Its character depends upon the nature of the slain malefactor's wrong-doing, and the time and circumstances under which the killing took place. The phrase is constant, but its application and the penalty vary. The phrase strictly applies where a person, being in a position to hand over a malefactor to the proper authorities, dispenses summary justice on his own account. A steals B's chickens and furthermore abuses B; B in wrath kills A. X applies to Y for a small loan, Y refuses, X threatens Y's life and Y in fright drops some money; X picks this up, and Y in wrath kills X. If Y had herein summoned others to assist him, he could not claim that he was unauthorisedly killing an offender, and his offence is that of killing in affray—the penalty being the same, the distinction is perhaps irrelevant. Again, concisely put, there are nice distinctions between killing a thief who has stolen another's property and killing a thief who has stolen another's

property, the slayer at the moment of slaying supposing that he has stolen his own. The former is *shan sha;* the latter is "jointly striking a person with resultant death" (共毆人致殺), with sentence as accessory thereto. The penalty is the same in either case. So does the painful striving after justice lead to numberless and subtle distinctions, and much after all must be left to the construction of the Code by the Courts, and human fallibility, though nominally the judge in criminal matters has no latitude. This latter view, I may incidentally remark, is, however, a matter which the Supreme Appellate Court (His Majesty) strictly upholds. L stole from L H and fled; L H pursued and L dropped the plunder; but L H, being dim of sight, did not observe this, and capturing L commenced to beat him severely with his fist. L, excited thereat, rushed at L H, butted him with his head, and thereby caused his death. It was urged in favour of L that he did not use violence to the owner of the property, nor did he plan his death; the slaying was unintentional and done in a fit of excitement. These views, put forth by the Board itself, were negatived by the Emperor as contrary to the letter of the Law. So sometimes does apparent justice defer to law, and yet the root of the matter here is perhaps that very common feature of homicide—indirect responsibility for death, L in this case being the *fons et origo mali.*

* * *

Having now dealt with certain general features, I offer a very few words on the penalties. Apart from the large choice and their character, perhaps the most singular feature is the scientific method in which the various scales are drawn up. The exact meaning and effect of increasing (加) or decreasing (減) a penalty is set forth in a specific article.[25]

[25] Art. XXXVI.

The whole law on the point is explained with much precision, and the scales give all that is required to assess the relative value of one penalty as compared with another. Excessive or undue or improper punishment is, of course, provided for. Capital punishment includes, or did include, the *ling ch'ih* (凌遲), not necessarily so slow a process. This may either be of itself, or to it may be added the supreme addition of extinction of the family. Then follows *decapitation and exposure of the head* (斬決梟示), *decapitation simple certain* (斬立決), *decapitation subject to revision* (斬監候), *strangulation certain* (絞立決), *strangulation subject to revision* (絞監候), *transportation for life* (流), which is divisible according to distance into three degrees, the distances being 2,000, 2,500 and 3,000 *li*, the three being collectively known as the *san liu* (三流). Then there is *transportation for a term* (徒), divisible according to duration into five degrees, the time limits commencing with one year, and advancing by an increase of six months at a time until the limit of three years is reached. Probably the most usual sentence is that for three years. The maximum penalty is indicated by the prefix *man* (滿), "full." There is also *penal servitude*, divisible according to distance into four degrees, the mildest form commencing with a distance of 2,000 *li*, and advancing by increments of 500 *li* until the distance of 3,000 *li* is attained, and thence by an increment of 1,000 *li* to 4,000 *li*. Its position is very usually as an additional penalty to transportation for life. A person may be sent, *e.g.*, to simple service (當差), or to perform hard labour (當苦差), or, as *e.g.*, into slavery in the families of deserving Bannermen (爲奴), the latter of which may be classed as domestic servitude. Finally, there is the still more severe "military servitude" (充軍), which may be near at hand (附近), or on the near frontiers (近邊), or on the remote frontiers

(邊遠), or on the extreme frontiers (極邊), or at the mines (烟瘴); these are collectively known as the *wu chun* (五軍). Servitude in whatever form of course ranks as a more severe penalty than mere transportation. Finally, we have the *bamboo*, styled the *chang* (杖) or "heavier," and the *ch'ih* (笞) or "lighter." Either form is divided into five degrees: the "heavier" starting nominally with sixty blows, and advancing by tens till the nominal maximum of 100; the "lighter" starts nominally with ten blows, and advances by tens until fifty blows are reached. The "heavier" bamboo forms either with *liu* or with *t'u*—and especially with the latter, a very common combined penalty. Then there is also the *cangue* (枷號), which may be for life, but which is most commonly for one month. It exists also in combination with other penalties and adds, so to speak, a final and finishing touch of perfection to the previous portion of the sentence, and likewise gives the offender time to ruminate on the perfect working of justice. Transportation may be commuted to cangue in certain cases. There is also *imprisonment* (監禁) and branding (刺字). Then there is specific punishment for a specific grave class—*emasculation* (閹割). There are *miscellaneous punishments*, such as fetters and the wearing of an iron bar. Finally, there are *penalties countenanced but not legally recognised*, exposure until death (站籠). *Fines* (贖刑) are seemingly not recognised as an initial penalty. *Forfeitures* exist. The penalties operate largely *in terrorem*.[26] To be sentenced to decapitation or to strangulation does not mean that an offender will be decapitated or strangled. To be sentenced to transportation does not mean that an offender will be transported to the "mines" (發烟瘴) or "the remote borders of Yunnan, Kweichow, or the Two Kwang;"

[26] We may also bear in mind 懲一儆百.

it does not necessarily mean that he will ultimately find himself there. It is a convenient formula. An offender may be sentenced to 100 blows of the heavy bamboo. He may or may not receive that precise number, and this apart from the rules of commutation. In this connexion, and while there is so much talk of legal improvement, a self-registering beating machine might be devised. There should be a demand, too, for mechanical decapitating machines. The hint is thrown out as a possible opening for foreign traders. It would, of course, be necessary to test such a machine on delivery. The fact that the penalties operate now *in terrorem* is, however, of gradual growth. The germ is, of course, in the Code; for example, as regards the bamboo, where in the scale it is provided that the penalty is so many blows, but that so many only are to be inflicted. The prescribed operation of revision, commutation, and mitigation likewise serve in the same direction. But the most potent cause of all has been efflux of time, with the natural operation of the three principles as to the application of the Law which I have previously quoted from the Ritual Record. It may perhaps be worth while alluding to the psychic aspect of the capital penalties. The spirit, then, of one who has undergone the now abolished *ling ch'ih* (凌遲) would be patchwork; of one decapitated (斬), in two pieces; while that of one who has undergone the probably far more painful process of strangulation (絞) would be intact. Thus the chief terror of the dismembering penalties lies not in physical but in mental anguish. Conceive the idea of ancestral worship and what I mean becomes very plain. From the point of view of mere horror, the very perfection and routine of our own hanging system should, one would think, be not easy to beat, and it is not absolutely swift and sure; but then neither is electrocution, though I know not what improvements may have been effected.

* * *

If the penalties provided be severe, and the tendency is perhaps rather *in terrorem*, there are numerous recognised forces which operate in mitigation. Some of these factors have already been incidentally introduced. Leniency may arise, roughly speaking, from three motives: considerations of equity, considerations of political expediency, and considerations of morality or religion. Thus, the commutation of punishment prescribed by the Code in the case of various offences (homicide by misadventure, etc.), commutation originating from *circonstances attenuantes*, etc., in general arises from equitable considerations, and so also do commutations on account of lunacy, delivery to justice, etc. The privilege allowed certain classes arises from considerations of political expediency. The mitigation or commutation or special treatment provided in cases of sex, youth, great age, or a sole representative, arises from moral or religious considerations, though as time passes the motive tends to become equitable rather than purely moral or religious. By religious I mean the regard paid to the tenets laid down in Chinese philosophy generally, and especially the respect which the Chinese attach to seniors, the filial relation, and family succession—the foundations of their religion and the fabrics of their Government. In addition also to certain fixed and definite reasons for mitigation, there must likewise be mentioned the Acts of Grace issued from time to time, commuting, mitigating, or absolving penalties. The cause of this, now a regular practice, was probably originally political expediency to gain popularity.

I select a few points for review. A common reason for mitigation is *self delivery to justice* (犯罪自首). The law[27] runs thus:—

[27] Art. XXV.

> "When an offender, whose guilt has not been discovered, delivers himself to justice, his offence shall be forgiven, and if plunder has been obtained it shall be restored to the owner. If a light offence be discovered, and a graver one be confessed, the latter shall be excused; and in like manner when on hearing an accusation the offender discloses other offences, the latter shall be taken no notice of," and so on.

A murderer's punishment may be reduced a degree. Irreparable injury, stealing official signets, smuggling, adultery, bar; and the offence must not be within the cognizance of peace officers during the period of the offender's concealment. An accessory will be entitled to mitigation of his sentence if he gives information leading to the arrest of his principal, but it must lead to the arrest within a given time—ordinarily a year.[28] And the information must be given to the magistrate, not to the police.[29]

I have referred to the point that taking life involves a debt. In this connexion there is a special circumstance which may give rise to a form of special commutation. I allude to the case where one offender dies in prison before the case is settled, when the actual murderer can claim that the capital punishment to which he is liable shall be commuted to transportation for life, on the ground that life has answered life, but the person who dies must be one who might have been capitally liable in the case, and he must have died in actual custody and not while out on bail (bail is not allowed principals in this connexion), and again he must have died before the case was settled. That the offender in point committed suicide is immaterial.[30] The injury inflicted by the offender who dies must have been of a really mortal character, and not a mere contusion.[31] The imprisonment must be on account of the homicide in point and not on account of another offence. In the case of Ch'ên Ta Kuei

[28] Quoted in the *Hsing An Hui Lan.* [29] *id.* [30] *id.* [31] *id.*

(陳大貴), the deceased was accessory to the murder in point and had inflicted serious injury, but the imprisonment was on account of another offence, and the murdered could not be said to have obtained satisfaction in his death.[32]

Mental and physical disability afford grounds for mitigation. The insane are held responsible for their acts, but the ordinary penalty applicable is commuted, as, for example, in murder or the false bringing of a capital charge, to imprisonment with fetters subject to His Majesty's pleasure. On recovery, and if the malady does not recur within a fixed time, the lunatic will be given over to his friends, and released. Mere proof of cure is not sufficient. Twenty years was the time limit fixed by law originally, but if the insane person is aged seventy years or more, or if he is in failing health, the period is reducible. Release after seven years on proof of recovery was allowed when a wife was killed, and after five years when the slayer was a sole representative. A fit of transitory lunacy is not sufficient to excuse murder.[33] Where at the moment of trial there is question as to the sanity or insanity of the prisoner, *bona fides* of the plea, etc., the prisoner is to be sentenced as sane but retained in perpetual imprisonment, and this treatment is liable to press hard, in so far that the lightness of the sentence is immaterial.[34] And so "mitigation" may not always be mitigation. While it is of course matter for congratulation to be able to "hold" a good deal, those whose inclination may lead them to look upon the wine when it is red (or other colour), and plead blissfulness when testing the strength of another's cranium, will not be excused, but neither will the offence be aggravated, and accidental homicide will still be such, though chancing in such a period. And this case is interesting. N F S and

[32] Quoted in the *Hsing An Hui Lan.* [33] *id.* [34] *id.*

L L K have been drinking. N F S asks his friend to have another glass, and in so doing trips over him and kills him. This is homicide by misadventure. Similarly also if N F S, forgetting that he has a knife in his pocket, puts forth his hand to support L L K, and the latter, falling upon the knife, kills himself; or if in answer to the query L L K says he will if his friend will support him, and instead of so doing the friend falls over with him and breaks his leg.[35] Physical disability within certain limitations may also effect mitigation. But the disability must be a real disability. The clemency does not extend to certain offences such as heresy—a person may be a complete cripple and yet may make converts[36] (sympathetically speaking, perhaps more converts).

Great age or youth, especially the former, are common circumstances for mitigation, and as also the plea of being the sole representative of a family (承祀) or the sole support of parents are especially consonant with the ethical idea. The *lü*[37] on the point, and in this general connexion, states that those who are above eighty years of age, or are below ten, or who are are blind in both eyes, or lame in both legs, shall, if the offence be capital, await the Imperial Decision. Exceeding ninety years of age, an offender is to be excused, except for treason. It is also laid down that if the crime was committed when the party was younger, yet he shall have advantage of the age clause if the case was dealt with when his age came within the clause.[38] The same applies to disability. Fraudulent attempt to plead age or disability entails severe penalties. It is to be noted that those who are seven years old or under may with impunity cause the death of another; but that if the age of the deceased be but three years or less in advance of that of the offender a sentence of strangulation, subject to

[35] Quoted in the *Hsing An Hui Lan.*
[36] *id.*
[37] Art. XXII.
[38] Art. XXII (1).

revision, will be adjudged.[39] Further, that in the case of those aged fifteen years or less, and who have been the subject of injustice and hatred from the slain party, and provided the deceased is at least four years senior to the offender, and furthermore was unreasonably violent, they may be excused. The Code Supplementary Law in point herein quotes with approval the case of Ting Ch'i San Tzŭ (丁乞三仔), which is reported in the *Hsing An Hui Lan* (刑案滙覽).

As regards the plea of being a *sole representative* (承祀).[40] It is extremely efficacious. So in false accusation; if the crime of which X has falsely accused Y be not unpardonable, and if the slandered man has not been imprisoned, tortured, and ruined before the falsity of the accusation be discovered, mercy may be shown.[41] Also (with the exceptions below) if a criminal sentenced to death has confirmation deferred two years running, he may utilise the privilege. There are well-defined limitations; the plea is useless in cases of treason. The very punishment for treason shows that, the object being to exterminate so poisonous a weed. In the case of rebellion, the stringent character of the penalty will be borne out though the patient's mother be sick and helpless and the patient but three years old when his grandfather offended. I am not sure that the plea strictly extends to cases of intentional homicide, though in the latter case, where junior relationship is concerned, the plea would probably prevail in every instance. Nor if firearms be used is the plea effectual, though the offender be only an accessory. Sacrilege also bars. Character, again, is a cogent consideration. A profligate who never goes near his parents cannot gain by the plea, as a substitute for the examinations found

[39] Art. XXII (7).

[40] Treated in Art. XVIII and its 17 Supplementary Laws.

[41] Quoted in the *Hsing An Hui Lan*.

to his cost. The following point is undecided. X, Y, Z, and others are concerned in an offence. X is in custody; the others at large. What attention shall be shown X's application to be allowed to be released in order to support his aged parents.[42] The complement of the plea of sole representative or sole support is naturally a more stringent legal view where such person is the offended party. But how where the parties are more or less on the same footing and sole representative kills sole representative? In cases involving human life, if the man who lost his life was the grown-up son of aged parents, the criminal guilty of manslaughter, though in the third degree, cannot plead benefit of aged or helpless relative unless the person killed was profligate and unfilial. Adoption affects this aspect in so far that had the party killed in the foregoing instance been an adopted son, and the family able to adopt another, the slayer may utilise his plea.

The "weaker sex" is considered. Transportation is held to be an inapplicable punishment, and is commutable to fine; the bamboo is improper in such cases, and is similarly commutable. Imprisonment, save in capital cases, was by the old law inapplicable, but is so now, for reasons already incidentally explained. As regards mitigation of transportation; the leniency does not obtain in its entirety in the case of certain offences, and that even where age comes under note; so a lady missionary seventy years of age was sent to transportion. The converts in this case, in accordance with the general rule, were imprisoned, conditioned that if they truly repented them of their sins they might after the expiration of one or two years be released.[43] Again, where husband and wife are concerned and convicted, and the former

[42] Quoted in the *Hsing An Hui Lan.* [43] *id.*

has in the meantime died, the widow must yet be transported, and this though the Authorities be thereby perplexed as to her proper disposal.[44] The leniency does not extend in any degree to infringement of the Opium Laws, nor to kidnapping (as a result of a Censor's Memorial, "Peking Gazette," 1834), the women taking undue advantage of their immunity. The Memorial in point recommended that the punishment be made domestic servitude. Again, the leniency does not extend to serious offences against the State, *e.g.*, treason. For decent women the bamboo is thought to be indecent, and transportation generally speaking, inapplicable. In Peking, women of such character, if guilty of committing an offence entailing a penalty of military servitude or transportation for life, are to be sent into slavery at the Manchu Tartar posts in the various provinces; if their offence entails transportation for a term and the heavy bamboo, the transportation may be commuted, but the bamboo may not, and is to be inflicted according to the Supplementary Law applicable to ordinary cases of female license.

Another ground for mitigation is *privilege*. The eight grounds for this are set forth in the Chow Li and have been incorporated in the Code. They are:—Imperial connexion (議親), length of service under Government (議故), worth of service (議功), ability (議能), righteousness and sapiency (議賢), patriotic zeal (議勤), high rank (議貴), and privileged descent (議賓) to the second and third generations. It may be noted that, as regards honorary official rank, it neither confers the immunities nor imposes the responsibilities attaching to actual officials, active or retired.[45] Finally, Acts of Grace (赦) are frequent channels of mitigation. The ten chief offences—High Treason, Parricide, Sacrilege,

[44] Quoted in the *Hsing An Hui Lan.* [45] *id.*

etc.,[46] are, as a general rule, excepted from the benefit of such Acts. Such the Code provides, and it also provides that murder, appropriation of Government property, adultery, kidnapping, etc., shall likewise be excepted, and in general terms practically lays down that the test to be applied is whether or not there was *mens rea*; if there was not, the offence may be pardoned by Act of Grace in whole or part. Offences have been entirely excused under Acts of Grace,[47] or merely bambooing has been inflicted; and many offences have been excepted.[48] But an Act of Grace is its own law, and there are no definite rules. There are occasional refinements, of which I consider the following to be one (an offence excepted from the operation of an Act of Grace):—"The killing, at his mother's command, of an elder brother of a former wife (who has since re-married) of the slayer's late father." The following are also a few offences which have been excepted:—affiliation in an illegal society or brotherhood; the bringing of false capital charges by the police; poisoning; killing a bystander by accident, intending to kill someone else; beating to death, or killing with a sharp instrument, an immediate senior relation, though on the spur of the moment and consequent on the misbehaviour of the said relation; witchcraft, with fatal results thereby; raping the wife of a senior relation; attempting to rape a daughter-in-law; defiling a sister-in-law; the defiling by a slave of his master's concubine; defiling half-sisters by the same mother, etc. It may be noted that an official who embezzles the taxes may plead an Act of Grace as far as concerns the penalty, but is still liable for the refund. I have before now stated that Acts of Grace and their interpretation proceed on no fixed

[46] See Art. XVI. [47] Sundry Acts. [48] *id.*

system, and are the servants of circumstances; a judge in the Courts has stated that the subject is full of peculiarity, and with that I take leave of them.

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A factor which constantly enters consideration, and which may entirely overthrow all notions of a case discussed *simpliciter*, is *relationship*. If one may thus put it, a crime may become a mere misdemeanour or be absolved; or, *ex converso*, a misdemeanour may become a crime of the first magnitude by reason of this all-pervading factor. The subject is treated in the Code with the usual precision; tables of great exactness are provided, and the various shades will be found dealt with with much refinement all over the Code in connexion with various specific subjects—especially (in the criminal law) homicide, rape, and larceny. The matter has already freely entered into cases quoted by me, and it is better to leave it so and merely select a few curious points and cases.

As regards powers of corporal correction, though the limits are ample, the actions must be reasonable. It is held (or rather supposed) to be improper to correct a disobedient son unreasonably. Thus, if a father beats his disobedient son to death, he will be liable to 100 blows; or if he kills his son without just cause, he will be liable to sixty blows and one year's transportation. But if the killing be consequent on the son's abusing or striking his justly angry parents, no notice will be taken of the affair. It is to be noted that the Code prescribes strangulation for a son who abuses his parents. The plea of provocation is made full use of:—a grandfather who buried his son alive was let off because the boy abused him; again, where the son of a certain secretary committed robbery and murder, and was thereon killed by his irate father, who concealed his

son's offence to save his own reputation and purse. Whereas a senior has more than considerable powers over his junior, a senior is to a junior sacred, and though acting under orders or assisting his senior to correct him, the juniors will be sentenced capitally if they kill him, and the utmost grace shown them will be that execution may be deferred and subsequently commuted. This is an effect of the cross-bearing of relationship, which, colloquially put, is a tug-of-war between the potency of relationship upon one or the other side. The sides are often so equally matched that a slight variation of the forces, caused by special circumstances, will affect the struggle; but, generally speaking, the weight of senior relationship is such as to counterbalance the plea of an acting-under-orders junior. It may therefore easily follow from relationship that an accessory may incur more severe punishment than the principal, and indeed may incur a penalty when the principal escapes free. Y T C, by direction of his mother, strangles his sister, who has been doing what she ought not to have done. Y T C was sentenced to 100 blows, but the Board did not think it necessary to inflict any punishment on the unnatural mother. Indirect responsibility for death is a subject frequently affected by relationship. To take the case of those whom we call cousins. A senior cousin assaults a junior of tolerably near degree because the latter will not accommodate him with a loan; the junior responds, and the senior is overthrown. The senior, thus feeling ashamed, commits suicide, and the junior is sentenced to 100 blows heavy bamboo and three years transportation, under the article relating to the forcing a senior, for whom hemp mourning is worn, to commit suicide and awarding military servitude less one degree. To slander a nephew or a niece is punishable one degree less severely than in the case of

ordinary persons. As regards the artificial relation of master and servant, it is to be observed that service in the household of a relative does not *per se* constitute the relation. Either a deed, or an agreement for a term of years, or the fact of employment for five years or more in the employ of the particular individual, is essential. An understanding to serve for a portion of a year at a fixed wage has been held insufficient.

* * *

Coming now to specific offences, I select *homicide* for first notice. This is the most complex, diverse, and subtle subject of the Criminal Law. It is treated in sequence in some seventeen articles of the Code, and it enters incidentally into all of the six divisions—that is, it may enter as an element or an aggravation of the primary subject in point. In the collection of cases in the Hsing An Hui Lan (刑案滙覽), there are not less than 950 in sequence, primarily dealing with all manner of variations of the offence, and there are at least an equal number scattered throughout the collection introducing the subject incidentally as a specific factor. The general term for homicide is *sha* (殺), to kill. Of this the Law recognises six classes, styled the *lu sha* (六殺), or "six classes of homicide." These are entitled *mou sha* (謀殺),[49] "schemed homicide"—that is, homicide by previous design, whether an individual plots of himself or with companions; *ku sha* (故殺),[50] "intentional homicide"—homicide by instant design, wilful at the moment, though unpremeditated; *tou sha* (鬬殺),[51] "homicide during affray"—a literal enough translation, but scarcely representing the exact shade of meaning. The term includes an element of chance; it is intentional homicide, under circumstances which go to

[49] Arts. CCLXXIII-CCLXXV. [50] Art. CCLXXXI. [51] *id.*

show want of intention without malice, and unpremeditated, and approximates to, but is not exactly, "chance medley." Then there are also *hsi sha* (戲殺),[52] "killing during sport"—not only dangerous sports, such as cudgelling, but likewise sports *per se* innocuous; *wu sha* (悞殺),[53] "mistaken homicide"—by mishap, hitting and killing the wrong person, one with whom there was no quarrel and to whom no harm was intended; *kuo shih sha* (過失殺),[53] "killing fortuitously"—by misadventure, by pure accident: for example, a hatchet flies off from its haft. The five classes first mentioned are considered capital offences; the sixth, censured as carelessness, is not. But these primary distinctions are inadequate. Intent is regarded with great nicety. Suicide affords examples, justifiable homicide many others. Thus, the impression when one slays another that the latter had committed one offence when he had in reality committed another. A has entered B's house by night and has committed an illicit offence therein. B kills A under the impression that he is a thief. B is sentenced to transportation for "killing one who enters a house by night without good cause" (夜裏無故入人家).[54] It is elsewhere laid down that in ordinary cases of simple homicide it is no defence to state that the slayer had intended other results, if the effect can be traced to the slayer. There is no overriding of intent here; on the contrary, circumstances tend to show that the slayer states in his defence other than his real intent. It is, in effect, a refinement. The operation of relationship, and the manner in which the subject enters into combination with other offences, extend the field very greatly.

[52] Art. CCLXXXIII. [53] *id*

[54] A subject dealt with in Art. CCLXVIII. When the general subject has been thrashed out, more or less, we shall, in due evolutionary course, get treatises on "Burglary," etc. Chuang Tzŭ, however, refers to an element of it (乘夜入室)—that is, the above "entering a house by night," etc.

If we analyse the word *sha* (殺), we shall find that doing anything sufficient to cause the death of another is to "kill" him. Whether a man dies from his wounds, or is drowned running away from another, or falls down and gets a mortal hurt when struggling with another, or is forced to commit suicide, he is *sha'd*. Then there is killing a trespasser, a distinction being made as to the nature of the trespass; killing a person who enters one's house by night without just cause, or who commits robbery in one's field by day or by night. Again, distinction is drawn between killing a robber in the house, or in pursuit, or after he has been captured; and did or did not the robber offer resistance on capture? Then enters relationship, killing a parent, grandparents, mother-in-law or her husband; killing an uncle, aunt, or elder brother, or senior of any sort; killing a wife or younger brother; killing one's children, grandchildren, their wives, etc., which may or may not be a crime. There is likewise the aggravation of killing several of the same family (殺一家三人).[55] Then there is the effect of artificial relationship, killing a policeman, commanding officer, magistrate, or tutor; and conversely, killing a person by one who has been sent to arrest him, is in the act of arresting him, or after he has been arrested, etc. Then as to the mode of killing. Perhaps eyes have been gouged out, or the victim has been strangled with a sash, or has been bitten to death, or has been buried alive, or even more scientific and modern methods have been employed.

Passing over certain characteristic features, such as the operation of a limit of time between injury and decease,[56] the

[55] An interesting topic dealt with in Art. CCLXVIII (1-17).

[56] Art. CCXCIV.

killing of several of the same family,[57] the effect of using firearms, indirect responsibility for death, the refinements of what may be classed as justifiable and excusable homicide, and the peculiarities of suicide, I select for brief notice *offences against property*.

* * *

Of these, there is a group savouring partly of offences against the State, and partly of offences against Religion, in the Code articles immediately subsequent to the Treason Laws, and with larceny proper, all under the general heading of "wrongful acquisition" (賊盜).[58] The question arises, on what possible plan could offences or subjects, so apparently incongruous, be boxed up one with the other under the same general heading? The reason is plain. It matters not what may be the object sought to be acquired, valuables of any sort, a slave, the kingdom, may all be the subject of the generic term *tao* (盜). In fact, the origin of the use of the term is to be found in Chuang Tzŭ (莊子), who distinguishes *ta tao* (大盜) and *ch'ieh tao* (竊盜). *Ta tao*, he explains, is applicable to grave offences, such as treason, robbery with violence, and any acquisitive offence where severe corporal injury is inflicted. *Ch'ieh tao*, on the other hand, applies to theft, etc., without any suspicion of corporal injury. With efflux of time the use of the term has not become restricted. So at this day we find treason, laws regarding corrupt books and doctrines, theft, robbery, and kidnapping sorted together; and so also affiliated offences, such as embezzlement and cheating, and classes of the same offence, rifling graves, and even mere breaking and entering—for the ordinary man who breaks and enters does so to get something. And all these matters themselves subject to the kaleidoscopic variations caused by the operation of factors

[57] Art. CCLXXVIII. [58] Art. CCXLV *et seq.* 盜名有二

tending to aggravation or to mitigation, *e.g.*, relationship, use of weapons, homicide. In an interesting appendix a table of the various brandings is shewn, exhibited in Chinese and in Manchu, and setting forth (1) the appropriate marking for the class of offender, "escape" (逃人), "thief" (竊盜), "constant offender" (回賊); and (2) the further marks for the name of the place to which the offender is to be transported, *e.g.*, Kirin (吉林). The convenience of thus ear-marking an offender is obvious.

