





CRIME AND GOVERNMENT AT HONG KONG.

A LETTER

TO

THE EDITOR OF THE "TIMES" NEWSPAPER;

OFFERING

REASONS FOR AN ENQUIRY, INTO THE DISGRACES,
BROUGHT ON THE BRITISH NAME IN CHINA, BY
THE PRESENT HONG KONG GOVERNMENT.

BY

T. CHISHOLM ANSTEY, Esq.,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,

LATE HER MAJESTY'S ATTORNEY-GENERAL FOR HONG KONG.

LONDON :

EFFINGHAM WILSON, ROYAL EXCHANGE.

1859.

TO THE EDITOR OF THE "TIMES,"

ETC., ETC., ETC.

SIR,

Returning to England from Hong Kong, upon sick leave, within the last few days, I have had my attention called to some observations of the *Times* newspaper of the 15th ultimo, upon the case of that Colony, as disclosed in certain Petitions to Parliament from several towns corporate in the north, also presented during my absence from these shores, and praying enquiry into the same.

I thankfully acknowledge the kind and flattering terms in which my part in the affair is treated. But I find myself under the obligation to point out some facts, in which, except as witness, I am personally unconcerned, and which, not having before him the papers which relate to them, or even a simple statement of their contents, the writer has very much misapprehended.

In doing so, I am actuated by the merest sense of what is due to public justice. The course of justice cannot but be much impeded by the prevalence of an erroneous opinion, as to the nature and gravity of the accusation; and public opinion, as it is called, is but the reflex of the opinion of the public journalist. If his eye be dark, how great is the darkness!

I purpose, therefore, in the brief compass of these pages, to present a clear, concise, and truthful statement of the main points in that much bruited case

of the colony of Hong Kong, which call for the enquiry proposed by the Parliamentary Petitions. I shall state nothing which will not be established, if Mr. Edwin James, M.P. for Mary-le-bone succeeds in obtaining the papers; of his intention to move for which, I am glad to see he has given notice.

But, before I do so, let me notice one preliminary error, suggested, doubtless, by those who fear exposure, and which, unless removed, may render enquiry impracticable.

It has been urged on the British public, that the quarrels and bickerings of a little community ought not to occupy the attention of Parliament.

I do not understand the position.

If it be meant that the case is one of quarrels and bickerings, I do not hesitate to say, that the objection argues an entire unacquaintance with the facts of the case, or else the conscious and deliberate purpose, of averting enquiries, by misleading the public as to their nature.

It is a case of crime; not of constructive, but of direct and positive crime, in its most familiar acceptance. It rests upon evidences sworn and unsworn, documentary and oral, official and private.

If established, it inculpates of extortion, bribetaking, corrupt alliances, malversation, resetting of pirates, felons, and murderers, and other offences of no speculative or uncertain character, a number of English people, in the Government employ abroad, filling offices of rank in a British colony, and even representing to the eyes of foreign powers the majesty of British empire.

If disproved, it inculpates the witnesses, of conspiracy and falsehood.

To treat such a case as one of mere provincial brawling and discord, is as preposterous as it would be for the *Times'* reporter of the Crown cases on the late Circuit, to describe them in like manner, and to lament the unhappy prevalence of all kinds of misunderstandings, between the prisoners on the one side, and the prosecutors, witnesses, juries, and judges on the other.

But, if it be meant that the relative importance or unimportance of the community, which suffers the wrong, and witnesses the disgrace, is to determine the question, whether the one and the other are or are not to receive redress and chastisement, at the hands of the Parliament and the British people, I am sure that the good sense of every right-thinking man, will repel the unworthy suggestion.

If England will plant, she must cherish, her "little communities."

If Hong Kong was thought of so much importance, as that its cession by the Court of Peking, was made the price of the Peace of Nanking, in 1842—3, and its wellbeing the main pretext of the second Chinese War, in 1856, surely the demeanour of those, to whom England has confided the care and management of that position, is not a "little" matter, nor one in which England ought to feel no manner of concern.

If the objects which, as we may still read in the despatches of the period of that cession, were the protection of the persons and property of the English and foreign merchants trading with China, and the affording, to China herself, an opportunity of learning and appreciating England and her institutions, from a "little" model of both, to be exhibited from

Hong Kong, were then thought of sufficient weight and value, to necessitate our persisting, in our demands of the cession, upon the reluctant Chinese Plenipotentiaries, it may not be altogether idle now, in 1859, to ascertain whether it be indeed true, as asserted, that the design is already, after a sixteen years' trial, effectually frustrated, and this by the rapacious, corrupt, and felonious actings, of the very men to whom the experiment had been entrusted.

And, to put it on the lowest ground, that of personal grievance,—if it be indeed the fact, that men of honour, after having been tempted by Government to quit their proper sphere at home, and to take their part in the administration of justice to that “little community,” upon the faith of being supported in their performance of that important branch of the model experiment, have been insulted, degraded, and deprived of their bread, through the influence of pirates, and other criminals, in the councils of the local Government—is it too much to expect, that their cause will be judged, and avenged, by the great community which sent them forth, upon a mission so requited?

But then, it is said, (and an honourable member who borrows the thought, quotes, in its favour, to his constituents, the supposed precedent of the Ceylon case),—why not hold your enquiry at Hong Kong? Why trouble the mother country? Why demand a judgment upon evidence not laid before the judges?

The objection answers itself.

Any one, who knows the routine of Downing Street, is aware, that, in all cases like the present, the accused Colonial official has the last word.

And not only the last word, but the further advantage of being able to conceal his defence,—(generally consisting of unfounded recrimination),—from the party demanding justice at the hands of the Secretary of State.

For no communication, from the party complainant, is so much as perused by the minister, unless forwarded open through the Governor;—the intention being, that the latter shall have the opportunity of perusing, and, if he can, of refuting it.

Every such communication, forwarded otherwise than according to that rule, is returned to the writer, without comment.

But,—this being the close privilege of the local Government alone,—no such opportunity is accorded to its victims or opponents.

They know nothing of the case stated by the accused, unless, perchance, after the final decision of the controversy, when the knowledge comes much too late.

Therefore, if it be indeed true, that the inculpated officials of Hong Kong, after having once a fortnight from the 10th May, 1858, until the 10th March, 1859, despatched to Downing Street, their allegations and proofs, in disculpation of themselves and those whom they protect from the vengeance of the criminal law, failed so egregiously, in their endeavour, as this last objection supposes,—surely they should, now at least, and without more enquiry, (particularly such enquiry as one conducted by a Hong Kong executive is shown to be), be declared unfit to hold their present offices.

Incapacity at least is fully made out. What graver charge remains against them, may be matter for the

consideration of my successor, and of the Crown side of the Supreme Court. But that is a question which does not belong to the Executive.

Nor is the Ceylon case any precedent for this.

There, the enquiry was commenced in Parliament. Here, neither Parliament nor Downing Street began to interfere until after the close of the investigation at Hong Kong.

There, the chief witnesses were in the colony, and the bulk of the documentary evidences in the archives of its Secretariat. Here, the whole of the latter, if the Hong Kong Government are to be believed, after being by that Government publicly twice produced and read at Hong Kong, are now in Downing Street;* and many of the former, including myself, have left the Colony and are in England.

There, no decision consequently had been arrived at. Here, the Secretary of State has arrived at a decision; has announced it in Parliament; and has carried it into effect.

And yet, even there, the recognised fitness of a partial enquiry at Ceylon before a Commission, was not allowed to supersede or even to suspend the inquiry ordered by Parliament. Contemporaneously the two enquiries went on, and the final Report of the Commons' Committee combined the results of both.

In the present case, it will be found unnecessary to adopt either proceeding.

The facts are salient on the pages of the papers, which embrace, I am glad to see, the judge's notes of

* Letters from Acting Colonial Secretary Bridges to the Attorney-General (Nos. 303 and 478), dated Hong Kong, 25th May and 9th August, 1858.

the trial hereafter referred to, and for which the member of Marylebone has asked.

I proceed briefly to classify those facts under their proper heads.

I. THE COLONIAL SECRETARIAT.

As for every other colony, so for Hong Kong, the Imperial Government, moved by a desire of preventing the recurrence of a frequent source of embarrassment and abuse had, in 1856, wisely determined that the duty and power of the officer, administering a Colonial Government, should be deemed to be such, and no other, as are "defined in Her Majesty's Commission, and the Instructions with which he is furnished." *

In Colonies, possessing what is called "reponsible Government," the power and responsibility of the executive Government may be, for aught I know, shared with that officer by his Colonial Secretary and other subordinate heads of departments, who are called his "Ministers." But in colonies not so governed, at all events in that of Hong Kong, the terms of his "commission and instructions" confer

* "Rules and Regulations for Her Majesty's Colonial Service." London: Queen's Printers. 1856. III., s. 4.

all the power and impose all the duty of the Supreme Administrator of Government under Her Majesty, upon the Governor or acting Governor; leaving to his subordinates, including the Colonial Secretary, the duty of superintending their several departments, and the power necessary to its performance, and nothing more.

This arrangement, you will perceive, leaves to the Colonial Secretary—for the rest an officer of high rank, and a member of both councils—no proper function but that of organ of the supreme will of the Governor, in his relations with all the other departments of Government, and the community at large.

He has no independent power of action in that regard; nor can the Governor confer such upon him, unless specially empowered by his "Commission," or "Instructions," to delegate any portion of his own, and only so far as he is so authorised.

No such right of delegation existing in the case of the Governor of Hong Kong, any attempt to delegate must there be illegal, and the delegation a nullity; and the duty, not only of the Supreme Court, but of the departments of Government itself, in such a case, have been too clearly expounded by Lord Mansfield and the Court of King's Bench, to need a new exposition at this day.

Yet such an endeavour was made so recently as the 20th January, 1858.

Advantage was taken, for that purpose, of the absence of Mr. Mercer, the Colonial Secretary, upon sick leave in England; a gentleman of honour and ability.

His *locum tenens* was a Dr. Bridges, D.C.L., who is an Attorney-Barrister, of Hong Kong, whose clients

are chiefly Chinamen, and who had been raised by Sir John Bowring, LL.D., to that post; with liberty to carry on his professional business, *pari passu*, with that of Acting Colonial Secretary.

By his advice, as he swore at the trial, hereafter noticed, a "Circular defining the functions of the Colonial Secretary," was adopted by the Governor on the 20th January, 1858, and "circulated for the information and guidance of all officers of the Colonial Government."

It appeared, however, from the same sworn evidence of that functionary, that it was never sent home to the Secretary of State.

I, therefore, reprint it *in extenso*;—for it is a very extensive delegation of authority, by Sir John Bowring to his Acting Secretary, and a very illegal one, and one under which gross frauds have been committed on the administration of justice, for the protection of malversation and crime.

Hong Kong, 26th January, 1858.

His Excellency the Governor is pleased to direct that the following rules, defining the functions of the Colonial Secretary, be circulated for the information and guidance of all officers of the Colonial Government.

1. That no official communication of ANY DESCRIPTION WHATSOEVER is to be addressed BY ANY MEMBER OF THE GOVERNMENT to His Excellency the Governor, except through the Colonial Secretary.

2. That the Colonial Secretary is the organ through whom the official instructions of the Government are to be communicated, and that, except on matters of daily routine, THE VARIOUS DEPARTMENTS ARE SUBJECT TO HIS AUTHORITY as the organ of the Government.

3. That before submitting ANY OFFICIAL DOCUMENT to His Excellency the Governor, it is the duty of the Colonial Secretary to satisfy HIMSELF that the document in question is of a proper nature for the notice of the Supreme power: and should he entertain ANY DOUBTS on this score, the Secretary is authorised to REMIT THE

DOCUMENT IN QUESTION FOR CORRECTION, and, IN EXTREME CASES, TO DECLINE ALTOGETHER TO SUBMIT IT, RECORDING HIS REASON FOR SO DOING.

4. That every document submitted to His Excellency the Governor may be observed on by the Secretary, for the information of His Excellency; and that the former is expected to point out anything in such document he deems worthy of observation.

5. That the Secretary is bound to report to His Excellency the Governor every matter of importance which may come to his knowledge; but that, with regard to QUESTIONS OF DETAIL which may be submitted to him, HE MUST TAKE THE RESPONSIBILITY OF THE SETTLING OF THE SAME, WITHOUT TROUBLING HIS EXCELLENCY ON TRIFLING MATTERS.

6. That the SEVERAL DEPARTMENTS of the Government are, IN ALL CASES, to consider INSTRUCTIONS given BY THE COLONIAL SECRETARY as emanating FROM THE GOVERNOR HIMSELF; and the Secretary will be responsible to His Excellency for any abuse of his authority.

I do not know that any Government officer, except the governor of the gaol, obeyed the mandate. I know that at least four heads of departments, including myself, protested against it, and withheld or refused our obedience. Of these, the chief magistrate of police, Mr. Davies, complained in his place in Legislative Council, demanded explanations, which were not granted, and menaced the governor with resignation of his office, if the measure were confirmed in Downing Street. But Downing Street has not yet been consulted.

Our jealousy, well founded in law, was equally founded in policy. We knew the antecedents of the man, into whose hands the governor, whether moved by love of ease, or by a worse motive, had thus surrendered his power.

His professional malpractices were notorious in the Colony. One of them was recorded in the Parliamentary blue books of 1857; and it was one

of such gravity, that the levity with which the Chief Justice of Hong Kong treated him, when, to use his own words, "he threw himself on the mercy of the Court,"* was still a matter of surprise to every man.

Sir John Bowring himself, in 1856, when Dr. Bridges was absent from the Colony, had made no secret,—either to the Colonial Secretary (Mr. Mercer), whom he nevertheless replaced, or to myself, who protested from the first against his appointment,—of his Excellency's personal dislike to Dr. Bridges. He had even justified that dislike by imputations of a very serious kind, suggested by the notorious fact, that a great part of the Doctor's emoluments, when Acting Attorney General, before my arrival in the Colony, were derived from pawnbroking loans to low Chinese, upon deposits of opium, and at exorbitant interest.

It was equally notorious, that the animosity was reciprocal; and it was admitted by Dr. Bridges, at the trial already referred to, that, whilst filling the office of Acting Attorney General, in 1855, he had induced the same defendant (Mr. Tarrant, the editor of the *Friend of China*, a Hong Kong newspaper), to insert a very celebrated libel upon Sir John Bowring; and that he had even sent him the libel with the view to such publication.