To effect larceny of the Imperial sacrificial utensils, screens, hangings, gems, silks, cattle, and oblations to the Gods of Land and Grain and Heaven and Earth, will, without distinction of principal and accessory, entail decapitation. The note observes that the same penalty will attach to those who were on watch, and, further, that larceny from a temple or other place of sacrifice comes within the section. It is to be noticed that larceny of sacrificial utensils or oblations which have not been properly prepared, or which have already been used at sacrifices, entails a lesser sentence of 100 blows of the heavy bamboo and transportation for three years.[59] The rigidity with which the sacred character of ancestral graves is preserved is also referred to in this part of the Code; and so a son or grandson who furtively and of his own motion sells the shrubs arranged in proper order before his ancestral graves, or the "lofty trees" on either side thereof, and provided the trees so sold do not exceed five in number, will be liable to a penalty of 100 blows of the heavy bamboo and the cangue for one month,[60] and so on, and so on, in detail, the penalty rising according to the number of trees in point. Larceny of Imperial Instructions involves decapitation, and a mere copy is to be

[59] Art. CCXLVIII. [60] Art. CCLIV (5).

held the same as a despatch. Larceny of any ordinary official despatch entails 100 blows of the heavy bamboo. If the despatches treat of military dispositions, strangulation, subject to revision, is the penalty.[61] It is undesirable to steal clothes or other necessaries belonging to his Imperial Majesty from any of the Imperial Travelling Lodges; the principal will just save his neck, and an accessory will be translated "to the unhealthy regions on the remote borders of Yunnan, Kweichow, or the Two Kwang." Should the Emperor be actually resident at such place, the offender will be treated under the Supplementary Law relating to theft of clothes and property from the Imperial Palace.[62] A further Supplementary Law in this connexion[63] deals with theft from officials on guard within the Imperial City. Incidentally, it exhibits happily the microbe of distinction, and the introduction of all circumstances and of other offences in any way pertinent to the matter in hand. Irrespective of the number of offenders, or of the value of the plunder in point, the Supplementary Law relating to theft from a Government office is to be applied, and the penalty thereunder—military servitude—increased by one degree to agricultural labour in the New Dominion. If at the time of arrest the offenders offer resistance and kill persons, irrespective of whether by edged or other weapons, and whether hands or feet be employed, immediate decapitation shall be adjudged to all concerned. If in such case persons be wounded by edged weapons, a penalty of decapitation, subject to revision, will attach. Those who in such case inflict wounds otherwise than by means of edged weapons, or who carry edged weapons but have not inflicted wounds, will be sentenced to strangulation, subject to revision. Those who in such case

[61] Art. CCXLIX. [62] Art. CCLI (2). [63] Art. CCLI (3).

inflict injury by hand or foot, or who carry weapons but not edged, and have not inflicted wounds, will be sent to the New Dominion to serve as slaves for the officers and soldiers thereat. The above does not apply to common affray, which with the various distinctions as to edged and other weapons, hands and feet, incidental thereto, will be considered under the Supplementary Law applicable.

Referring to the point that larceny proper consists of two chief divisions, according as it be furtive or open; that the elements of the offence—the taking and the asportation—do not greatly differ from the view held in the Anglo-Saxon countries; that the gravity of the offence (apart from special circumstances or aggravation) is chiefly dependent upon the value of the property taken, and then, generally, the amount taken on the one occasion; and that a distinction may be drawn in robbery between simple robbery (where the offenders be few and unarmed) and robbery with violence (where the offenders are many and are armed),[61] I treat first of the offence of theft (竊盜), "furtive larceny." Those who have committed theft, but are not in actual possession of plunder, are liable to 100 blows of the heavy bamboo. They need not be branded. Where the plunder has been secured, and notwithstanding whether it has or has not been divided, the penalty will be assessed for all the offenders on the basis of the largest amount of plunder taken by any one offender. Upon the offender's right arm are to be branded the characters 竊盜; on a second offence such characters are to be branded on the left arm; on a third offence, strangulation, subject to revision, is to be awarded (without regard to the value of the plunder), the two brandings being accepted as

[61] The definition will be found in the preliminary note to Art. CCLIX (人少而無兇器搶奪也人多而有兇器强劫也).

proof. A scale of penalties is appended to the article in point,[65] varying, according to the value of the plunder taken, between sixty blows of the heavy bamboo for an amount below one tael, to strangulation, subject to revision, for an amount exceeding 120 taels (or a third offence). I may here note that Manchus and Bannermen, at least in robbery, are to be punished just as everybody else. As regards repeated offences, the original article has been modified in various Supplementary Laws. So the penalty for a third offence is made dependent on the value of the plunder, and not fixed at strangulation. It is further distinctly stated that the value of the property stolen in previous offences which have been dealt with is not to be cast up with the third offence.[66] Again, on a second offence, in addition to the original punishment, the cangue is to be imposed, varying from twenty days if the penalty be sixty blows,[67] and the responsibility of sureties is recognised—being punishable equally with the offender, if they permit him to again offend, and according as to whether or not they bear relationship to the prisoner, etc. If the owner of the property should succumb to a fall when chasing the offender, or commits suicide as a result of perturbation from the loss of the property, the offender will be dealt with under the provision regarding attempted rape with resultant homicide.

As regards the factor of relationship. Relations who steal from one another (親屬相盜)[68] are treated more leniently than the ordinary offender—such property is, in a way, held in common, and a relation who so acts does not steal, but in an off-hand manner exhibits his right to what will later on accrue to him. It is rather a severe breach of decorum. Relations, whether of the same or

[65] Art. CCLX.
[66] Art. CCLX (11, 12).
[67] *id.* (21).
[68] Art. CCLXIII.

different roofs, are punishable in such case with five degrees less severe punishment than for ordinary theft, if they be within the regulation one year's mourning period; with four degrees less, if within nine months similarly; with three degrees less, if within the five months period; with two degrees, if of two months mourning; and with one degree less, if not coming within the morning limits at all. Branding is not to be inflicted. Assuming there be both principals and accessories in such case, the accessory will receive one degree less penalty. A distinction is drawn between a senior taking from a junior, and the latter from a senior. In this connexion, slaves or servants who steal from their masters are to be punished without deduction—as for theft; and the same applies to employés.

As regards a few specific varieties. Where theft is perpetrated from a treasury or granary adjacent to the Yuan Ming Yuan Gardens or an Imperial Travelling Lodge, and provided His Majesty be actually resident thereat, a penalty attaches varying according to the distance of the site of the offence from the residence in point, resistance to arrest, etc. The distances quoted are:—within 1 li distance of the boundary wall of the residence and between 1 li and 3 li similarly. Theft from public offices, whether a first or a second offence, and regardless of the value of the plunder, is punishable with transportation to Yunnan, etc., except in the case of those whose punishment by the original article would be strangulation.[69] Theft from officials when *en route* to discharge official duties, whether as envoys, or to fill certain provincial posts, or to report on certain provincial working, and whether such officials and their families be on shipboard, or in a temporary residence, or in

[69] Art. CCLVII (38).

a more fixed abode, is penalised with one degree heavier punishment than ordinary theft, provided that the value of the plunder in point exceed 1,000 cash. If the place of sojourn of the official be merely an ordinary house in a narrow lane, or a rented monastery or temple, or a shop in a part mostly populated by the common herd, so that the offenders could not recognise that the residence was that of an official, then the article applicable to ordinary theft is to be applied.[70] Truly a refinement; but an equitable refinement! The privilege of Representatives is recognised. When an envoy from some Foreign State arrives to offer tribute at Peking, the local authorities shall at once send soldiers to keep watch at the doors of his residence. Whosoever steals the property of such envoy shall be punished more heavily than in ordinary cases, unless the amount of plunder is great, when the ordinary law is to be applied. To the ordinary penalty the cangue for one month is to be added, and then, after being thus cangued, the bamboo shall be applied, and likewise branding, in accordance with the ordinary law. Should the envoy in point complain of theft, and that the thieves cannot be arrested, then the sentinels are to be punished with 100 blows of the heavy bamboo, and the responsible local officials are to be punished by the Board.[71] As regards the Corean envoy, if his money or property be taken when he is *en route* to Peking, the attendant officials in escort will be punished according to the article applying to the loss of revenue in transit, and the Viceroy, Governor, local officials, and their immediate superior, are proportionately liable for the refund. The thieves are to be hunted out, and are to be treated under the article dealing with the loss of Revenue in transit.[72] It is to be observed that if

[70] Art. CCLX (29). [71] Art. CCLX (5). [72] *id.* (6).

Foreign envoys, in this general connexion, should bring false charges and create unnecessary trouble, they are, on report to the Sovereign by the Board of Rites, likewise to be punished.[73]

Coming next to robbery, As regards procedure, the complainant should set forth the particulars of the robbed property in a list, and should the property in point be numerous in kind, he may send in a supplementary list within a period of five days—the reason for making such supplementary list being specified. Police officers are to be despatched to witness the return of the plunder to the owners.[74] Those who lodge untrue complaints, or exaggerate theft as being robbery with violence, or rape as being robbery, are liable to 100 blows of the heavy bamboo. Certain duties are incumbent on neighbours, and such as perceive that an act of robbery is being committed and offer no assistance in arresting the offenders are to receive 80 blows of the heavy bamboo. Neighbours or other ordinary persons, the owner or his servants, who have arrested the offender in a case of robbery with violence are to receive as a reward 20 taels for each robber arrested. This Supplemenary Law proceeds to state that should military officials or soldiers be wounded during the arrest of such a criminal, they are to be rewarded as a regular soldier who is wounded in combat.[75]

As regards robbery with violence. Those who have so acted, but who have not yet seized any property, are to receive 100 blows of the heavy bamboo and transportation for life 3,000 li away; and if in such case, the property be secured, one and all, principals and accessories, are to be decapitated. Other distinctions in this article are drawn

[73] Art. CCLX (6). [74] Art. CCLVII (5). [75] *id.* (15).

between those who plan the robbery but have not taken actual part nor received any share of the plunder; those who simply received no share of the plunder; other accessories in such case.[76] Drugging, with a view to secure property, is considered under this head. Larceny and subsequent rape likewise. Robbery by means of drugging is further dealt with in several Supplementary Laws under this article,[77] specifically in this very interesting way. "There is a class of robbers styled *lao kua* (老瓜), whose custom it is to seize property in lodging-houses after drugging the owners into a state of insensibility, or by murdering them on the high road in the early morning. When such robbers are arrested, they are to be temporarily incarcerated on the spot, and are not to be removed elsewhere, and they are further to be very keenly questioned as to whether or not they have companions or have or have not committed previous similar offences. The officials shall then communicate with the authorities of the districts concerned, and on receipt of evidence of various such cases a careful examination is to be held and immediate report to the Throne made. Principals and accessories are then to be forthwith decapitated at the place of incarceration . . . . . and the officials are to notify the public of the same."[78]

As regards robbery (or theft) and rape, which is also referred to in several of the Supplementary Laws under this topic. This is an excellent example of a joint offence—I mean an offence which may, so to speak, run into another and produce the effect of an aggravation. The boundary line of the two offences is, however, it will be noted, well defined. Those who have succeeded in raping women or girls during theft are to be sentenced to immediate decapitation. Those

[76] Art. CCLVII. [77] *e.g.*, *id.* (30). [78] Art. CCLVII (3).

who took part in the robbery (or theft), but not in the ensuing rape, or those who have not succeeded in the rape, are liable to strangulation, subject to revision.[79]

As regards what may be called incidental robbery. Those who take advantage of a conflagration to rob are to be punished one degree more severely than in ordinary cases, and the characters 搶奪 are to be branded upon their faces. But where the value of the plunder is great or the offenders have suffered incidental injury, the original article is to be applied.[80]

Dealing more specifically with robbery. Those who pierce a city wall to rob are liable to decapitation and exposure of the head.[81] Again, inhabitants of the sea-shore or junk people who effect robbery from an endangered vessel are, when once the plunder has been received, and even though no wounds be caused, to be penalised one degree more severely than the original law for robbery prescribes. If such offenders destroy the vessel in the course of the offence, and so cause traders to be drowned, or if they directly wound persons, but not kill them, they are to be punished as the law prescribes. On the other hand, those who rescue the endangered traders and ships, and take away neither money nor cargo, are to be rewarded by the Viceroy or Governor.[82]

As regards robbery definitively performed in bands or savouring thereof and what we may call brigandage. Those who commit ordinary robbery in the inland waters of Kwangtung—a matter which has exercised a good few minds in time past,—and only once or twice, and with a company of less than forty persons, are to be reported and punished in accordance with the appropriate article. But if such

[79] Art. CCLVII (36). [80] Art. CCLIX (18).
[81] Art. CCLVII (9). [82] Art. CCLIX (19).

assemblage numbers more than forty, or even less than forty if they be a sworn fraternity, they are to be decapitated and their heads exposed.[83] And those rascals of Fengtien who commit robbery, no matter what may be the number of the assemblage, and whether or not wounds have been caused, but so that there be one only among them armed with a gun, will be treated as the mounted bandits of Shantung and be one and all decapitated instanter, and their heads exposed.[84] The bandits of Shantung are to be investigated as to whether or not they are members of the Nien (捻) or Fu (幅) bandit fraternity, and then, whether or not they have obtained plunder, they are to be one and all immediately decapitated and their heads exposed.[85] If the disturbers of Kwangtung pass to Kwangsi to join the various associations for robbery, burglary, extortion, etc., they will be treated under the Supplementary Law applying to similar disturbers in the Nan-an (南安), Kan-chou (贛州), and Ning-tu (寧都) prefectures of Kiangsi.[86] While the disturbing elements of Kweichow who possess such appellations as Mao Ting (帽頂), Ta Wu (大五), and Hsiao Wu (小五) are to be punished more heavily; for example, where the penalty is merely blows and cangueing, after having been so treated, they are to be chained to an iron bar for a year.[87]

As regards kidnapping. For Kwangtung and Kwangsi there are special articles, on account of the extraordinary prevalence of the offence. The various Miao tribes are also particularly provided for, and if they hide themselves in the jungle and kidnap and fetter people, on a first offence the principle becomes liable to decapitation, subject to revision, and the accessories to three months cangue. They are to

[83] Art. CCLVII (42). [84] Art. CCLVIII (23).
[85] Art. CCLVII (45). [86] Art. CCLXIV (18). [87] *id.* (14).

be branded on their forearms.[88] Among the Supplementary Laws dealing with kidnapping is one applicable to institutions styled in Anhui *Shui yen hsiang* (水烟箱)—a species of secret brothel,—and if the proprietors of such keep young males, and do what ought not to be done, and instruct them in what they ought not to do, they are to be transported "a distance of fully 4,000 li."[89] Kidnapping by pirates and instruction in wrong arts, but without assent, on voluntary surrender, will lead to excuse ; but on arrest means three years transportation and 100 blows of the heavy bamboo, though if under sixteen redemption by fine is allowable.[90] The use of drugs in all kidnapping cases, it is to be noted, brings the offence under the article regarding theft or robbery in similar case.

Dealing next with extortion. To extort money by threats involves a penalty one degree heavier than theft ; there is to be no branding, and, in a general way, the offence follows the usual larceny rules—distinctions being drawn as to whether or not plunder has been obtained, and the effect of relationship operating much as in theft.[91] A Supplementary Law thus prescribes for serious cases :—"Caitiffs who by cunning devices extort money from the officials or an ordinary person in such ways as, for example, by posting up placards and bringing false accusations before the magistrates, by forcing people by duress to sign promissory notes, or by using threats, or by gathering a mob and assaulting people, and by semi-strangulation compelling them to write I.O.U.'s, are cases of such gravity that, whether plunder has been obtained or not, the principal is to be immediately decapitated, and the accessories are to receive a penalty of strangulation, subject to revision. . . . . The master or

[88] Art. CCLXIV (5). [89] *id.* (11).
[90] Art. CCLVII (34). [91] Art. CCLXIV.

the fathers and brothers of the offender are to receive fifty blows, or if they be officials, they are to be punished by the Board."[92] It is to be observed, however, on this latter point that if the offender's master report the case, or his father or brothers similarly "peach," the informants will be pardoned, but the offender will have to undergo the punishment. As regards threatening letters, a Supplementary Law provides that lawless swindlers of Kwangtung, and those who extort money by threatening letters, will be treated with penalties varying from life transportation down. It may be noticed that those who have assisted in extorting money, and that on only one occasion, are to be branded (for future identification) and are to be chained to iron bars or stones for five years.[93] The duty of the District Magistrate in this general connexion is to render an exact statement of evidence, with complete particulars of such cases thus settled, to the Viceroy, Governor, and Provincial Judge, who will forward a quarterly report to the Board. In the case of prisoners to whom attaches a penalty heavier than life transportation, separate reports are to be made. The liberation of prisoners on the expiry of their term of punishment is likewise to be reported to the Board.[94] Another Supplementary Law deals with blackmailing in Kwangtung and Kwangsi in an ingenious instance where robbery with violence has been perpetrated, but the plunder being inadequate the owner is recaptured and held to ransom: penalty for the principal, decapitation and exposure of the head.[95]

Finally, in Formosa loafers who commit any sort of wicked or riotous act were to be treated under the article relating to swindling—with, however, increased penalities.[96]

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[92] Art. CCLXIV (16). [93] *id.* (23). [94] *id.*
[95] Art. CCLVII (40). [96] Art. CCLXIV (7).

In conclusion, the arrangement of the Courts may be dismissed in a few words. Centralisation of judicial powers resides with the Hsing Pu (刑部) Judiciary Board, which is the chief office for superintendence and revision. A case may proceed in due gradation from the magistracy (which somewhat answers to our County Court) until the Supreme Provincial Court is reached, and thence may pass to the Hsing Pu. The existing rule regarding report of cases is this: the magistrate is to make up the record within two months and forward it to the Prefect; the Prefect is to forward the revised report to the Provincial Judicial Commissioner within twenty days; the Judicial Commissioner is to forward the report to the Governor within twenty days; the Governor is to approve or otherwise within twenty days. Return is to be made periodically by the Judicial Commissioner and forwarded through the Governor or Governor-General to the Board.[97] I may point out in this general connexion that the one officer exercises a concurrent civil and criminal jurisdiction, and, with one peculiar class of exceptions, the one Court tries all causes that arise. The exception relates to the incidence of the military class in the case of larceny, adultery, assault, fraud, breach of pecuniary contract, offences against the marriage laws, and offences against real property laws. But the military official who under such circumstances has a right to sit does so rather as an assessor, and the matter is not an example of military aggrandisement upon the Law. Finally, I may just refer to the highest process known to the Law—something like a trial in the Lords, and not far removed from Impeachment. I mean when a trial of high state criminals is held before the combined intelligence of the Censorate (大理寺), and the

[97] Working details quoted in the *Hsing An Hui Lan*.

Hsing Pu, in the persons of their representatives, the combined *San-fa-ssu* (三法司).

I have no space to deal in detail with the duties of officials. Obviously the duty of the District Magistrate chih-hsien is to administer the hsien. His duties are obviously two-fold. He has to administer the district in the broad executive sense, and more rigidly he has to administer rules which are confided to him as Law. It occasionally happens that his knowledge of Law is scarcely adequate ; but then, like a political under-secretary, he invokes the assistance of the "permanent" staff—the lao fu-tzu. Taking all things into consideration, the mind of a chih-hsien in these highly complicated and of course improved days, when in full cerebral operation, would be a highly interesting psychological study. Especially when that full course of thought is suddenly rounded up by the latest legal improvement. I should not like to be a chih-hsien in these days. Suppose he inflicts the bamboo—assuming it is abolished—he lays himself open perhaps to life transportation, and in China, as elsewhere, "*ignorantia legis non excusat.*" And there is even one further difficulty, and that a more subtle one. His little family—the district he administers—understand both him and his methods. They have a feeling for him because he is one of them, and they like his Law, because, in fact, it is not too rigidly administered as Law. That is to say, cases are in fact dealt with to the satisfaction not only of the parties concerned but of the district as a whole. Our Japanese jurists will benefit China much in the benevolent desire to produce rigid legal administration and "red tape." China, in fact, needs neither red tape nor other kind of tape. Her sons are justly constituted and need no artificial rules ; they are absolutely contented and comfortable and need no more than the application of their

own system. One of these days there will be a cataclysm with the insensate rush of this, that or the other person, or this, that or another nation to confer "benefits" where they are not really wanted. It is merely a carrying of coals to Newcastle. China, that is, the people, would much rather not be drilled, either legally or militarily speaking; and those who attempt to introduce such a state of affairs are introducing a poison far worse than opium, and will end in destroying the fine qualities of a magnificent race. Chinese and Foreigners, taking a broad view, are quite contented in China with existing conditions. There are occasional ebullitions, as will happen anywhere; but both sides live together with, on the whole, great harmony. I am not *laudator temporis acti*, but then I have no *auspicium melioris ævi*. Extremes meet, and two great nations are sometimes contiguous; but the general legal principles of one, however suited to that great nation, may not suit another great nation, especially where geographical propinquity has produced a current of thought from a nation of one race essentially civilised in the most exquisite degree, to a nation equally civilised, of course, and with much domestic charm, but of an alien race, and dwelling where the prevalence of sea breezes and the irregularity of the physical configuration of the country has no doubt necessitated rigid discipline.

I have just referred to the family. One of the most vital points of society in China is this: the patriarchal system. The idea is fully expressed in the Code. Indeed, the basis of the Code—penalties—takes root from the same source, just as the natural instinct of the head of a family is, when moved, to exhibit his authority physically. Moral suasion is a gift the existence of which varies with education and the uncertainty of human character. From this view the Code is the exact essential codified expression of the lapses of Chinese society.

I would add very softly here how wonderful is the Chinese family idea and how instrumental it has been in producing Chinese civilisation; how fathered it has been by that statesman and common-sense philosopher, Confucius, and how respected by Rulers as a principal factor in the co-ordination of classes. The Chinese race by natural disposition is not less fierce than we, but the operation of the family, with its rigid conventions based on principles of the utmost sanctity, has effected a greater domesticity. From such a source true patriotism takes its rise. In a following paragraph I shall somewhat deprecate the too close pressing of comparisons, but certainly the doctrine of *patria potestas* is to-day as fully developed in China as ever it was in Rome.

I have no space left to treat of other offences, much less to deal with further sections of the Code taken generally, and still less to indulge in a review of the system—procedure and working. This is a country not very well explored, and I am an early explorer. Libraries will be written by Foreign observers on the Chinese system. Perhaps the old Law may take to that coming something of the position of Roman Law to the European systems. No space! Volumes could be written—and then only of one section—not merely on the intricate Law of Homicide or on the comprehensive Law of Wrongful Acquisition, but volumes might be written on elements of these subjects, *e.g.*, on the killing of several in the same family, on indirect responsibility for death, on what may be called "compound larceny"—larceny aggravated by another offence, *e.g.*, rape; and lesser volumes on lesser subjects such as the quaint *Wei chih* (違制) and *chia chih* (挾制) or "contempt of authority" or "court," gaming offences, etc. And if volumes can be so written, how much could be carefully presented on, for example, what I dissect as the vast subject of relationship?

Let me here briefly direct attention to the Code as it exists as a whole—the interesting provisions regarding devolution of hereditary rank and the several Supplementary Laws,[98] the more tiresome but doubtless interesting ceremonial provisions,[99] the military provisions,[100] the highly important, if somewhat meagre, Property Law,[101] etc. All is there save mining laws as now understood. There is even, and of course, a law of accretion and accession,[102] though one who ought to have known better describes as existing in certain districts, Custom, when what really existed was Law. As it happens, this was not a Foreign official, but I make the suggestion that a study of the Chinese Code or its elements be a subject of examination for a Foreign official before he reaches the post of Vice-consul. When somewhat progressed he may advantageously study besides the Code Commentary such collections of leading cases as the Hsing An Hui Lan (刑案滙覽) and the Po An Hsin Pien (駁案新編). The cases quoted in these treatises are admirably done—lucid, logical, to the point, nothing *de trop*. A student interpreter in his third year (and a third year of pure study for those who show some ability in Chinese should be essential) could read them easily, save the not occasional technical phrases. The style is despatch Chinese.

I may, in this connection be permitted to refer to one snare. Nothing is more tempting for a student of Chinese Law than comparison with other systems—and nothing is more elusive. As a matter of fact there are a vast number of resemblances, but very few genuine analogies, for China

[98] Art. XLIV (1-15).
[99] Art. CL-CLXXIII (and 57 Supplementary Laws in my edition).
[100] Art. CLXXIV-CCXLIV (and 148 Supplementary Laws).
[101] Art. LXXI-CXLVIII (and 279 Supplementary Laws).
[102] Art. LXXXVI (15) *see* Appendix.

in Law, Commerce, or what other, has produced for itself. The impact of even world-wide currents of thought has had little effect on China. Especially is this so in what I would call the domain of intelligence. To return to Law—which is not necessarily intelligent. Obviously the principle of the Code is diametrically opposed to the principle of Anglo-Saxon countries, and obviously it is a Code. In England, a highly civilised country, we depend on our transcendental judicial personnel. China depends on its Code. In China, penalties quicken the operation of Law. In both England Ireland, and Scotland also, people are so highly rational that quickening is not required, until they are caught. I asked a friend of mine (a native of this country) one day, how it is that there are so many cases with *chien ch'ing* (姦情) in China, what we call indecent cases, (and indeed the number of rape cases and the like is extraordinary). My friend, an old gentleman of some 65 years, said: "In China, ladies have small feet and cannot move far. In some other countries there is—and, of course, with the most perfect reason—freedom of locomotion." This passivity in action resulted in his view in greater liability to detection. In another case, a gentlemen, who, if anybody should know, ought to know, gave me to understand that a root distinction between a felony and a misdemeanour is also drawn in China, and he gave me the following in proof: 以不道論以違制論. My informant stands too high for criticism, but I ask: Does the average Chinese judge bear this distinction in mind? To my mind this rather represents the essence of the idea. For as matter of fact, China has no need for such a distinction in Law. With us the idea of felony, misdemeanour, and offence is the result of codification of thought which even after painful striving has not yet resulted in codification in fact. It is an artificial distinction. Think of what we class

perjury as, and the penalty which, nevertheless, we attach to it, and an English lawyer will understand me. As a matter of fact *wei chih* (違制) does exist in China as a definitive offence. What are the so-called "Ten Felonies" (十惡)? Felony is short and convenient, but the phrase merely means the "ten atrocious offences." It is a great danger in this general connection to apply Foreign legal terms to Chinese Law. I did so some years back and I was not satisfied. It clothes the language artificially and gives it a baboon-like look. Chinese Law, to be translated properly, must be translated faithfully from its fount, and moreover ought not to be arranged in any other way except its native way. What is *ku sha* (故殺), is it murder? It is not. It is one of the six definite classes which the Law distinguishes of doing your worst to another. Our idea of murder is distributable. What is *wei chih* (違制) and what is *chia chih* (挾制)? They are themselves, and look monkey-like dressed as Contempt of Court, and so on. Only for this paper do I use such a word as larceny and all the peculiar jargon of English Law, though the jargon of Chinese Law is, if anything, even more peculiar. But comparison and use of terms have their place when applied to the larger issues. *Naturalis acquitas*, (*chung yung* 中庸), equity, are terms applicable to all rules framed by thinking animals who later find fallibility. In England we distinguish Equity from Law, and the former depended on the length of a Chancellor's foot. Equity in China is not measured by a foot, and as for the head, it is given no chance at all. The Code supplies the head for a Chinese judge in this country of refined distinction. The idea underlying the addition of the Supplementary Laws is equitable, as I have shown, and that article which prescribes 100 blows heavy bamboo for any offence which is not definitely provided for

is a further example, and the Hsing Pu exercises something like the old Roman Prætorian jurisdiction in equity. So we can discuss interminably with much "fruit."

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A few last words. The Code needs possibly some arrangement, possibly some re-arrangement, possibly some pruning. Rights *in personam* and rights *in rem* might be more clearly distinguished and less confounded; and the same of criminal and civil wrongs and right *inter se*. The ideas are there for the observer, but they are merely there as the natural process of evolution; they are not defined in the sense of ultimate definition. The country has (to use a geographical metaphor) not been demarcated in the modern sense. Austin is an author for the future Chinese jurist to ponder over. He gave some headaches, but he need not give all headaches. Revision might be more frequent than decennial (the human frame undergoes metamorphosis every seven years), and revision should be revision. Periodically, the more essential parts of the li might be incorporated in the Code proper; the less essential parts remaining as li. What needs pruning should be pruned, but do not alter too much or too violently. Some of the penalties need re-adjustment to the offence in light of changed and changing conditions. Doubtless the spectacle of a foreigner with his head in a cangue, or on the way to transportation to "remote regions," or receiving 100 blows heavy bamboo would create very natural merriment and be in every way highly amusing, and very many will agree with me that there are some foreigners for whom all three penalties would not be inappropriate. The exposure of a head,[103] especially if it be a bald head, would be less

[103] These cases all quoted in the *Hsing An Hui Lan*.

agreeable, æsthetically at least. Branding, skilfully applied, would be of value, though doubtless causing personal rumination after release. In this connection I would suggest vaccination in place of mere branding, and thus combine at once utility with ornament. Should prisons be made more comfortable? I do not know. It is better possibly to have them as they are—uncomfortable. What happens abroad does not often happen in China, that a man commits an offence to get a square meal. And yet there are beggars in China. But we must remember that the treatment of prisoners is very precisely and justly provided for. Let me quote a case or two illustrating the responsibility of gaolers in this general connection. A gaoler did not retain possession of an axe used for breaking coal. A prisoner became possessed of it and killed a person (the case does not expressly state whom). The gaoler was treated under the article relating to gaolers allowing edged weapons within the prison and thereby enabling a prisoner to kill a person, with penalty mitigated one degree to 100 blows heavy bamboo and transportation for life 3,000 li. A prisoner extracted a piece of masonry from the prison wall and therewith killed a fellow prisoner. The gaoler was treated under the article relating to gaolers allowing extraneous objects within the prison and thereby enabling a prisoner to kill a person, with penalty mitigated to life transportation 3,000 li. A gaoler bought some anti-mosquito preparation for a serious offender. He knew the preparation contained arsenic. The offender killed himself. The gaoler was treated under article relating to gaolers allowing edged weapons and extraneous objects within the prison and thereby enabling a prisoner to kill himself, with penalty 80 blows heavy bamboo and two years transportation.[101] And so on, and

[101] These cases all quoted in the *Hsing An Hui Lan*.

so on. So much for the custodians of the imprisoned. Procedure needs modification in some points. So-called "torture" might be gradually relinquished (it is stated it has been). As an aside. Is physical acceleration of ideas any worse than the mental suffering produced by an acute cross-examination on minds nervously wrought by the rush and hurry of the western world? And we must reflect, too, that the use of physical acceleration is strictly limited by the Law, and that in any case, age and youth and absolute physical infirmity and privilege bar its application. Delay! Is there greater delay than in our own Courts? I think not. Mayers speaks of the all-pervading "officialism" of China. It is that officialism which renders difficult the effective separate existence of the Judiciary, which might otherwise be well. For what is specially desirable, and the Code specifically provides for it, is the perfect acquaintance with the Code and its cases, of those entrusted with its application. To instance no other post, a man must be a living lexicon to perfectly discharge the multifarious duties with which a District Magistrate is now charged, and yet perhaps his most important duties are purely judicial. The personnel of Appellate Courts—District, Provincial, or Central—should, in particular, be unexceptionably informed. Legal education in the whole existing system should be effected. The legal profession (it may be said to be practically non-existent) might, within limits, be encouraged. Official Law Reports, as distinct from the admirable private compilations now existing, might be published.

Some point with horror to the punishments. They forget that the tendency is *in terrorem*, and overlook the numerous provisions for commutation and mitigation. They forget also the ethical ideas underlying these punishments. Some point to the operation of the system in practice. Such

not seldom fail to make allowance for the operation of certain innate features of the polity, the system of responsibility for the occurrence of crime for instance, and the influence of the family.

People talk glibly about a sudden change in laws, without reflecting that laws are themselves an exact growth on custom and usage. Laws should be made for the benefit of the people and the polity as a whole. But in these days there are so many philanthropists—and philanthropy in China has (and to a certain extent, perhaps, always has had) a special and sometimes a selfish meaning. Their journeying Excellencies now sent abroad to investigate the laws and institutions of foreign countries will no doubt incidentally note the advantages and defects of all systems. To introduce a new system, is, so to speak, artificial and unnatural, and the results may be equal and not apposite. If alteration is needed, alter as circumstances first require, in minor points. Alter as the spread of a novel set of ideas compels alteration. Such is the spirit of the Code. Begin, by all means, by remedying such points as kneeling—it is really necessary to remedy—but reflect, kneeling only dirties and creases the trousers of those who clothe in the foreign garb and does not hurt the horned knee of the peasant in Yunnan. It is the fashion now to talk of "improvements" on Western lines, but foreign modernities do not necessarily mean either improvement or regeneration, or any other of the catch phrases which are as "Mesopotamia" in the mouths of many. A peaked cap with a nice yellow border does not necessarily mean an "improved" brain, but, as a rule, is a direct advertisement of the Darwinian theory. If the system needs revision, the many foreign-educated natives of this country, who number not a few lawyers in their ranks, know their own needs and their own business best. They will know how

to supply the *lacunæ;* how to draw up the best possible system of mining laws for no doubt the best possible mining experts in this best of all possible worlds, and they will know how to place them, when they have got them, in their right geographical position (the laws, not the experts) in the Code. They will not create what already exists (the Hibernianism may be excused). I mean, for example, Press Laws. They will, in short, graft and improve, for in this world all is understood to be "improvement" on the original. They will turn daisies into double daisies, and the humble scarlet geranium into a pencilled one. They will see—or will they not see?—that it is possible the Code has outgrown itself; that it is possible an admirable arrangement originally has become distorted it an amorphous shape by eternal additions and construction, ending in what really all belongs to one category being distributed and tucked away, not seldom without apparent meaning, in all corners and nooks and crannies. I have said without apparent meaning. I mean the meaning of the man who tucked it away there. For they (the *t'iao li*, and especially the latter *t'iao li*) depend, just as does the Common Law of England, on the "personal equation," and in this case also, plus the Metropolitan official. The new revisionists in this connection will of course remember too, that they are few, and that those who drew up the Code were many and, of course, too, that just as everywhere else and with everything else there is a period of good Law and a period of not so good Law, a period of good judges and not so good judges. Will they alter, or will they not alter then such an arrangement as we find in the *hsing lu*, to take but one section? Here the explorers will find, or have long ago found, wrongful acquisition (賊盜), homicide (人命), affray, (鬬毆), abusive language (罵詈), complaints and accusations (訴訟), bribery (受贓), cheating

(詐僞), rape, etc. (犯姦), miscellaneous offences (雜犯), arrest, etc. (捕亡), decision of cases (斷獄). So much of order or disorder, of the principle or no principle, as it has come to. What will they discover under the heading of wrongful acquisition? Nothing more nor less than treason, treason felony, larceny, specific larceny (of horses oxen, crops, clothes), inter-relation larceny, acquisition by threats (恐嚇取財), kidnapping, disturbing graves (but mark the purpose), entering a house by night without cause, branding for larceny. What will they discover under homicide? Homicide in all its six chief rigid classes:—killing several of a family, killing parents, etc., killing an adulterer, forcing a person to kill himself (威逼人致死). And they will discover more pertinences and impertinences—from one or other point of view, just as you like—in the subsequent divisions. I feel sure they will be horrified or smile, or have been horrified or have smiled, at some of the Supplementary Laws, and see how the ingenuity of the human mind can transcend original genius. *Hsing Hsiang Chin, Hsi Hsiang Yuan* (性相近習相遠) is much too poor a truism to be worth even a passing condescension from the clever people of these days. However, taking the weight of the Code as being from four to six *liang*, perhaps we may say there are four *liang* which really do need looking into and these include mainly the Supplementary Laws. In selecting cases for consideration regarding the well-being of the βάρβαροι and themselves, the revisionists will doubtless consider the case of P'ei Ping-jo (裴秉若), the Blue Beard; of Wu Erh-tzu (武二子), who might have been the Gascon in the famous French case, and murdering his father and mother, could plead that he was an orphan (a sole representative case, of course). Finally they will proceed to the opticians and get "double million magnifying glasses" (of

foreign make, of course) and ponder over such a case as that headed *ch'u hsieh ou jen p'eng t'sao shi huo shao ssu erh ming* (取械毆人逢草失火燒死二命)—a very short case, but, in two senses, a decidedly illuminating one. One of these days they will perhaps present that perfect Code.

> Multa dies et multa litura coercuit acque.
> Perfectum decies non castigavit ad unguem.

If China needs Laws on what is styled "modern lines," if such really makes for the greatest good of the greatest number, if the miscibility of the world points to the necessity for such, education on "modern lines" must not only be contemporaneous with, but precede the alteration of a system, the roots of which lie deep in the national antecedents. And to be reasonable, to be effective, any change must surely not merely be in concordance with the spirit of a special section, nor with the spirit of a specific individual, but with what nine people out of ten want. Some may talk about the "spirit of the age." It is artificial—purely artificial. "In the olden days men of perspicuity enlightened others by means of their own enlightenment, but in these days though being themselves in a fog they attempt to make others enlightened."[105] Alteration in Law can surely not be violent sudden. It must presuppose, for one point, the creation of a specially trained Justiciary for altered methods. The mere sudden eradication of this, that, or the other penalty, or sudden change in definition or scope of offence or subject, without system, without method, can surely but lead to chaos. Perfection is generally considered impossible, but

[105] (賢者以其昭昭使人昭昭今以其昏昏使人昭昭)
MENCIUS—*Chin Hsin* (盡心) Part 2.

the Code is an old, a tried, and an exceedingly exact system, and has been a source of untold blessings to a law-abiding people for ages past. And perhaps we may bear in mind what the old sage said of himself: "As a judge, I am as others; the essential is rather to eliminate the *causes* for litigation."[106]

[105] 聽訟吾猶人也必也使無訟乎.—*Lun Yu* 顏淵

Chinese Children's Games.

By Isaac Taylor Headland.

Little has been written thus far on Chinese games, and what has been written is by no means a careful statement of facts nor an evidence of thorough investigation and inquiry on the part of the writer. Nor can the writer or writers be blamed for this, as what they have written has been for the most part a mere reference to children's games in the treatment of other, perhaps more important, subjects. A request from an American educator,[1] who is making a thorough study of children's games for psychological purposes, coming to us for material on Chinese games, led us to pay particular attention to the subject with the following result.

Chinese games or play—like their language, philosophy, science (in all branches), architecture, instruments, tools, government, everything else Chinese—have never gone beyond what may be called the natural stage, or the condition resulting from necessity. Children must have exercise and entertainment, and so the ball, the bat, the marble, the top, the cash, blindfold, running, leaping, lifting, throwing, swimming, and such other sports as nature prompted or circumstances suggested came into requisition. But here the matter ended so far as the Chinese games were concerned. A people whose inventive faculties are not sufficiently developed to improve on the style of carts and ploughs, and other useful instruments, tools and implements, given them by their ancestors of a thousand or two thousand years ago, may be

[1] Dr. Luther Gulick, Y.M.C.A. Training School, Springfield, Mass.

pardoned for not exercising a faculty they do not possess in the invention of games for children.

The games played by Chinese children are in many cases interesting, but in few are they complicated. They have nothing which corresponds to the more complicated inventions of western lands—such for instance as cricket, football, baseball, croquet, golf, and a hundred others—which by the way are the result of the most modern inventive genius, and were not known or but little played in the time of our grandfathers. They are of the age of electricity, steam, photography, stenography, and a thousand other kinds of scientific progress, not known before the nineteenth century—the greatest of all centuries in the matter of scientific inventions. Inventive genius is the chief characteristic of the descendants of Japheth. But if his descendants feel disposed to laugh at the Chinese or other descendants of Shem for being so wretchedly simple in their manners, and so far "behind the times," let them look at the moral and religious condition of the world and remember that every religion that the world has known that has been widespread has come from the descendants of Japheth's elder brother.

The play life of Chinese children is probably as rich as was the play life of English and American children a century or two ago. Until the invention of the kindergarten by Froebel in 1826, the play life of European children was by no means rich. Cricket dates from about the beginning of the 18th century, and baseball from the middle of the 19th, with which games the Chinese, up to the present time, have no national games to correspond, unless we except the Chinese game of battledore and shuttlecock. This game is played by using the feet, hands and arms as battledore—mostly the feet—while the shuttlecock is composed of a bunch of feathers fastened to a cash, or piece of Chinese money.

I.—*Games which require Activity or Exertion.*

It is a mistake to suppose, as has often been done, that the Chinese care nothing about games which require muscular exertion or activity, or that they do not pair off and choose sides. Archdeacon Gray says: "The Chinese are not much given to athletic exercises."[2] Doolittle confirms this when he says: "Their sports do not require much physical exertion, nor do they often pair off, or choose sides and compete, in order to see who are the best players."[3] Williams is more guarded in his statement when he says: "Active, manly sports are not popular in the south."[4] This could, of course, be accounted for by the climate. Baseball is not a popular game in the southern part of the United States. The statements of these three otherwise eminent authorities do not apply as we think to North China. Several of the games common over a large area of North China and extending as far as to Szchuan and the Yangtse, require the most vigorous muscular exercise, at the risk also of injuring the hands as badly as by baseball. What has usually been termed the Chinese aversion to active, manly sports can be accounted for, we think, by the lack of suitable games and the absence of the inventive power necessary to produce them. And we are led to this belief by the fact that the students of Peking University took as readily to Indian clubs, baseball, and football, and have kept up their practice as assiduously as do the students of American colleges in the absence of rival clubs as a stimulant.

[2] *China*, vol. 1, p. 396.
[3] *Social Life of the Chinese*, p. 290.
[4] *Middle Kingdom*, vol. 1, p. 824.

Among the games which illustrate this theory is one called Forcing the City Gates. This is a game played by children from 8 to 12 years of age. They appoint captains who choose sides, each endeavoring to get the largest, strongest and swiftest boys. When all are chosen, they join hands in two straight lines facing each other, then one side sings:

He stuck a feather in his hat,
And galloped to the town,
And boys and girls came running out,
For the gates were broken down.

Then one from this side runs with all his force, throwing himself upon the hands of the weakest boys in the other line for the purpose of breaking through. If he breaks through, he takes back with him the two boys whose hands were broken apart. If he fails to break through, he stays on their side. Then one from this side tries to break through that side, and so by turns until all the boys are taken from one side or the other. This game necessitates most vigorous running, collision, and holding of hands, as well as of muscular, nervous and mental tension. The song indicates that it is played by boys and girls together, but if so, it is probably played by children under seven, as they seldom play together after that age.

Other games which illustrate this theory, but which, because of their familiarity it is unnecessary to describe, are games similar to our games: Blind Man's Buff, Hide and Seek, The Old Black Man or Prisoner's Base, Hockey or Shinney, Cock-Fighting or Crutch-Bumping, the Horizontal Bar. All of the above games are played by boys from 8 to 12 years, it being understood, of course, that they are played by both older and younger boys as well.

Again, this vigorous exercise theory is illustrated by games played by boys from 12 to 16 years. Among these may be mentioned the Man Wheel. This game is played by five boys. The largest in the middle has two others on his right and left, each with an arm around him and his arms around them, to bind them firmly together. Besides these there are two smaller boys who clutch fast hold of these two boys' belts, they also taking hold of the belts of the small boys with one hand. The wheel then begins to revolve, the small boys being gradually lifted from the ground are swung in the air, whirling around in a horizontal position. It is a very pretty game and vigorous exercise.

Still other games which illustrate this same theory, played by boys from 16 years upwards, are Throwing the Stone Lock, Lifting the Stone Wheels and Pitching the Sand Bag, not to mention Running, Jumping, Swimming, and other exercises which can scarcely be called games.

The first of these games is played with a large stone in the shape of a Chinese padlock. This is used in private practice much like dumbbells are used by Westerners, and thus used it often weighs fifty to sixty-five pounds or more. When designed to be pitched, it is lighter, weighing only from fifteen to thirty pounds or more. The game is played, or more properly speaking the exercise is indulged in, by two or three, to five or six persons. They stand in a ring. One of them pitches the stone up into the air from ten to twenty or thirty feet, whirling it at times as rapidly as he can make it whirl, when it is caught by the one next to him as it comes down. To the looker-on it is a risky, not to say dangerous, game. The person who catches it, pitches it in the same way to his next neighbor, and so it goes around the ring.

The Sand Bag is thrown in the same way. This is a bag filled with small bits of iron made round by throwing

molten metal through a sieve into water, and is equal to the stone lock in weight. It, however, lacks the danger and risk, and hence the interest.

Lifting the Stone Wheels.—Lifting the stone wheels is called *Chü Tun tza*. This is a kind of dumbbell made by fastening two stone wheels on the ends of a pole or iron bar four or five feet long. These dumbbells weigh from seventy to one hundred and fifty or sixty pounds. The practitioner taking the pole in his two hands, raises it up to his knees, then to his body, to his breast, to his face and finally above his head. He pushes it out in front at arms' length, and often uses it in performing various feats of skill, such as resting it on his shoulders and neck and whirling it round. This practice exercises the majority of all the muscles of the body.

II.—*Games which Develop Skill.*

There are certain games which tend to develop skill in the physical organs of the players. Among these we may mention all such games as pitching, throwing, striking and catching, such as baseball, croquet, quoits, and the like. While the Chinese have none of these, they have others which correspond to them and contribute to the same end. Among these the most important is Striking the Stick. This game is played by boys from 8 to 10 or 12 years, all playing together. The children mark out a square about six feet each side. Then one takes a position in this square with his feet spread apart as wide as possible to give him a better command of the square. In his hand he holds a stick about fifteen inches long. One of the others takes a small block about six inches long tapering to a point at each end and places it in the square in a position in which it is difficult

for him to hit it. The striker is then at liberty to twist around on one foot, placing the other foot outside the square, so as, if possible, to secure a position from which he can hit the block. He then throws the stick at the block with the idea of driving it out of the square. If he fails, the one who placed the block takes the stick and another places the block for him. If he succeeds, he has the privilege of striking the block three times as follows: he strikes perpendicularly on one of the tapering ends, causing the block to bounce up two or three feet when he strikes it, driving it as far as possible. This he does three times, and if he succeeds in driving it the distance agreed upon, which may be 20, 50, 200, 300, 500, or any number of feet, he wins the game. If not, he brings back the block and tries again, continuing to strike until he fails to knock it out of the square. The game is very interesting and popular with the boys.

Another game which develops skill, steadiness, and accuracy is called Pitching Brick Bats. This game may be played by two or any number of boys usually 8 to 12 years. The children draw two lines, 5, 10, 15, 20 or more feet apart. They each take a piece of brick, and, standing on one line, pitch to see who comes nearest the other. The one farthest from the line must place his brick perpendicularly on the line for the other to pitch at, the object being to knock it over. If he fails, he must set up his brick and the other pitches at it. If he succeeds, he next pitches it near the other, hops over to it, and *à la* hop-scotch, kicks it against the other to knock it down. When he has succeeded in this, he carries it on his head, walks across the space, and drops it on the other brick, knocking it down. Then he carries it successively on his shoulder, on his breast, on the back of his neck (dropping it behind him), in the bend of

his thigh (hopping), in the bend of his knee (hopping), and between his legs (shuffling), thus walking, hopping, or shuffling over he drops it on the other brick knocking it over. Finally he marks out a square around the other brick, one and one-half feet per side, and hops back and forth over the brick and square ten times, which constitutes him the winner of the game. Some boys become very expert, and play the game through without a single error. The shuffling and hopping often cause great hilarity.

Another game which develops skill in throwing is called Knocking the Stick. This is on the same principle as the former, except that this game consists in driving a stick fifteen inches long from one line over another by throwing it at it. The stick thrown is also about fifteen inches long, and the distance between the two lines over which the stick must be driven is determined by the players—usually six to ten feet or more. The game is played by boys from 10 to 12 years.

Still another game which develops skill is called Pitching Cash. This game is very much like quoits except that the children pitch the cash into holes instead of at pegs. Two small holes are made in the ground eight or ten feet apart. They then pitch the cash, the object being to get as near the hole as possible. It is always the privilege of the one nearest the hole to pitch last. It is also this boy's privilege to span, and if by a span from his cash, he can reach the cash of any of the others, he wins the game.

Still another game which develops skill is called Throwing Cash. This game like the above is played by boys from 6 to 10 years of age. They each take a cash and press it against the wall, letting it drop. The possessor of the cash that rolls farthest away from the foot of the wall takes his cash and throws it against the wall in such a way as to

make it bounce back as far as possible. Each does this in turn. The possessor of the cash that bounces farthest away then takes up his cash and with his foot on the place from which he took it, he tries with it to hit each of the other cash in turn. Those whom he hits do not play again until the game is finished. When he misses one, all take up their cash and strike the wall again.

Still other games which develop skill and played by adolescents are Shooting with the Bow, Spinning the Top, Battledore and Shuttlecock, Throwing the Stone Lock, Shooting Stars, Pat Ball, Jack Stones, Tossing Three Balls, Two Bachelors beating an old Bachelor.

Shooting Stars is a game played by a boy or man, often played by, but not relegated to, the sleight-of-hand performers and jugglers. Two balls are fastened to the two ends of a string eight to ten feet in length. The performer then takes hold of the middle of the string at two places and sets the balls whirling until they whirl so rapidly as to stretch the string when he keeps them going as though they were on the two ends of a bamboo stick. Sometimes he swings the balls in one direction, sometimes in another, indeed, there seem to be as many ways of swinging them as there are of swinging Indian clubs, to which there is more or less of a correspondence.

Two Bachelors beating an old Bachelor is played with three sticks, each about a foot and a half in length. The performer takes hold of two of those and tosses the third between them, the two being shaped like pointers and the third larger at the ends than in the middle. It is tossed into the air and caught as it comes down, beat back and forth by the two sticks, and tossed about in a great variety of ways. This also is a juggler's trick, or corresponds rather to professional club swingers in the States.

Much skill is also developed by Shooting with the Bow, and especially by shooting while riding on horseback. North of the City of Peking there is a race-track where they test the graduates as to marksmanship in the following way: there is a ditch on one side of which are set up three rolls of matting, about thirty feet apart. The graduates are required to ride a horse at full gallop along the ditch and shoot an arrow into each roll of matting as they ride past. The ditch is for the simple purpose of keeping the horse from turning aside without being guided by the rider. He is given but three arrows which are carried in his girdle.

III.—*Guessing Games.*

A certain proportion of Chinese games are what may be termed guessing games. In most of these the eyes of the one guessing are blindfolded, and he is made to depend upon chance, upon his ears, or upon his powers of observation from examination by feeling. These games tend to develop observation, especially auricular observation, as well as a certain detective power of discovering the guilty party by questioning, gesture or pantomime. Among these may be mentioned the game called Selecting Fruit. This game is played by either boys or girls from 8 to 12 years. The children divide themselves into two groups selected by captains, and to each person in each group is given the name of some kind of fruit, as apples, pears, quinces, etc. All except the captains squat down in two rows facing each other. The captain on one side then blindfolds one of his boys, usually by putting his hands over his eyes, and one from the other side steals over lightly tapping him on the head, after which he steals back and squats down as before. In case his companions are uncertain as to whether his

position is exactly the same as it was before, they all change more or less in order to keep the blindfolded one from guessing who it was who left his place. The hands of the captain are then removed, and the boy walks over to the other side, examines carefully if perchance he can discover any trace of guilt on the face of anyone of them, or if he can discover by change of position, discomfort in squatting or otherwise, the guilty party. He "makes faces" to try to make him laugh. He gestures, grimaces, does everything he can think of, but they on their part try to look blank and unconcerned, or perhaps all laugh together, allowing no tell-tale look to appear on their face or in their eyes. Often his pantomimes will bring out the guilty one, but in case they do not, his last resort is to risk a guess, and he makes his selection. If he is right, he takes the boy to his side; if wrong, he stays on their side. This side then blindfolds one, and the whole is repeated, until one side or the other loses all their men.

I Point at the Moon or the Stars as they Pass.—There are two games which may be placed under this title, played by boys (and) or girls from 6 to 12 years. As the boys play it they form a ring holding hands. One of their number is blindfolded in the centre. The ring revolves and the boy puts out his hand pointing at some part of the ring. The ring stops as he puts out his hand, and he guesses at which one his finger is directed. If he guesses right, that person comes into the ring; if wrong, he tries again. The girls' game corresponds to this and to the former game of selecting fruit. The girls pass the blindfolded one in a straight line or a ring. As each one passes, she taps her, pulls her ears, tweaks her nose, or does something to mark herself as a target. The blindfold is then taken off, and she tests the girls as the boy tested the fruit to see if she can discover

any one of them by what they did. They may have clapped their hands or made a squeaking noise with their voice, and in this way she gets a clue to them. The game has this advantage, that it sets forth the roughness or gentleness of the boys or girls. A rough boy will slap, or pull, or do some other rough thing, a gentle boy or girl will be gentle. The first one the girl guesses properly must be blindfolded.

IV.—*Quick Reaction Games.*

Many of these children's games depend upon the quickness of the reaction and movements of the players, and these tend to cultivate quickness of reaction and agility of movement in the children. The games have a mental as well as a muscular effect on the child. When a child's honor or success depends upon the time it takes it to make up its mind and execute a movement, it wastes no time in the process. The first of these games is called The Game with the Cue. This is a group game played by boys from 8 to 12 years of age. The children all bring their cues around in front of their shoulders, and then watch for an opportunity to catch one with his cue down his back. A sudden unconscious twist of the head of a boy of eight or ten years will cause the short cue to flip back over his shoulder and down his back before he knows it, and at once he is slapped by a half dozen of his companions all waiting for the opportunity. This is the object of the game, to catch a boy with his cue down his back when you are at liberty to slap him. Some of the boys slyly move away a little distance, put their cue down their back, and then depend upon the quickness of their legs or their ability to get it back before a foe reaches them. The game is interesting and causes great hilarity.

Another game is called Honor. This game is played by boys from 8 to 12 years. Each boy plays against one other, and depends upon his quickness of reaction for winning the game. It may be played by two boys, or by a group dividing themselves off into twos and play as follows: each boy hooks the first finger of his right hand with that of a companion; they then pull until their fingers break apart, when they each utter the word "honor." Of course, this must not be uttered before they break apart, but must be as soon as possible after, and the one who utters it last must salute the other as an inferior salutes a superior. This is an excellent test of mental as well as physical quickness, and is a good form of experiment for the new psychology.

Another game which illustrates this same subject is called Put it in the Large Hole, and corresponds more or less to "hockey," or, as it is called in America, "shinny." The children make a hole in the ground as a general nest or hole. Then each child makes a hole for himself. The whole number of holes equals the number of boys. Each boy has a stick about eighteen inches long, one end of which he holds in his hand, the other end he keeps in his hole. One of the boys has a ball which he with his stick tries to roll into the general hole. He moves it up as close as possible, then gives it a shove, and has his stick in readiness to put the end of it into any hole that is vacant. The other boys or some of them must take out their sticks to prevent the ball from going into the large hole, and while their stick is out he puts his in, and the boy whose hole he gets has to put the ball in the general hole. In case they knock it away and he does not secure a hole, he has to bring the ball up and try again. If he gets it into the general hole, they must all change holes and in the

haste to secure a hole, he stands a very good chance. This is one of the best games I have seen the children play. It is very popular, and a good test of agility.

V.— *Games which Develop the Parental and Protective Instincts.*

There are certain games which develop the parental and protective instincts in children, while certain others develop the combative and destructive. The former are usually unselfish and elevating; the latter may be selfish and demoralizing. Playing with dolls develops the mother instinct in little girls. Tea-parties, or host and guest, develops an unselfish love of society, and prepares children for passing the tea in later years; as well as develops an ease and grace in entertaining friends. Paper dolls with the accompanying paper furniture teaches children how to furnish a room and what kinds of things "go together." While on the other hand, wrestling, boxing, sparring, battles, and all such games, if constantly engaged in by boys, tend to make them, if properly guided and instructed, brave and patriotic; but if not properly instructed, lead them to be quarrelsome, cruel, coarse and rough. While I have never seen Chinese children playing with dolls, from the fact that dolls are for sale at all toy shops for a few cents each, we feel driven to the conclusion that they are bought and played with. Their games of host and guest are not very different from those of European and American children, except that it is Chinese. The children divide themselves up into groups. One of them with all the ceremony of his race, having a few peanuts, dates or other eatables, invites his friends to dine with or take tea with him.

One of these games of host and guest is especially notable. It is called Roast Dog Meat. The game is played by children, boys or girls, from 6 to 12 years. The children all squat in a ring, and with their palms pressed together, they put their hands all in a bunch in the centre to represent the pot. One of the boys stands at one side representing Mrs. Wang, the guest of the occasion, and another goes the round, putting his hand on each boy's head in turn as he repeats or sings :

Boil, boil, boil dog meat,
The big pot tastes bad,
The little pot is sweet,
Come, Mrs. Wang, please,
And eat dog meat.