In fact, the intensity of their mutual hatred, was even greater than that which, as will presently appear, existed at the same time, between two of Dr. Bridges' friends, the Lieutenant Governor, and

* Parliamentary Papers (155), 1857. (Sess. 2.) "Poisoners of Hong Kong;" pp. 25—6.

Mr. Caldwell, *alias* Sam Kwei, but which, as will be also seen, was, in Mr. Caldwell's judgment, powerless to obstruct his own preferment, since the reputation of the former was at his mercy.

Added to the above facts, was the startling one, that, in every attempt made to bring to justice the malpractices of the same Mr. Caldwell or Sam Kwei, hereafter to be noticed, in connection with his notorious piratical associates, the "Jonathan Wild" of Hong Kong and the China Seas, the convict Mah Chow Wong, Dr. Bridges had been always active and successful on the side of the accused.

All things considered, therefore, it was not surprising, that so much opposition was manifested, on the part of honest servants of the Crown, even at the risk of loss of office in Hong Kong and permanent disfavour at home, to an encroachment, already objectionable enough because of its intrinsic illegality.

Their opposition was fruitless. The "accroached" and illegal power was unscrupulously brought into play, and became the first step to further usurpation.

Sam Kwei (Mr. Caldwell), now more than ever the right hand of administration, was encouraged, in his turn, to invade the important department—hitherto, by the wise jealousy of the Colonial Legislature, shielded from all foreign interference—of Superintendent of Police.

The remonstrances of the conscientious and zealous officer, Mr. May, at the head of that department, were met with insults, or else threats of suspension.

Nearly the same treatment was experienced by every other independent department.

The doctrine of the corrupt reign of Charles the

Second, that, in every supreme government, there endures ever the right of direct initiative and controlling interference with every office in the State, was openly acted on.

Chinese convicts and gaol-birds of Mah Chow Wong's gang were employed as spies, and preferred to the ordinary detective service. Mah Chow Wong himself, from his cell, had the honour of directing one or two false arrests and malicious conspiracies, to pervert the administration of justice.

The functions of the stipendiary police had been carefully defined by the Colonial Legislature. From those proper duties they were now constantly withdrawn, and, under "Sam Kwei's" management, employed on whatever service it seemed good to the intruders to set them.

Arrests were made without warrant or just cause. Nocturnal visits to respectable tradesmen's houses upon groundless pretences — forcible entries — vexatious searches — all kinds of annoyance were brought to bear upon the obnoxious.

Nor were the outrages confined to Hong Kong. Illegal forays for the same purposes were made against the Chinese of the mainland, the subjects of the Peking Government; and in some of them, innocent men were kidnapped in their beds, brought to Hong Kong, and afterwards discharged.

In every instance, the informer was either Mah Chow Wong himself, a member of his secret society or clan, or some one in some manner connected with him or it. In no instance can the same be said of the outraged victims of the system.

The police were most unwilling instruments. They detested alike Dr. Bridges and Mr. Caldwell, by either

or both of whom they were personally commanded on every such occasion. But they were forced to obey. As to Mr. May, their lawful superintendent, he was not even notified of these *démarches*. It was not until after the doing of the mischief, that it came to his knowledge. He remonstrated in vain, or only to be censured for the remonstrance. He returned to the charge; and he requested that at least the correspondence might be laid before the Secretary of State. He was threatened with dismissal, and the correspondence was not sent to Downing-street.

The truth was, as confessed by Dr. Bridges at the trial so often referred to, that nearly every portion of Dr. Bridges' side of it, consisted of private letters *unofficialised*, and not recorded in the archives of the secretariat.

It was a significant revolution in the conduct of public business, and one admitted by himself, on the same occasion, to have been introduced by him generally into all the departments of the public service.

From the portions of the correspondence, referred to by Dr. Bridges under the same cross-examination, it appeared that some endeavour had been made by the Superintendent of Police and others, to call Sir John Bowring's attention to the alarming consequences of these systematic irregularities. But it also appeared, from the Governor's own minutes, that the mere act of complaining to himself of these irregularities of his secretary, was considered by his Excellency an "in-subordination," deserving the suspension of the offender; — and that every officer of Government was expected to render to the private and unrecorded notes

of His Excellency's delegate, the same obedience as to the official mandates of the Governor himself.

It would be difficult to overrate the evil impression which these proceedings produced on the minds of the Chinese of Hong Kong and the empire.

They had always known that Mah Chow Wong, the great Hong Kong pirate, was the partner of Mr. Caldwell, the magistrate; and that the latter had made himself useful to Dr. Bridges, in the way of his profession of lawyer, and his trade of money lender amongst the Hong Kong Chinamen.

But now they saw the latter, wielding all the prerogatives of the Queen, hoisting the viceregal flag, demanding royal salutes, and taking precedence of her generals and admirals.

They saw men, to use the authoritative language of one of themselves respecting him, (I quote from the Report of the Opium Farm Monopoly Committee of the Legislative Council as printed by authority),* "doing anything he likes with the Government, making a law one day, and tearing it to pieces the next."

They saw him investing himself with the tremendous powers, which the Queen had conferred on the governor of Hong Kong, for the destruction of Chinese pirates,—taking counsel of their confederates for the employment of those powers,—and associating them to himself in the conduct of every enterprise undertaken against persons proclaimed as pirates, on no better evidence than the denunciations of Mr. Caldwell and Mah Chow Wong.

It was the "reign of terror" at Hong Kong, spread-

* Votes and Proceedings, &c., in the *Hong Kong Government Gazette*, of the 6th July, 1858.

ing wide its mischievous influence over the neighbouring coasts, to the great scandal of Her Majesty's Government.

Already had semi-official remonstrances, in the name of the small Portuguese and Chinese traders at Macao, against the encouragement so afforded to the pirates who infested them even in their own waters, been verbally addressed to Dr. Bridges, by the late governor of Macao, the Chevalier de Guimarães,* but with no effect.

The Chinese of the empire now began, on their side, to beseech the merciful forbearance of their formidable neighbours.

I have myself seen petitions *from the Main*, praying Dr. Bridges' government not to resent, as offences *against the Queen of England*, proceedings taken by the petitioners within the Chinese territory, to recover the possession of land *there situate*, against Chinese wrongdoers holding it by the strong hand, in the face of a decree rendered by the proper Chinese court.

That opportunity was afforded me by the parties themselves. These men having presumed to present such petitions, in a case where the Mah Chow Wong gang were the adverse occupants, and, consequently, the interest of the petitioners was adverse to that of Dr. Bridges' Hong Kong government, were contemptuously ordered to withdraw themselves and their petitions too from the Secretariat.

From the printed translations of some of the petitions, which appeared in the Government organ, I made some extracts at the time, and these still remain in my hands. The originals, themselves I ventured to return, enclosed in a letter from myself (6th July,

* He has very lately returned to Lisbon.

1858) to the Secretariat; where, unless burned, they now are. I regret to add, that my own well-meant recommendation of their prayer received the usual answer—that the Government “saw no occasion for its interference.”

The case was, nevertheless, a hard one; and the language of the petitions very striking.

They were well-known to the Hong Kong authorities, as the representatives of the Tung family,—crown tenants, under the emperor of China, of all the arable and pasture lands of Hong Kong, at the date of the cession of that island to Her Majesty. They had held their lands for about thirty years before the cession, paying rent to the emperor. The Crown lease had been granted in perpetuity (“infinite”) to the original lessee and his assigns; and they were assigns for valuable consideration.

The Colonial Government, however, took possession of the lands themselves, on the cession in 1842-3, supposing that by virtue either of the cession itself, or the law of “prize,” all private properties became vested in Her Majesty. They had at that time no law advisers in the colony.

No compensation was made to the dispossessed Tung family. A branch of it is living at Hong Kong in great poverty. The elder branch retired to the opposite coast, within the sight of Hong Kong, but in the Empire of China; where they had still an estate, called Tsim Shar Choy.

Some time back, however, it became notorious in Hong Kong that these unhappy men had lost even that estate, and that a number of pirates and re-settlers of such were in possession, under title from the redoubted Mah-Chow Wong.

It became thenceforth an eyesore and a nuisance to the local trade; the head quarters of the East Coast pirates; a place of custody and torture for prisoners kidnapped by Mah-Chow Wong from Hong Kong; and the chief depôt of all colonial plunder.

Until the publication, however, of these petitions, it was not generally known in the Colony how these men had obtained possession, and by what influences they had maintained it.

It should not be forgotten, that it was not until long after the conviction and sentence of Mah-Chow Wong, in the Hong Kong Supreme Court, for piracy, that these poor men gathered courage to petition Dr. Bridges' Government at all.

It may also be, that they were partially emboldened so to do by the notoriety of the then pending enquiry into Mr. Caldwell's (Sam Kwei's) proceedings, which I shall hereafter notice, and of which it was was then impossible to foresee the strange and startling conclusion that soon followed.

Be that as it may, the petitioners represent, that by "violence" and "usurpation," Mah-Chow Wong, and his banditti from Hong Kong, had first succeeded in dispossessing them of their estate, and planting it with an armed garrison; that the Court of the Sun-On Mandarin, within whose jurisdiction the property was situate, having been applied to by the petitioners, had heard the cause and adjudged restitution in their favour; that, in the interim, Mah-Chow Wong had himself been tried at Hong Kong for piracy, convicted and sentenced to fourteen years' transportation; that, from his gaol, he had nevertheless, given orders to his "companion," a person named 'Ng Ting Shing, "to keep the land on the opposite shore, by force;"

that, by the proclamation of the Mandarin, they, the petitioners, were encouraged and directed to arm their friends, and resume possession by the strong hand in like manner; and that they were making preparation to do so, when it occurred to them that, as their expedition to the point of land, where the property lies, must necessary be effected in boats, the objects of that expedition would be misrepresented at Hong Kong, by Mah-Chow Wong's friends there, and perhaps a naval force despatched against them, as though engaged in some piratical enterprise.

Then they give this remarkable reason, to justify their apprehension. They say, that the wrongs already suffered were done by that pirate, simply because "the above mentioned lawless fellow, Mah-Chow Wong, has so much reliance on THE ENGLISH POWER IN THIS SETTLEMENT;" and therefore, that if, availing themselves of the *lex rei sitas*, and the judgment of their Court, they were now "to contend with 'Ng Ting Shing in battle on the other side, the troops of his Excellency may do something wrong to them, if they (the troops) would listen to *the wrong saying of the people who are ignorant of the state of things*;" in other words, that Her Majesty's forces, misled, as frequently has happened, by false informers of the Jonathan Wild class, will deal with them as sea and land pirates.

Yet his Excellency was of opinion, that there was nothing in such a case, to demand the vigilance or anxiety of Government.

I believe that the friends of the alarmed petitioners had recourse to the British community in this emergency.

The petitions themselves were printed in the

China Mail; but the community was already put on its guard by the following "Notice," largely advertised in the different journals, both in English and in Chinese.

NOTICE.

TUNG WING-FOOK-TONG, of Sun-On district, was formerly sole Proprietor of the Island of Hong Kong, and of the hills and coast on the North side of the Harbour under the general name of *Tsim Shar-choy*. The Island of Hong Kong was ceded to Great Britain, and *Tsim Shar-choy* was alone left to TUNG WING-FOOK-TONG. But MAH-CHOW WONG, with OONG TIN-SING, and the late OONG MIN-TOONG, established themselves under the name of SAN-LOONG-TONG, and took possession of *Tsim Shar-choy*. Lately, TUNG WING-FOOK-TONG petitioned the Magistrate of Sun-On to examine Tung's claim to *Tsim Shar-choy*, and the Magistrate issued a Proclamation, declaring that TUNG WING-FOOK-TONG is the true Owner of the property, and MAH-CHOW WONG has no right to it. Though MAH-CHOW-WONG is now a convict in prison in Hong Kong, yet his wife has sent OONG TIN-SING to lay claim to *Tsim Shar-choy*, stating that those Comprador Boats belonging to MAH-CHOW-WONG's people, which supply the Foreign Shipping with provisions, need fear no one, but may act as they please at *Tsim Shar-choy*, independent of its Proprietor and his claims. TUNG WING-FOOK-TONG hopes that the Foreigners will not take a biased view of this matter.

Hong Kong, 19th July, 1858.

TUNG WING-FOOK TONG,
per YUN LOONG.

I have not heard whether the petitioners regained their property, or whether their expedition proceeded. But, if it did, thanks to the appeal thus made by them to the good sense of the British, military and naval, as well as civil, the pirates of Hong Kong did not, on that occasion, obtain the countenance of the British flag.

Whilst such was the terror produced abroad, it may well be imagined what was the "public opinion," and what the policy, of the Hong Kong Chinese, in dealing with the acting Colonial Secretary.

His practice, both as attorney and barrister—for such it was, long before that amalgamation became sanctioned by ordinance—became very extensive indeed. I do not remember exactly enough to speak with confidence; but I think it was at this period, that he put up the Chinese signboard, which still adorns his door-post, in the Queen's Road, informing all Chinese litigants that the inmate is "Bridges" [Bi-li-ji-si], the distinguished graduate-in-law, and "lord of legal knowledge," who moves all courts for clients, in small and great things, in unclean and clean. At all events, he was even now in the full enjoyment of that reputation; and, moreover, it was the general impression of the Chinese community, that the retainer, as counsel, secured in him the chief member of the Government.

For that impression, if he had ever taken any step, or shown any inclination to prevent or reverse it, he would not deserve to be blamed. It was the unhappy consequence of the original sin of choosing a practising barrister to fill, albeit provisionally and only for a season, those high executive appointments. But, as the Legislative Council has well and unanimously resolved, Dr. Bridges having, on the contrary, so combined the anomalous practices, and deliberately so demeaned himself in the exercise of each, as necessarily to produce that impression upon the minds of the observers, he is justly blameable for its existence. And of this, the very case which brought down upon him from that body the heavy censure of disqualification for the offices he had so disgraced, affords a lively illustration.

For revenue purposes, the retail of opium at Hong Kong was, by one of his Ordinances of 1858, created

into a Government monopoly, and put up for farm to the highest bidder by tender. A certain day was appointed, beyond which no tenders could be received. At the end of that day, the highest bidding was ascertained, and declared in the Secretariat.

Nevertheless, two days afterwards, a new bidder offered himself, in the person of a Chinese convert, Chun-tai-kwong, whose name had been shortly before mentioned by his bishop with much honour in Exeter Hall. The bidding, a still higher one, was received; and the grant of the farm ordered to be made out in his favour, as soon as his sureties and himself should have perfected their recognisances.