Then he says to Mrs. Wang :

Do you have any sauce?
No.
Oh ! I am very sorry, because I wanted you to come and eat dog meat.
Well, I have some but it is in the back yard.
Go and get it, but do not steal the children's apples.

[*The boy goes away and comes back munching.*]

What are you eating?
Apples.

Again they go through the boiling process, and again they invite Mrs. Wang to come and partake of the delicacies of dog meat. Mrs. Wang answers :

I cannot walk.
I'll hire a cart for you.
I'm afraid of the bumping.
I'll hire a sedan chair for you.
I'm afraid of the jolting.
I'll hire a donkey for you.
I'm afraid of falling off.
I'll carry you.
I have no clothes.
I'll borrow some for you.
I have no hair ornaments.
I'll make some for you.
I have no shoes.
I'll buy some for you.

This conversation may be carried on to any length according to the fertility of the minds of the children. All Mrs. Wang's excuses being thus met, he carries her off on his back to partake of the dainties of dog meat. The game is more for sport than for anything serious.

A better game for illustrating the topic in hand is the Hawk Catching the Young Chickens. This is a game in which one boy plays against a group, played by boys from 8 to 12 years. The children select one of their number to represent the hawk, and one to represent the hen. The latter is usually one of the largest and best natured of the group, one whom the small boys look to for protection. The group then form a line, each behind the other, the mother hen in front, each clutching fast hold of the two sides of the belt of the one in front of him, leaving a large and active boy for the last of the line. The hawk then comes to take the chickens, and the mother hen spreads out his arms and moves from side to side keeping between the hawk and the brood, at the same time the line moves from side to side in the opposite direction from the eagle. The hen and brood represents the circumference of a circle, but each of the brood is more or less hampered in his movements by holding and being held by his companions. The game is an excellent one for developing the feeling of mutual responsibility and care on the part of the older for the younger children. Girls have a similar game called The Cow's Tail, which will be described in another place. The method of playing it is, however, different.

Another game which illustrates this feeling of mutual responsibility is called Skinning the Snake. This game is played by boys from 8 to 12 years. The boys all stand face to back in a straight line. They all bend forward, each putting his right hand through between his legs and

with it taking hold of the left hand of the boy behind him. They are thus all bent over and bound together. They then begin backing. The one at the back end lies down and the rest all back over him, each lying down as he backs over the one next to him, thus the head of each is between the legs of his next neighbor. They all keep hold of hands. They are thus all lying in a straight line each with his head between the next one's legs, and having hold of the one before and the one behind him. The last one that lay down now gets up and "straddles" over the entire line, each pulling the one next to him up until all are up, when they let go hands, stand up straight, and the game is finished. This is an excellent game for the muscles of the back and limbs, and to teach the children to be painstaking and careful, not to let go hands and let each other fall, or to tread on each other as they pass along the line.

VI.—*The Instinct of Curiosity or Hunting and Catching.*

We have already referred to several games of this kind, *viz.*, Hide and Seek, Prisoner's Base, also called Black Man and White Man, and Blind Man's Buff, three games so similar to games in the United States as to make it unnecessary to describe them. In addition to these, there are others which may have their counterparts among American games with which I am not familiar. The instinct of hunting and catching is one of the earliest developments of childhood, as is testified to by the popularity of "Peek-a-boo" with the little folks. Among these may be mentioned The Cat Catching Mice. This game is played by children from 8 to 12 years. The children select one of their number to represent the cat, and another to represent the mouse. The remainder of the company form a ring with

the mouse inside and the cat outside, when the following conversation takes place:

Cat.— What o'clock is it?
Crowd.— Nine o'clock.
Is my big brother mouse at home?
He is [*if he is ready*]; he is not [*if he is not ready*].
Isn't it time to eat?
{ It is,
{ It is not.

The children revolve the ring while the above conversation takes place. They then stop, the mouse being careful to keep at the opposite side of the ring from where the cat is. The cat pops into the ring at this side, and the mouse out at the other, thus winding in and out, the cat always having to go in and out at the same holes the mouse does. This is continued until the mouse is caught and "eaten." The eating often causes great merriment.

Catching Robbers.—This game is played by children from 8 to 12 years of age. One or two children are left at "home," presumably for the purpose of watching the goods. The rest all run about at a distance like wild Indians, or hide behind whatever is convenient, and then steal upon the watchmen and snatch up whatever happens to be convenient, making away with it. Those who are caught remain as prisoners.

Under this head it may not be improper to describe the girls' game of catching, called The Cow's Tail. We have already referred to this game. It is played by girls from 8 to 12 years. The girls arrange themselves in a line as the boys did in the Hawk Catching Chickens, and then walk up to a place where a girl is digging a hole in the ground, when the following conversation takes place:

What are you doing?
Digging a hole.
What are you digging it for?
To put my pot on.

What do you want to set your pot for?
To heat some water.
What do you want warm water for?
To wash some old cloth.
What do you want to wash old cloth for?
To make a bag.
What do you want to make a bag for?
To put knives in.
What do you want knives for?
To kill your lambs.
What have my lambs done to you?
They have eaten my grass.
How high was your grass?
This high.
Oh! That isn't very high.
This high (holding hands higher).
Oh! That isn't very high.
As high as the sky.
What is your name?
My name is Grab. What is your name?
My name is Turn.
Turn once for me.

They all turn; that is, walk around in a circle and come back to their former position, and while they turn they sing:

We turn about once,
Or twice, I declare,
And she may grab,
But we don't care.
Can't you grab once for us?
Yes, but what I grab I keep.

She then runs to catch some of the "lambs" but they switch around behind the front girl, and thus sway back and forth to keep out of her way. Why this game is called The Cow's Tail and the girls called lambs, I do not know. I asked the girls why, and they said: There is no why.

Among the catching games there is perhaps none more attractive than Letting out the Doves. This is a game for little children from 3 to 6 years. The nurse or the person in

charge of the children selects one who is to represent the hawk or the eagle, who stands behind the nurse a few paces. She then takes both hands of each of two little children in her two hands, and pitches or throws them away from her as she would pitch doves into the air. The children run with all their might waving their arms like wings. The one standing behind at a signal from the nurse pursues them, and when they have run to a sufficient distance, the nurse claps her hands, as the Chinese clap their hands to call their birds, and the doves if not caught return to the cage. The game is exhilarating and very pretty for little children.

The Lame Man.—This is another catching game played by children from 8 to 12 years. There are two methods of playing this game, one by tying one boy's ankles together, and giving him an old shoe. Whoever he hits with the shoe has to be the lame man. Another method is by tying a rope around one ankle and looping it around his neck so as to draw one foot up to about the height of his knee, thus making him a lame man, leaving him but one foot to hop about on, and in this way he is expected to catch some one of the group. The one caught is the catcher.

VII.—*The Instinct of Striking or Pounding.*

Some of these games have already been described under games which develop skill, *viz.*, Striking the Stick, and Knocking the Stick. There is still another which develops regularity in children similar to that developed by beating time in music. I have found that children who have learned to play this game well keep step more easily in walking than those who have not, thus indicating a "cross-education" of the feet, as Prof. Scripture calls it, in the education of the hands and arms. I fancy that this "cross-education,"

however, can be accounted for by the mental discipline obtained in the practice with the hands and arms. The game is called Striking the Poles. It is played by boys from 8 to 12 years, and by two or any number of twos, and is one of the best and most attractive of all boys' games for boys of this age. There are several methods of playing it. The method used by the children in Peking is as follows: the boys stand about four feet apart, each having a stick about five feet long in his hands (the length varies with the age and size of the boys). As they repeat the following rhyme, they strike the poles together. They strike alternately the upper and lower ends, often half inverting them, striking once for each accented syllable of the rhyme. It should be remembered that this is but one of the various rhymes used in this game. I have heard the students of our small schools use not less than three different rhymes, improvised probably for the sake of variety. Each being a trifle different from the other, they required slight changes in the method of striking. The rhyme is as follows:

Strike the stick,
One you see,
I'll strike you and you strike me.

Strike the stick,
Twice around,
Strike it hard for a good big sound.

Strike it thrice,
A stick don't hurt,
The magpie wears a small white shirt.

Strike again,
Four for you,
A camel, a horse, and a Mongol, too.

Strike it five,
Five I said,
A mushroom grows with dirt on its head.

Strike it six,
Thus you do,
Six good horsemen caught Liu Hsiu.[5]
Strike it seven,
Because 'tis said
A pheasant's coat is green and red.
Strike it eight,
Strike it right,
A gourd on the housetop blossoms white.
Strike again,
Strike it nine,
We'll have some soup and meat and wine.
Strike it ten,
Then you stop,
A small white flower on an onion top.

VIII.—*The Instinct of Kicking and Bumping.*

These are games which might as properly be referred to under quick reaction and the development of skill, but I prefer to classify them under this head as it sets forth another phase of play life. A thorough examination of the play life of children will show that all the various mental and muscular needs are unconsciously provided for. It is as natural for boys to kick and strike as it is for young lambs to butt, and to try to prevent them because it wears out their shoe toes, or skins their knuckles, is to stunt their mental or muscular development.

Under this head may be placed the game called Kicking the Shoes. This is a game in which boys from 8 to 12 years all play together, each one for himself. They all take off their shoes—an easy matter for an oriental—and pile them up in a heap. Then at a given sign they all kick the pile scattering the shoes in every direction, when each one

[5] Liu Hsiu was the founder of the Second or Eastern Han Dynasty A.D. 25.

snatches up and, for the time being, keeps the shoes he gets. Those who are agile may get their own shoes, or a pair to fit them, or even a pair and a half or two pairs, while those who are slow may get but one or none, and the one they get may be either too large or too small for them. Here a large-footed boy has a small shoe, and there a small-footed boy has a large shoe. The game is an excellent test of reaction and agility.

One of the bumping games is much like the American boys' game of Cock-fighting. It is called Crutch Bumping. Several boys from 6 to 12 years, instead of folding their arms as American boys do, each take up one foot by the knee or by the ankle, and in this condition bump against each other. All those who get knocked down or drop their foot are conquered, and the one who stands longest wins the game.

The game which corresponds most nearly to American football and marbles combined is the game called Kicking the Marbles. This game may be played by two or more boys of very indefinite age. We have seen boys of 6 to 8, as well as men of 20 to 25 years play it. The boys have two stone marbles an inch and a quarter to an inch and a half in diameter. They put one on the ground, and with the front part of their shoe upon it, give it a shove. Then they put the other down, and kick it in the same way, the object being to hit the first. The first boy kicks them into such a position as to make it very difficult for the other to kick with any prospect of success. There are two ways, however, in which one may win. The first boy says to the second: kick this ball north (south, east or west) of the other at one kick. If the second fails to put it in the position suggested, he loses and the first wins. If he succeeds, he wins. He may then kick it a second time to

hit the other ball. If he strikes the other ball, he wins again. If when told to go north, he kicks it so as to strike the other ball and still go north, he has won double. If he kicks the ball north, or in any position where it is difficult to strike the other ball with it and then tells his companion to kick, the latter may refuse to kick, and thus the former must play the difficult game himself, and if he fails the latter wins. In other words, it is a game in which the player, like Haman, is always liable to be hung on his own gallows, if he constructs such for his companion.

IX.—*The Instinct of Hopping.*

We have already referred to several games in which hopping formed a part, such as Pitching Brick Bats, Crutch Bumping, The Lame Man, etc. Children want to test their legs in the same way as they test the depth of their mouth by sticking their finger back so far as to choke themselves, or stick beans into their nose and ears. That ungovernable desire to know, which distinguishes man from the lower animals, appears in this as well as a thousand other forms in children. They will run the risk of hopping themselves to death, as the chemist runs the risk of blowing himself up with explosive chemicals, because of this desire to know and to do.

One of the best games of this kind is the girls' game of Meat or Vegetables. This game is played by girls 8 to 10 years of age. Each child takes a pair of old shoes, which may be picked up almost anywhere in China, and putting one crosswise of the other, lets them fall. The way they fall indicates what kind of meat or vegetables they are. For instance, if they both fall upside down, they are the big black tiger. If both fall on the side, they are double beans. If one falls on its bottom and the other on its side, they are beans.

If both are right side up, they are honest officials. (What kind of meat or vegetables honest officials are it is difficult to say, but that never troubles a Chinese child.) If one is right side up and the other wrong side up, they are dogs' legs. If the toe of one rests on the top of the other and at an angle of 90°, they are a dark hole or an alley. The child whose shoes are in this position must throw a pebble through this alley, that is under the toe of the shoe, three times, or, failing to do so, one of the number takes up all the shoes, and standing on a line throws them back over her head. Then she hops to one, kicks it back over the line, hops back over the line herself, then hopping to each of the shoes in succession, she kicks it over the line following it herself, until all are over the line. In case she becomes tired or fails, another picks them all up, pitches them over her head in the same way, and tries kicking them over the line, and so on till some one succeeds. This one then takes the two shoes of the one who got the *alley* and, hanging them successively on the toe of her shoe, kicks them as far as she can. Then the one who possesses the shoes, starting from the line from which they were kicked, hops to each successively, picks it up, and hops back over the line with it, which ends the game.

X.—*Contortion and Acrobatic Games.*

Chinese children are as much addicted to the use of the horizontal bar as are the children of other countries, and for this purpose they invoke the aid of a friendly tree limb, or appropriate a carrying pole, two of their number acting as supports. And not infrequently in our school courts may they be seen "skinning the cat," or suspended by the bend of their knees, their heels, or their instep, their hands or elbows, or lying across it on their back or stomach, or whirling themselves

around very much like an American boy in his similarly improvised gymnasium.

Pounding Rice.—The boys' game of pounding rice will be recognized by every American boy as one of his own old games. Two boys standing back to back, lock arms and alternately bending backward and forward raise each other from the ground, while they sing the following song:

Pound, pound, pound the rice,
The pestle goes up and down so nice.
Open the pot, the fire is hot,
And if you don't eat I'll feed you rice.

The girls have the same game which they call Going to Town, in which they sing or repeat the following:

Up you go, down you see,
Here's a turnip for you and me,
Here's a pitcher, we'll go to town,
Oh what a pity we've fallen down.

At this point they both sit down on the ground back to back. Then occur the following questions and answers:

What do you see in the heavens bright?
I see the moon and the stars at night.
What do you see in the earth, pray tell?
I see in the earth a deep, deep well.
What do you find in the well, my dear?
I find a frog and its voice I hear.
What is it saying there on the rock?
Get up, get up, Ke'rh, Kua, Ke'rh Kua.

Then they try to get up with locked arms, but find it impossible to do so, and so they usually roll over and unlock arms with great hilarity.

Another game played by both girls and boys from 8 to 10 years is called Baking the Cake. It corresponds to the game played by American boys called Churning Butter. Two children facing each other take hold of hands, and thus

holding they turn back to back, their heads going under their arms, while at the same time they say or sing:

We turn the cake,
The cake we bake,
We put in oil or pork or steak,
And when 'tis done,
We'll have some fun,
And give a piece to every one.

Turning the Mill.—A game very similar to the one just described and played by girls from 6 to 10 years is called Turning the Mill. The girls take hold of hands just as the boys do in Churning Butter, but instead of turning around under their arms, they turn half way, put one arm up over their head, bringing either their right or left sides together, one facing one direction and one the other. Then standing still the following dialogue takes place:

Where has the big dog gone?
Gone to the city.
Where has the little dog gone?
Run away.

Then as they begin to turn, they repeat or sing the following:

The big dog's gone to the city,
The little dog's run away,
The egg has fallen and broken,
And the oil's leaked out they say.
But you be a roller,
And hull with power,
And I'll be a mill-stone,
And grind the flour.

XI.—*Catching Hand Games.*

Many of the games already described are of this class, and might have been thus classified, but they seemed to be more appropriately grouped under other heads. The following

games seem to have no characteristic more prominent than that of holding or catching hands.

The Flower-Pot.—This is a game played by three girls from 6 to 10 years. They stand in the form of a triangle, facing each other, and then take hold of hands, each with her left hand taking the right hand of the other, all their hands crossing and forming a bunch in the centre. The hands must be held in the proper way or it cannot be done. Then by putting the arms of two back of the head of the third she is brought into the centre, and by stepping over two other arms, she goes out on the other side. So that whereas she was on the left side of this and the right side of that, she now stands on the right side of this and the left of that. In the same way, the second and third girl go through, and so on as long as they wish. At the same time they say or sing :

You first cross over, and then cross back,
And step in the well as you cross the track,
And then there is something else you do,
Oh ! Yes, you make a flower-pot, too.

Another game played by girls from 6 to 12 years is called Buying a Lock. This game may be played by any number of girls. They all take hold of hands, forming a line. Then they all sing, either together, or one half asking the questions, and the other half answering :

Oh ! Here we all go to buy us a lock.
What kind of a lock shall it be ?
We'll buy one of silver, or buy one of gold,
But what shall we use as a key ?
We'll use a broom handle, if that will not do,
With a poker we'll hit it a knock,
But if neither the broom nor the poker will do,
We'll open it then with a rock.

Then the first two on the end of the line hold up their hands and the whole line passes under until they come to the one

whose hand is up, who turns half around and holds up her other hand with the next girl, and again the line passes through, and so on until all are thus half turned around, or, as they say, locked up. They then begin to unlock themselves by beginning at the other end and passing back through as they passed through at first, thus unwinding themselves, and the play is done.

XII.—*Games Illustrating various Employments.*

The various trades, professions and employments have a great attraction for children. A country boy looks forward with longing to the time when he can "stand up in the wagon and drive a team." The child, seeing the gold buttons and fine uniform of the policeman, soldier, car-driver, conductor or mail carrier, secretly determines, or publicly announces, that he is going to be one of these when he grows up. His mind changes, however, when he gets among machinists and engineers. The attraction and interest of controlling such a great, powerful and almost living machine overcome the attractions of a uniform, and he determines to become an engineer. A fine lecture or sermon, a political speech on the Fourth of July, or a patient brought back from the gates of death, again unbalance him, and he determines to be a professional man.

It is this attraction of the various employments which makes shovels, hoes, pails, chests of tools, and all such usefully useless instruments, such appropriate gifts and attractive playthings for children. And so various children's games are little else than toy trades and professions, in which the child is imitating its parents or their friends. This attractiveness often leads them to take the place of an animal in the play, but you will have often noticed that when children play

horse, it is not because of the attraction or desire to be the horse but the driver. Indeed, I saw this well illustrated not long since. A larger child was playing horse with a smaller child. This continued for some time, when the smaller, either discovering that a horse was larger than a man, or that it was more noble to be man than horse, balked and said, "Now you be horse." The older tried in vain by coaxing, scolding and whipping, but the horse was firm. The man was also firm, and not until the horse, in a very unhorselike manner, gave way to tears, could the man be induced to let himself down to the level of a horse. From this it will be seen that Chinese children are no exception to this general rule, and so we find among their games names very similar to those found among American children. It is unnecessary to explain such games as The Sheep Drawing the Cart, played by children from 3 to 6 years; Playing Horse, played by children from 3 to 6 years; Riding Horseback played by children from 4 to 8 years; Riding the Donkey, played by children from 4 to 8 years; Making a Chair, played by children from 6 to 10 years. Much of the play of children illustrating this subject of the employments are not set games, but are improvised for the occasion. The following, however, are played by girls from 5 to 10 years.

Watering the Flowers.—All the children but two squat down in a bunch very much like the boys when they Boil Dog Meat. One of these two, gathering the front of her garment in her hand so as to make a bag, goes around the group as if sprinkling water, and sings as she goes. (Here again it never occurs to the children that water is not usually carried in a cloth vessel.)

I water the flowers, I water the flowers,
I water them morning and evening hours,
I never wait till the flowers are dry,
I water them ere the sun is high.

She then says to the other girl :

Here, you watch these flowers while I go and eat.

While she is away, the girl left to watch takes one of the flowers away.

How is it that one of my flowers is gone?

A man came from the south on horseback and stole one before I knew it. I followed him, but could not catch him.

Again she sings :

A basin of water, a basin of tea,
I water the flowers, they're opening you see.

Again she leaves the girl to watch the flowers while she partakes of her midday meal, and again one is stolen, this time by a man coming from the west.

Again she waters and sings :

A basin of water, another beside,
I water the flowers, they're opening wide.

Once more she leaves the girl to watch, and once more a flower is stolen, and this continues until all the flowers are gone, and the watch-girl, though hired for a stipulated sum, is dismissed in disgrace without either recommendation or wages. It should be remarked that the reason she gave for the last flower being taken was that a chicken ate it.

The second game, and result of the above, played by the same girls is called The Flower Seller. In this game, the girl who was left to watch the flowers appears with all the others holding each to the back of the other's skirt, and as she walks around she calls out :

Flowers for sale, flowers for sale !
Hey ! Come here, flower-girl, those flowers look like mine.

(The first girl takes one away.)

The flower-seller hurries off crying :

Flowers for sale, flowers for sale !
Ho ! Flower-seller, come here, those flowers are certainly mine.

(takes them all and whips the flower-seller, who runs away).

Other games such as the Store-keeper and the Physician are in our Nursery Rhymes, and we will not repeat them here.

XIII.—*Miscellaneous Games.*

Among the miscellaneous games, some of which might have been classified with those already given, we may mention: Buttoner, Buttoner, Who's got the Button, 6 to 10 years; Top-spinning, 6 to 20 years; Kite-flying, 6 to 50 years; Skipping Stones, 12 to 16 years; Jumping the Rope, 6 to 16 years; Whipping the Ice Top, 12 to 16 years; Pat-ball, 6 to 12 years; Jack Stones, 6 to 10 years. All of these games are so familiar to us as to make it unnecessary to describe them.

XIV.—*The Instinct of Exclusion.*

I am not quite certain that this subject is exactly the expression which describes the games I have in mind. They are games some of which correspond to Jack-straws, in the excluding of one of which it is unlawful to move another; while others correspond to Tit-tat-toe; Ene-mene-mine-mo, etc.

The first of these games is called Seeking for Gold. This game is played by girls from 6 to 10 years. They scatter a lot of pebbles much as they do jack-stones. They then draw a finger between two of them and the remainder as if to cut them off from the rest, after which this same girl snaps one against the other. If she hits the other, these two are both taken out and put aside. Then she draws her finger between two more and snaps them. If she misses, another girl takes up what remain and scatters them and snaps, and so on till all are taken up. The one who gets most gets the game.

A second game, corresponding to Tit-tat-toe, is called The Cow's Eye, and is played by girls from 6 to 10 years. The children sit down in a circle on the ground, putting their feet together in the centre. Then one of them repeats the following rhyme, tapping a foot for each accented syllable:

One, two, three, and an old cow's eye,
When a cow's eye's blind she'll surely die.
A piece of skin and a melon too,
If you have money, I'll sell to you;
But if you're without,
I'll put you out.

The foot her finger happens to be on when she says "out" is excluded from the group, and from this one she continues, repeating the rhyme once more, excluding one foot each time she repeats the rhyme until all but one are excluded. From this one the shoe is taken, and it is the privilege of every one in the ring to slap the foot, which they do with a heartiness and good-nature that makes the game very amusing as well as interesting. The interest lies in the uncertainty as to which foot will be left, and the fun is in slapping the foot. It is very popular with the children.

XV.—*Games with Insects, Birds and Animals.*

The Chinese as a people are extremely fond of pets. The Chinese woman with her pet dog will rival the proverbial American dame, and the man with his birds will probably eclipse any other people known. Birds and dogs, however, are not their only pets. Cats, crickets, and fish are equally popular with a large proportion of them.

Crickets.—Crickets seem at first thought to be queer pets, and so they are, nevertheless the Chinese woman is very fond of them. She has a cage made of a small gourd with a neatly carved lid, in which she carries a large, green

grasshopper or cricket, often hung about her neck on a silver chain and carried in her bosom. Boys carry them about in small cages made of corn-stalks. That screeching noise which would wear out the nerves of ordinarily quiet people seems to be looked upon by the Chinese as music. It is true also, as has often been written hitherto, that the Chinese are fond of fighting with crickets; nevertheless, what has often been described as gambling by the observer was considered nothing more than play by the participators. Very cruel play sometimes, it must be confessed, as has always been the case when boys or men have indulged in such sports at the expense of the bull, cock, or dog.

Birds.—Chinese of all ages play with birds, and their sport as compared with that with the cricket is much to be preferred. As we have remarked, there is probably no people in the world so fond, or more fond, of birds than the Chinese. They are the pets of all classes, poor as well as rich, servants as well as masters and mistresses. When the cook goes upon the street to buy provisions, he often carries a bird in a cage or two birds in two cages with him, one in either hand. When your teacher goes for a stroll, he may be seen with a bird perch, or two or three perches in his hands, with perhaps his little boy of four or five years with two more perches running by his side. Your coolie may be found out on the common with a hundred other men and boys "training" or "practising" their birds. When carried on their perch, the birds have a string fastened on their neck and to the perch, but when out on the common, they are perfectly free. They pitch them up in the air, and at the same time throw a seed, and the bird flies and catches the seed as it would a fly or other insect, and returns to his arm, hand, or shoulder to eat it.

Again, you may see men on the street with great hawks on their arms, or with pigeons in their handkerchiefs. Flocks

of pigeons may be heard almost any time flying over Peking with whistles fastened to their tails. Bird-markets are stocked with birds of every hue and color, of every form, size, and kind—singing birds, whistling birds, chirping birds, and talking birds. A pair of geese or ducks is given to the newly wedded bride, and a cock is fastened to the coffin-lid of the husband when he dies.

Snail.—Children from 6 to 12 years have a game which they play with the snail, if indeed it can be considered a game. When a boy or girl finds a snail, he kneels down on the earth near it if he is timid, or takes it in his hand if he is brave, and sings the following song:

Little snail, little snail,
With your hard, stony bed,
First stick out your horns,
Then stick out your head.
Your father and mother
Have brought you some food,
A piece of fried mutton,
Now, isn't that good?
And now, little snail,
Just as sure as I say,
You must eat it at once,
Or I'll take it away.
Oh! Where is the little snail gone, I pray tell?
He has drawn himself up head and horns in his shell.

The above paper is by no means complete, but may serve to give some idea of Chinese children's games.

NOTES AND QUERIES.

Siwangmu and K'wenlun.* There is no tale more frequently quoted in the old Taoist philosophers of China than that of the Siwangmu, yet there is scarcely one whose mythical origin is so plainly written on its face. That there was a floating legend about something represented by the characters 西王母 at an early date is plain; Sse-ma T'sien in the *Shi Ki*, chap. cxxiii, describes the countries between China and Parthia:—"In Parthia old men tell us," he says, "that in T'iaochi (Sarangia, the modern Seistan) is the Yok-shui (Weak, or Dead, Water) and the Siwangmu, but they had never seen them." The original Yokshui was the now much reduced inland sea whose last remains exist as the Lop Nor in Eastern Turkestan. Already in Sse-ma's time both names had entered the realm of myth. The apocryphal work, the *Bamboo Records*, is, however, the source whence the later Taoist writers drew their inspiration as to Siwangmu, and the fabled visit of King Muk, the "Charming," for this is the literal rendering of the name. The appanage of Cheo, as we know from all the available sources of information, was in those days confined to the valley of the Wei, and the *Shi Ki*, our only at all trustworthy authority, has a story as to how King Charming's predecessor went on a hunting expedition to the Han, whence he never returned. He had endeavoured to cross the river, but the boatmen were unfriendly, and had given him a boat joined together with glue; on the passage the glue had softened and the boat went to pieces and in the confusion the king was drowned. So much for the extent of his dominions. On King Charming's accession the *Shi Ki* relates that the former kingdom of Wan and Wu was in a state of decay; and the king having planned an attack on the Hiung Nu on his northern frontier, his nobles protested on account of the impoverished condition of the land. Of any attempt to penetrate further to the west Sse-ma is completely silent, but the inference is that he was with difficulty able to keep together his diminished appanage. The name by which the Turks of the day were known to the people of Cheo was K'üen Jung, *i.e.* Dog Jung 犬戎, the characters, as Sse-ma in his chapter on the Turks tells us, afterwards were changed

* *Adversaria Sinica*, No. I & II. Professor Giles. Shanghai: Kelly and Walsh, Ltd. 1906.

to Hiung Nu. The change was not one of sound, but merely of the written character, probably under compulsion. The districts from Lake Lop to the foot of the southern mountains where, if anywhere, we must place Siwangmu and K'wenlun, were, according to all authorities at the time, occupied by the ancestors of the Kiang (the Sam-miao of the *Yukung*) or the Yuehti, both more powerful than King Charming. So much for the historical state of the question.