This was done at the Secretariat some days later; and, in the meantime, an undertaking had been come to between the intended grantee and a Chinese servant of the Acting Colonial Secretary, by virtue of which Chuntai Kwong prepared himself to retain the latter, as counsel for his monopoly, when granted.

This retainer took place in the office of Dr. Bridges at the Secretariat, and the time chosen was that of the perfecting of the recognizances, and immediately before the grant of the farm. The offer of a fee of four hundred dollars—a large fee for a retainer on behalf of a monopoly which could not exceed a year, and might be earlier determined—is admitted by Dr. Bridges himself to have been accepted on that occasion; and the money was paid over that night to the before-mentioned Chinese servant.

What else passed at that interview has been variously stated, and will never be fully made known. The sureties had been ordered out of the room before it had commenced, and the chief clerk of the Secretariat, the only other person who might have wit-

nessed it, was called in only to hear Dr. Bridges declare that the retainer was not to bind him to act as counsel against the Government, so long as he was a member of it.

But on rejoining his surety (Mr. Hoey, a publican), Chun-tai Kwong informed him, that he had given the Acting Colonial Secretary only a portion of what he intended—a mere “*cumshaw*” (gift)—and that the retainer would be a thousand dollars;—giving, as his reason for this intended profusion, the statement elsewhere quoted, from the pages of the subsequent Report on the case, to the effect, that the imposing position of the man, considered as a member of the Government and Legislature of Hong Kong, made such profusion necessary.

Mr. Hoey, having reported these words to me a few days afterwards, I thought it my duty to refuse to be a depository of so scandalous an accusation, and, in my turn, reported it officially to Dr. Bridges himself; recommending him, at the same time, to summon Chun Tai Kwong before the proper tribunal, that of the magistracy, in order to his commitment for trial, as a public defamer of the Government.

Instead of so doing, Dr. Bridges invited first Mr. Caldwell, to examine Chun Tai Kwong, and then, one by one, two other Government officers, to join them in a private and unsworn examination of Mr. Hoey at the Secretariat.

No material discrepancy in their statements was elicited; and Dr. Bridges was forced to content himself with the declaration of Chun Tai Kwong, that he never meant to say that he (Dr. Bridges), expected more than the four hundred dollars; and the joint declaration of Chun Tai Kwong, and Mr.

Hoey, that they intended no reflection on his honour.

This proceeding having been severely commented on in the *Hong Kong Register*, one of the local newspapers, by a gentleman, since deceased, who denounced it as something much worse than the corruption imputed to Mr. Butt, by Mr. Roebuck,—Dr. Bridges came down to the Legislative Council, laid the article before them, and obtained a committee of his own nomination, and consisting of his own personal friends of that day, to enquire whether his character for “integrity” was in any way impaired by the circumstances of the case.

Notwithstanding this somewhat narrow limitation of the matters referred to, the Committee, after taking all the evidence, laid on the table their unanimous report, afterwards agreed to by the Council itself, with equal unanimity; from which I extract the following paragraphs.

After expressing their opinion, that, so far as the question of the tenders was concerned, there was nothing in the evidence before them to impeach the honour or honesty of the acting Colonial Secretary; the Committee proceed to recapitulate the circumstances connected with the retainer, and to say:—*

“These proceedings, in the opinion of your Committee, show the want of a due appreciation, by Dr. Bridges, of the demands of his high and important offices as acting Colonial Secretary, member of the Legislative Council, and member of the Executive Council; and denote an absence of that proper sensitiveness—which should have made him,

* Report and Proceedings of the Committee, printed in the *Hong Kong Government Gazette* of 19th June, 1858.

“ above all other persons, foresee and avoid all positions of possible conflict between his Public and Private Duties, which in the case of the opium monopoly were sufficiently obvious.

“ That Dr. Bridges should hold the offices mentioned, and, at the same time, retain the privilege of practising as a barrister, however undesirable a state of things, is one for which he cannot be blamed. But the limits, within which he would avail himself of his privilege, were under his control. He fixed the limit, *that he would not act against the Government*: and the place, in which he informed his client of this fact, was most unhappily chosen.

“ Further, he should have seen that any one, more particularly a Chinaman, must think that he would greatly gain, by employing, as his counsel, a high officer of Government; through whose means, changes, so beneficial to himself, had been made, at the last moment, in a public ordinance;* and that the monopolist, and the Chinese community generally, would conclude, however erroneously, that the official so retained, and the Government of which he was a member, were open to private influence.

“ That such must be the effect of Dr. Bridges' conduct on the minds of the Chinese, there cannot be any doubt.”

On the 6th July following, this Report being again

* This refers to the fact, that, in committee upon the Opium Farm Ordinance, after Chun Tai Kwong was assured of obtaining the grant, Dr. Bridges introduced, and carried through, amendments, whereby larger powers and emoluments became vested in the grantee. They are set out in the evidence.

read, on the motion of the chairman of Committee, it was unanimously agreed. that, "the Council do agree with the Committee in their said Report."*

On both occasions, Dr. Bridges was present, but silent.

The silence was the more remarkable, since the acting Colonial Secretary had expected a very different result from the Committee, from the moment when he proposed its nomination, down even to the presentation of the Report.

So confident, indeed, was he, and so little delicate in expressing his confidence, that only the evening before the presentation of the Report, he accosted the chairman (the Honourable Mr. Davies, chief magistrate of Hong Kong) on the subject, and greatly to that gentleman's disgust, congratulated himself on the excellent way in which, as he said, he had managed to get out of the scrape, by obtaining such an inquiry, as was sure to end in clearing himself and silencing all future accusers. He then went on to compare his conduct, in that respect, with the conduct of his friend, the Lieutenant-Governor (Colonel Caine), in the years 1846—9; when publicly charged, not only in the newspapers of Hong Kong, but before Earl Grey, then Secretary of State for the Colonies, with being principal, or accessory, in certain very gross cases of extorting money and taking bribes from Chinese grantees of crown hereditaments.† He said: "The Colonel was wrong in not doing as I have done. "If I, like him, had held my tongue or hushed it up, "I should never have hoped to hear the last of it.

* *Hong Kong Government Gazette*, of 17th July, 1858.

† See Article VI. in Mr. E. James's Notice of Motion for Papers; where, by mistake, the year 1849 is omitted.

“ As it is, I shall be cleared you know ; and nothing more will be said.”

The chairman heard him in silence. Next day, those boastings received their proper reproof, in the appearance of the Report.

Still, there was the chance of concealing from the Imperial Government the extent of the disaster. But this demanded the suppression of the Evidence on which the Report was grounded.

The Report, therefore, appeared in due course, amongst the votes and proceedings published in the official journal,* but without a particle of the Evidence. In this shape, it was sent home to the Secretary of State, with the accompanying explanations of the censured officials.

After the departure of the mail, and not till then, the Evidence was suffered to appear; and, inasmuch, as by the order of the Legislative Council, and, indeed, by the routine of the procedure, the Evidence ought to have originally accompanied the Report, the latter was, on this occasion, republished, to accompany the Evidence.†

In the mean time, Dr. Bridges, and his few adherents in the colony, had openly boasted expressly their confidence, that by keeping back the Evidence and forwarding the Report alone, in the first instance, he (Dr. Bridges) would be able to obtain, through the influence of his friend at the Colonial office Arthur Blackwood,‡ a speedy decision of his case,

* *Hong Kong Government Gazette*, 5th June, 1858.

† *Ib.*, 19th June, 1858.

‡ The pressure of colonial business compels a distribution of it among the clerks of the Colonial Office; and, to this gentleman, the business of the Hong Kong Government is said to be confided by the Secretaries of State. I disclaim all belief in Dr. Bridges's statement with regard to him. I only record it.

before the Evidence, which would be delayed till a subsequent mail, could arrive. And, when it did arrive, Sir E. B. Lytton, they thought, would be enjoying his parliamentary recess in the country; nor was it likely that the decision, once made, would ever be reconsidered.

The result, I regret to say, so far answered their expectations, that the retirement of Dr. Bridges from office, which these proceedings necessitated, but which was delayed until the 30th August (nearly two months), was stated, so recently as the 20th January last, by Sir John Bowring himself, at a meeting of the Legislative Council,* to have been acknowledged by a despatch "thanking him for his valuable services," but "containing no opinion favourable or unfavourable to the finding of the Committee upon Dr. Bridges' conduct in relation to the Opium Farm." But all further explanation was peremptorily refused.

The Chief Magistrate, Mr. Davies (from whose uncontradicted speeches on that and a former occasion I gather the most important of the above facts), having read his Minute of Protest against these suspicious proceedings, the same was entered upon the Minutes; and it is now, I presume, in the hands of the Secretary of State.

It is as follows:—†

At a Council held on the 4th Inst., I submitted the following motion for debate.

"That his Excellency the Governor be requested to lay before the Council, all correspondence between the local Government and the Secretary of State for the Colonies with respect to the proceedings of this Council on this subject of the Opium farm privilege,

* *Daily Press* of 22nd January, 1859.

† *Ib.*

and other matters referring to it by Dr. Bridges then member of the Council, and particularly with respect to the selection of the committee of enquiry, thereupon appointed by this Council; the conduct of its proceedings, the drawing up of its report, and the confirmation by this Council of the said report."

The honourable, the Lieutenant-Governor, Colonel Caine, then acting Governor and Chairman of the Council, refused to allow any discussion whatever on the matter. I now respectfully enter this my protest, against such refusal of the Lieutenant-Governor, with my reasons for thinking the motion a proper one to be discussed. My reasons are these:—

It is obviously desirable, unless special reasons be shown to the contrary, that this Council, which appointed the committee of enquiry, and unanimously adopted its report, should be officially and certainly informed, whether any, and if any, what communications on the subject have been sent by the local Government to the Secretary of State, and whether any, and if any, what communications in reply have been received by the local Government from the Secretary of State; and it is neither advisable nor respectful to this Council, that it should thus be left as a body in complete ignorance on the subject. It is still less advisable when many members, if not every individual member of the Council, must have heard and read in the local newspapers reports, as to the nature of the correspondence referred to. If the correspondence is such as it is reported to be, it contains a great amount of error, falsehood and slander, and it is only by the production of the correspondence that the Council can ascertain, the truth or falsehood of these reports.

I have been informed that some members of this Council have stated, and I have read on more than one occasion in the local newspapers, that Dr. Bridges, then acting Colonial Secretary, and himself the party whose conduct had been under enquiry by the committee referred to; forwarded to Downing street the report of the committee immediately after it was presented to the Council before the evidence was printed, and with his answer to it, in which answer he charged Mr. Dent and myself, the only members of the committee, with injustice and falsehood and hostility to himself. He stated, it is reported, that through some management of Mr. Anstey we were appointed, because we were hostile to him, that we conducted the proceedings of the committee under Mr. Anstey's influence, and that the report, which purported to be ours, was not so, but was really drawn up by Mr. Anstey. The Council knows that

some of these statements are untrue, and I denounce them not only as untrue, but as the very opposite of true; slanderous they clearly are. Had I been allowed to speak in favour of my motion, I could have given facts in evidence of their untruth. I shall only here state that I have no doubt that the honourable Mr. Lyall would, if called upon, relate circumstances which manifestly contradict the notion that I was actuated by any hostility to Dr. Bridges. I say I *could* have given facts in evidence, but I should not have considered it necessary to do so until I had ascertained by the production of the correspondence that the above statements had been made in it.

But the public reports do more than allege that correspondence went hence to Downing Street which should not have gone; they further assert that no communication has ever been made to the Secretary of State, that the report of the committee was unanimously approved by the Council. Until I know whether this statement is true, I refrain from remarking on it, I might be but fighting shadows. But how am I, how is this Council, to be informed of its truth or falsehood except by the production of the correspondence?

The reports do not even stop here; they allege that a dispatch has been received from the Secretary of State highly complimentary to Dr. Bridges and approving of his conduct in reference to the Opium monopoly. Surely if there be a dispatch of this nature virtually condemning a report, unanimously adopted by this Council, it is desirable that the Council be *informed* thereof, and it can only be properly informed by the production of the correspondence.

These reports of communications sent home, which should not have been sent home,—of facts not communicated to the Secretary of State, which ought to have been communicated to him,—of a dispatch received from the Secretary of State, virtually reflecting on the conduct of the Council, may be true or may be untrue, but they are certainly very widely known and believed, and one of them relating to the dispatch of the Secretary of State appeared in the "China Mail," a newspaper which, although it is denied that it is the Government organ, does certainly appear to have more ready access to official information than the other newspapers, and which in its account of the proceedings of the Council which adopted the report of the committee of enquiry, curiously enough omitted all mention of the important fact that the report was so adopted.

It will scarcely be contended therefore, that it is not of importance that the truth or untruth of these reports should be known to

Mr. Dent, Mr. Anstey and myself, whose honour and honesty, it is said, have been called in question; to the Council whose conduct also has, it is said, been disapproved by the Secretary of State; to the Government here, that these reports, so injurious to its character for sincerity and justice, may, if untrue, be contradicted to the Secretary of State, that he may learn whether he has been deceived or not; to the public, who are present by their representatives at our sittings, in order that they may know whether any secret injustice has taken place. It is only the production of the correspondence before the Council which can satisfy any one on these points.

For the above reason I think that the motion for the production of the papers was a proper one for debate, and for the same reasons, I respectfully protest against the refusal of the Acting Governor to allow any discussion whatever on the subject.

(Signed) H. TUDOR DAVIES.

I had ceased, for months before this debate, to be summoned to the Council—my suspension from the Attorney-Generalship having occurred in August. But I am informed, by Mr. Davies and others who were present, that the above narrative is quite correct. Further observation I feel to be superfluous.

It was testified on oath, by the same Dr. Bridges, when supporting the inuendoes laid in the information of seditious libel, at the trial already referred to,* that, during his *Secrétariat*, he and Sir John Bowring made up the Government of Hong Kong; but that, if any other person had been Governor, by the word "Government," the Executive Council ought to be understood; since such was the tenor of the Queen's Commission. Sir John Bowring, he said, was incapable of governing, but through some single person to whom he could surrender himself.

* "The Queen *v.* Tarrant"; Hong Kong Criminal Sessions of Supreme Court, for November, 1858.

It was a terrible thought which the confession suggested to those who heard it,

On those who have perused the foregoing pages, and who will follow me to the end, the impression will be not less painful.

For there is yet to be told the worst portion of the case as it affects Dr. Bridges; and it will best be told in its connection with that of Mr. Caldwell and Mah-Chow Wong.

But first a few words to explain in what manner, during this disgraceful period of the Colonial history, the control of the Executive Council over the actors—a Council still kept alive in nominal compliance with the letter of Her Majesty's instructions—was rendered so powerless, as the startling admission just cited from one of them, proves it to have been.

THE EXECUTIVE COUNCIL.

This body is appointed, by the Queen's Instructions, to consist of the Governor as President, and three officers as members—the Lieutenant-Governor, the Commander of the Forces at Hong Kong, and the Colonial Secretary.

From the date of my arrival in the Colony (30th January, 1856), down to that of my departure (30th January, 1859), the Lieutenant-Governorship—an useless and expensive sinecure—has been held by an invalid officer, Lieut.-Colonel Caine, formerly

of H.M. 26th Cameronians, which regiment he quitted in the early days of Hong Kong, for colonial employment. He was successively Chief Magistrate and Colonial Secretary, before obtaining his present lucrative post. He has been long endeavouring to obtain leave to retire, upon a pension of equal amount; and for this cause, amongst others, is most anxious to stand well with the local authorities.

From the same date, down to the accidental arrival at Hong Kong, in June, 1857, of the General of the English forces before Canton, the Colonel commanding the garrison at Hong Kong was always the Second Member of the Executive Council.

His military rank made him independent of local interest and intrigue; at the same time that his Colonial station enabled him to acquire that local knowledge, without which his efficiency, as the *only* check upon the proceedings of his colleagues, would have been of very little worth.

During the period in question, an officer of high ability and honour, Colonel Hope Graham, of H.M. 59th Regiment, (with a brief interval of sick-leave, during which another of my friends, Lieut.-Colonel Dunlop, R.A., provisionally replaced him), had commanded the Hong Kong garrison, and, in that capacity, held the second seat in the Executive Council. He was next superseded in favour, first, of Brigadier Garrett; of General Ashburnham; and, lastly, of General Straubenzee; as those military Commanders, of *the Canton Expedition*, successively arrived from England at Hong Kong, on their way to their proper destination. I do not know whether the *supersedeas* was owing to the inordinate desire of the Governor to surround himself with Councillors of higher than

ordinary rank, or to the shrewd supposition of Dr. Bridges, who by this time had succeeded to office, that inexperienced strangers from England, too much engrossed, moreover, with the concerns of a difficult expedition elsewhere, to addict themselves to colonial affairs, were little likely—absent or present—and three weeks at least in the month they were sure to be absent—to exercise a vigilant control over the proceedings of the Local Executive;—or to both of those causes.

But I cannot help thinking, that the *supersedeas* was illegal—those officers, albeit superior in rank to the commanding officers at Hong Kong, not being themselves in actual command there, within the spirit and meaning of the Royal Instructions.

And I feel persuaded, that the very letter of those Instructions was violated, by the omission to resume the seat in Council, and restore it to the Hong Kong Commander, when the same was actually again vacated by the departure of his General from the Colony to Canton, leaving him again in the possession of his pristine military command within the Colony.

There now remains, therefore, the third and last seat in the Executive Council:—that of the Colonial Secretary.

For rather more than a twelvemonth after my arrival, and again for about two months before my departure from the Colony, a man of honour and worth, the Honourable W. T. Mercer, Esq., filled that office. Unhappily for the Colony, the interval was one of sick-leave; and the acting appointment to all his offices, being vacant, was bestowed, as I have said, on Dr. Bridges.

Thus, during the period to which the gravest of the incidents of the present case belong,—this was the composition of the Executive Council:—

1st. The Governor and Acting Colonial Secretary, representing—I believe—three votes on the side of themselves;

2nd. The Lieutenant-Governor, strongly urged, as I have said, by the alternate influences of hope and fear, to give them and their measures an implicit support, under all circumstances;

And, 3rdly, The Commander-in-Chief at Canton; generally absent from the Colony, always ignorant of its affairs, and feeling himself, as military men in such cases are too apt to feel, bound, to give his unhesitating support to the Local Government in Council, whensoever present, and able to attend it.

Not that his presence was required; for Two made a good and sufficient quorum.

To such a council, so constituted, the Bridges' and Caldwell administration resorted with confidence, and all other Government servants with dismay.

The results were answerable.

For presuming to give evidence against public criminals, some of these Government servants were, by that Council, suspended—and suspended illegally—because in their absence, and without citation, hearing, or opportunity to know the evidence against them, or to adduce evidence in their own defence.*

For the like offence, in like manner, and with the same disregard of law and justice—and what these men might have dreaded most—the prohibitions of Downing Street,—† other Government servants have

* *In re Willis*; and *in re Montagu*:—E. F. Moore, Pr. C. Ca.

† The "Rules and Regulations for Her Majesty's Colonial Service" (Ed. 1856), peremptorily forbid any proceeding to suspension (except in extreme emergency), unless upon citation of the officer, "fully communicating to him the charges," and "after such an in-

been, by the same secret tribunal, tried, condemned, and if not actually suspended too, menaced with that punishment;— and then insulted with a remission of the same!

On the other hand, every act of administration, which needed, in the judgment of its authors, the sanction of the Council, was sanctioned as soon as laid before it.

Every appointment to vacant offices, or to offices of new creation, which needed ratification, was ratified in advance.

Not a Crown Grant, however odious or imperfect, which needed to run in the name of the Governor in Council, was disappointed of that formality.

How could there be protests?

Who was there to protest?

Not the absent or ignorant General;

Not the Lieutenant Governor, Colonel Caine, who knew what he had to hope from the favour, and to fear from the malice, of the confederates!

The former is not known to have dreamed of such a thing.

If we are to believe Mr. Caldwell, the latter (Colonel Caine) did, at an earlier period, go to the verge, but not a step beyond,—and paused just in time not to exasperate the formidable gang into action.

It was on the occasion of Mr. Caldwell's elevation, from the lower grades of the police department, and

“ terval as will allow him a reasonable time for preparing his defence”; —apprising him, moreover, whether “ he is to defend himself orally, “ or in writing, before the Council,” or what is “ the rule which has “ been laid down by it.”—(*Reg.* 79—83, pp. 25—6.)

the command of his "convoy" cruiser, the "Eaglet," to the Commission of the Peace. There was some hidden opposition somewhere to the disgraceful selection.

The same Lieutenant-Governor was denounced by Mr. Caldwell himself—I am so informed, at least, by the Superintendent of Police, who heard the denunciation—as being the mover of that opposition to his preferment.

At the same time, Mr. Caldwell observed, with an oath, that, although he knew he had the Lieutenant-Governor's ill-will in every matter, he did not fear it. "He would, if he had the power, and dared to use it, be glad enough to get me out of the island. But, so long as I live, I have him in *my* power, and he knows it. He knows, that I am almost the only person left now, who can ruin him, by telling the truth about that old affair of his."

If the opposition ever was made, it was probably relaxed, for it certainly did not prevent Mr. Caldwell from becoming a Justice of the Peace. I do not know if the message was, at that time, conveyed to Colonel Caine. But he is certainly a long time in possession of the fact I have just mentioned; an official or a semi-official enquiry having been made concerning it.

I became aware of it only in July last, as well as of the explanation of what, by "that old affair," is to be understood. It was told me, by way of moderating the astonishment I felt, on learning that Colonel Caine was present, and concurring in the "unanimous" resolution of the Executive Council, to suspend me without a hearing:—I being, at that moment, in possession of a private note from himself to me of a day or

two preceding, whereby he had expressed his willingness to answer certain questions I had proposed to put, when called before the Council, on my defence. That note is now in Downing-street.

The enquiries, which this strange piece of information induced me at once to institute, enabled me to obtain the perusal of a number of old printed papers, consisting of newspaper articles, affidavits, depositions, and official and unofficial correspondences, including those with Downing-street; all published and commented on by the Hong Kong press, many years before my arrival; and none of which had ever elicited, from Colonel Caine, a prosecution for libel, a counter-statement, or even a contradiction.

The period of the case, to which I refer, commences with 1846, and ends with 1849. But the case itself is not yet ended; for it has not yet received the judicial investigation to which it ought to have been, in the first instance, submitted; but to which, at this late hour, it is not likely that it can be now submitted without a failure of justice, from the probable deaths of witnesses, and disappearance of documents.

Yet, in the faint hope of some better result, I will briefly state what is the result, to which the perusal has brought me, of such of the documents connected with it, at Downing-street, as have already, in the way described, been published and circulated in the colony of Hong Kong.

Mr. William Tarrant was Registrar of Deeds at the Land Office, Hong Kong, in the years 1846-7.

His diligence, ability, and trustworthiness in the discharge of the duties of that office, are attested by his official superior, the Honourable Mr. Cleverly, the present Surveyor-General.

The fees payable on the registration of deeds are regulated and defined by Ordinance. It was one of his duties to see that these, and these only, were paid in strict conformity with the ordinance, by persons coming to register their deeds.

It was another of his duties, and, in the case of Chinese, a very irksome one, to see that no personation or other fraud was practised by applicants for registration.

It was his general duty, as a public servant, to report to his official superior all cases of fraud, or misfeasance, coming, in any way, under his eye.

In the performance of those duties he made several reports, the whole of which were well-founded, and were so considered by Mr. Cleverly and himself.

There was a charge against one Chinaman of fraudulent attempt, by misdescription, or personation, to obtain the registration, in his own name, of land belonging to another.

There was a charge of extortion of moneys under colour of presents, or fees, payable to the Colonial Secretary himself.

There were charges of previous levies of moneys by the same person, and in the name of the same officer, from applicants for leases of lands and markets.

It was represented, that the prime criminal, in these cases, was a Chinaman, Comprador to the Colonial Secretary, and very much in his confidence.

It was further represented that the scoundrel, on being reproached with the crime, had boldly reasserted that he had Colonel Caine's own authority for what he did; and that the money was really levied, by him, for the Colonial Secretary.

Instead, however, of taking the course, recommended to him both by Mr. Cleverly and Mr. Tarrant, in the belief of his innocence of all complicity with the man,— who had, as they thought, thus abused his name,— instead of bringing his Chinese comprador before the police court, to answer for the misdemeanours with which he was thus charged,— it seemed good to Colonel Caine to treat the accusation as a gross invention — to slight it altogether — to reprimand Mr. Tarrant for an excess of duty — to inform him that his functions of Registrar of Deeds were of the merest mechanical order, and that it was his duty to hear, and see, and say nothing,— and to point his meaning by the illustration, that if he were asked to register the familiar but erroneous position of the moon being made of green cheese, it was his duty to ask no questions, but to do it.

Mr. Tarrant, however, persisted in taking another view of his duties; and Mr. Cleverly appeared to think the matter a serious one:— and the Lieutenant-Colonel found himself compelled to act.

But, instead of following the advice they had given him, and prosecuting his Chinaman for extortion and false pretences, it was against Mr. Tarrant that he instituted criminal proceedings, on a charge of conspiring with certain Chinamen falsely to accuse; and he, at the same time, procured his suspension from the Registrarship.

With great magnanimity, he forbore to prosecute Mr. Cleverly, and allowed him to retain his office.

The matter being appealed home to Secretary Earl Grey, the Hong Kong officials were by his Lordship ordered to reinstate Mr. Tarrant in his office, and to make good to him all arrears of salary which had accrued due since his suspension.

It appears, however, that, in the certain anticipation that such would be the righteous judgment of Earl Grey, Mr. Tarrant's persecutors had, in the interim, abolished the office, and, nearly at the same time, reorganised it, but under a slightly different name.

Consequently, all the benefit that poor Mr. Tarrant has hitherto derived from Earl Grey's decision, has been the receipt of all salary, for the weeks intervening, between his suspension from office and the nominal abolition of the office itself. But he has never been restored to the public service, nor compensated for the wrong done him.

He has not even been able to obtain his own trial, for the misdemeanour with which he was charged.

Colonel Caine was never ready.

In the first instance, his Comprador, he said, had left the colony, and there must be a postponement on that ground.

Why he allowed the man to leave, without his presence at the trial being secured in the usual manner, he could not say.

Months elapsed; and every month brought with it the appearance of Mr. Tarrant and his attorney at the bar of the Supreme Court. But still the Colonel was not ready.

A Mr. Molloy Campbell, a personal friend of the Lieutenant-Governor, was, at that time, the Acting Attorney-General.

To him, at length, Mr. Tarrant's attorney gave notice of his intention to move the Court for his client's discharge, unless brought to trial forthwith. The ground was, that Colonel Caine's Comprador, for whom all this delay was prayed, was ascertained to be living quietly within Hong Kong after all!

The application being made, the Chief Justice expressed a strong opinion of the unfairness of all these proceedings, but advised Mr. Tarrant, instead of accepting his discharge, to stand his trial at an approaching Session. The Acting Attorney General having undertaken to bring on the case for trial, Mr. Tarrant acceded to the advice thus given him by the Chief Justice.

Before the time arrived, the Chief Justice was himself suspended upon a charge, chiefly supported by Colonel Caine, and recognised to be false the moment the proceedings reached Downing Street. He was, therefore, reinstated, without delay, and with honor.

But, during his Honour's absence from the colony, the Acting Attorney General had become Acting Chief Justice.

The still untried Mr. Tarrant, appeared at the Sessions appointed. But the Acting Chief Justice refused to preside at his trial; alleging the indelicacy of sitting, as Acting Judge, upon an information signed by him, as Acting Attorney General.

It was replied, that the delicacy did him honor; but that it had not prevented him from trying, at the same Session, sundry prisoners, whose case, in that respect, was the same as Mr. Tarrant's; and that he (Mr. Tarrant) was quite willing to waive all objection on the score of delicacy, if delicacy there was in the case, and to proceed at once to his trial.

The Acting Chief Justice, however, persisted in the refusal; and, as there was no other Judge in the island, the case was abandoned.

Mr. Tarrant, being thereupon discharged for the

time, has not as yet been fortunate enough to get any one to try him, or even to prosecute.

More than ten years have, nevertheless, elapsed since his last appearance in that case.

Colonel Caine's Comprador, has, since then, lived on, and carried on all kinds of business, in Hong Kong and Canton.