The *Bamboo Records* profess to give a history of China from times long antecedent to history down to the third century B.C.: their authenticity has always been held in light esteem, even by the Chinese, who in matters of this sort when flattering to their own notions of the national antiquity, are the most credulous of mortals. Their history is given fairly enough by Legge in his *Prolegomena* to the *Shu King*, p. 106. In the fifth year of the Emperor Wu, the first of the sovereigns of Tsin, A.D. 279, some lawless parties in the department of Kieh dug open the grave of King Siang of Wei (died B.C. 295) and found a number of tablets, written over in ancient characters, which were deposited in the Imperial Library. So say the records of the Tsins. This was quite an ordinary way at the period of introducing forgeries to public notice, of which several instances are on record. Before being placed in the Library the tablets had sustained much injury and mutilation,—a usual thing with forgeries in all ages.

Well, the new Emperor, proud that the commencement of his reign should be distinguished by such a discovery, selected certain scholars to make a (?) critical examination of the discovery. They found amongst a mass of rubbish, too crude even for a Chinese recensor, what purported to be a copy of the *Yih King* and a book of "Annals" purporting to extend from the time of "Hwangti" to the last king of Cheo, B.C. 298: Legge calls him "last Emperor," but that was evidently a slip on the Doctor's part, and is hardly to be laid to the blame of the Chinese. This book the scholars appointed by the Emperor lost no time in transcribing into the language of the day, when they were given to the public under the sufficiently modest title of the *Bamboo Records*. The time occupied in the transcription of such a mass of antique and much damaged literature was just two years; so that, presuming that the "scholars" had no previous knowledge of the contents, their speed must have verged closely on the miraculous.

There is no doubt from independent contemporary testimony that certain tablets purporting to have been discovered in a tomb were presented to the Imperial Library, but this leaves the evidence as to the find exactly where it was before: that is to say, absolutely unsupported.

The age was a credulous one, Buddhism was making rapid strides, and Indian influence was paramount. As a nation the people of India have of all others the smallest capacity for history, a fact shown in its result that not one work of historical value exists amongst the enormous mass of Indian literature which has come down to our day. The internal evidence of the work, and its evident borrowing from current Indian fables would go far, even had we better evidence as to the discovery, to throw discredit on the whole collection. Some of the more independent spirited of the Chinese critics have not scrupled to go further. Wang Mingsheng, an author quoted by Legge, thus speaks of the collection :—"It may be assumed as certain that they are a compilation which was imposed on the world by Shu Sieh. The forced versions of events contained with their additions and combinations are not only not worthy to be believed but are not worthy to be discussed. In every age there have been men capable of like mischief and falsehood."

It is, however, interesting to go to the *Bamboo Records* themselves, and see on what a slender basis the story of Siwangmu, as elaborated by the later Taoists, is founded. I give the paragraphs purporting to be a history of King Charming according to Legge's crude translation :—

In his first year which was Kiwei (B.C. 961) in the spring, in the first month after he came to the throne, he built the palace of Ch'ao and gave a charge to Yumei, Lord of Sin. In the winter in the 10th month he built the palace of Chi in Nancheng. In the 6th year, Tan, Viscount of Su, came to do homage, when the title of Baron was conferred on him. In the eighth year the chief of the northern T'ang came to do homage, and presented a very swift mare, which produced the famous Lu-erh. In his 9th year he built the Spring palace.

In his 11th year he gave additional distinction and a charge to Naofu, Duke of Tsi, the prime minister. In his 12th year Pan, Duke of Mao, Li, Duke of Kung, and Ku, Duke of Feng, led their forces in attendance on the king against the hordes of the Kiün. In the winter in the 10th month the king, being on a tour of inspection in the north, punished those hordes. In his 13th year the Duke of Tsi attended the king with his forces on an expedition to the West when they encamped in Yang. In the autumn in the 7th month the hordes of the west came to make their submission. The hordes of Sü invaded Loh. In the winter Ts'aofu drove the king in triumph into Tsungcheo. In his 14th year he led the Viscount of T'su against the hordes of Sü and subdued them. In the summer in the 4th month he hunted in Kunk'iu. In the 5th month he made the palace of Fan. In autumn in the 9th month the people of Tieh invaded Pieh. In the winter there was a great hunting in the marsh of P'ing. He built Fulao. In his 15th year in the spring in the 1st month the chief of Liukun came to make his submission. The king made the tower of Chungpieh. In the winter he surveyed the Salt Marsh.

[NOTE.—One copy has here: "*The king went to Nyanyih and viewed the Salt Pond.*" This is wrong.]

In his 16th year, Kiu, Prince of Hoh, died. The king gave a charge to T'saofu, and invested him with Chao. In his 17th year he went on a punitive expedition to Mount Kwenlun and saw the western Wangmu. That year the chief of Wangmu came to court, and was lodged in the palace of Ch'ao, &c.

Except to render a little plainer Legge's somewhat fantastic spelling of Chinese names, I have left this untouched. Of course Legge never translated from the text, but relied on the patter of his "teacher," so that frequently his version is little better than a travesty of the original. Even so it is sufficient to show what infantile posset is the *Bamboo Record*. Were it not that the whole tenour of the work is at direct variance with the *Shi Ki*, we might accept without serious damage to history every individual statement, so contemptible was the mental capacity of the forger.

I may, however, make a few remarks on what the *Record* says of the Salt Marsh and the Kwenlun and Siwangmu. The Chinese text reads 十七年王西征至昆侖邱見西王母,其年西王母來朝,賓于昭宮. This translated reads :—In the 17th year the king went on an expedition as far as the Mount of the Kwenlun, where was seen Siwangmu. This year (the people of) Siwangmu came to court, and were accommodated at the Ch'ao palace.

I may mention that the meaning of 邱 *k'iu* here is a mound or tumulus, and is never the equivalent of 山 *shan*, a mountain or range of mountains. Kwenlun and Siwangmu are proper names; and as is customary the characters are only used phonetically. We are not, however, without means of arriving at the sounds they are intended to represent; the later form Kwenlun we must associate with an older Gan-dhara or Gan-dharva, and Gandharva was the northernmost of the nine divisions of Bharata varga, or Northern India, and was the original home of the Lunar races along the northern flanks of the Himâlayas. By Alexander's time it had come down to modern Swat, and at the time of Yuen Chwang was on the Kabul River; now it is found in Kandahar in the extreme south of Afghanistan. About these districts in Indian Epic times grew up the legends of the Gandharvas, the musicians of the gods; and these legends found their way into the tales repeated by the Buddhist priests, who carried them bodily into China. Equally plain is the legend of K'wenlun, as given by Mayers [*Chinese Reader's Manual*, No. 330], which I quote :—"Innumerable other marvels are related of the mountain and its appurtenances, the source of which may be traced through more than one indication to the legends of the Hindu mythology. Thus in the 拾遺記 the statement occurs that "Mount K'wen Lun is called in the west Mount Sü-Mi 須彌—the well-known Chinese equivalent for Sumeru, the abode of Indra and his consort, with whom there is consequently ground for identifying Tung Wang Kung and Si Wang Mu." The original characters used for representing Siwangmu seem to have been 西望母 *i.e.* Simangmu, where the second syllable had certainly the sound of mar or mer, so that what the concocter of the *Bamboo Record* wished to say was that King

Charming went to the mount of the Gandharvas and there saw Sumeru; and on this slender basis the Taoist thaumaturgists founded the later tales of King Charming and his Faery Queen.

In a similarly apocryphal work of the same credulous age—the notorious *Shanhai King*, Siwangmu had already become a personality. The book describes the Lohyao shan, whence issues the T'ao river: it flows westward to the Tsih Marsh, where there is much white jade-stone, and "wet" fish, which are like serpents with four feet and live on fish. Two hundred li further the river is called the "Flowing Sand," and after a further distance of 200 li arrives at the Yingmu shan ruled over by fairies with long chariots. There are the nine emanations of Heaven, and the fairies are like men with leopards' tails. On the surface there is great store of jade and below quantities of lapis lazuli, but there is no water. "Thence west 350 li is the Yü shan, where is the home of Siwangmu. Siwangmu has the appearance of a human being but has a leopard's tail and tiger's teeth, with hair on the head like a bewitched stuck of reeds." (My mother betimes used to compare my own hair to a "bewitched barley stack.")

Although mentally these tales of Siwangmu stand on the same footing as the western stories of Jack-the-Giant-killer and Little-red-riding-hood, they carry with them instructive lessons. The similarity of the Indian stories of the Gandharvas and the Greek tales of the Kentaurs has long been recognised. Both are essentially horsemen, and both love the daughters of men. As the Kentaurs were begotton by Ixion (the sun in his daily course), of Nephele, the Cloud, so were the Gandharvas the issue of Kasyapa and Arishtâ: and as the Kentaurs more especially affected the highest peaks of Mount Pelion, so did the Gandharvas the highest summits of the Himâlayas, which, more especially in Buddhist lore, were known as the Su-meru, *beau-desert*, whence had their origin the four streams which vivified the entire world.

The *Shui King*, an avowedly Buddhistic work, describes the Kwenlun. "The K'wenlun mount 墟 is situated towards the north-west, and is composed of three stages; the first is called *Fant'ung* or *Pant'ung* (Bhadra); the second is called *Yünpu* or *Langfung* (similarly Râjavat); the third and highest *T'sangch'eng*, Svarga, or the 'Hall of Heaven,' where the High Gods have their abode." The Ho flows thence through the midst of Fuhliuti (Parashawara, now Peshawar) thirteen thousand li. According to the *Shanhai King*, it flows from here to Chishih (near Kansu), enters Lungsi and arrives at the territories of Lochi. Hwainan tse tells us, it adds, that the mountains are eleven thousand li and one hundred and fourteen pu (each pu 3 ft. 6 in.) high. The *Muh T'ientse Pu* further says that the T'ientse Muh ascended the

K'wenlun to visit the palace of Hwangti, and set up the tomb of Funglung, the god of thunder.

K'wenlun seems to appear first in Chinese literature in the *Yukung*. It does not here occur in the more ancient ballad forming the nucleus of the composition, but in the annexed patter of uncertain date which surrounds it. Speaking of Yungcheo it adds: "The articles of tribute were lapis lazuli and orpiment; floating by Chishih they came to the Lungmen on the western Ho, near where it united with the Wei. Embroidered skins (came from) K'wenlun, Siehchi, and K'üso* (in the lands of the) western Jung."

T. W. KINGSMILL.

* K'wenlun in ancient days, *i.e.* Kandar or Gandar, extended far through Indo-China, up, indeed, to the coast; and a reminiscence of this may be still be found in the Island of Pulo *Condore* opposite the mouths of the Meikong. Siehchi is mentioned in the *How-Han Shu*, and was situated between Lop Nor and the ancient Tangut. K'üso seems to have been the land of the ancient Horbars, then extending far more to the north and west than at present.

Marco Polo's Journey in Manzi. The route which Marco Polo took southwards from Cambaluc (Peking) as narrated in Book Second Vol. II. of Yule's edition has been well identifed from Cacanfu (Hokianfu in Chihli) to Coiganfu (Hwai-ngan-fu in Kiangsu). After leaving Caya (Kaoyu, a city on the Grand Canal), the route lay through Tiju (Taichow) and Tinju to Yanju (Yangchow), Chap. LXVIII. In locating this place Tinju, Yule gives the following Note:—

"Tinju or Chinju (for both the G. T. and Ramusio read Cingui) cannot be identifed with certainty. But I should think it likely from Polo's "geographical style" that when he spoke of the sea as three days distant, he had this city in view and that it is probably Tung-chau on the northern shore of the estuary of the Yangtse, which might be fairly described as three days from Tai-chau. Mr. Kingsmill identifies it with Ichin-hien, the great port on the Kiang for the export of the Yangchau salt. This is possible; but Ichin lies west of the canal and though the form Chinju would really represent Ichin as then named such position seems scarcely compatible with the way, vague as it is, in which Tinju or Chinju is introduced. Moreover, we shall see that Ichin is spoken of hereafter."

It is evident that Tiju and Yanju have been correctly identified as Taichow and Yangchow. I cannot agree with Mr. Kingsmill, however, in identifying Tinju as Ichin-hien on the Great River. It is not probable that Polo would mention Ichin twice, once before reaching Yangchow and once after describing Yangchow. I am inclined to believe that Tinju is

Hsien-nü-miao (仙女廟) a large market-place which has close connections both with Taichow and Yangchow. It is also an important place for the collection of the revenue on salt, as Polo notices. This identification of Tinju with Hsien-nü-miao would clear up any uncertainty as to Polo's journey and would make a natural route for Polo to take from Kaoyu to Yangchow if he wished to see an important place between these two cities.

JOHN C. FERGUSON.

Quality of Silver. Throughout China generally, except at Shanghai and in the country subordinated to it, silver is rated for quality by millièmes of a standard of "pure silver." Thus at Tientsin all silver is reduced to a theoretic local standard of 992, at Chefoo to one of 976, at Hankow to one of 967. At Shanghai and, if not throughout Kiangsu, at least in that part lying south of the Yangtze, and, if not throughout Anhwei, at least at Anking and Tatung, silver is rated, not by millièmes of a "pure silver" standard, but by the addition, to each shoe of about 50 taels weight, of a quantity to indicate the degree of superiority of quality over a presumed standard which (subject to a certain degree of confusion between premium and discount) is 944 of the China standard of "pure silver." By this scheme of notation 2.8 silver (*i.e.* silver for the quality of which is added 2.8 per shoe, or 5.6 per hundred) represents silver 1,000 fine, 2.7 silver is 998 fine, 2.4 silver is 992 fine, or thereabouts.

In Western countries the standard of 1,000 represents silver chemically pure, with no admixture of gold or of copper and lead. American quotations of bar silver are reduced to a basis of 998, and British quotations to a basis of 925 of this standard. In China the standard of 1,000 seems to refer to a silver commercially pure, as shown by the crude methods of the touch-stone or of crucible assaying. This is the standard of Kuping, it is the standard to which are referred all local millième standards, and in the Shanghai notation it is 2.8 silver. Even at Shanghai, however, super-pure silver is known in Chinese circles, and in the make-up of the Haikwan tael the requisite quality of silver is rated, not at 2.8 as for the "pure silver" of the Kuping tael, but at 3.084 (*i.e.* at 6.168 per hundred taels) to represent a higher degree of purity. Even this, however, does not graphically represent a quality of silver corresponding to what is called 1,000 fine in Western countries. It has been ascertained in transactions in foreign bar silver that "pure silver" of the Kuping tael

touch is actually 987 fine when reduced to the Western standard of chemically pure silver; and on this basis silver of the Haikwan tael touch recognised as Shanghai is actually 992·3 fine.

Working on these figures it will be found that the Shanghai tael contains 525 grains of silver of the Kuping tael touch, 522⅛ grains of silver of the Haikwan tael touch, and about 518¼ grains of silver of the Western standard 1,000 fine.

H. B. MORSE.

Modern Sinology and the Tao Teh King. Dr. Giles is, of course, the discoverer of the *Tao Teh King*, in the sense that he was the very first to apply common sense to its interpretation.* The principal sinner, on whose memory must ever rest the responsibility of the ridiculous *pot pourri* usually passed off on English students for a translation of this very simple work, is the late Dr. Legge. Like many another pioneer in untrodden paths, Legge was content to take the assurances of his "teacher," and instead of himself going to the original text for his information, blindly wrote down the patter of the simple-minded siensheng, who in turn had equally innocently been made the recipient of the rubbish of that arch-humbug Chuhi, further bemuddled through being handed down along seven hundred years of incapables, not one of whom, had he even ventured to harbour an independent thought, dared publicly confess that he held an opinion of his own.

Of course all oriental literatures have had to pass in turn through a a similar stage. The Government of India, desirous to obtain a trustworthy translation of the great Buddhist works preserved in Ceylon, applied to the then authority on Buddhism, Edward Upham. He did not know Pali himself, but applied to the Buddhist priests, who gave him just such another version as the siensheng supplied to Dr. Legge. This was published in 1833 under the title, *The Sacred and Historical Books of Ceylon*, and the work amidst great *éclat* was dedicated to King William IV. Fortunately the period of darkness did not survive so long in India as it has already done in China, and the book had scarcely seen the light when its utter untrustworthy nature was exposed in no gentle terms.

A like instance of credulity was to be found in the case of the young Frenchman, Anquetil Duperron, who devoted his life to the discovery of the sacred works of the ancient Parsis. Here half instructed and prejudiced priests palmed off on the unsuspecting student a like fantastic version of

* *Adversaria Sinica*, No. III. Professor Giles. Shanghai: Kelly and Walsh, Ltd. 1906.

the contents of the old books, only to be finally exposed to the ridicule of the world by Sir William Jones, then a young student at Oxford.

Although we must acquit Legge of any conscious or intentional misreading of his Chinese authorities, the same indulgence cannot be extended to those who with better means of information not only themselves follow his crudities and errors, but lose no opportunity of adding to them what weight their own assumed scholarship may be made to carry. A good portion of the present fascicle is occupied with a discussion on the subject of that apple of discord, the *Tao Teh King*. According to the quidnuncs, the *Tao Teh King* was written by the sage whom they delight to call Lao Tse, the "Old Philosopher," and Dr. Giles renews his old argument, not only questioning the authenticity of the work, but denying the personality of the alleged author. It is, perhaps, rather unfortunate that Dr. Giles, having taken the handle of the plough, should in some respects exhibit signs of a desire to look back, but here, perhaps, he has to some degree been hoist on his own petard. The external evidence as to the personality of the so-called Laotse, at best only a nickname, is singularly weak. The *Shi Ki*, indeed, devotes a chapter to him, but the writer is careful to introduce his notice with the doubting particle hwoh 或曰, "It is said" that Lao or Lai-tse was a man of Ch'u, &c. As Dr. Giles acknowledges, "the first great authority upon the doctrines which Laotse taught is Chwang-tse, and Chwangtse certainly lived at the close of the 4th century B.C." This is true, but the work purporting to be the remains of Chwangtse is confessedly in part of much later age, and the whole bears unmistakeable evidence of having been "recensed." Dr. Giles acknowledges this in his preface to the work of the philosopher. In the dilemma the later Chinese commentators fall back on Confucius: the seventh book of the Lunyü thus commences 子曰, 述而不作, 信而好古, 竊比於我老彭. "The Master said: a teacher not an inventor, I love and trust the ancients: I hide behind our old authorities." Legge translates this as follows:—"A transmitter and not a maker, believing in and loving the ancients, I venture to compare myself with our old P'ang." Dr. Giles says on this:—"This old P'ang is generally regarded by Chinese commentators, including Chuhi, as P'eng Tsu, the legendary Methusaleh of China, of whom nothing is known, and who certainly did not leave a book behind him. But the sentence gave a chance to the Taoists, and there were not wanting scholars, who declared that lao, old, stood for Laotse, and P'eng for P'engtse," &c. Unfortunately he has not made a study of the Indian authorities, without whose assistance it is impossible to comprehend the numerous allusions to Indian myths and stories which occur broadcast in both Buddhist and Taoist writers of the third and subsequent centuries. The story of P'engtse

is not Chinese at all but is pure Indian. P'engtse is, in fact, simply the Indian Bharadwaja, of whom Dowson relates, [*Classical Dictionary*], "A rishi to whom many Vedic hymns are attributed. He was the son of Brihaspati and father of Drona, the preceptor of the Pândavas. The Taitirriya Brahmana says that he lived through three lives, (probably a life of great length), and that he became immortal and ascended to the heavenly world, to union with the sun."

The fact of the matter is, of course, that like the so-called Tso K'iuming, simply invented by the same credulous age to account for the Tsochwan, really "Assisting narrative," Laotse was simply invented to account for the *Taoteh King*. The internal evidence of that work points to its being an early Buddhist work, and Indian phrases occur constantly in it. Tao itself is only the translation of the Sanscrit Marga, "The Path," from the cares of this life to the final Nirvana. This Indian strain is very palpable in the second chapter, the conclusion of which I may quote. "Hence it is that the perfect man attains the condition of inaction, (Nirvana) and follows the doctrine of silence. The material world being made, without obstruction were produced the non-existent and non-conditioned. Merit achieved, (Karma) is not to be assumed: not being assumed it will never leave."

In fact, as Dr. Giles points out, there is what might almost be called a conspiracy of silence with regard to the supposed philosopher Laotse, and every judicious writer on things Chinese has been content to leave matters as they were. Not so certain more modern writers, who with a bare knowledge of Chinese of the nineteenth century, and without any more critical capacity than the ordinary native teacher of the day, have set themselves up as authorities on all matters of history and archæology connected with the Far East. Of course the arch offender here is Professor Parker of the Manchester University, but others follow closely in his footsteps. With no more knowledge of English than Legge; and with even less critical capacity for discussing the problems of philology, and the mutual interactions of Chinese and Indian thought, brought about by the medieval influence of the teachings of the Indian Buddhists; and with no comprehension whatever of the early history of eastern Asia, Professor Parker has recently been posing as an authority on China and Chinese religion. Of his style, a quotation, copied from Dr. Giles, will be sufficient. "In," he says, "the so-called translation by Professor E. H. Parker, in *China and Religion*, p. 271, we have, (for the opening words of the *Taoteh King*), 'The Providence which could be indicated by words would not be an all embracing Providence.'" As Dr. Giles mentions, the passage is by no means difficult of translation, by any one who comprehends

English and Chinese and has a slight appreciation of the current of ancient Indian and Chinese thought. The passage reads simply :—"The way that may be traversed is not the Eternal Way. The name that can be uttered is not the Eternal Name." To express what he meant by the Way the author had "adopted the common Chinese term for a road, *viz.* 道 tao, just as ὁδός 'way' is used in Greek for a method or system, and later for the Christian faith. He was, however, careful to explain that the Eternal Way was not the way that could be walked on."

Still more ridiculous is Professor Parker's remark about the "Burning of the Books" by T'sin Shihwangti. We again quote Dr. Giles :— "Professor Parker has what I can only characterise as the audacity to add that amongst the books spared was the Book of Changes. That the Taoist (*sic*) classic fell within the shadow of the Book of Changes is almost certain, for the first Emperor was under Taoist influence, and the classic never needed rediscovery ; it was never lost !" We may add that audacity is the least of the literary crimes to be charged here ; ignorance is under the circumstances a much greater one. The *Taoteh King* could scarcely have been exempted from the flames, as it had no existence for at least two centuries later. With regard to this so-called "Burning of the Books," it would be well that both Professors, Giles as well as Parker, should study the only account with any pretensions whatever to authority, that contained in the *Shi Ki*. Ssema T'sien's account is very different from the garbled tales foisted on the unwary by subsequent literary pretenders.

T. W. KINGSMILL.

Notes on Yule. Colonel Yule's Note on page 167 of Volume II. requires some amendment, and he has evidently been misled by the French translations. The two Mussulmans who assisted Kublai with guns were not "A-la-wa-ting of Mu-fa-li and Ysemain of Huli or Hiulie," but A-la-pu-tan of Mao-sa-li and Y-sz-ma-yin of Shih-la. Shih-la is Shiraz, the Serazy of Marco Polo, and Mao-sa-li is Mosul. Bretschneider cites the facts in his "Mediæval Notes," and seems to have used another edition, giving the names as A-lao-wa-ting of Mu-fa-li and Y-sz-ma-yin of Hü-lieh ; but even he points out that Hulagu is meant, *i.e.* "a man from Hulagu's country."

On page 215 of Yule's Vol. I. some notes of Palladius are given touching Chingkintalas, but it is not stated that Palladius supposed the word *Ch'ih-kin* to date after the Mongols, that is, that Palladius felt uncertain about his identification. But Palladius is mistaken in feeling

thus uncertain: in 1315 and 1326 the Mongol History twice mentions the garrison starts at *Ch'ih-kin*, and in such a way that the place must be where Marco Polo puts it, *i.e.* west of the Kia-yüh Kwan.

Yule's identification of Kayal with the Kolkhoi of Ptolemy (Vol. II, page 373) is supported by the Sung History, which calls it both Ko-ku-lo and Ku-lo: it was known at the beginning of the 10th century and was visited by several Chinese priests. In 1411 the Ming dynasty actually called it Ka-i-lêh and mention a chief or king there named Ko-pu-che-ma.

Touching the fat-tailed sheep of Persia (Vol. I. page 100), the *Shan-hai-king* says the Yüeh-chï or Indo-Scythy had a "big-tailed sheep," the correct name for which is *hien-yang*. The Sung History mentions sheep at Hami with tails so heavy that they could not walk. In the year 1010 some were sent as tribute to China by the King of Kuché.

Regarding the Fandaráina country of the Arabs mentioned by Yule in the Notes to page 386, 391 and 440 of Vol. II. it may be interesting to cite the following important extract from Chapter 94, page 29 of the *Yüan Shï*:—"In 1295 sea-traders were forbidden to take fine values to trade with the three foreign states of Ma-pa-r, Pei-nan, and Fan-ta-la-i-na, but 2,500,000 nominal taels in paper money were set apart for the purpose."

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Another case where Williams accidentally omits a character from his index and body of his work is the character 轀 (*wên*), which Williams mentions under 輬. Giles also omits it from his index and body, and also mentions it under 7033. On page 550 of Vol. XXII of the *China Review*, Giles tells us he "transferred bodily from Williams," and "made a point of hunting up every phrase given by Williams." There is no reason why he should not do so; but why then leave Williams totally unmentioned in his (Giles') *Dictionary?* Why be severe on Lockhart, (page 405 of the same *Review*, Vol. XXI) for not mentioning a previous anonymous author in his (Lockhart's) book? Giles showed great spirit in printing his dictionary, but there is a "Dr. Giles' cribs to the classics" way of treating the previous labours of others who have hoist him to fame. The 轀輬車 is mentioned in *South Ts'i History*.

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There are many cases of cannibalism out of revenge mentioned in Chinese history; for instance in 552 the Hun rebel 侯景 was eaten and in 799 some revolted soldiers cut up and ate their officers 軍人臠而食之. In 868 they raped and ate the whole harem of a captured mandarin 皆蒸而食之—not much worse than in A.D. 1900.

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In 844 there were 4,600 Buddhist monasteries 寺, 40,000 retreats 蘭若, and 260,500 bonzes and nuns. It was in 843 that, after the great defeat of the Ouigours, the Manichean temples where sequestered. They had in 807 established them at Honan Fu and T'ai-yüan Fu. The Emperor in 844 was under the Taoist influence of 趙歸眞. All images were turned into copper cash, ploughshares, or bullion for the treasury. An exception, however, was made in favour of wooden, stone, and plaster images of no value, and a few monasteries were left at the capital, with one at each superior city; but on the understanding that they were to be officially used, and only for the orthodox imperial ceremonies. Instead of being under the Board of Rites 祠部, it was proposed to put all bonzes and nuns under the Foreign Office 鴻臚寺; and, as Buddhism had now been checked 釐革, it was felt that Nestorian and Mazdéan churches 大秦穆護祆祠 had no exclusive claim to remain 不可獨存; and consequently "their people were compelled to revert to lay status, and sent back to their original domiciles to pay taxes as householders: if foreigners 外國人, then they were sent back to their own place for supervision there 送還本處收管." It is noticeable that the Emperor describes Buddhism in one place as the "image cult" 像教 introduced from abroad 異俗 in degenerate times 季時 having gradually spread itself over the land, until at last it has eaten into the life of the country 國風, led men's minds astray 誘惑人意, and conduced to endless waste in buildings and precious offerings. "priestly claims taking precedence of those due to parents and the State" 遣君親於師資之際, and "sacrificing wife and family to absurd asceticism or continence" 違配偶於戒律之間. He traces the ruin of the Empire during the period A.D. 250-550 entirely to the mania for Buddhism, and goes on to say that the founders of the T'ang dynasty (A.D. 620) were beholden to military power and literature for their success, and not at all to a rubbishy Western religion 區區西方之教. Both at the beginning of the 7th 貞觀 and the 8th centuries 開元 incomplete attempts had been made to extirpate it. The Emperor then says laconically: "here goes;" and he enumerates as follows: "4,600 寺 pulled to pieces; 260,500 bonzes and nuns become lay once more, and available for taxation 收充兩稅戶; over 40,000 recluse-places 招提蘭若 are also pulled to pieces, and thus several tens of millions of 頃 [at least 300,000,000 acres, and therefore of course exaggerated] in fat lands recovered, and 150,000 male and female slaves formerly attached to the priests and nuns also become available 爲兩稅戶. Over 3,000 Nestorians and Maubads 大秦穆護祆 are required to revert to lay status 還俗, and conform to Chinese ways 不離中華之風. Thus we get rid of hundreds of thousands of lazy fellows 游情不業之徒, and destroy

innumerable trumpery meretricious buildings 丹艧無用之室." I am indebted to M. Chavannes for the word Magûpat or Maubad which I suppose is connected with the Pehlevi *mog* (*magus*) given by Webster. A few months later the temples, etc., at the two capitals were handed over to lay charities, and the provincial ones (from 112 to 160 acres) were placed in the hands of local trustees for like purposes. I may refer students to Devérias' *Manichéens Chinois*, and Chavanne's *Le Nestorianisme* in reference to the above matter. The foolish Emperor was poisoned by Taoist potions in 846. His uncle and successor "went for" the Taoists, and allowed such bonzes as were able to do so to rebuild their shrines (847).