I heard of him last, as being, at the latter city, in the spring of 1858. It was told me, but I cannot credit it, that a certain official had been indiscreet enough to recommend him, as Comprador, to the mess of an East India Company's Regiment in garrison there. It is certainly stated, that he was their Comprador about that time, but left them suddenly with their plate.

The proceedings in Mr. Tarrant's case having excited certain misgivings in his mind, he took an early opportunity of satisfying them.

One of the extortions was alleged to have been committed on a market lessee. The man had mortgaged his lease deeply, and had got into trouble. Mr. Tarrant took an assignment of the mortgage; thereby entitling himself to the possession and inspection of the lessee's market books.

He turned to the date of the alleged extortion. It was said to have amounted to the large sum of 1,600 dollars.

Under that date, there was an entry in Chinese, for "duty-money" paid to "Kanna Kane" (Colonel Caine) of two hundred dollars. But, within seven days, there were as many more, each of the same sum, each for "duty money," each to "Kanna Kane;" in all, sixteen hundred dollars.

In the now very remote hope of being able to stimu-

late an investigation, he published forthwith, in the *Friend of China*, a *facsimile* of those entries, with an English translation.

Colonel Caine held his peace.

Nine years later Mr. Tarrant again published them, and in the same newspaper.

Colonel Caine still held his peace.

His conduct was thereupon represented to the Secretary of State. But the result is still unknown.* The papers are included in Mr. James' notice of motion.

I ought here to add, that Mr. Tarrant's well meant interference, to prevent the lessees from paying more than their lawful Crown fees to the Colonial Secretary, was fatal to the interests of those immediately advised by him.

They had objected;—"If we do not pay this bribe, the Comprador says that we shall not have our leases after all; but somebody else will." With reluctant hesitation, however, they at last consented to be persuaded by Mr. Tarrant, that the Comprador lied; and they acted on that persuasion.

Two or three days afterwards, Mr. Tarrant was accosted by them in the street, with much violence of reproach. "You bad man!" they said; "we told you so. Our leases are not to be made out. Another man has got them. All this comes of not paying the *cum shaw*, that Colonel Caine's Comprador told us to pay!"

I can give no opinion on the extent to which the Colonial Secretary of that day was culpable; or

* Correspondence, in the case of Mr. Tarrant and the Comprador of the Honourable Major Caine, from 3rd July, 1847, to 27th Dec., 1849.

whether Mr. Caldwell's dreaded testimony can carry the case much further.

It is certain that he was so, to at least this extent: that he acted like the guiltiest, and obstructed the course of criminal justice, and occasioned much scandal to the British name.

I cannot think that, having, as he must have, the humiliating sense of these heavy imputations, and of having done nothing to remove them,—his presence in the Executive Council can be of the least value to it; or tend, in any way, to give efficiency to that body, for the repression or detection of the corruptions of the Hong Kong government.

I pass on to the next head.

THE REGISTRAR-GENERAL AND PRO- TECTOR OF CHINESE, AND LICENSER OF CHINESE BROTHELS.

THE Registrar-Generalship of Chinese, formerly an inferior office in the Superintendency of Police, was made, in 1846, a department of co-ordinate power; and the functions of Justice of the Peace and Protector of Chinese were annexed to it.

During the Bridges' administration, in 1857, it was raised, by ordinance, into a distinct department, and one of superior emolument to that of the Superintendency itself; and the visitatorial, and other arbitrary powers

of the above office, were so largely increased, in favour of the individual then recently raised to them, as to attract the notice of Downing Street, and to cause the disallowance of the most dangerous of those new provisions; but not until they had done much mischief, in the manner in which he had exercised them.

A new Ordinance, omitting those provisions, was accordingly prepared in the following year; and it passed into a law, on the very day, when the first discussion on the malpractices of the individual, who still retained those offices (Mr. Daniel Richard Caldwell), with regard to Brothels' Licenses took place in the Legislative Council;—that is to say, on the 10th May, 1858.*

In the interval, however, his other office, that of Crown Licenser of Brothels, had been specially created for him. I was known to be wholly opposed to the measure; and once already I had defeated the attempt to carry it through the Legislative Council. I had no objection to sanatory regulations, for purposes, strongly and conclusively urged, by our naval and military commanders in those regions, for many years past; and I had even proposed a measure, for the indemnity of such as submitted themselves, to such regulations, against prosecution under the local law. But, to any system of Crown Licenses for Brothels, upon payment of Crown Fees, I was altogether hostile.

Dr. Bridges, therefore, urged the occasion of my absence on sick-leave, during the autumn of 1857, to make one last attempt to pass his measure; remarking

* Compare the two Ordinances in question:—Ord. No.6, of 1857, and No.8 of 1858.

to a member of Council, who was doubtful as to its details, that, unless it were passed quickly, it would not pass at all; "For you know," he added significantly, "who is coming back next month." About a fortnight before I did come back, it had passed into a law; and Mr. Caldwell had added the Crown Licensership of Chinese Brothels to his other enormous prerogatives, having under him a Portuguese named Grandpré, a friend and partner, as Assistant.*

Mr. Caldwell himself is a native of St. Helena, and apparently of mixed blood. His father, a common soldier in a local militia corps, brought him, when young, to Pulo Penang, where, and at Singapore, his youth was passed in various inferior occupations ashore and afloat. His character was, to say the least of it, not high at that time;—and, when Sir George Bonham, then administering his Straits' government, was promoted to that of Hong Kong, it was with difficulty, it is said, that His Excellency was induced to tolerate, even in a comparatively inferior post in the police of Hong Kong, the man who had left behind him, at Singapore, a very damaging notoriety; and who had taken shelter in Canton and Hong Kong, only to acquire a worse.

It was stated, by a friendly witness, recalled for the purpose by Mr. Caldwell himself, before the Commission hereafter to be mentioned, that his (the witness's) former partner, Mr. Innes, employed Mr. Caldwell "to smuggle opium in the Canton river." † This was before the first Chinese war. None but the

* Ordinance No. 12, of 1857 (24th November, 1857).

† Printed Minutes of Evidence before the Caldwell Commission of Enquiry *Hong Kong*, (pp. 44, 47; see pp. 61, 79, 82).

most daring and atrocious of Chinese outlaws were employed; for none others were qualified to enter into the service of the Europeans, on board of the fast boats so employed. They were, in fact,—nearly all without exception,—river pirates of the most desperate character. This circumstance alone does not seem to have prejudiced him overmuch with the Canton community; for such was “the custom of several merchants at that time;” and, consequently, “*as a shipmaster, he was as much respected as the generality of the class.*”

But there was a graver report, according to another witness, concerning him, which “threw him under a cloud entirely with the community in China;—that he had not accounted for the proceeds of some opium which had been entrusted to him for sale. This was in 1840.”

Mr. Caldwell himself admits,* that, in that same year, he left the Canton river and trade, and took service (as an interpreter) under the Commissariat at Chusan, where Colonel Caine, then a captain, and whom he had accompanied thither, was commandant. In 1843, he says, after some intervening cruises on the coast, he entered the service of the Hong Kong government, as magistrate’s clerk; Colonel Caine having then been from May 1841, chief magistrate there.

Colonel Caine’s opinion of his fitness for office was entirely founded on “his being a *smart person*, and possessing an excellent knowledge of the (vulgar or colloquial) language.” There were all sorts of “rumours” and “complaints” against him, it appears.

* Printed Minutes of Evidence before the Caldwell Commission of Enquiry. *Hong Kong*, (p. 90. Compare p. 82.)

But "they made no impression on him (Colonel Caine);" for, since they were not "official complaints," he thought that "he could not place reliance upon them." What was their nature he would not tell;— "would rather decline answering, as to what he had heard about Mr. Caldwell, from his (Colonel Caine's) acquaintance with this part of the world, to the present time. He was not aware of any connection between Mah Chow Wong and Mr. Caldwell, except by hearing of this, seeing it in the newspapers, and hearing it stated in the Council Room on one occasion — perhaps on more than one occasion."

Here the Lieutenant-Governor's revelations ceased. He objected that he was not at liberty to reveal the secrets of the Executive Council. The objection was allowed. It was an untenable objection, in the face of the Governor's mandate to all officers to appear and give evidence; and this was the only instance in which it had been allowed. The objection and the allowance thereof are carefully omitted from the Government printed minutes!

The "connection" with Mah Chow Wong, nevertheless, was a quite notorious fact, and it lasted from the beginning of Caldwell's humble employment in the police court, in 1843, down to the final departure— is it final?—of that pirate from the shores of Hong Kong, in 1858, a convict under sentence of transportation for fourteen years.

In the meantime, Caldwell had risen in the public service to the ranks, successively, of Inspector of Police, Assistant Superintendent of Police, Interpreter to the Supreme Court, Registrar-General and Protector of Chinese, Justice of the Peace, and Licenser of Chinese Brothels.

During a few months only of those sixteen years—

namely, from towards the end of 1855 to about the middle of 1856—he had been out of Government employment;—seduced it seems, by the large profits and exciting adventure of a life on board of the armed steamer “Eaglet,” the common property of himself and Mah Chow Wong. It was not long, however, before the embarrassment of his own affairs, and the flight from Singapore of his brother Henry—the defaulter and fraudulent trustee, from whom his capital is supposed to have been derived—compelled him to sell his interest in the “Eaglet” and return into the Government service.

But, amid all these vicissitudes, and at every stage of his career, the “connection” with Mah Chow Wong, and the gang or clan of that miscreant, was maintained unrelaxed. It may have been, as the Superintendent of Police,* in his evidence alleges it, the bond of friendship; or even,—if an older resident, and a senior officer in the public service, the marine magistrate and governor of the gaol,† is to be credited—that of affinity, through a woman named Awoong, by concubinage and adoption, according to Chinese law and usage, which cemented that “connection.” But it was at least sufficiently well-founded, on the basis of a common interest, to need none of those supports from the affections.

The Governor’s own Commissioners of Enquiry have not been able to ignore the fact. There can be no doubt, they say, that the “connection” has existed; that it has been “long and intimate;” and that it has ripened into, at least, one “partnership in

* Mr. May, J.P. The frequency of these references to the printed and unprinted documents makes citation laborious.

† Mr. Inglis, J.P.

a lorch a ;" for that is "even admitted by Mr. Caldwell." That all this while, Mah Chow Wong was a "notorious" pirate, is what Mr. Caldwell "must have known."*

Those only who are familiar with the History of Jonathan Wild in all its details, can fully comprehend the part, which this "connection" of Chinese pirate and European officer of police, has had in the Reign of Terror, as I have called the administration of government, under Sir John Bowring, at Hong Kong.

But, even to those not so prepared by study, I do not despair, representing, from the records published, in a moment of infatuation, by the Hong Kong Government itself, such a picture of their proceedings as shall leave no doubt, even in the most sceptical mind, as to the quality of that "connection," their designs, and their acts; and the consequent and necessary duty, of all honest men, whether in the service of the Local Government, or enjoying a position of independence, to do their utmost to detect and expose the guilt, and bring down conviction and punishment upon the confederacy, and all who abetted or protected it.

An experience, acquired by thirteen years of service, as Superintendent of Police, Magistrate, and Coroner, entitles Mr. May's evidence on this head to great consideration and respect. He tells the Government Commissioners:—

"I have for many years known Mah Chow Wong. . . .
 "I knew that that man was Mr. Caldwell's principal
 "and most relied-upon informant. . . . My knowledge
 "of Mah Chow Wong arose from my knowing that

* Printed Report, p. 2.

“ Mr. Caldwell used him as an informer. Every person connected with the Police Department, and the Chinese community generally, knew of the position in which Mah Chow Wong stood to Mr. Caldwell. Up to the date of my letter of the 20th July [1857], I believed, as I therein expressed, that Mr. Caldwell was the dupe of Mah Chow Wong. I judged this partly from believing, that Mr. Caldwell was under family influence.* . . . When I found out, from the examination of Mah Chow Wong’s books and papers, the extent and variety of the villanies of Mah Chow Wong, I was, very much against my will, and led by common sense, necessitated to alter my opinion about his being a dupe.”

Mah Chow Wong, that is to say, “Horse-boy Wong,”—for his true name is Wong Akee,—was first known to the British community as a stable servant;—next, as a small shop-keeper;—and, at length, as a rich merchant and ship-owner at Hong Kong.

It is a saying of the Chinese Mandarins, that “so long as a thief does not leave the empire, he can be traced and caught:—but let him once get to Hong Kong, and you lose him for ever.” He settles down under the rule of a Bowering, a Caine, or a Bridges, and, enjoying the protection of the Caldwell of the day, pursues his avocations in peace and confidence.

That was the true source of Mah Chow Wong’s prosperity. The notoriety of his character was no hindrance to him. He enjoyed the protection and alliance of Mr. Caldwell. He commanded a secret

* The family connection with Chinese people is here alluded to.

society, and made himself the master of his clan. Their members were to a man police-informers—and pirates; and, ashore or afloat, his purposes were equally well served. Even the European police of the island were indirectly, yet almost entirely, placed at his disposal. He was the Jonathan Wild of Hong Kong;—he received tribute from the hordes of the pirates of the China seas, who infested our trade, and robbed and murdered our people;—he levied blackmail from those who were spared;—he equipped piratical expeditions on his own account;—he sheltered those of his friends, and betrayed those of his enemies:—he denounced as pirates those who were innocent of piracy, and his denunciation was destruction; for the Hong Kong Government, having his simple assurance, needed no further proof to set in motion the forces of Her Majesty;—and the finding of the Commission itself* confirms, to the letter, the statement of the official witnesses, that, almost as he thought fit, numbers of the Hong Kong Chinese were arrested or liberated, boats and property seized or restored; and yet, on no occasion could any of his victims be found to appear openly against him, and demand justice for those misdeeds; for the Chinese were “in terror of their lives.” And wherefore? Let one of those witnesses explain the reason.†

“ During the whole of that time, whenever reference was made to Ma-chow Wong, either by subordinate officers of police, by old European residents, or by Chinese, they always coupled his name with some epithet having reference to his bad character. As a

* Report, etc., pp. 2, 3.^s

† Mr. May, J. P.; Evidence, *ubi supra*, pp. 29. 40.

“ matter of repute and notoriety, I know that Ma-
 “ chow Wong has, for years, been considered an ex-
 “ tortioner, a recipient of bribes from gambling-house
 “ keepers, a confederate of pirates, and a receiver of
 “ stolen goods. I also know, that, because of his well-
 “ known position with regard to Mr. Caldwell, which
 “ every Chinaman in the colony very well knew, Ma-
 “ chow Wong was supposed to be in possession of
 “ great power, and was held in great dread. Of the
 “ extent of the dread I became fully aware, when it
 “ was my duty to investigate the cases against him.
 “ I spoke to very many Chinese of standing and
 “ property, and they all exhibited a knowledge of
 “ his evil character, but a reluctance to do more than
 “ own it.

“ “ As an instance,—at the time that an appeal was
 “ made to his Excellency for the pardon of Ma-chow
 “ Wong, I knew that a Chinese petition, numerously
 “ signed, had been presented in his favour. Late
 “ one evening, one of the wealthiest, perhaps the
 “ wealthiest, Chinaman in the colony came to me,
 “ and said, that he also represented the feelings of
 “ another wealthy Chinaman. The man said in
 “ broken English, ‘I am almost afraid to come to
 “ ‘you, I come all same thief; but I want you to tell
 “ ‘the Governor, that the Chinese who signed the
 “ ‘petition dared not refuse to do so; but, if the
 “ ‘Governor really wants to know, what those people
 “ ‘mean, who signed it, let him give each of them
 “ ‘one black ball, and one white one, and there won’t
 “ ‘be very many in favour of Ma-chow Wong.’” I
 “ told him, ‘I can’t tell the Governor any such non-
 “ ‘sense. If you are a race of cowards, you must bear
 “ ‘the consequences.’”

And it was with this man that, according to Mr. Caldwell himself,* — who reluctantly admits the fact after it had been proved by many witnesses,—a partnership, in at least eight Chinese lorchas, subsisted,—from the beginning of 1855, if not earlier, down to the end of 1856, if not later;—for the Colonial Register of the “Kee-loong-poo-on” lorcha was not cancelled in the Colonial Secretariat before April, 1857;—at all events, during a period, ominously contemporaneous with the period of the well-known story of the piratical lorcha “Arrow!”

All of these lorchas, as I gather from the same tardy confession, “carried the ‘Eaglet’s’ flag;” — the armed steamer, already mentioned; — which was also part owned by Mah-Chow Wong, commanded by Mr. Caldwell in person, and “principally engaged,” confesses her engineer, “in conveying Chinese merchant junks up and down the coast,” or, as he elsewhere more emphatically calls it, “the convoy business.”†

In such a connection, it is easy to conceive that it became a very profitable business. Mr. Caldwell himself incidentally speaks of as many as ninety-two Chinese junks, being under his convoy at one time. To Mr. May, on another occasion, his words were; “Such is the fame and terror caused by the ‘Eaglet,’ that many vessels have applied to us; and we are thinking of granting the ‘Eaglet’s’ flag as a pass of protection.”‡ That flag would have been a more effectual “protection” against the trembling Chinese — whatever the character of the vessel bearing it — than Mr. Caldwell’s illegal certificate, under his office seal, at a subsequent period, was able to afford to

* Evidence, etc., pp. 90—95; Report of Commission, p. 2.

† *Ibid.*, p. 75.

‡ *Ibid.*, 95—140.

suspicious vessels, attempting to break the blockade of the Canton River, against the vigilance of our cruisers employed to enforce it.*

The "convoy business" unhappily needs no explanation now; since the horrid events of the last two years in the Ningpo and Min rivers, have shed their blood-red light to illustrate its meaning.

It is no longer permitted, to any man, to doubt the truth of Dr. Mac Gowān's solemn denunciations from Ningpo, about a year after the last cruise of the "Eaglet."†

"Being personally cognisant of the severe and protracted sufferings of the people, among whom I dwell, necessity is laid upon me of exposing the cruelties inflicted on them, and of appealing for sympathy in their behalf.

"One disastrous result of the late war with England was the discovery by the Chinese of the impotence of their rulers. Multitudes were, consequently, soon arrayed against the Government, particularly on the seaboard, where weakness and incapacity were most palpable. Piratical fleets became so numerous, as almost to destroy the coasting trade; poor fishermen, even, were not exempt from spoliation. It was seldom, however, that great cruelties were practised. Instead of acting on the maxim of western pirates, that 'dead men tell no tales,'—they seemed to hold, that 'dead men can furnish no more spoil;' and, accordingly, captured seamen and vessels were always redeemable by money. A deputation of the captors repaired

* Evidence, etc., pp. 31—91.

† "Remarks on Chinese Foreign Relations," Parts I. and II., pp. 2, 3 (Shanghai, October, 1857).

“ to port, negotiated for the highest obtainable sum,
 “ and then returned with the ransom to release their
 “ prizes.

“ As a corrective of this growing evil, merchants
 “ and traders paid liberally for foreign convoy: an
 “ arrangement which for a time was mutually advan-
 “ tageous. As the junks sailed in fleets, a moderate
 “ contribution from each vessel secured it exemption
 “ from a heavy black-mail; while the foreigner was
 “ merely delayed a few days on his voyage. Even
 “ the imperial navy profited by it; — admirals put to
 “ sea in fair weather, going out with the ebb and
 “ returning by the flood, and performing a cruize in
 “ safety. Those were halcyon days; but, unhappily,
 “ they were brief; in so much that they are now well
 “ nigh forgotten.

“ Convoying became an object of competition. The
 “ proximity of the Macao Portuguese, with their
 “ simple lorchas or sloops, manned to a great extent
 “ by Manilamen or Cantonese, enabled them to under-
 “ bid those who sailed square-rigged vessels; and soon
 “ the Lusitanian colours displaced all others from
 “ this line of business. Abuses quickly sprang up;
 “ causing mariners, fishermen, and coastlanders to
 “ sigh for the times, when native pirates pursued
 “ their comparatively harmless vocations. The poor
 “ people were formerly chastised with whips; now
 “ with scorpions. Smuggling, also, the never-ceasing
 “ vice of foreigners, assumed a systematic form at
 “ the non-consular ports.

“ Lorchamen often dictated, to Custom-house offi-
 “ cers, the amount of duty to be paid for the whole
 “ fleet; reserving to themselves the sum abated.
 “ While intimidating mandarins ashore, they præ-

"tised extortions on their protégés. It became no
 "longer optional with the native craft to employ
 "convoy; they were not at liberty to decline pro-
 "tection, nor were they consulted as to the amount
 "they were to pay. From this, the transition to
 "piracy was easy; and robbery and murder at sea
 "were followed by like crimes on land. Whole vil-
 "lages were reduced to ashes, the men butchered,
 "and the women violated; some being carried off to
 "the lorchas, and retained in purchased exemption
 "from such treatment, by paying large sums of money.
 "No sum, however, was sufficient to redeem a mother
 "or daughter, whom the fiends determined to take to
 "their vessels. Chinese officers, who attempted to
 "thwart these buccaneers, were killed on the spot or
 "captured and held to ransom. The number of un-
 "offending natives who have been put to death—
 "some of them tortured in a most diabolical manner
 "—would not be credited if told. Much of my
 "surgical practice in China has been due to these
 "piracies and forays. Of course, the loss of the
 "Chinese in property has been proportionably great.
 "No device that could be employed, for raising
 "money or supplies, was left untried. The store of
 "yams, dried fish and fuel laid up for winter's use
 "in the hut of the solitary peasant,—the only goat,
 "and last fowl of the farmer,—were (and still are,
 "for the evils yet exist) carried off by the foreign
 "marauder. The fisheries were subjected to heavy
 "charges, for this coercive protection.

"Adventurers, who could not command a lorcha,
 "fitted up native boats, carrying on depredations in
 "estuaries and rivers. Others opened offices in the
 "small towns, for the sale of passes, which boats,

“ crossing from headland to headland, were com-
 “ pelled to possess, in order to escape greater exactions
 “ when under weigh.

“ Not a small part of the wrongs, perpetrated by
 “ these boats were by natives, under the cover and
 “ protection of foreign habiliments. In such great
 “ fear are foreigners held, that few possess the courage
 “ to withstand even their effigies. A bold and un-
 “ scrupulous man may do almost anything with im-
 “ punity. In illustration of this, I shall be excused
 “ in briefly adverting to an incident, the particulars
 “ of which I made public, at the time of the occur-
 “ rence. At the mouth of the Ningpo river is a
 “ small village of saltmakers, at which the salt com-
 “ missioner stations a deputy. This officer, after
 “ being beaten and compelled to swallow excrement,
 “ was driven away by Portuguese, who came and
 “ collected the salt gabel in the name of his Consul.
 “ A copy of the proclamation, issued by the mis-
 “ creant, I myself copied, and sent to that Consul at
 “ Ningpo.

“ About nine-tenths of these sanguinary harpies
 “ were Portuguese. The balance consisted of vaga-
 “ bonds from every maritime state under heaven,
 “ representing almost every class in society. I have
 “ known a Cossack, from the Lena, rob a Chusan
 “ fisherman of the leavings of one of my piratical
 “ townsmen, a former member of the New York bar,
 “ at that time in the Portuguese service. . . .

“ What course, it will be asked, did the local autho-
 “ rities pursue towards the invaders? They simply
 “ remonstrated. When, for a brief period, the duties
 “ of U. S. Consul at this port were imposed on
 “ me, I was frequently applied to, by H. E., the

“ Tautai, for information as to the nationality of the
 “ parties, who, in boats and lorchas, were oppressing
 “ the people. Chinese officials, on the coast, are in
 “ constant dread of provoking the ire of any foreign
 “ power ; they believe that we are all linked toge-
 “ ther, and that any one would resent the least re-
 “ sistance which another might experience.
 “ With the exception of the intimation furnished by
 “ the case of a score of Japanese pirates, who were
 “ publicly boiled to death in the streets of Ningpo
 “ (1406, A.D.), by order of the envoy of that country
 “ at Peking, the natives have have been led to
 “ suppose, that foreigners are amenable to no law :—
 “ and they submit to this havoc, as to the pestilence,
 “ typhoon, or earthquake—the irresistible powers of
 “ nature.

“ For the past few weeks the coastlanders have
 “ enjoyed comparative peace, owing to foreign in-
 “ tervention ;—an intervention made, be it observed,
 “ under circumstances which absolve the Chinese
 “ from any obligation of gratitude. The circum-
 “ stances were briefly these.—Cantonese pirates, re-
 “ garding their Christian rivals with envy, have long
 “ been endeavouring to supplant them in convoying
 “ and levying black-mail. Many were the conflicts,
 “ and varying the success, of these interesting
 “ belligerents, and great was the loss of life and
 “ property. In almost every instance, however, such
 “ respect had one party for the ability of the other to
 “ inflict harm, that these losses were on the part of
 “ the unfortunate clients.

“ More formidable rivals to the Portuguese were
 “ some Frenchmen, who opened an office at Chinhai,
 “ for transacting business in the protecting line, and

“ became successful competitors for guarding—that
 “ is, plundering—the Chusan fisheries. Being few in
 “ number, they were soon put *hors de combat* by the
 “ jealous Portuguese, who demolished the dwelling,
 “ destroyed the boats, and mangled the bodies of the
 “ new firm. The French and Cantonese then united
 “ against the common enemy, but suffered a bloody
 “ defeat in the first encounter. To avenge them-
 “ selves on the triumphant Macao-men, the Cantonese
 “ portion of the coalition raised a powerful fleet, and
 “ engaged a number of Frenchmen, a few English-
 “ men and Italians, and a couple of Americans, to
 “ lead on the assault. Meanwhile, complaints from
 “ the discomfited French, were received by the
 “ Macao authorities, who forthwith authorized
 “ H. I. M. ships-of-war to apprehend the offenders.
 “ When, in pursuance of her commission, the *Capri-*
 “ *cieuse* came up the river, the massacre of the un-
 “ fortunate Portuguese had already been, in part,
 “ accomplished, by their foreign and native enemies.
 “ On that, and the following days, between forty
 “ and fifty poor wretches, some of them innocent
 “ of any offence, were barbarously murdered; and
 “ under circumstances, it must be confessed, little
 “ creditable to some of the foreign residents.

“ It is owing to the hurricane thus briefly de-
 “ scribed, that the present calm exists; and it is
 “ probable, that, in consequence of the attention
 “ which the case has excited, a considerable period of
 “ repose will now be enjoyed. Yet similar transac-
 “ tions, to those recited, must recur frequently, so
 “ long as Chinese and foreign relations remain on
 “ the present basis.

“ I have already expressed my conviction, that the

“ evils, which afflict this land from without, are
 “ mainly owing to the concession of extra-territori-
 “ rality to Europeans and Americans. This abdica-
 “ tion of authority is rendered more incompatible
 “ with the well-being of the empire, by the presence
 “ of foreign colonies, in one of her most important
 “ provinces. Hong Kong and Macao, can appear to
 “ Chinese statesmen in no better light than plague-
 “ spots, and to no inconsiderable extent. Such, it
 “ must be admitted, they have proved. Thence sail
 “ the lorchas, which defy and lay waste the country.
 “ There collisions are to be expected and provided
 “ against; and towards them must be exercised eternal
 “ vigilance, to thwart the aggressive barbarian.

“ The abuses, to which those possessions on the
 “ coast of this now only semi-independent empire give
 “ birth, are, as regards the English colony, restrained
 “ to no small degree, by wholesome correctives. The
 “ local press is eagle-eyed in detecting official remiss-
 “ ness, and fearless in animadverting on all acts of
 “ public or private oppression. The coolie traffic,
 “ though capable of being made a source of profit to
 “ the port, is constantly reprobated by the colonial
 “ press. Moreover, the Hong Kong executive has,
 “ on various occasions, adopted active measures for
 “ redressing wrongs inflicted on the Chinese. But,
 “ above all, and more to be relied on, is that public
 “ opinion in England, which sympathises with
 “ suffering in every clime.”

On the part attributed to the “Eaglet,” in some of
 these buccaneering forays, there will be found, in
 the Minutes of the Commission, so often referred to,
 traces of some very imperfect examinations of persons

then serving on board, with their equivocating and unsatisfactory answers.

But the direct, frank, and unequivocal written confession, drawn up subsequently by the Chief Magistrate, from the mouth of one of her engineers, *not* examined before the Commission, will, no doubt, receive in Downing Street and Parliament all that attention, which, even to the extent of an acknowledgement of its reception from the Magistracy, has been—so I am informed by the Chief Magistrate himself—hitherto denied to it, on the part of Sir John Bowring's Government.