The first use of the modern word 准 "to receive" appears to be in 875, when the Emperor says: 今準諸道奏報.

In 880 first occurs the popular expression 本是, in the phrase 本是平人; also 不要 in the sense of 不必 *e.g.* 不要勘問.

Mayers' No. 30, 張守珪, was Governor of Kwa Chou in Kansuh, (not on the Yang-tsze), and fought the Tibetans there. His subsequent services against the Kitans (who at that date had never even heard of the Yangtsze) were confined to the country near Peking.

M. Chavannes argues that 越 was once pronounced *vat* because it appears as that sound in Indian words. But this is not certain. Then as now the Chinese did the best they could: it is more probable that *vat* (even admitting the Indians pronounced then as now) could only be approached by some such Chinese sound as *wet*.

Mayers' No. 766 died in 226, and not in 239 as stated. He composed on horseback a very remarkable poem to celebrate his reaching the River Yangtsze: the original of it appears in the *Wei Chi* (Ch. 2, 24), quoted as coming from the 魏書. This last book must be quite different from the *Wei Shu* of the Toba dynasty, and it is not mentioned by Wylie. The above literary emperor was not only a composer, but also a compiler: his 皇覽 repertory of old literature does not seem to be mentioned by Wylie either.

Giles 2443 嫫 is based purely on Williams' error. Kang-hi says nothing of Turfan: it was one of the 36 西域 states, and was purely Tibetan.

In 756 when the Emperor had to fly from Si-an Fu to Sz Ch'wan money was raised by the sale of office and priests' diplomas [賣官爵及度僧尼].

The Toba Tartars habitually spoke of the Nanking Chinese as 島夷 and 蠻; thus *man* 酋 often means "Chinese general."

It is curious that Wylie makes no mention of 崔浩, who was put to death in 450 for writing a too true history of the Tobas up to that date. Even Mayers (No. 789) ignores the true cause of his death, after which "official historians were abolished" 史官遂廢 until the year 460.

One of the Toba Emperors invented a *tout special* form of punishment for a cowardly squad. The corporal's belly was cut open, and his nine men were ordered to eat up the whole bowels (including the dirt) smoking hot, at one sitting and raw. One of the Sienpi (Ts'i) Emperors used to skin men's faces and talk to them in that condition.

E. H. PARKER.

The Two Yangs. The statement of Prof. Giles on page 118 of his *Adversaria Sinica* that Dr. Legge and I have rolled the two Yangs, 楊朱 and 陽子居, into one is not quite correct. In my article on the philosopher Yang Chu (*Journal of Peking Oriental Society*, III. page 226) I wrote :—

"Since the description of Yang-tse-chü in these passages (*Lieh-tse* II, 15 and *Chuang-tse* chapt. XXVII, XX) so little agrees with the idea we form of him after Book VII (of *Lieh-tse*), and as Chuang-tse where he mentions Yang-chu and Mê-ti together always writes 楊 not 陽, one might almost suppose that Yang-tse-chü was a Taoist, perhaps a disciple of Lao-tse, with whom Yang-chu has been wrongly identified. But the above cited passage of Lü-pu-wei 'Yang-shêng (陽生) prized egoism' seems to be against such a supposition, and the commentators may be right in stating that in olden times 楊 was often interchanged with 陽, that Yang-chu (楊朱) was also called (陽生) Yang-shêng, and that his cognomen was (子居) Tse-chü."

I did not say for certain that Yang-chu and Yang-tse-chü are identical, being well aware of the difficulty pointed out by Professor Giles, but nevertheless admit the possibility. The passage in Lü Pu-wei's *Ch'un-ch'in* XVII, 17 runs as follows :—

老聃貴柔孔子貴仁墨翟貴廉關尹貴清子列子貴虛陳駢貴齊陽生貴己孫臏貴勢王廖貴先兒良貴後此十八者皆天下之豪士也.

My rendering "Yang-shêng" is probably wrong, and should be "the teacher (philosopher) Yang."

The commentator 高誘 Kao Yu (205 A.D.) remarks on this passage: 孟子曰陽子拔體一毛以利天下弗爲也, from which it would appear that in Kao Yu's text of Mencius Yang-chu was called 陽子. A later commentator adds by way of explanation that the ancients often interchanged 陽 and 楊: 陽楊古多通用.

I cannot accept the theory that the philosopher Lieh-tse is a creation of Chuang-tse "just as Mr. Greatheart was created by Bunyan" and have given my reasons in my above quoted article. One of them is the passage Lü-shih-ch'un-ch'in XVII, 17, another a passage of the philosopher Shih-tse (3rd cent. B.C.) adduced by Eitel (*China Review*, Vol. VI, page 266) from the paraphrase of the Erh-ya. I have traced it now in the Remains of *Shih-tse*, Book I, chapt. 廣澤(子書百家 *Shih-tse*, page 13 r.) where we read:—墨子貴兼孔子貴公皇子貴哀田子貴均列子貴虛料子貴別囿其學之相非也數世矣.

A. Forke.

LITERARY NOTES.

John Chinaman at Home. By the Rev. E. J. HARDY, M.A., Chaplain to H.M. Forces. Illustrated. Fisher Unwin.

The lightest possible reading and safe to recommend to friends at home, even those in China may find a certain amount of amusement in turning over these painstakingly put together pleasant pages. Some of Mr. Hardy's stories are not new, and of some we cannot think that they are quite true, but a lively kaleidoscopic picture of China is held up to view, which yet seems hardly more like the real thing than a Chinaman's description of the Shanghai Races some years ago. To give a really true picture more insight is required than this writer possesses, and possibly more sympathy. His is a view from outside. It may bore some people, but it will amuse and interest a far larger number, and the amount of information he has collected in the time at his disposal, whilst Chaplain to the Forces at Hongkong, is most creditable to the writer, and may even in not a few cases be found useful by those long resident in China. Although he travelled to Peking, and up the Yangtse as far as to the famous Gorges, Mr. Hardy's facts are chiefly collected in South China, a region with which I am but little acquainted, and therefore, though in some cases greatly surprised by his statements, I cannot be sure they are not true. It seems, however, strange that a Chinese making a silver belt for a lady should in any part of the vast continent compose the buckle of characters signifying "Distended with food." I can however fancy many quiet family circles, with a personal interest in China, where this book read aloud in the evening would be a source of much merriment, besides making all feel as if they really knew something of the strange country in which we live.

A. E. N. L.

China and Religion. By E. H. PARKER, M.A. (Manch.), Professor of Chinese at Victoria University, Manchester. John Murray.

This is a book of a very different calibre. Mr. Parker is nothing if he is not instructive, and distinctly does not lay himself out to be amusing. In this volume he is however eminently readable, which is by no means always the case. Possibly there are many errors and inaccuracies, and Professor Giles has set himself to point out some with a furious vigour that makes

one tremble. Yet even when all these are admitted—and it is not the least probable that Mr. Parker would admit them—I know of no other book filling the void that this attempts to occupy. Each Mission Station in China ought to be supplied with a copy, for in attempting to convert Chinese it is surely of some importance to know what is the standpoint from which one seeks to move them. There is a chapter each allotted to Taoism, Buddhism and Confucianism, and these would probably be most valuable to Missionaries. But the chapters on the Roman Church and Protestantism would probably be quite as interesting, and here the accuracy of Mr. Parker's carefully marshalled long array of facts and figures has never been impugned. It would be well indeed if intending Missionaries could read these two chapters before leaving England. Treaty rights, their position up country, how obtained, etc., would then all be clear to them. There are also chapters on Fire-worship, Nestorianism, Islam, Jews and Shintoism.

But it is a great pity that Mr. Parker, who is such a Chinese scholar and has ready access to Chinese lore, should not even have entered upon the question as to whether Lao-tze ever existed at all, and whether his great work, the *Tao-teh-ching*, is not rather a réchauffé of Indian teaching put together from memory. He assumes that Lao-tze lived, was interviewed by Confucius and disappeared into the West, the old story we have read over and over again till we love it. Later research does not countenance this story. But even if it did, explanation is needed. A pure and beautiful system of spiritual teaching could hardly spring full fledged out of the brain of one man, there must have been some previous revelation to build upon. And even if this were not so, how could the extraordinary grossness of the superstitions with which Taoism was so soon after covered over be accounted for? If Lao-tze be taken as a Reformer of a religious faith widely diffused and generally corrupted, both these difficulties disappear. But Mr. Parker does not attempt to explain away difficulties like these, because he is not even aware of them. He is not attempting to believe any of the Faiths he describes, he describes them from outside and without sympathy. Yet his book is not dry, and until a better one be written it is the only one I have from which just this class of information can be obtained. Literary Societies up country might do well to take it chapter by chapter, and meet to disprove or support its statements by fresh information they had themselves gathered. Copiously annotated this book might greatly gain in interest but, even as it stands, none could well regret time spent over reading it.

A. E. N. L.

The Re-shaping of the Far East. By B. L. Putnam Weale. Macmillan.

This is such a delightful book it must be a pleasure to everyone to read bits of it, though it is a little doubtful how many may feel it worth their while to study it from beginning to end. In description Mr. Weale is a past master, "making you feel as if you had been there," as one at least of his readers says. He is clear at the same time that he is picturesque. He excels in vivid touches, and has a rare gift for selecting salient points. When, however, he devotes whole chapters to unmasking the wicked plots of France or Germany—and it seems everything these two nations do or do not do is wicked—I am reminded of the speech of a Consul General: "Sometimes I spend all day writing voluminous private despatches to or receiving them from Peking, and yet I assure you I do not really know what my Minister is aiming at." And one wonders a little whether Mr. Weale is marvellously clever to have unmasked so much or wondrous simple to think he has. In any case, the man who contributes so much towards inflaming race enmities has a great deal to answer for. About no subjects are men more predisposed to quarrel than differences of religion or of race. Even if Mr. Putnam Weale be correct in his indictment of the Germans, an indictment far more German than English from the bitterness of its suspicions, would he be justified in the publication of them further than by a private and confidential despatch to the Foreign Office? Those of us in China who have not been carried away by popular enthusiasm for ententes cordiales may feel inclined somewhat to mock at them. But surely the man who is engaged however feebly in trying to cement friendly feeling among nations is better employed than he who seeks to arouse hatred and distrust. Then when Mr. Putnam Weale finally arrives at dispensing advice for the future one feels a little as if one were being armed with rose water squirts to repel the ouslaught of insidious and poisonous dragons. Possibly this last chapter should be regarded rather as a ballon-d'essai than as a formulation of his serious conclusions. Its audacity, and shall we say inadequacy, should not deter anyone from reading a book in which the crossing of the Yellow River is described so vividly that it is difficult after reading it not to believe that one has crossed it oneself; and where the first openings of the Russo-Japanese war are described in detail yet with a fire that positively glows from the printed pages.

The highest praise has been awarded to this book by our leading journals at home, and if in the face of this I still dare to criticise anything it is because being asked to comment I dare not but try to convey my own opinion, although knowing that I am not half so well equipped for so doing as those in England, who have bestowed unqualified praise.

Mr. Putnam Weale will, it is to be hoped, give us many more books. Both his last book and "Manchu and Muscovite"—a less ambitious effort but one more all round successful—have been so enjoyable that one cannot but hope that in future his books may be somewhat more limited as to length. His style is too brilliant for anyone to read more than one long volume of it at a gulp. His two first books, however, lead the reader on to count confidently upon yet greater literary successes in the future, although there are chapters in "The Re-shaping of the Far East" that cannot easily be surpassed. China may feel proud of having given birth to such a writer.

A. E. N. L.

Laotse: 老子 By the expectant official Yen. Tokio.

Mr. Yen Fu is well known amongst the foreign community as a translator of literary and scientific works, in which work he has displayed from time to time a considerable amount of independence of thought. The present work is of a different nature, being intended as an explanation for his own country of that, to a native Chinese, difficult book the *Tao-teh King*. Mr. Yen is a declared admirer of Herbert Spencer and his Synthetic Philosophy; and it might be supposed that in writing the little brochure mentioned at the head of this notice, Spencer's methods would have had some influence in an enquiry where both the contents and the outer form of a philosophy were concerned. It is disappointing to discover that in regard to the old literature of his native country Mr. Yen should seem to have entirely lost sight of the critical faculty. Difficult of comprehension as is the *Tao-teh King* to the ordinary student, it is simplicity itself when placed alongside Mr. Yen's glosses.

As everyone knows, the *Tao-teh King* opens with an introductory sentence, merely to explain the scope of what follows: "The way that may be traversed is not the eternal way, (of it I am not speaking): the name that may be uttered is not the Eternal Name, (only the latter concerns me)." Nothing here was intended further than an indication of what was to follow. Mr. Yen wastes on the sentence the following: "The way that may be trodden, and the name that may be called, indicate that they are merely the apparitions and not the essentials."

After explaining in the very first chapter that the man who is without desire can alone grasp the essential, while he who is the slave of desire only sees the outer form; the author of the *Tao-teh King* (whoever he was), in the second chapter goes on to open his subject: "Hence it is that the 'complete' man grasps the conditions of the 無爲 Wu-wei," *Nirvana*. This doctrine of the Wu-wei it is that forms the dominating subject of the

whole of the *Tao-teh King*. Of this Mr. Yen does not seem to have formed the slightest idea. The 無爲 "Wu-wei" of the *Tao-teh King* is in fact the early Buddhistic title for what the later Buddhistic school denominated the 涅盤 Nip'an—the latter a simple transliteration of the Sanscrit *Nirvana*.

Even so able a writer as Mr. Yen is not able to free himself from the fetters of the state Confucianism, which forbids anyone to form a private opinion when once Chuhi has spoken *ex cathedra*. In this he consciously or unconsciously follows the lead of his class. We may, however, remember that it took four centuries of the Renaissance to free Europe from the bonds of the Schoolmen: so that we may perhaps sympathise with Mr. Yen in his failure. This explanation, though it may free him from the charge of seeking wilfully to lead his countrymen on the wrong track, does not add to the value of the work, which is rather below than above the usual vapourings of the *literati*.

T. W. KINGSMILL.

An Introduction to the History of Chinese Pictorial Art. Professor GILES. Kelly & Walsh, Limited, Shanghai.

Some Chinese Painters of the Present Dynasty. Professor HIRTH. Otto Harrassowitz, Leipzig.

These two books on Chinese pictorial art represent the maximum of labour with the minimum of result. They may justly be called, to adapt Palgrave's phrase, ponderosities of sinology. Professor Hirth speaks, in his Preface, of Chinese art history remaining "the sport of sinologues," which is the exact condition in which these two books leave it. Professor Hirth has evidently had good intentions of "approaching the art itself in the shape of existing specimens" but soon encountered "the difficulty of procuring specimens." Apart from giving a few examples of ordinary pictorial art such as could be seen by any visitor to a shop in almost any large city in China and leaving these to speak for themselves without any attempt at criticism, the work of both Professor Giles and Professor Hirth is merely a translation from a few well known Chinese books. While these translations may have been of some academic interest to the two translators they are of no possible value to the student of Chinese art, who is left in the same state of ignorance of the works of Chinese masters as he was before these books were issued. It is no more difficult in China to see or to purchase good specimens of pictorial art than of ceramic art, in which latter field Professor Hirth has already done valuable

work, but specimens are very expensive, ranging from Tls. 3,000 to Tls. 10,000 for a single painting, and have not yet been considered of sufficient artistic value to be collected by any Westerner although there are many splendid collections among the older Japanese families. One would be led to infer that Chinese masters could be reckoned by the hundreds, as Professor Hirth gives a list of about three hundred painters of the present dynasty whom he considers worth mentioning. His work could have been paralleled by a Chinese familiar with English translating into his own language the names of all whose pictures have appeared at Royal Academy exhibitions since the opening of that institution and representing his work as a History of British pictorial art. The work of Professor Chavannes in the *T'oung Pao* for July 1904 on "La peinture chinoise au Musée du Louvre" is of value as it furnishes an account of the collection in the Louvre instead of dealing in bewildering translations from Chinese books. Had Professor Hirth and Professor Giles given us accounts of American or European collections already in existence, they would have done valuable service, but as it is their present attempts cause us to admire their patience in the work of translation rather than any intelligent appreciation of Chinese pictorial art.

J. C. F.

The Far East. By ARCHIBALD LITTLE. Clarendon Press, Oxford.

There is hardly another foreigner in the Far East than Mr. Little in whom could be found a true literary instinct and quick observation of surroundings together with first-hand knowledge gained from extensive travels for more than forty years. These qualifications have united in producing a really valuable book on the geography of China, for although the title of the book is "The Far East," thirteen of the seventeen chapters treat of China while two more chapters treat of whilom dependencies—Indo-China and Corea. The author groups his work around the three great basins of China (1) the Northern, around the Yellow River, (2) the Middle, around the Yangtse Kiang and (3) the Southern, around the streams flowing into the China Sea. Chapter V on the Province of Szechuan and Chapter IX on Yunnan to Canton are perhaps the most valuable in the book, although there is no chapter which does not present information which could not be found elsewhere. It is a book to be heartily commended and recommended.

J. C. F.

The following school books are reviewed for the purpose of showing the extent and purpose of the new education in China.—[Ed. *Journal.*]

最新初等小學修身教料書. 10 Vols. Commercial Press. 10 cts. per vol.

"Elementary Ethics" is the English title of this book. By this is meant a book of ethics to be taught in elementary schools.

The preface begins: "It is constantly said that moral culture, mental culture and physical culture constitute true education. This is true, but moral culture is the root of all; on this, ancient and modern, Chinese and foreign, are all agreed.

"The Chinese books which teach morals are numberless, but abstract discussions of principle and abstruse applications are unsuited to infantile minds. This book selects the wise sayings of the ancients and their brave acts and sets these forth as examples for the children of to-day."

During the course of my life in China I have several times watched the initial steps in the evolution of that highest product of Confucianism—a teacher.

A romping boisterous boy of some six years is caught wild one morning. He is scrubbed into unwonted and irritating cleanness, decked out in a gown which is elongated into a train to provide for future linear expansion, and marched off to school. He makes his "kow-tow" to that dread person, the Master, and is soon perched on a stool which is a hand-breadth wide but so high that his new "tiger-shoes" hang six inches above the ground. He is seated before a table of such altitude that his head protrudes as much above it as his feet dangle short of the floor. The mud walls of the school-room are abolutely bare or, perchance, there may be a pair of scrolls decorated with characters which are as mysterious to him as the hand-writing on the wall was to Belshazzar. The window is covered with paper which, though permeable to light, is non-transparent. A pair of squares of red paper with a hieroglyph on each, is laid on the table before him and he must suspend himself on that stool from early morn till weary sunset saying over and over again "*Tien-dz, Di-dz,*" in monotonous repetition. Surely the stupidity of man could devise no more horrible punishment for a happy, healthy boy.

On examining this book of "Elementary Ethics" we find that Vol. I contains no lesson at all, or, if these are lessons, they are so disguised that no boy will be able to recognise them as such. It is from beginning to end a book of pictures and every picture is a story without words. No more suspension between a stool and a table, like a criminal in a cage, for

Chinese school-boys. We can imagine how the little black eyes will sparkle when the proud scholar is given this as his first school book. Let us look at Lesson IV. Here is a farmer standing in the middle of a room. A kettle is boiling over a fire and a tub containing something is placed on the floor. A large monkey is bending over the tub as though it wanted to snatch the article which that contains out of it. The farmer is watching the monkey and is evidently puzzled by its actions. In the picture on the opposite page the farmer is standing in the doorway. The monkey has something in its arms—evidently the thing that was in the tub—and is leaping into a pond of water. What can the story be? I am sure the pupil will be more anxious to commence this lesson than to play battledore and shuttlecock or to fly a number one kite. Lesson XIII is about a fox and a stork, and Lesson XVIII has two pictures of a hare and a tortoise. Lucky children who commence school life now-a-days and are no longer under the old régime.

In Vol. II short sentences are given on one page while the picture occupies the whole of the other. From this onward the printed lessons gradually become longer and the pictures are curtailed. Each book contains twenty-two lessons and it is intended that one lesson shall be taught each week so that a book covers half a school term. The stories are moral tales and copied from ancient Chinese books; some from the classics, and some from other sources. The characters are printed from wooden blocks and are models of good clear caligraphy.

There is a certain progression in the subjects taught. Thus in Vol. III the first four lessons deal with duties in the home. The fifth and succeeding lessons teach the necessity of resolute self-control, and from the fourteenth lesson onward neighbourliness and charity are inculcated.

I offer only one criticism. When simplicity is so evidently aimed at would it not have been better to have printed the text in Mandarin? Of course it may be urged that the lessons are very short and that in places where Mandarin is not the spoken language the Wen-li is just as intelligible to the scholar as Mandarin would be. It may be so. At any rate the first edition of this book was issued in January 1905 and already 158,000 copies have been printed. The commendation of the publisher's constituency could hardly be more clearly expressed.

初等小學修身教料書教授法. Methods For Teaching Elementary Ethics. Commercial Press. 10 cents per vol.

This book is the teacher's manual to accompany Elementary Ethics. The lesson book is, as we have seen, largely pictorial. In this hand-book the story represented by the picture is told and expounded, and the teacher is instructed how to teach it to the class in methods approved by modern pedagogy.

In the old system of teaching the teacher sat at his ease, generally smoking a water-pipe, while the scholar bawled the (to him) unmeaning sounds which constituted a lesson. Under the new system the scholar sits comfortably at his desk while the teacher has the floor and strives by simple lecture, by appropriate gesture, and by apt illustration to convey the meaning of the book to his pupils. It is evident that the usefulness of Elementary Ethics depends entirely on the energy and enthusiasm of the teacher. It is therefore interesting to note that since the book was first issued in 1905, 64,000 copies have been printed. The teachers, then, are using the book. I would not have been surprised to hear that they had gone on strike in a body and declared that this method of teaching was turning the five relationships upside down and was subversive of all social order. We may look forward to the evolution of a new literati in China which shall be as different from the old long-nailed Confucianist scholar class as the west is different from the east.

初等小學筆算教科書. **Elementary Arithmetic.** Illustrated. 5 Vols. 20 cents per vol. Issue 115,000.

初等小學筆算教科書教授法. **Methods for Teaching Elementary Arithmetic.** 5 Vols. 25 cents per vol. Issue 44,000.

初等小學珠算教科書. **The Abacus Arithmetic.** 2 Vols. 30 cents per vol. Issue 15,000.

初等小學中國歷史教科書. **History of China.** 2 Vols. For Elementary Schools. Illustration. 30 cents per vol. Issue 110,000.

初等小學地理教科書. **Geography for Elementary Schools.** 4 Vols. Maps and Illustrated. 50 cents per vol. Issue 90,000.

初等師範學校教科書學校管理法. **Normal School Text-book.—School Discipline.** One Vol. 20 cents. Issue 9,000.

初等師範學校教科書教授法原理. **Normal School Text-book.—Pedagogy.** 20 cents. Issue 9,000.

初等師範學校教科書教育史. **Normal School Text-book.—History of Education.** 20 cents. Issue 9,000.

On the thirteenth day of this month (June) the native papers in Shanghai published a set of regulations promulgated by the Board of Education. The Board intimates that it is prepared to receive for examination text-books intended for use in primary schools, and the Board will allow its imprimatur to be printed on the title-pages of such books

as satisfy its requirements. The books thus approved will, it is presumed, be largely, if not exclusively, used in the primary schools throughout the Empire.

China has been a "literary country" for milleniums but the Board of Education is a creation of the present year. Schools which profess to be conducted on modern lines are springing up all over China and the course of study in each differs according to the idiosyncracies of the various promoters and teachers. The action of the Board of Education in thus selecting and stamping with its approval certain text-books is evidently aimed at evolving order out of the present chaos.

There are twenty-two regulations in the notification just issued. The first article says "This Board is put in charge of the Education of the whole Empire. Seeing that our country is now at the inception of its educational system it is important that we secure unity of administration and see that the principles on which action is based are correct. We therefore first give attention to text-books. Pending the time when the Board will issue its own books we shall select the books printed by various publishers and approve those that are suitable in order to provide for the needs of the schools."

The last article is "The books which have been examined now are selected because of the pressing need of the time and are approved for temporary use, therefore they shall be stamped "First set of books for primary schools ; temporarily approved."

The list of books submitted to and approved by the Board of Education has not yet been published but I understand the majority of the books thus favoured are the property of the Commercial Press. I have, through the courtesy of the Manager of the Press, secured copies of these for review in this Journal.

最新初等小學國文教科書. First Grade Chinese Reader for Primary Schools. 10 Vols. 15 and 20 cts. per vol. Commercial Press.

This is a book of lessons in reading for primary schools. It will be complete in eighteen volumes and up to the present ten volumes have been printed. Scholars seven years of age commence with the first volume and are to read one volume in half a school term ; the whole book will therefore supply reading lessons until the pupil reaches the age of fifteen and enters the secondary school.

It is said in the preface "Our country has had schools modelled on foreign lines for forty years but up to the present these have had no great success. This is because hitherto the principles on which modern education is based have not been introduced into our primary schools."

It is indeed a remarkable fact that no foreigner ever commenced school work in China without recognising at the outset the need of a reading book, and no foreigner ever attempted to make one.

The volumes consist of short stories on various subjects, and a very wide range of reading is introduced. All the lessons are eminently practical. There are lessons on grass, hemp, silk, tea and on various animals, fish and insects. Anecdotes of patriotism, filial piety and courtesy are given, and there is a lesson on banking and on the flotation of joint stock companies. These two last are illustrated with fac-similes of a Chinese bank note and share certificate in The China Merchants' Steam-ship Company. Altogether this is a healthy book designed to deal with every-day affairs and is the very antithesis of the "classics."

One chapter is an ancient story on the ways of Providence. Tsi Wen-shih was entertaining guests in the hall. When the fish and birds were served one of the guests said: "Heaven has abundantly provided for man's wants; there are five grains, also fish and poultry; all are designed for man's use." The guests all echoed those sentiments, but Mr. Bao's son, a lad of twelve years, stepped forward and said: "All things are alive even as I am; each after his kind. There is no such distinction as that of lower and higher species, but there is a difference in the degree of wisdom and the amount of strength possessed by each; by the exercise of these they mutually subdue each other. Man seizes the edible species and eats them, but heaven did not, in the first instance, design those for his food. Mosquitoes suck our blood and tigers eat our flesh; were we then designed to be food for gnats and tigers?"

Many of the lessons are designed to stimulate patriotism. The history of the intercourse of foreigners with China is related in Vol. X. The sketch, though necessarily brief, begins with the Tang Dynasty and ends with the Boxer movement. It concludes, "Alas! since the opium war, sixty years ago, we have had to surrender territory eight times. We have lost three dependencies and have been mulcted in indemnities to the value of 7,000,000,000 (taels)." Is it not pitiable?

The plight of Chinese who emigrate to foreign countries is also related, but it is confessed that much of the dislike to them, evinced by foreigners, is due to the dirty habits and low state of civilization of those emigrants.

Vol. IX contains a short history of Chinese commercial intercourse with the rest of the world. Appended is a list of the Countries which have diplomatic relations with China and the dates of the various treaties. "Our country pursued a policy of seclusion and failed to understand outside affairs, so when foreigners first came to China, we opposed their landing. They compelled us by force of arms to admit them, but the treaties being the result of our defeat were invariably to our disadvantage. Our people

despised the foreigner and often rudely broke the treaties; this brought the foreigner again with troops upon us and yielding to *force majeure* we conceded all his demands, but our country was greatly injured. Now there are forty ports at which foreigners are allowed to trade, but preachers (傳教之徒) are all over the country."

A short history of Christianity, with a picture of its founder, is given in Vol. VIII. The Nestorian, Greek, Catholic and Protestant churches are referred to and the tone of the narrative is entirely unobjectionable.

The style used in the composition of these lessons is beyond praise. The writers are evidently first class Chinese scholars.

Where there is so much to commend one ventures a few criticisms with some diffidence. There is a difference in the type used in the earlier from that used in the later volumes of this book. The same progression from that which is easy to the more difficult is not apparent in the composition of the reading lessons. The lessons in Vol. V are just as difficult to read as those in Vol. X. This is not ideal.

Now and then archaic forms are used. Especially is this noticeable when the lesson is an anecdote taken from some ancient book. The writer seems to have hesitated to take many liberties with the venerated ancients. In Vol. VI we read, 孔子高遊趙平原君客之, Kung Dzi-gao travelled in Djao; the ruler of P'ing-yuen entertained him. 客之 is a form common in the classics, but rately met with in every-day correspondence. Of course Chinese scholars must still familiarise themselves with these ancient forms of speech, but they need not be introduced in the elementary school reading book.

Uncommon characters are met with far too frequently. It is true that these are sometimes unavoidable as when they are the names of men or places such as 嵩 and 邛 or when used to designate a technical process as 釉 the glaze on earthenware 鼗 a drum, etc. But beside these there are many characters which might well have been simplified in an elementary school book, *e.g.* 襞, 瘗, 墥, 囃, 麋, 鹿, etc. These and many other uncommon characters must be learned ultimately. I only contend that it would be better to postpone their introduction until a higher grade text-book is used.

Wise old Dr. Faber said: "No nation can progress far on the path of civilization till it has learned to say A B C." I have thought again and again when reading through this lesson book how much the cause of education in China would be helped if a national system of Romanised spelling was taught in all schools. The first year's course in all primary schools would then be exclusively taught in Roman letters. By the end of that term the scholar would be able to write every word in the Chinese language in Romanised spelling and to read simple lessons from the

printed page. In the second year simple characters would be taught and each character would be accompanied by its appropriate spelling with which the scholar would be already familiar, as 人 *ren*, 王 *wang*, etc. When lessons in the character were introduced each unfamiliar character as it appeared for the first time in a lesson would be printed at the top of the page as is done in this book, but it would also be spelled and explained as 巒 *lwan*, 山名嘓 *kan*, 啖也. The pupil could thus proceed with his studies after one, or at most two, years at school even without the aid of a teacher. Until this system is adopted the scholar is entirely dependent on the teacher's oral instruction for any knowledge of these new characters and as often as not the teacher himself only guesses at their sound and meaning.

Published uniformly with the National Reader is another book called **"A Method for Teaching Chinese National Readers"** 初等小學國文教科書教授法. 10 vols. Commercial Press.

This is also in ten volumes and is a hand-book for the teacher. It is arranged so that while the scholar is studying his lesson in the National Reader the teacher has a corresponding pedagogy which tells him how to teach the lesson which is set for study.

It was a very far-sighted policy of the Commercial Press to publish this book and it has met with a deserved, if unexpected, success.

A teacher of the old school in China was an educationalist whose ability we were compelled to admire even when we disapproved most strongly of his methods. Nevertheless no foreign schoolmaster ever contemplated the native teacher with anything but a feeling of despair. He was a teacher who had not the faintest idea how to teach.

The Commercial Press has also recognised that before the scholar can secure the rudiments of education from the ordinary native teacher it is necessary that the teacher himself should be taught what are the first principles of pedagogy. Hence every lesson in the pupil's text-book has a corresponding lesson in the teacher's manual. He is instructed to begin by: (1) "Pointing out" the leading principle of the lesson; (2) recognizing the progressive order of thought; (3) developing the principle of comparison; (4) catechetical.

The pedagogy is of more importance than the Reader it is designed to elucidate. A good teacher can do a great deal with a bad text-book, but a bad teacher will make the very best text-book valueless.

When it is said that the demand for the National Reader has been such that 355,000 copies have been printed and that 67,000 copies of the Methods for Teaching the National Readers have been called for, it will be sufficiently evident that these books supply a felt want and that they are powerfully influencing the thought of Chinese educationalists.

JOHN DARROCH.

Sectarianism and Religious Persecution in China. By J. J. M. DE GROOT. Amsterdam. Johannes Müller.

The general purpose of this large work in two volumes is to show that the Government of China is not tolerant in the matter of religious liberty. A history of religious persecution in China is given in full detail together with confirmatory quotations from sources whom the author considers reliable. The principles and motives of China's religious persecutious are frankly stated on the authority of official books and documents. The work is done thoroughly. Its chief defect is the drawing of conclusions from the attitude of the Government rather than from that of the people.

J. C. F.

Religions of Ancient China. By Professor HERBERT A. GILES. London. Archibald Constable & Co. 1905.

This is a small book of 68 pages and is one of the series of "Religions, Ancient and Modern." It attempts to give a general sketch of the Ancient Faith of China, of Confucianism, Taoism, Materialism, Buddhism and other religions. It is not critical in spirit but outlines in the briefest possible manner the leading features of the faiths of China. As an introduction to more extended studies this book fills a place of its own and can be heartily recommended.

J. C. F.

A Millionaire's Courtship. By Mrs. ARCHIBALD LITTLE. T. Fisher Unwin, London.

This is a charming picture of the life of foreigners in China, and while by no means always complimentary to the complacent resident of the East it cannot be denied that as a whole it is true to fact. Written by one who has spent the whole of her adult life in China and who has a large circle of friends the book is not meant to be a travesty upon her fellow-residents but must be considered as an honest attempt to portray life as it was found.

J. C. F.

RECENT BOOKS ON CHINA.

[*Any of the books contained in this List may be obtained of the publishers of this Journal, Messrs. Kelly & Walsh, Limited.*]

ALLEYNE, IRELAND.—*The Far Eastern Tropics.* Studies in the Administration of Tropical Dependencies (Hongkong, B.N. Borneo, Sarawak, Burma, F.M.S., The S.S., Indo-China, Java, The Philippines).

Lieut. C. C. DIX, R.N.—*The World's Navies in the Boxer Rebellion* (*China, 1900*).

JOHN FOX, Jr.—*Following the Sun Flag.* A Vain Pursuit Through Manchuria.

Foreign Office Report. Kiungchow, 1904.

Customs Reports on Trade. (Separate Ports) 1904. Wuchow, Pakhoi, Lappa, Lungchow, Kiungchow.

MAURICE BARING.—*With the Russians in Manchuria.*

Report on the Working of the Imperial Chinese Post Office (*I.M.C.*)

Brig.-General A. S. DAGGETT (U.S. Army).—*America in the China Relief Expedition.*

LORD BROOKE.—*An Eye-Witness in Manchuria.*

H.B.M. Consular Reports on Trade, 1904. Foochow, Nagasaki, Swatow, Pakhoi, Kiukiang, Ichang, Amoy.

C.I.M. Map of China. New edition, 1905.

WALTER BROOKS BROUNER, A.B., M.D., and FUNG YUET MOW.—*Chinese Made Easy.*

WALTER GORN OLD.—*The Shu King*; or, the Chinese Historical Classic; being an Authentic Record of the Religion, Philosophy, Customs and Government of the Chinese from the Earliest Times.

J. DYER BALL.—*The Pith of the Classics*; the Chinese Classics in Everyday Life, or Quotations from the Chinese Classics in Colloquial use.

J. EDKINS, D.D.—*Banking and Prices in China.*

WILLIAM WOODVILLE ROCKHILL.—*China's Intercourse with Europe from the 15th Century to 1895.*

L. RICHARD.—*Géographie de l'Empire de Chine* (Cours Inférieur).
Géographie de l'Empire de Chine (Cours Supérieur).

H. A. GILES, M.A., LL.D.—*Adversaria Sinica*, Nos. 1, 2, 3 and 4.

J. DYER BALL.—*How to Write Chinese*; containing general Rules for writing Chinese, and particular rules for writing the Radicals. 2nd Edition.

J. DYER BALL.—*How to Write the Radicals.* 2nd Edition.

J. DYER BALL.—*The Celestial and His Religions*; or, The Religious Aspect in China.

Mrs. ARCHIBALD LITTLE.—*Round about my Peking Garden.*

G. CARTER STENT.—*A Dictionary from English to Colloquial Mandarin Chinese.* Revised by K. E. G. HEMELING.

Mrs. WILLOUGHBY HODGSON.—*How to Identify Old Chinese Porcelain.* 40 illustrations.

FREDERICH HIRTH, PH.D.—*Scraps from a Collector's Note Book*; being notes on Some Chinese Painters of the Present Dynasty with appendices on some old Masters and Art Historians.

S. E. BRADY.—*The Jewel in the Lotus and other Stories.*

GILBERT MCINTOSH.—*Useful Phrases in the Shanghai Dialect*, with Index, Vocabulary and other Helps.

EMILE BARD.—*The Chinese at Home* (translated from the French).

Blue Book China, II. 1905.—Report on a Journey in the Interior of Kiangsi by Mr. WALTER J. CLENNELL, His Majesty's Consul at Kiukiang. With a Map.

Le Dr. A. F. LEGENDRE.—*Le Far West Chinois.* Deux Années au Setchouen. Récit de voyage, étude géographique, sociale et économique.

KATHARINE A. CARL.—*With the Empress Dowager of China.* Illustrated from photographs.

W. W. YEN.—*A Manual of Translation.* 120 Lessons.

CHAS. KLIENE.—*An Anglo-Chinese Calendar for 250 years, 1751 to 2000.*

CHAS. J. H. HALCOMBE.—*Children of Far Cathay.* A Social and Political Novel.

THOS. F. MILLARD.—*The New Far East.* An examination into the new position of Japan and her influence upon the solution of the Far Eastern questions, with special reference to the interests of America and the future of the Chinese Empire.

J. W. H. FERGUSON.—*A Glossary of the Principal Chinese Expressions occurring in Postal Documents.*

I.M.C. Statistical Series No. 6. Decennial Reports on the Trade, Navigation, Industries, etc. of the Ports open to Foreign Commerce in China and on the Condition and Development of the Treaty Port Provinces 1892-1901. With Maps, Diagrams and Plans. Vol. II. Southern Ports with Appendices.

Map of Tientsin Prefecture and Neighbouring Country, showing course of Hai Ho-pei from Taku Bar to Yang-Ts'un and Yü Ho or Grand Canal. Compiled in the Intelligence Branch N. China Command under direction of Lieut-Col. A. S. WINGATE, D.A.Q.M.G., and Lieut. F. G. TURNER, R.E.

In Memoriam.

Freiherr FERDINAND VON RICHTHOFEN.

On the 7th October at Berlin took place the death of our Honorary Member, the Baron Ferdinand von Richthofen, for seventeen years Professor of Geography at the University of Berlin. In China he was best known as an able geologist, who was the first to reduce to order the geology of this huge Empire, before his time only known from scattered notices of travellers who had from time to time, without any common plan of action, visited certain of the more accessible provinces. Richthofen actually visited eleven out of the eighteen provinces as then existing, and made extensive travels into Mongolia and Manchuria, and his letters to the Chamber of Commerce of Shanghai, which largely contributed to the expenses of his various expeditions, still remain as one of our standard works on the subject. These letters were written between 1870 and 1872. Old prejudices against outer explorers were still rampant in most districts in China; in many of these districts Richthofen was actually the first foreign visitor, and the task of the traveller in China, at no time one of comfort, was roughened by official and popular obstruction, and occasionally actual danger. That under the circumstances Richthofen succeeded in traversing these regions at all is a testimony to his good sense and judgment; that he brought back valuable information is the best proof of his capacity and energy.

Though primarily Richthofen's object was the study of the geology of the country, he by no means confined himself within the limits of his favourite science; as valuable as his geological explorations was the work he did on the geography and hydrology of the regions traversed. Economically the work which he did on behalf of the Shanghai Chamber of Commerce was scarcely less important, and his explorations of the trade routes and products of the various districts traversed, undoubtedly gave a great impulse, which to a large extent still survives, to the external and internal trade of China.

Freiherr Ferdinand von Richthofen was born in 1833 at Karlsruhe in Silesia, his preliminary university studies were mostly geological; and it was to geological exploration that he early resolved to devote his life. Early in the sixties he had already made up his mind to be the geological poineer of China, but the anti-foreign ideas which had led up to the war

of 1859-60 were still rampant, and access to the interior was practically impossible. Richthofen accordingly occupied himself in a geological exploration of the Pacific seaboard of America, the results of which he published in a work entitled, "A Natural System of Volcanic Rocks." Two of the theories first propounded by him, the extensive occurrence in past geological ages of "Fissure" eruptions as contrasted with the more ordinary discharges from single vents, and the general contemporaneity of similar volcanic rocks, have since met with wide acceptance amongst geologists.

In 1869 in pursuance of his self-imposed task Richthofen came out at last to China, and placed himself in communication with the Shanghai General Chamber of Commerce. The result was that on the first day of 1870 he started from Canton on the first of his now celebrated journeys. The condition of the country at the time is summed up by him in a few words in his first letter. "My journey has been on the whole satisfactory and pleasant. People in Kwangtung are civil to foreigners, and I have no reason to complain seriously of those of Hunan. It is true that travelling by land in this province requires more care and constant watchfulness than it does in those provinces I had previously visited. There is a good class of people largely represented in Hunan. The bad reception which foreigners have met with is due chiefly to the existence of a class of rough characters who are met with everywhere in China, but probably in few provinces in equal number with Hunan. . . . . On the other hand, the cleanliness, order and industry of the people generally, and the great number of well educated and well behaved individuals cannot fail to impress a traveller favourably, and this circumstance makes up in some measure for any unpleasant experiences he may have previously made."

In this faculty for falling in with the peculiarities of the people lay, in fact, the cause of his general success, and it is worthy of note that, even at the present day few travellers have contrived to move about the country and make so many observations with less interruption from the prejudices of a naturally superstitious peasantry. It is quite true that in a few instances this cautiousness was carried to an excess which prevented him from entering sufficiently into details, and his work, partly from this cause, and partly from a habit of over generalisation, has suffered considerably in precision.

The general results of Richthofen's explorations were at the time published in eleven letters addressed to the Chamber of Commerce. Though occasionally incorrect in detail, they are on the whole, considering the circumstances under which they were written, wonderfully clear and full, and the connected fascicle in which they have recently been republished affords one of the best guides to the voyager through China,

even at the present day. Subsequent geologists going over his work in detail, more especially the borders of Honan and Shansi, and the large portion of Manchuria adjacent to the northern stretch of the Gulf of Pechili, found reason to object to many of his observations, and still more to his geological conclusions, but this detracts but little from his credit as a pioneer.

On the whole his conclusions as to the earlier geology of China have stood the test of subsequent investigation. The same cannot unfortunately be said of his theories as to the later formations, more especially his fantastic idea as to the deposit of the Loess which covers a vast extent of China from the hilly country bordering on the south the Yangtse valley. It is worthy of note that while these theories met with wide acceptance from the geologists of Europe who had never seen or traversed the loess-covered regions of China, no geologist who has ever had the opportunity of inspecting on the spot this great and characteristic formation can find himself in agreement with him.

On his return to Europe Richthofen published in an elaborate work the results of his explorations. Unfortunately this great work has never been translated into English, and, as a consequence, it remains almost a sealed book to the general public in China. It is, however, of very unequal value throughout. Those portions which take up his practical work as a geologist are of very great value practically and theoretically, and his geographical and hydrographic work has been the foundation for all our subsequent knowledge of China. The historical or quasihistorical, and the portions which treat on the later geological history of China are, however, eminently misleading, and, coming from one so eminently gifted as Richthofen, have done a serious disfavour to Oriental study.

THOS. W. KINGSMILL.

ROBERT W. LITTLE.

The late Mr. Robert Little belonged first to Shanghai and secondly to journalism. It was not until he was well on in middle life that he found the vocation in which he made his conspicuous success; but he had been devoted heart and soul to the cause of the Model Settlement from the day, back in the early sixties, when he stepped first on China's soil. Of magnetic personality, strong yet eminently tactful, ever ready to see two, or if necessary half a dozen, sides to a question, not hasty in opinion but steadfast in convictions once they were formed, he was early marked out for a leader among his fellows, and with true simplicity of spirit he never shirked the responsibilites which others laid willingly upon him. To be

in the front, whether on the field of sport, in the social world or on the public platform, fascinated him, but he took his place there so unaffectedly, with no striving for self-advertisement—a thing he detested—that not even those who differed from him accused him of insincerity of purpose.

Considering the ease with which he wrote and the vast amount that came from his pen, it is deplorable in one view that he left almost nothing of permanent literary value; but it was the very intensity of his interest in his daily work that deterred him from attempting to write for the future. Trained in the old classical tradition, with Horace and Shakespeare as his schoolmasters in style, his articles on the most unpromising subjects never lacked a certain literary finish, not the less pleasing for its frequent archaisms. He was at his very best in the pure essay on some lighter theme, a criticism of customs or of manners. Unfortunately the stress of affairs left him less and less leisure for a literary recreation in which he delighted, or for indulging a facility in topical verse. In his younger days Mr. Little wrote many songs and parodies for use on local platforms. The "Rejected Addresses" of James and Horace Smith were a perpetual joy to him; he knew them, as he knew much literature contemporaneous with them, by heart. Two of his most valuable assets as a newspaper writer were an encyclopædic memory and an extraordinary grasp of detail. His store of reminiscence needed no carefully-indexed book of cuttings for refreshing; he kept, indeed, a wondrous collection of such, but they were never arranged, and he was never known (so far as the present writer is aware) to refer to them. Complimented once on the sureness with which he would furnish an anecdote or a quotation (probably in Latin) for every occasion, he remarked with a touch of humourous pathos: "It's my misfortune; I cannot forget things." On another occasion he concluded an article with a quaint and little known French aphorism: *C'est un original qui ne se désoriginalisera jamais*, and in subsequent conversation he remarked that the phrase, heard years before, had recurred to his memory and haunted it till he had written the article solely to include the words.

Mr. Little's connection with this Society dated from 1879; whether by attendance at important meetings at which he joined in discussions or by the support of the Society in the editorial columns of the *North-China Daily News*, the Society always found in Mr. Little an eloquent and faithful friend.

L. D.

PROCEEDINGS.

ANNUAL GENERAL MEETING.

The annual general meeting of the North-China Branch of the Royal Asiatic Society was held Thursday afternoon, June 14th, 1906, at 5.30 o'clock in the Society's Library, Museum Road. In the absence of Sir Pelham Warren, the chair was taken by Mr. H. B. Morse, there being between twenty and thirty members present.

In opening the meeting the Chairman said :—Ladies and Gentlemen,—The first item on the agenda would be ordinarily the reading of minutes of the last meeting. I think, however, we may take them as read unless anyone would like to hear them read. They appeared in the newspapers at the time of the meeting. If there is no objection we will take the minutes of the last annual meeting as read.

The Chairman next made a few remarks on the progress of the Society. He did not know if those who had been connected with the Society for a number of years had realised that the Society was getting on. This was now the fiftieth annual meeting of the Society, counting in the one at the inauguration of the Society. The last year had been one of considerable activity for the Society; in recent years they had had a few papers but during the past year they had had no less than six read and taken as read. The Library had been brought into order and the thanks of the Society were certainly due to the activity of Mr. Ridge, who was responsible for bringing them into order; some few books had been eliminated and others that were necessary added, and he had now made it available for students to go and consult the books

which they had on their shelves. The Museum had been under the care of the Curator, Dr. Stanley, who had also given considerable attention to it and brought it up to the condition in which it should be. The Museum was not a large one, it did not cover a large field, but such as it was it was useful to the community of Shanghai. [Hear, hear.] The accounts of the Society had been kept by their old Treasurer (Mr. West), and if the new blood which they had seen in the Library and Museum had been of use to them the old blood that they had in the Treasurer had been of certainly as much use. [Hear, hear.] In the Secretaryship they were indebted to Dr. Ferguson. He (the speaker) had been Secretary himself, and after a lapse of a number of years he could say without conceit that the usefulness of the Society depended upon the Secretary—the rest of them were adjutants, so to speak. Despite the energy and activity of the other officers, the work of the Secretary was most vital, and unless he put in hard work and a great deal of activity there was no result accomplished. They would find that last year the Journal came out in July. He had known years, he thought not when he was Secretary, that the Journal was two or three years behind time, but this year, from what could be seen so far, it was hoped that the Journal would be out in July, and they could only hope that this would continue in years to come. The Journal this year would contain the following papers, which had been read at meetings open to the public during the year:—"The Jewish Monument at Kaifungfu" by Dr. W. A. P. Martin, Nov. 23; "The Rise of Shanghai" by C. M. de Jesus, Dec. 14; "Ancient Thibet and its Frontagers" by T. W. Kingsmill, Jan. 18; "Notes on Chinese Banking System in Shanghai" by John C. Ferguson, Feb. 22; "Notes and Observations on Chinese Law and Practice" by E. Alabaster, Apr. 5; and "Chinese Children's Games" by I. T. Headland, May 17. The proceedings, when issued, would form valuable records for the Society and for China generally. On the Secretary's suggestion, they had tried an experiment during the last year of holding the meetings in the

afternoon and the general impression was that this had been a success. More people had been able to come and more people were willing to come than would possibly turn out after they had settled to the comforts of their own fire-sides in the evening, and it was intended, unless it was otherwise desired, to continue the practice during the coming year. Of one new work which they had done during the past year they would hear in the Secretary's report. The building they worked in had become dilapidated and arrangements had been come to by which a new building would be provided for them, and it was hoped that in a year or two it would be completed and available to the Society. The membership had gone on increasing and they had added something over twenty new members during the past year. And not only had the membership been increasing—which meant a good deal of activity by the Secretary—but the receipts for members' dues had also been very considerably increased, much more than the proportion to the increase of membership, from the activity of the Treasurer. They hoped that this would continue in the coming year. They needed money for the publication of the proceedings and then they needed money for keeping of the Museum and also they needed money, which they had not got, for extending the Library. This latter was a work which should be taken in hand immediately and funds were urgently needed. No additions had been made to the library for many years and books on China and the East which ought to be there were not there. Those were all the remarks he had to make and he would now ask the officers to read their reports for the past year.

Dr. Ferguson (Secretary) then read his report for 1905-6, as follows:—

During the year four meetings of the Council have taken place. Much important business relating to the erection of a new building on the Society's land has been transacted, and the Council is now able to report that the contract for a large new building has been signed, subject to the approval of H.B.M.'s Government. The new building will be four-storied and will be an ornament

to Shanghai. It will afford increased facilities for the enlargement of the Museum and Library. A small strip of the Society's land has been surrendered to the Shanghai Municipal Council for the purposes of widening the Museum Road and the irregular strip at the rear of the Society's land on which temporary servants' quarters and a kitchen were built under agreement with the proper authorities has been taken back by H.B.M.'s Government for use in the enlargement of the British Post Office.

The Journal was published in July of last year and will be ready for issue in July of this year. It is intended to publish the Journal hereafter regularly in July of each year.

The following have been elected members during the year:—*Honorary Members:*—Sir Ernest Satow, G.C.M.G., Hon. W. W. Rockhill, E. J. Eitel, Ph.D., Prof. F. Hirth, Ph.D., Hon. J. H. Stewart Lockhart, C.M.G., Dr. S. W. Bushell, C.M.G., Prof. Edouard Chavannes, Prof. E. H. Parker, M.A. *Corresponding Members:*—George Jamieson, C.M.G., Archibald Little, Mrs. Archibald Little. *Members:*—Messrs. W. E. Leveson, J. C. Bosustow, J. C. E. Douglas, G. C. Dew, Herbert Goffe, R. G. Dowie, D. Wallace, S. Kanzaki, Ku Hung Ming, S. Barton, John Darroch, P. Belovenez, H. G. W. Woodhead, E. Starkey, J. R. Brazier, V. Petersen, H. Peters, The Secretary of the Essex Institute, Salem, Mass., Dr. P. Merklinghaus, Mrs. F. Ayscough, Rev. H. W. L. Bevan, Messrs. T. R. Jernigan, R. L. Warren, A. Akehurst, F. D. Cheshire, and Dr. Kratzsch, numbering 26.

The report of Mr. RIDGE (Librarian), was as follows:—

There is little to report this year in connection with the Library. Steady progress has been made with the binding and repairing of books, and a few books have been added to the Library by presentation.

The list of exchanges has been considerably revised, a number of publications scarcely germane to our field of study being discontinued and others more closely akin to our Society's work being sought instead.

The opening of the Library during the day has been much appreciated by the public, the number of students and other users of the Library steadily increasing.

Beginning in September the Library will remain open to the public until 8 o'clock instead of 7 in the evening; and if any member of the Society makes application to the Honorary Librarian to use the Library on Sundays arrangements will be made to that end.

The catalogue of the Library is being overhauled, and a card catalogue has been commenced. It is hoped that by the time the Society is housed in a new home a complete card catalogue and case for reception thereof will be installed.

W. SHELDON RIDGE,
Hon. Librarian.

Dr. STANLEY followed with his report as Curator, which read as follows:—

To the Council of the North China Branch of the Royal Asiatic Society.

I have the honour to present my first annual report as Honorary Curator of the Museum.

Maintenance.—Zoological specimens.—The collections of birds, butterflies, moths and snakes are good ones and are kept in well sealed cases with liberal use of naphthalene as a preservative. Relabelling of many specimens is necessary. I hope to add shortly a complete collection of local culicidæ. Botanical specimens.—The botanical specimens, consisting of dried plants mounted on paper are of moderate value. The small collection of woods require naming and labelling. Minerals and Rocks.—The minerals and rocks have been cleaned but require re-arranging and labelling. Chinese drugs.—The collection of native drugs is in good order. Clothing, implements, weapons, etc.—The collection of clothing, implements and weapons is a small one and requires cleansing, repairing and properly grouping.

Dilapidation of the building.—The general look of dilapidation in the Museum is due more to the bad condition of the walls, ceiling, floor and windows than to the condition of the cases and specimens. Some improvement has been made as regards general cleanliness but there is still room for improvement, attainable only by frequent personal supervision. Preparation room.—It is hoped soon to have a room for the proper conservation of duplicates and reception of new specimens where the books of the Museum may be written up.

New Specimens.—No new specimens of an important nature have been added during the year.

Visitors.—The Museum has been well patronised by the Chinese public. These native visitors are very orderly and no destruction or loss of specimens has been noted.

Present Policy.—Regarding the possibilities of the Shanghai Museum it is held that the functions of a Museum should be either educational or commercial. In Shanghai it may be expected that the commercial aspect would be the more important. The Museum Taxidermist fills a local want and his work in preserving animals and their skins has been encouraged. With the development of the mineral resources of China the Museum may perform a useful function and save the time and trouble of sending specimens to Europe and America for identification. There is a useful collection of minerals in the Museum. Moreover the Curator has available a standard collection of the more important minerals and rocks for the purpose of identifying specimens. As there is no immediate possibility of developing the Museum in the present building the policy proposed is to preserve, as far as possible in good condition, the many valuable specimens that the Museum already possesses, to group them and label them in English and Chinese, so that they may serve a more useful educational and practical purpose, and to gradually make additions and improvements where they are most required.

ARTHUR STANLEY,
Honorary Curator.

The Treasurer (Mr. West) read his report as follows :—

Report and statement of accounts to the 31st May 1906.

I have now to present a statement of accounts for the twelve months ending the 31st May 1906.

Subscriptions.—The amount received from ordinary members during the year is $536 or $35 only in excess of last year.

Life members.—During the period under review three members have become life members by payment of $50 each.

Rent.—The sum earned for rent of the Society's Hall and rooms for last year is $700.96 or $176.53 in excess of the previous term.

Account sales.—The proceeds of sales of the Society's publications to members and others amounts to $285.15, being $210 above the sum realised to the end of May 1905.