As if these connections with the head of Chinese pirates were not sufficient for Mr. Caldwell's purpose, whatever that purpose may have been, we next find him contracting, according to Chinese law and usage, a marriage with his concubine Ayow, a singing girl from a Chinese brothel,* and the reputed sister, by adoption, (or "sworn sister") of another Chinese girl, Shap Lok, inmate and keeper of a brothel at Hong Kong; and who,—such is one of the reluctant findings of the Caldwell Commission,†—in the year

* Both Mr. Caldwell, and Ayow his wife (whom he called as a witness), admit the character of "singing girl," but deny that the domicile was a brothel. But the direct evidence of her early friend, Mr. Inglis, J.P., and that of Mr. May, leaves no doubt of the fact. Compare Minutes, pp. 18. 22.

† Report, p. 2. It is true that, in their ignorance of the English law, by which alone they conceived themselves bound strictly to govern their enquiries, into the fitness of Mr. Caldwell for the Commission of the Peace, the Commission, whilst they find the "reputation," of sistership and affinity, find that there is no other proof of the fact; as if there were need of any! In the same mistaken notion of the effect of reputation in matters of pedigree or character,

1858, received from a Chinese pawn-broking firm, a large bribe, avowedly for having tampered with the administration of criminal justice.

There had been made, through Mr. Caldwell, a most improper, yet most successful, application to Dr. Bridges' Government,—for the remission of the sentence of transportation, passed by the Supreme Court, on one of their partners,—who had been convicted of the offence of receiving stolen goods, under very aggravated circumstances; and against which application the Chief Justice, the jury, and the Attorney-General, had strongly protested.

This Shap Lok was the go-between, who negotiated the business, and the hand to receive the bribe;—only a small portion of that bribe being intended for her own recompense;—at least, so it was understood between her and the Chinese applicants.

The punishment of fourteen years' transportation was altogether remitted;—and the short term of imprisonment for three years—certainly *not more than three*—was substituted.

The bribe was thereupon duly paid.

With reference to these deplorable facts, the Commissioners' Report is as follows:—

“It has also been proved that a Chinese female

they rejected the testimony of a score of witnesses, who came to prove the family-connections of *Mrs.* Caldwell.

It is curious that she, and even her husband, in denying her own sistership with Shap Lok, admit that of their respective mothers (pp. 27, 29), and that “Chinese connections” were only thrown off by her after her “conversion” to, and marriage in, the Church of England, some years after their first intercourse,—and they do not deny that, even now, Shap Lok “frequently” sees him officially at his own house and, on those occasions, sees *Mrs.* Caldwell also (p. 96).

“ named Shap Lok, *who had been in* FREQUENT COM-
 “ MUNICATION WITH MR. CALDWELL (and is reported,
 “ but not proved,* to be a sister, by Chinese usage,
 “ of Mrs. Caldwell), received from the Foo Tai
 “ pawnshop, the sum of FOUR HUNDRED DOLLARS;
 “ because the sentence on a pawnbroker, belonging to
 “ the said shop, had been mitigated, as was supposed,
 “ through her influence; and that she received a
 “ FURTHER sum of FIFTY DOLLARS, for *her* personal
 “ trouble in the matter.”

It would have been well for the Commissioners to have found, more distinctly, the object for which the first of these sums was levied.

But, as they distinctly do state that this is one of their unanimous findings, “ in support of the inference that Mr. Caldwell is unfit to be a Justice of the Peace;” but from which inference from the facts so found, they, by a bare “majority”† dissented, the public are left to suppose that, in the unanimous opinion of that Commission,—as the fifty dollars, were appropriated to the personal compensation of Shap Lok, for *her* agency and “frequent communication” with Mr. Caldwell in the matter,—so the four hundred dollars were appropriated, in some manner, to the benefit of the agent, through whom the purport of these communications had been so successfully pressed, upon the depositary of the Queen’s Prerogative of Grace.

If so, it adds to the gravity of the case, that it is of a date so recent as the spring of 1858 — a period

* See the preceding note.

† Sworn by their Chairman, on cross-examination, at the subsequent trial of the Queen *v.* Tarrant; to have been a majority of ONE only.

posterior by many months to the conviction of Mah Chow Wong, to the discovery of the entries in his trade books and private papers, so seriously inculpating Mr. Caldwell, and compromising his official accomplices, and to the terrible warning, which those parties received, in the production—before the several public departments, the Executive Council, and even the community at large (for the Government organ, the *China Mail* newspaper, had published them as widely as its own circulation extended),—of the proofs and evidences of their guilty connivances and procurements on the behalf of, at least, that one convicted criminal,—of, at least, that one member of the great Chinese gang.

I say, that it adds to the gravity of the case. For it shows the sense they still entertained of their personal security, strength, and pre-eminence, even on the very eve of the mock enquiry, into what is called the Caldwell Case.

In that point of view, I think it a more instructive example, than many instances of older date, which the witnesses against that man adduced, to justify their opinion of his character; but all of which the Commissioners have silently—

“Doff’d aside,
And bid them pass,”—

without “finding” or notice!

I here allude to the atrocious part which Mah Chow Wong himself and his other confederates had, in the capture,—in 1857,—under the false imputation of being pirates, of upwards of seventy “longhaired” Chinese rebels, some on the high seas,—others relying peaceably on British protection,—and in their surrender, without a

trial, to the cruellest of deaths, at the hands of the Imperialists on the opposite shore to Hong Kong;— and this at a time when, under the supposition that we were at war with the latter, as we then professed to be, the murdered men had been soliciting our alliance with the Tai Ping Wang, and offering their help in the common quarrel, as they imagined it.*

I allude to the charges brought against him by Mr. May, J.P., Superintendent of Police, imputing complicity with Mah Chow Wong in the celebrated "Gold Dust Case;" where the latter culprit, with his aid, deceived Mr. May into the surrender, into the hands of a false claimant, belonging to the Mah Chow Wong, of the portions of the stolen property which Mr. May's vigilance had recovered, and of which he had taken custody, on behalf of the absent owner.†

I allude to the evidence of the Assistant Police Magistrate, Mr. Mitchell, on the pending accusations of Mr. May, J.P., against Mr. Caldwell and Mah Chow Wong, in connection with the felonious removal of tin slabs, belonging to Sic-Qua, of Canton, committed at Hong Kong some years ago, and commonly called the "Tin Case."‡ At the request of his friends, the firm of Messrs. Gilman and Co., Mr. Mitchell acted, he says, in that matter for Sic-Qua, and employed Mr. Caldwell, then Assistant Superintendent of Police, to aid in the recovery of the goods. That firm was then represented by Mr. Hudson, now resident in England, as is his senior partner, Mr. Gilman,

* Minutes, pp. 47, 52, 88, 95. And see the contemptuous terms, in which this surrender is spoken of by the Imperialists, in the papers printed in the *Hong Kong Gazette*, April, 1857.

† Minutes, pp. 38, 45.

‡ Ibid, pp. 43, 56—78.

and able to give his evidence as to what was the character of the assistance so rendered. "The impression," according to Mr. Mitchell, "left on his mind, was one highly unfavourable to Mr. Caldwell, as to want of honesty."

I allude to the audacious but too successful attempts to defeat justice, of which, according to the same two last-named justices of the peace, Mr. Caldwell was guilty, so recently as the end of 1856, and whilst still commanding the "Eaglet,"—in favour of his partner, the same Mah Chow Wong;—then under charge of forcibly obstructing the police, with intent to prevent, and with the effect of preventing, the arrest of a Chinaman there present, on a well-founded charge of robbery. The robber escaped. But, in the absence of Mr. May, Mah Chow Wong was released, and the charge against him dismissed, through the personal interference of Mr. Caldwell, with a court uninformed of the circumstances.

And finally—not to multiply instances, for they are many—I allude to the vindictive prosecution—quite unsuccessful to convict, but quite successful to terrify him into leaving the jurisdiction—of Tongakii, the best and most honest of all the Chinese interpreters, employed in the public service—upon a false charge of felony:—a prosecution, coincident in date* with the conviction of Mah Chow Wong, promoted by the gold-dust convict himself, and by Pang-poi-ying ("a teacher from Government House"), and brought into action, with Mr. Caldwell's aid, by the sudden arrest of the man; whose innocence was immediately after established to the satisfaction of a jury, and whose real

* See notice of Motion, by E. James, Esq., M.P. Article 7.

offence consisted in his having stood in the way of his two accusers, in their attempts to procure their pardons. For it was through his great local knowledge, that all attempts, to throw discredit upon the conviction of the first had been defeated; and it was he, whose translation of the books and papers of the other convict, Mah Chow Wong, had armed Mr. May with the means of withstanding the shameless efforts, in which Mr. Caldwell and his associated Executive Councillors were then (October, 1858) engaged, to make out a plausible pretext for the pardon of the last-named convict.

And yet, there is one incident, connected with Mah Chow Wong, on which the Commission have come to two findings of a most remarkable character—too remarkable, indeed, not to deserve to be noticed together, and under one separate head, in the present classification.

They say, that “they think it *unnecessary* to make any *other* observation, regarding the charge [against Mr. Caldwell], of audaciously denying, that the books and papers of the pirate’s Hong contained any evidence of Mah Chow Wong’s guilt, of having deceived the Executive Council in the inquiry had, relative to Mah Chow Wong (!), and of being convicted of falsehood by Mr. May—than that there is no evidence of Mr. Caldwell having deceived the Executive Council.” From which, I presume, we are to infer, that there *is* evidence of the truth of all the other particulars contained in the recited charge; as to which, however, there is no finding at all; “further observation” being “unnecessary”.

And yet, in the very next page, they say, they do think it *not* “unnecessary,” and, by way of continua-

tion of this bungling and often contradictory "observation," return to the subject, and "state" as follows:—

"In the course of the Inquiry, it has come to our knowledge, that, previous to the appointment of the Commission, CERTAIN PAPERS, CONNECTED WITH MAH CHOW WONG'S TRIAL, AND WHICH MIGHT HAVE BEEN OF SERVICE TO THE COMMISSION, HAVE BEEN DESTROYED."

It is true, that they absurdly add—for they had only the guilty party's word, for the palliation of that gross outrage on the public records of the Supreme Court and Superintendency of Police,—and, above all, on the course of public justice,—that;—

"It has been CLEARLY PROVED, that their destruction was ordered solely because they [occupying in all the space of a cubic foot] encumbered the Chinese Secretary's office;"—[to which, not being a Colonial office at all, they did not, in any way, belong; being there merely on the Plenipotentiary's request, as will be presently seen, to have the loan of them from their proper departments above mentioned, for a special purpose and for a limited period]; "while it appeared that they were then of no value, and could not be required."*

But, as upon the subsequent trial of the Queen *v.* Tarrant, the Chairman of the Commission, after having heard the cross-examination, upon oath, of both the persons, upon whose evidence the above apology was received by the Commission, did himself declare, upon his own cross-examination, that, as compared with their former unsworn testimony, their

* Compare Mr. Mongan's evidence in the Queen *v.* Tarrant, as to the volume of these documents,

latter and sworn testimony really amounted to "new evidence" on this point,—it would be unfair in me to criticise further this awry excuse, offered in good nature, and upon an erroneous belief, — produced by direct mis-statement—of an utterly inexcusable crime.

I shall, therefore—rejecting this superadded matter—confine myself to the "observation" and "statement" which together form, in fact, one substantial "finding."

And I proceed to do so under the next following head.

THE CASE OF THE QUEEN *v.* WILLIAM TARRANT, FOR SEDITIOUS LIBEL; TRIED AT THE NOVEMBER SESSIONS OF THE HONG KONG SUPREME COURT, 1858.

MAH CHOW WONG had been charged before the Police Court, in July, 1857, on two informations, for piracy, and confederating with pirates.

The sitting magistrate was, in the first instance, Mr. May, J.P., and afterwards Mr. Davies, the chief magistrate; an order to that effect having been obtained by Mr. Caldwell, J.P., through his influence with Dr. Bridges.

If the chief magistrate was selected, because—a new arrival in the colony—he was likely to know but little of the pirate's history, there was, in the two cases before him, more than enough to make him very con-

versant with the main incidents in that history, long before he found himself in a position to commit both cases for trial in the Supreme Court.

But Mr. Davies has publicly acknowledged, that, but for the skill, patience, and zeal displayed by Mr. May, from the outset of the case to the end, complete justice would not in all probability have been done.

For Mr. Caldwell, J.P., instead of lending his services, as a detective,* to the Government, did his best to defeat the prosecution. It was he who found bail for the prisoner—and his own servant, one Sze-Kai, but recently out of a debtor's prison, was recommended by him to be Mah Chow Wong's responsible bailsmen, and on that recommendation, accepted—a fact found by the Commission.† It was by him that Mah Chow Wong's witnesses were marshalled. It was he who procured his own attorney to appear for the culprit, instructed him, and assisted him at consultations. It was by him, in fine, sitting on the bench as justice of the peace, that attempts were made, at an early stage of the first case, to prime the chief magistrate with thoughts favourable to the prisoner; until Mr. Davies found it necessary to remind him, that the alleged Chinese affinity with that prisoner, through his (Mr. Caldwell's) former concubine, Awoon, made it highly indelicate to be there sitting on the bench at all, whilst Chinamen were amongst the spectators, and, on the same ground, caused him to be warned to stay away from that bench during the subsequent examinations.

The books and papers of the pirate had been seized in his Hong. They contained numerous entries, of Mr. Caldwell's participation in the secret business and profits of the pirate. There were entries of moneys

* Ordinance of 1857.

† Report, p. 2.

received from him—of moneys paid or payable to him—of arms, stinkpots, and munitions of piracy, supplied by, or through, him—of his connection, as agent or manager of the ‘Sun-on-Wo,’ or House of the Sun-on-people at Hong Kong, (the gang of Mah Chow Wong)—of communications with the Chinese enemy on the opposite shore, at a time when rewards for Barbarian heads were the subject of every proclamation—of dealings with gambling-houses at Hong Kong—of administration of Mah Chow Wong’s estate of Tsim-char-chew already mentioned, on the other shore, the rightful inheritance of the Tung family,—and of the transactions of the now confessed partnership in the lorchas. At a preliminary examination, some of these items were read out openly in a crowded police court. Mr. Caldwell knew—he could not but have known—the existence of these dishonouring entries. But he made no sign of knowledge. He continued, after as before, and even to the last, openly to befriend the pirate whose hand had recorded those entries to his discredit; he tried to prevent a committal, and he failed; he tried to prevent a conviction in the Supreme Court, and he failed; he tried to strip that conviction of all its fruit, and, but for Mr. May, the Superintendent of Police, and Mr. Dixson, the Government Printer, he would have succeeded. As it happened, however, even that hopeful attempt failed also; and it has since failed so often as renewed, the facts being too strong and notorious;—until at length, after more than a year’s expectation, the confederates have been compelled to send forth Mah Chow Wong to his place of transportation. He was sentenced in the first week of September, 1857. He was not sent away from Hong Kong, until the end of November, 1858.