Balance to be carried forward to the current year is unfortunately more than $300 less than the sum carried forward from last year, but this is more than accounted for by the absence of the special grant made by the Council during the previous term.

It is satisfactory to note that the accounts show a balance to be carried forward of $2,817.19, as against $2,031.88 last year, but in justice to the Society it may be stated that nothing has been charged to the Museum for gas, water, gas and water fittings, etc., the whole of these expenses having been borne by the N.C.B.R.A.S.

Mr. Danforth has been good enough to again perform the duties of auditor, and the thanks of the Council are due to him.

J. WEST,
Hon. Treasurer.

Shanghai, *13th June*, 1906.

NORTH CHINA BRANCH OF THE ROYAL ASIATIC SOCIETY IN ACCOUNT WITH THE HON. TREASURER.

RECEIPTS.	$	cts.	EXPENDITURE.	$	cts.
To Subscriptions, Ordinary Members	535	00	*By* Water $24.00 ; Gas $52.43...	76	43
„ „ 3 Life Members	150	00	„ Water and Gas Fittings	72	87
„ Rent for use of Hall	358	50	„ Municipal Rate	18	34
„ „ Shanghai Museum for one year's rent 1905 Tls. 250	342	46	„ „ Land Tax	88	08
„ Account Sales : net proceeds	285	15	„ Dr. Smith's Lecture	86	50
„ Interest on Current Account to 31/12/05	53	37	„ Wages $528.00 ; Postages $46.85	574	85
„ Subscription by Members and others for expenses of Dr. Smith's lecture...	100	00	„ Repairs to Building	36	95
„ Balance from last year	594	81	„ Interest $34.48 ; Coal and Wood $10.60... ...	45	08
			„ Fire Insurance $47.23 ; Advertising $71.55 ...	118	78
			„ Library Binding	82	15
			„ Sationery	79	57
			„ Printing, Binding, etc. Volume XXXVI... ...	794	25
			„ Sundries...	64	05
			„ Credit Balance	281	39
	$ 2,419	29		$ 2,419	29

Compared with vouchers and found correct.

A. W. DANFORTH.

SHANGHAI, *13th June 1906.*

J. WEST,
Hon. Treasurer.

SHANGHAI MUSEUM ACCOUNT.

INCOME.	$	cts.	EXPENDITURE.	$	cts.
To Balance from last year	2,031	88	*By* Wages, Taxidermist and Assistant	362	00
„ Work done by Taxidermist...	102	90	„ Sundry Material	43	45
„ Grant French Municipal Council for year 1905 Tls. 100	137	35	„ „ „ from A. S. Watson & Co. ...	47	20
„ „ Municipal Council for year 1905 Tls. 500	684	93	„ New Year Gratuity	15	00
„ „ „ „ Special grant for extra expenses Tls. 500...	670	24	„ Rent paid to N.C.B.R.A.S. for rooms 1904/5 Tls. 250	342	46
			„ Credit Balance	2,817	19
$	3,627	30	$	3,627	30

Compared with vouchers and found correct.

A. W. DANFORTH.

SHANGHAI, *13th June 1906.*

J. WEST,
Hon. Treasurer.

The CHAIRMAN.—You have heard the reports of the officers of the Society and they are now before the meeting for such action as may be taken.

Mr. F. S A. BOURNE, in moving a resolution approving of the respective reports, said that before putting the resolution to the meeting, he ought to express, on behalf of the members of the Society, the feeling which he had, and he was sure everyone of them wished to have expressed, of their indebtedness to the officers of the Society for the very good work they had done. [Hear, hear.] One or two points, shortly, ought to be noticed. One was that everyone in China, who had anything to do with the Society, would be delighted to hear that they were to have a new building and combine with the Shanghai Library and having what would be a centre here for students' reference on Chinese subjects. He (the speaker) had had some experience of Society-going in recent years, and if they were to judge by that the outlook for the future would not be very promising, because they had not had much notice taken of them and they had not been as useful as a Society ought to be. But there was a very good reason for that. China had been in a state of disorder and there had been a feeling in the minds of many Westerners that the future of China was insecure, but he now believed that China had realised her position and an improvement was beginning. He had to congratulate the Society on the excellent work done by the Officers, and having thanked them for their efforts he would now move the following resolution :—That the Reports of the Officers for 1905-6 be adopted.

Mr. H. I. HARDING seconded with pleasure and the resolution was carried with unanimity.

Amalgamation.—

Dr. FERGUSON said that he would like to move a resolution which he thought necessary, after hearing Mr. West's report, concerning the accounts that had been kept separately for many years—the Museum accounts and the accounts of the Society.

He thought the time had come when the interests of the Museum and the Society were so much interwoven that it was useless to keep two sets of accounts, and he would like to propose that in future the two accounts be amalgamated. The reason for them being separate in the first instance, he had found from the records, was that the Museum was started by special subscriptions and not by the subscriptions of regular members. That time had passed, and it seemed an anomalous condition now that their accounts should be kept under two heads. Having discussed the matter with Mr. West he thoroughly agreed with him, and he now proposed this formal motion: That the Treasurer be allowed, in future, to amalgamate those two accounts as one account.

Mr. Bourne asked if the grant made by the Municipal Council was not for the Museum only.

Dr. Ferguson.—Yes, but long before the Council gave any grant to the Society the Museum was started by special subscriptions, and the accounts had been kept separate since then.

Mr. Bourne doubted whether the Council would grant money for the Society.

The Chairman suggested that the matter be brought up before the Council of the Society and that they be authorised to do it, if, on enquiry, they found that it was advisable.

Dr. Ferguson said that the reason he put it as he did was that the grant was made to the Society for the use of the Museum, and not directly to the Museum, which has had no independent existence.

Eventually Dr. Ferguson accepted the Chairman's suggestion, which was included in the motion and unanimously agreed to.

Election of Officers.—

It was proposed by Mr. C. M. de Jesus, seconded by Rev. C. Box, and unanimously carried: That the following officers be elected for the year 1906-7. *President*, Sir Pelham Warren, K.C.M.G.; *Vice-Presidents*, Messrs. H. B. Morse, T. W. Kingsmill; *Hon. Secretary*, John C. Ferguson, Ph.D.; Hon.

Treasurer, J. West; *Hon. Librarian*, W. Sheldon Ridge, B.A.; *Hon. Curator*, Dr. Stanley; *Councillors*, Dr. Barchet, J. Mencarini, Dr. Schirmer, W. E. Leveson; *Editor of the Journal*, John C. Ferguson, Ph.D.

The CHAIRMAN, at this stage, said he occupied the chair in the absence of Sir Pelham Warren, who was prevented from being present by the inclement weather. There was no other business to transact unless any member had any matter to bring forward.

The Society's New Building.—

A member said he would like to ask one question arising out of what Dr. Ferguson had spoken about as regarded their new building. He did not know whether it had been made public what were the means through which they were to have this new building. He wished to know whether it would be mentioned in the report.

Dr. FERGUSON, in reply, said that the arrangements which had been made for the new building had been made on the authorisation of the resolution introduced at the last annual general meeting, which authorised the Council of the Society to take such steps as were necessary for the erection of a new building. The Council had had the matter under advice at several meetings and tried various methods to see if they could have a new building donated to the Society either by some of the former wealthy residents in Shanghai or in some other way, but it was found impossible to have a building given directly to the Society. Other schemes were proposed and finally the Shanghai Municipal Council was approached by the Shanghai Public Library—represented by Sir Havilland de Sausmarez and Mr. Schmidt, and the Asiatic Society, represented by Sir Pelham Warren and himself—with a view to seeing whether the Municipal Council, in consideration of their having a valuable site of ground, which they had under a grant from the British Government, would consent to erect on their ground a public building in which accommodation would be furnished for the Society's Library, Museum and Lecture Hall, also quarters for the Shanghai Public

Library, a combination by which the Royal Asiatic Society's work and the Shanghai Public Library's work would be conducted under one roof. After considerable negotiation with the Council, that lasted five or six months, an agreement was made and was signed on the 25th of May 1906, by the Secretary of the Council, and himself on behalf of the Society, agreeing, subject to the approval of H.B.M.'s Government to the arrangement, that the Council would erect on their land a building which would give accommodation for the two Societies for public literary and scientific purposes, the Council furnishing the necessary funds. He was sure, on behalf of the Council of the Society, that it was only right for him to say that the Society was under a great obligation to the Shanghai Municipal Council for having done that in such a fair and generous spirit. [Hear, hear.] He was sure everyone felt that this was a very fine result that had been arrived at and he thought their thanks as members, not only of the Society, but of the community, were due to the Municipal Council for having made possible such a good piece of work as this. [Applause.]

Mr. W. E. Leveson suggested that it would be eminently desirable that as many details as possible of the scheme be put in the published proceedings of the Society, coming out next month. Anything that would tend to give publicity to the arrangement which had been made would have a good effect in producing the very necessary endorsement of the British Government, which was what they wanted.

The Chairman said that Dr. Ferguson's remarks would no doubt be reported in the newspaper, and in about 24 hours of his speaking they would see something in print. He thought it would be an excellent idea to reproduce that part of the report in addition to the report of the Secretary.

The Secretary intimated that he had the signed contract in his possession and it would be there for inspection after the meeting to any member of the Society.

外交部 圖書室

Mr. HARDING enquired as to what was going to be the temporary location of the Society during the re-building.

The CHAIRMAN replied that this had yet to be decided. He did not know whether the Municipal Engineer would be able to complete the new building in two halves. If they had to move out entirely, of course temporary premises would have to be obtained.

On the proposition of Dr. Ferguson, seconded by Mr. Bourne, a hearty vote of thanks was accorded to the Chairman for presiding, after which the harmonious meeting ended.

LIST OF MEMBERS

(Corrected to June 30th, 1906)

Members are particularly requested to notify the Hon. Secretary of any change of address or other necessary correction to be made in this List.

Name.	Address.	Year of Election.

Honorary Protector.

His Majesty LEOPOLD II, King of the Belgians.

Honorary Members.

Bastian, Dr. Adolph	Ethnological Museum, Berlin ...	1865
Bushell, Dr. S. W., C.M.G.... ...	Royal Societies Club, St. James St. London, S.W.	1868
Chavannes, Prof. Edouard ...	1, Rue des Ecoles, Fontenay aux Roses, Seine, France	1889
Cordier, Prof. Henri	54, Rue Nicolo, Paris	1886
Eitel, E. J., PH.D.	Kent Tower, Adelaide, South Australia	1887
Gaikward, Prince Sampatrao ...	Baroda, India	1898
Giles, Prof. Herbert Allen ...	Selwyn Gardens, Cambridge, England	1880
Hart, Sir Robert, G.C.M.G., LL.D. ...	Peking	1864
Hirth, Prof. F.	Columbia University, New York	1877
Kingsmill, T. W.	2A, Yuhang Road, Shanghai ...	1864
Lockhart, Hon. J.H. Stewart, C.M.G.	Weihaiwei	1885
Marques-Pereira, J. F.	73, Rue Garrett, Lisbon, Portugal	1900
Martin, Rev. W. A. P., LL.D. ...	Peking	1864

Name.	Address.	Year of Election.
Moule, Rt. Rev. G. E., D.D. ...	Hangchow	1864
Parker, Prof. E. H., M.A. ...	18, Gambier Terrace, Liverpool ...	1877
Rockhill, Hon. W. W.	American Legation, Peking ...	1885
Satow, Sir Ernest, G.C.M.G. ...	C/o Foreign Office, London ...	1906
Schereschewsky, Rt. Rev. ...	Tokyo, Japan	1864

Corresponding Members.

De Groot, Dr. J. J. M.	Leyden, Holland	1887
Forke, Dr. A.	Windscheid Strasse 25, Charlottenburg, Germany	1894
Fryer, Prof. John, LL.D. ...	Univ. of California, Berkeley, Cal.	1868
Gardner, C. T., C.M.G.	C/o Foreign Office, London ...	1900
Jamieson, George, C.M.G. ...	110, Cannon St, London	1868
John, Rev. Griffith, D.D. ...	Hankow	1864
Keische, Ito, M.D.	Tokyo, Japan	1875
Lindau, Rudolph, PH.D. ...	Auswartiges, Amt, Berlin	1864
Little, Archibald J.	Shanghai	1868
Little, Mrs. Archibald J. ...	Shanghai	1906
Lockhart, William, F.R.C.S. ...	67, Granville Park, Blackheath, London	1864
Playfair, G. M. H.	British Consulate, Ningpo ...	1885
Richard, Rev. Timothy, D.D. ...	Diffusion Society, Shanghai ...	1894
Rondot, Natalis	20, Rue Saint-Joseph, Lyons, France	1864
Széchényi, Count Béla	Zinkendorf, Hungary	1880
Volpicelli, Z. H.	Italian Consulate, Hongkong ...	1886
Williams, E. T., M.A.	American Legation, Peking ...	1889
Williams, Prof. F. W.	135, Whitney Avenue, New Haven, Conn., U.S.A.	1895

Life Members.

Beauvais, J.	French Consulate, Hoihow, Hainan	1900
Bessell, F. L.	Imperial Customs, Shanghai ...	1905
Box, Rev. Ernest	London Mission, Shanghai ...	1897
Brown, Sir J. McLeavy... ...	Chinese Customs, Storey Gate, London, W.	1865
D'Anty, Pierre Bons	Consulat de France, Chungking ...	1889
Drew, E. B.	Imperial Customs, Foochow ...	1882
Ferguson, John C., PH.D. ...	16, Love Lane, Shanghai	1896
Hall, J. C., M.A.	British Consulate, Kobe	1888
Hippisley, A. E.	Imperial Customs, Shanghai ...	1876
Kranz, Rev. Paul	34, Weihaiwei Road, Shanghai ...	1897
Krebs, E.	German Legation, Peking ...	1895
Laufer, Berthold, PH.D. ...	American Museum of Natural History, New York	1901

Name.	Address.	Year of Election.
Leavenworth, Chas. S., M.A. ...	Amer. Consulate, Nagasaki, Japan	1901
Lyall, Leonard	Imperial Customs, Shanghai ...	1892
Morse, C. J.	1825, Asbury Avenue, Evanston, Illinois, U.S.A.	1901
Nielsen, Albert	Amoy	1894
O'Brien-Butler, P. E.	British Consulate, Chefoo... ...	1886
Ohlmer, E.	Imperial Customs, Shanghai ...	1885
Olcott, Col. H. S.	Adyar, Madras, India	1902
Plancey, C. Colin de	15, Avenue de Villars, Paris, France	1877
Rocher, Louis	Imperial Customs, Shanghai ...	1884
Taylor, C. H. Brewitt	Mengtse	1885
Tochterman, Karl	Imperial Customs, Peking ...	1902
Trollope, Rev. M. N., B.A. ...	Chemulpo, Korea	1900
Vouillemont, E. G.	Luzy Haute-Marne, France ...	1888
Waeber, C.	9,Todleben Boulevard, Riga, Russia	1894

Ordinary Members.

Aalst, Jules A. van	Imperial Customs, Canton ...	1888
Acheson, James	Imperial Customs, Hoihow ...	1880
Akehurst, A.	Chaufoong Road, Shanghai ...	1906
Allen, H. J.	10, The Norton, Zenley, Wales ...	1872
Anderson, F.	Ilbert & Co., Shanghai	1905
Anderson, G. C.	Jardine, Matheson & Co., Hongkong	1880
Andés, Konrad J.	Imperial Customs, Peking ...	1903
Arnold, Julian A.	American Consulate, Tamsui, Formosa	1904
Ayscough, Mrs. Francis ...	6, Peking Road, Shanghai ...	1906
Barton, S.	British Consulate, Shanghai ...	1906
Beebe, R. C., M.D.	Nanking	1889
Belavenetz, Peter, Lieut. ...	Box N. 414, St. Petersburg ...	1906
Bergen, Rev. P. D., D.D. ...	Weihsien, Shantung	1903
Bevan, Rev. H. W. L.	London Mission, Shanghai ...	1906
Betz, H.	German Consulate, Tsinanfu ...	1900
Bitton, Rev. W. N.	London Mission, Shanghai ...	1902
Bondfield, Rev. G. H.	B. & F. Bible Society, Shanghai ...	1900
Bosustow, J. C.	Municipal Council, Shanghai ...	1905
Bouinais, A. P.	Imperial Customs, Shasi	1900
Bourne, F. S. A.	H.B.M.'s Supreme Court, Shanghai	1885
Bowra, C. A. V.	Imperial Customs, Seoul, Korea ...	1897
Boyé, Dr.	Auswartiges, Amt, Berlin	1902
Brandt, C.	Imperial Customs, Shanghai ...	1896
Brazier, Henry W.	Imperial Customs, Shanghai ...	1905
Brazier, James R.	Tientsin	1906
Bredon, Sir Robt. E., M.A., K.C.M.G.	Peking	1885

Name.	Address.	Year of Election.
Brenan, Byron, C.M.G.	C/o Foreign Office, London ...	1884
Bright, Wm.	Customs Statistical Department, Shanghai	1885
Bristow, H. H.	British Consulate-Genl., Shanghai	1897
Broad, Wallace	C/o John Birch & Co., 3, London Wall Bdgs., London	1903
Brockman, F. S.	Y.M.C.A., Shanghai	1902
Browett, Harold	22, Yuen-ming-yuen Road, S'hai	1891
Brown, Thomas	Norfolk House, Cheam Road, Sutton, Surrey, England	1885
Bruce, Lieut.-Col. C. D.... ...	Weihaiwei	1900
Busse, F. W. K.	German Consulate, Chengtu ...	1904
Campbell, C. W., C.M.G. ...	British Legation, Peking	1890
Chalfant, Rev. F. H.	Weihsien, Shantung	1904
Cheshire, F. D.	American Consulate, Shanghai ...	1906
Clark, J. D.	*Shanghai Mercury*, Shanghai ...	1895
Clementi, C.	C/o Colonial Secretary, Hongkong	1905
Clennell, W. J.	British Consulate, Kiukiang ...	1900
Conger, Hon. E. H.	Des Moines, Iowa, U.S.A. ..	1902
Cooper, G. F. C.	Public School, Shanghai	1905
Cornaby, Rev. W. A.	Diffusion Society, Shanghai ...	1903
Couling, Rev. S.	Weihsien	1894
Cunningham, A.	*S.C. Morning Post*, Hongkong ...	1895
Danforth, A. W.	14, Whangpoo Road, Shanghai ...	1887
Darroch, John	210, Kiangse Road, Shanghai ...	1906
Darwent, Rev. C. E., M.A. ...	Union Church, Shanghai	1899
Davidson, J. W.	503, Phœnix Bdg., Minn., U.S.A. ...	1904
Delius, Dr.	German Consulate, Shanghai ...	1902
Dennys, H. L.	Hongkong	1877
Dew, G. C.	Atkinson & Dallas, Shanghai ...	1905
Donovan, J. P.	Ch. Imp. Post Office, Hankow ...	1891
Douglas, J. C. E.	Supreme Court, Shanghai ...	1905
Dowie, R. G.	53, Range Road, Shanghai ...	1906
Drake, Noah F., PH.D.	Tientsin	1904
Duncan, A.	Imperial Customs, Hankow ...	1896
Essex Institute	The Secretary of, Salem, Mass., U.S.A.	1906
Ferguson, T. T. H.	Imperial Customs, Tientsin ...	1900
Ferro, G. Vigna del	Italian Consulate, Shanghai ...	1903
Fink, C.	Ostasiatische Lloyd, Shanghai ...	1899
Fischer, Emil S.	Shanghai	1894
Frazer, M. F. A.	C/o Foreign Office, London ...	1888

Name.	Address.	Year of Election.
Frieswyk, G. A.	Soc. Fran. d'Explor. Min. en Chine, Shanghai	1905
Fryer, George B.	Butterfield & Swire, Chefoo ...	1901
Fulford, H. E., C.M.G.	British Consulate, Newchwang ...	1885
Fung Yee	1753, Park Road, Shanghai ...	1900
Ghisi, E.	Societa Col. Italiana, Shanghai ...	1893
Giles, Bertram	British Consulate, Foochow ...	1902
Giles, Lancelot	British Consulate, Tientsin ...	1902
Goffe, H.	British Consulate, Chengtu ...	1905
Goodcell, Roscoe A.	Provincial College, Chinanfu ...	1905
Grant, Charles	Kelly & Walsh, Ld., Shanghai ...	1901
Grodtman, Johans	5, Canton Road, Shanghai ...	1898
Guernier, R. C.	Imperial Customs, Hankow ...	1901
Halbritter, R. H.	Carlowitz & Co., Shanghai ...	1901
Hanbury, Sir Thomas	Ward, Probst & Co., Shanghai ...	1868
Handley-Derry, H. F.	British Consulate, Tientsin ...	1903
Harding, H. I.	British Consulate, Shanghai ...	1904
Harris, A. H.	Weston-super-Mare, England ...	1902
Hauchecorne, A.	French Consulate, Chungking ...	1898
Hemeling, K.	Imperial Customs, Tientsin ...	1902
Henry, A., M.A.	C/o Leroy, Fils & Cie., Bond St., London, W.	1881
Hiscock, F. H.	Poole, Lauder & Co., Shanghai ...	1905
Hobson, H. E.	Imperial Customs, Shanghai ...	1868
Holm, F. W.	Vacuum Oil Co., Shanghai ...	1903
Hosie, Alex., M.A.	British Consulate, Chengtu ...	1877
Houstown, J. H. W.	Imperial Customs, Yochow ...	1900
Hussey-Freke, F.	Imperial Customs, Shanghai ...	1899
Jamieson, J. W.	Chinese Protectorate, Capetown ...	1888
Jenks, Prof. J. W.	Cornell University, Ithaca, N.Y. ...	1903
Jernigan, T. R.	3, Hongkong Road, Shanghai ...	1906
Jesus, C. Montalto de	5, Miller Road, Shanghai	1902
Kano, Dr. N.	Prof. Kyoto Univ., Kyoto, Japan	1902
Kanzaki, S.	Mitsui Bussan Kaisha, Shanghai...	1906
King, Paul H.	Imperial Customs, Wuhu	1886
Kingsmill, Gerald	2A, Yuhang Road, Shanghai ...	1905
Kratzsch, Dr. K.	German Consulate, Shanghai ...	1906
Kremer, P. P. M.	Imperial Customs, Shanghai ...	1901
Kuhner, Prof. Nicolas	Oriental Institute, Vladivostock ...	1901
Ku Hung Ming	Conservancy Board, Shanghai ...	1906

Name.	Address.	Year of Election.
Lay, W. G.	Imperial Customs, Canton ...	1902
Leveson, W. E.	Municipal Council, Shanghai ...	1905
Lewis, R. E., M.A.	Y.M.C.A., Shanghai	1901
Little, Edward S.	12, Kiukiang Road, Shanghai ...	1900
Lowder, E. Gordon	Imperial Customs, Peking ...	1904
Lynch, Dr. J.	Chinkiang	1900
Lyon, D. Willard	Y.M.C.A., Shanghai	1904
Mackinnon, J. P.	Municipal Council, Shanghai ...	1905
Macoun, J. H.	Imperial Customs, Shanghai ...	1894
Main, Dr. Duncan	Hangchow	1900
McCallum, C. A.	Imperial Customs, Foochow ...	1901
McIntosh, Gilbert	Presbyterian Mission Press, S'hai	1889
Mencarini, J.	Imperial Customs, Shanghai ...	1884
Merklinghaus, Dr. P.	German Consulate, Tsinanfu ...	1906
Messing, Otto	C/o Deutsch-Asiatische Bank, Berlin	1901
Milles, W. J., F.R.C.S.	Hongkong Road, Shanghai ...	1885
Moore, Bishop D. H.	Portland, Oregon, U.S.A.	1901
Moorhead, Dr. H. B.	Tongshan	1901
Morrison, G. E., M.D.	Peking	1897
Morse, H. B., B.A.	Imperial Customs, Shanghai ...	1888
Moule, Rev. A. C.	Tai An, Shantung	1902
Nocentini, L.	Via del Proconsolo, 21, Firenzi, Italy	1884
Nord, D.	German Consulate, Ichang ...	1904
Nully, R. de	Imperial Customs, Shanghai ...	1884
Ohlinger, Rev. F.	176, N. Szechuen Road, Shanghai	1905
Paulun, Dr.	20, Whangpoo Road, Shanghai ...	1893
Parker, Rev. A. P., D.D. ...	Anglo-Chinese College, Shanghai	1901
Patersson, J. W.	Imperial Customs, Shanghai ...	1883
Pelliot, Paul	Mission Archéologique de l'Indo-Chine, Saigon	1901
Perkins, N. G.	Barlow & Co., Shanghai	1905
Peters, H.	German Consulate, Shanghai ...	1906
Petersen, V.	Imp. Chinese Telegraph Co., S'hai	1906
Pettigrew, Hon. R. F.	Washington, D.C., U.S.A. ...	1900
Pichon, L., M.D.	166, Fauberg, St. Honore, Paris ...	1876
Piry, Theophile	Imperial Customs, Peking... ...	1885

Name.	Address.	Year of Election.
Post, Nicolas	Austro-Hungarian C'sulate, H'kong	1897
Prentice, John	47, Yangtsepoo Road, Shanghai ...	1885
Ravens, T. H. B. von	Imperial Customs, Shanghai ...	1903
Rayner, Chas.	Carlowitz & Co., Shanghai ...	1886
Reinsdorff, F.	German Consulate, Tamsui, Formosa	1883
Remusat, J. L.	Imperial Customs, Soochow ...	1885
Richardson, J. W.	Imperial Customs, Peking ...	1889
Ridge, W. Sheldon, B.A. ...	Chinese Public School, Shanghai	1901
Rössler, Dr. W.	German Consulate, Shanghai ...	1904
Rosthorn, A. Edler von ...	Austro-Hungarian Legation, Peking	1888
Schab, Dr. von	13, Whangpoo Road, Shanghai ...	1901
Schirmer, Curt.	German Consulate, Shanghai ...	1903
Schjöth, Fr.	Skovvaien 16, Christiana, Norway	1885
Schmidt, K.	Shantung Eisenbohn Gesellschaft, Tsingtau	1888
Schraimer, Dr.	Tsingtau	1895
Schregardus, N. H.	Imperial Customs, Mengtsz ...	1900
Scott, James	British Consulate, Canton ...	1893
Shengle, J. C.	Kiangsu Acid Works, Shanghai ...	1905
Siebold, L.	Imperial Customs, Peking ...	1903
Sites, Prof. C. M. L., PH.D. ...	Nanyang College, Shanghai ...	1899
Sly, H. E.	63, Carlton Hill, London, N.W. ...	1900
Southey, T. S.	Imperial Customs, Shanghai ...	1880
Starkey, E.	Chinkiang	1906
St. Croix, F. A. de	Alfred Dent & Co., Shanghai ...	1893
Stepanov, Simeon T.	Russo-Chinese Bank, Shanghai ...	1897
Stuart, Geo. A., M.D.	Nanking	1897
Tachibana, M.	Imperial Customs, Shanghai ...	1900
Tanner, Paul von	Imperial Customs, Hangchow ...	1881
Taylor, F. E.	Imperial Customs, Shanghai ...	1885
Thyen, Joh.	Hankow	1894
Ting I-hsien	Customs Statistical Dept., S'hai ...	1890
Twentyman, J. R.	Shanghai Dock Co., Shanghai ...	1894
Valdez, J. M. T.	Portuguese Consulate, Johannesburg, South Africa	1888
Valentin, Jules	Messrs. Cuisenier & Cie., Paris ...	1901
Vitale, G.	Italian Legation, Peking	1894
Voelkel, S.	Pharmacie de l'Union, Shanghai ...	1885

Name.	Address.	Year of Election.
Wallace, D.	Foochow	1906
Warren, R. L.	Imperial Customs, Shanghai ...	1906
Warren, Sir Pelham, K.C.M.G. ...	British Consulate, Shanghai ...	1904
Washbrook, W. A.	Chinkiang	1881
Weiss, J.	German Consulate, Shanghai ...	1901
West, John	Kelly & Walsh, Ld., Shanghai ...	1901
Wilson, Rev. J. Wallace ...	London Missionary Socy, Changsha	1901
Wilton, E. C.	British Consulate, Ichang ...	1900
Wingate, Major A. W.	British Legation, Peking	1901
Wood, A. G.	Gibb, Livingston & Co., Hongkong	1879
Woodhead, H. G. W.	*N.-C. Daily News*, Shanghai ...	1906

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