The pretext, on which both Dr. Bridges and Mr. Caldwell wished the Executive Council to grant the pardon and release of the miscreant, was, that the evidence, on which the conviction was, to their minds, and to those of Mr. Day (the prisoner's counsel, who was afterwards appointed to be my successor), and of Mr. Stace, the prisoner's and Mr. Caldwell's attorney, not satisfactory.

But, even assuming their pretended doubts to be well founded, there was still another information against him for a fresh piracy, and on much stronger evidence, outstanding against him. Sir John Bowring, in the Legislative Council, on the 10th May, 1858, indeed, hastily declared, that he had ordered a *nolle prosequi* upon the latter information;* an arbitrary and illegal interference with justice, which it would be hard to charge against His Excellency, upon such slender ground as his own unsupported assertion;—opposed, as that assertion is, to the evidence of his Acting Attorney General and his Acting Colonial Secretary, and to the probabilities of the case.

That it was determined, however, to release Mah Chow Wong, even pending that second information, because of the pretended want of evidence against him to support the first, there can be no doubt whatever. For it is now admitted by Dr. Bridges himself, and upon oath.

And I will now narrate the steps by which that result was to be arrived at.

The pirate's books and papers had been considered, by the Supreme Court, the principal evidence against him.

It was now resolved to rest his claim of pardon

* Minutes, etc., pp. 49, 88.

upon the bold denial, of their containing any evidence whatever of his guilt; and the "scientific" evidence of Mr. Caldwell—competent enough in the colloquial dialect, but hardly able to read the Chinese character—was vouched in proof of that assertion.

Access had been allowed him to all the books and papers at the Police Office, and, apparently, at the Supreme Court;—and, by a more criminal indulgence an order was made for the delivery to the "convict's friends," of the residue, which had been left at the Central Police Station; and this order was presented by Mr. Caldwell himself, as the "friend" of the convict; and it was executed in his favour.

But a very simple circumstance had occurred, which seriously hindered the working of the scheme. Mr. Dixson, the Government printer—from of old steady and vigilant in his distrust of the "connection" between Mr. Caldwell and Mah Chow Wong*—had heard with surprise of the intention to pardon the convict, and let him loose again upon the community.

To defeat this design, he printed in his newspaper† an analysis of so much of the contents of the books and papers as convicted Mah Chow Wong and also, but with hesitation, some of those which did the same for Mr. Caldwell.

Mr. Dixson was invited to attend the Executive Council, and give in the authority for his version. Mr. Dixson did attend; and, after being browbeaten by the Government, he says, as if—not Mah Chow Wong, but—"he himself was on his trial," did, with Mr. May's permission, vouch Mr. May and the "Two Memoranda," which, with Tong Akii's help, he had

* Minutes, pp. 6–9.

† The *China Mail*, 17th Sept., 1857.

compiled from those documents. Mr. May, who was also present, produced and verified those "Memoranda," and they were read aloud by the clerk.

Their contents being to the effect above stated, the reading excited the greatest sensation in the minds of all present. Nor was this sensation diminished, when, at the Governor's instance, a private report, negating the existence of any suspicious entries, or of any entries whatever, except a few unimportant ones, was also produced and read.*

It is *now* admitted, that this report had been prepared and presented by Mr. Caldwell himself—the party under suspicion of practising deceit upon the Government;—that the books and papers had actually been referred to *him* for that purpose;—that, although the Acting Chinese Secretary, Mr. Mongan, had been directed to "help" him, the chief part in the examination had fallen on the accused, and that the labour of his assistant had been "very cursory";—that all these documents had meanwhile remained in the custody of the Chinese clerks of the Plenipotentiary, Sir John Bowring, with whom they had been lodged by Dr. Bridges, on his obtaining the loan of them from the magistracy, for the purposes of this pretended examination;—and that there is no doubt that, even before they reached Mr. Mongan's hands, already an abstraction of documentary evidence—and this for the express purpose of enabling Mah Chow Wong to make out his fiction of a lack of evidence and so entitle himself to a pardon,—had taken place.

"The council," says Mr. Dixon, an eye-witness,

* Evidence for the Crown in the *Queen v. Tarrant*; November Session, 1858.

“ was very suddenly broken up.” Under all the circumstances, and the more especially because strangers were present, I can very well imagine it.

These facts becoming public, a show of zeal was needed to quench the scandal.

A new reference was directed, but to Mr. Wade, this time, the chief Chinese Secretary. Dr. Bridges caused the papers—including Mr. May’s “ Two Memoranda”—to be submitted to that gentleman for his opinion and report. Only he forgot to inform him, that Mr. Mongan was of opinion that some of the documents had been abstracted by the friends of Mah Chow Wong, subsequently to the preparation of those “ Memoranda” by Mr. May.

In Mr. Wade’s possession these documents remained, down to his departure with Lord Elgin’s mission to the North of China. He left behind him, in the Chinese Secretary’s Office, the books and papers of the pirate’s Hong, but not Mr. May’s “ Memoranda.” These, by some accident, were confused with the papers of the mission, stowed in his despatch box, and so carried to the north. No communication having been made to him on the subject, from Hong Kong, it was not until his return to Shanghae, towards the beginning of this year, that he learned that they had been inquired after by Mr. May, and their very existence ignored, or even denied, by Dr. Bridges and Sir John Bowring, and the grossest aspersions cast on the veracity of those who asserted them to have been in his custody. When I left Hong Kong for England, the arrival of those important documents from Shanghae was hourly expected.

During the proceedings in this case of Mah Chow Wong, from his third or fourth appearance in the

Police Court, down to about six weeks after the sifted books and papers of his Hong, and the "Two Memoranda" of Mr. May, thus got into Mr. Wade's hands, I had been absent in India upon sick leave. I never heard a syllable of what had occurred, until after my return.

But I now endeavoured to recall the attention of Government, to the scandalous connection between Mah Chow Wong and Mr. Caldwell; on which I had, on the 4th July, 1857, already officialised His Excellency, begging a reference to the heads of the Police and Jail Departments; and on which the gentlemen in question, Mr. May, J.P., and Mr. Inglis, J.P., being so referred to, had expressed sentiments in unison with mine, and had moreover submitted, in illustration and support of those opinions, facts previously unknown to me.

In the presence of these endeavours, on my part, of the general distrust of Mr. Caldwell amongst the public departments, and of the conviction, which every one, conversant with the proceedings in Executive Council, must have entertained, of the dishonest purpose, with which he had composed his false compilation of the entries relating to the convict and himself, it cannot but have occurred to the minds of Sir John Bowring and Dr. Bridges, that, as well the originals, as Mr. May's "memoranda" from them, were now of as much importance as ever,—if, indeed, they had not become—(regard being had to the use I was like to make of them)—of still greater importance, than when the question they were used to solve, was merely one of the guilt or innocence of a Hong Kong Chinese convict.

Therefore their destruction, at such a juncture,

by the hands of those officials themselves, must be regarded, not merely as a wanton waste of public records belonging to another and an independent department of the service,—but, much more, as a deliberate spoliation of evidence, the production whereof was known to be, at the period of such spoliation, most necessary to the due determination of imputations of the gravest magnitude, on the character and conduct of that officer, whom the Hong Kong Government had made the sole representative of the Queen of England, before the eyes of Her Majesty's Chinese subjects,—the sole medium through which they were to receive and learn their lesson, of allegiance and loyalty, to the still higher Majesty of English Law.

Nevertheless, that spoliation of evidence was committed;—by the hand of Mr. Mongan, in obedience to the orders of Dr. Bridges, and with the assent—so the latter asserts—most certainly with the tacit connivance—of Sir John Bowring.

The guilty mind can rarely, with safety to its scheme of defence, condescend upon particulars, and least of all upon dates.

In the present instance, it is to me nearly indifferent, whether I take, as the true date of spoliation, the unsworn and more favourable computation, with which the Caldwell Commissioners suffered themselves to be amused, or that computation—probably much less untrue—which, under the pressure of a cross-examination upon oath, was wrung from the Acting Colonial Secretary, Dr. Bridges, at the trial in the Supreme Court.

In the first hypothesis, the burning of the documents took place 'between the 20th and the 30th March, 1858.'

In the latter, it was “about six weeks before the fact, of their having been burned, was made known by Government to the Commission ; which appears by their minutes to have not been made known to them until the 17th June then following.

In either hypothesis, the spoliation of evidence was perpetrated, long after my conclusions and intentions were fully apprehended.

Only, if the latter hypothesis be the true one—and, since it is the latest, and also given in upon oath, and, therefore, the more mature of the twain, I am bound to assume that it is the least untrue—it will follow,—that the said spoliation did not take place until about five days, at least, after the debate of the 10th May last,* in the Legislative Council upon the case of Mr. Caldwell’s connection with Mah Chow Wong—in which debate, the Government and Dr. Bridges both admitted that the documents were, at that time, in existence and producible—about two days after my own resignation of the Justiceship of the Peace,† on the express ground of Mr. Caldwell’s being still retained in the commission of the peace—about a day after the second debate (14th May, 1858), in the Legislative Council on the same subject, when the former admission of their existence was reiterated—about two days before the date of my appeal to the Secretary of State,‡—and about the same number of days before the first official announcement§ of any intention, on the part of the Bowring and Bridges’

* Minutes, etc., p. 32.

† Letters of the 13th May, 1858, to the Acting Colonial Secretary.

‡ Letter of the 17th May, 1858, to Lord Stanley, M.P.

§ Letter of the 17th May, 1858, to myself.

Government, to institute any inquiry whatever into any matters which the production of those documents—if not destroyed—could, by any possibility, have elucidated.

In either hypothesis, therefore, I am prepared to adopt the language of the libel, which formed the subject-matter of prosecution, in the *Queen v. Tarrant*, and to say of this spoliation of evidence,—in its connection with the absurd findings of the Caldwell Commission with respect to it,—that, if “the principal charge broke down”—it was solely “through a contemptible and damnable trick, on the part of the Government—a trick, which should certainly be punished in some way or other: for it is farcical to suppose, that it was not performed after deep meditation, and with reference to consequences.”*

For these words, which, in the judgment of those spoliators of evidence, amounted to seditious libel against the Queen, Mr. Tarrant, the proprietor of the newspaper in which they appeared, was put upon his trial for that misdemeanor. It is true, that he had merited prosecution, for daring to give evidence, before the Caldwell Commission, of the early life and conversation of the Protector of Chinese and Brothels' Licenses.

I subjoin a concise, but on the whole, accurate report of the proceedings and evidence, which I find in the *Daily Press*.†

* *Friend of China*, newspaper, 28th July, 1858.

† *Daily Press*, newspaper, 31st November, 1858.

INFORMATION.

IN THE SUPREME COURT OF HONG KONG.

The Eighteenth day of November, One thousand eight hundred and fifty-eight.

Hong Kong to wit.—The Acting Attorney-General charges William Tarrant, of the Colony of Hong Kong aforesaid, Editor of the Newspaper called the *Friend of China*, with having, with intent to move the Queen's subjects to hatred and contempt of the Queen's Government in the said Colony, and to cause it to be believed that a certain grave and scandalous charge having been preferred, with others to the said Government, against Daniel Richard Caldwell, Esquire, Registrar-General of the said Colony, and submitted to the investigation of a Commission appointed for that purpose by Sir John Bowring, the Governor of the said Colony, and which said charge might have been satisfactorily proved before the said Commission, but for the interference of the said Government to prevent it, the said Government had perpetrated some wicked and contemptible manœuvre for the purpose of preventing, and in effect had thereby prevented, the establishment of the said charge to the satisfaction of the said Commission, heretofore, to wit on the twenty-eighth day of July in this present year, one thousand eight hundred and fifty-eight, in the Colony aforesaid, falsely and maliciously printed and published a certain scandalous, false, and malicious libel of and concerning the said Government according to the tenor and effect following (that is to say), "the principal charge" (meaning the said charge against the said Daniel Richard Caldwell) "broke down," (meaning that the said charge was not established to the satisfaction of the said Commission) "through a contemptible, damnable trick on the part of Government" (meaning the said Government), "a trick which should certainly be punished in some way or other, for it is farcical to suppose that it was not performed after deep mediation and with reference to consequences."

(Signed) FREDK. WM. GREEN.

William Tarrant, take notice that you will be tried on this Information at the Criminal Sessions at the Supreme Court, to be holden at Victoria, in and for the Colony of Hong Hong, on the

eighteenth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and following days.

A. WEATHERHEAD, Clerk of Court.

PLEA.

IN THE SUPREME COURT OF HONG KONG.

The Queen against William Tarrant.

And now the said William Tarrant in his own proper person comes into Court here, and having heard the said information read, says that he is not guilty of the premises charged in the said information or any part thereof.

And for a further plea to the said Information, the said defendant protesting that he is not guilty as aforesaid, nevertheless, according to the form of the statute in such case provided, says that the said alleged libel in the said Information mentioned was printed and published by him, the said defendant, after the passing of the Act of Parliament of the seventh year of the Queen, chapter ninety-six, to wit on the day and year in the said Information mentioned, and not otherwise; and that, before the composing, printing, and publishing of the same alleged libel, to wit on the 26th day of January, in the 21st year of the said Queen, one William Thomas Bridges did, by connivance with Sir John Bowring, in the said Information mentioned, unlawfully, contemptuously, and against the express declaration of the said Queen and of the Government of the Queen, accroach, assume and usurp unto himself the Government of the said Colony, and the powers, authorities, and duties thereof within the same, and in particular, the authority to bind the obedience of the several departments of and subordinate to the said Government of the said Colony, and to require command and compel the several officers thereof, in all cases, to consider, respect, and render obedience, to all instructions given by him, the said W. T. Bridges, as though the same instructions had emanated, or should emanate, from a Governor lawfully appointed by the said Queen, in and for the said Colony; and such his unlawful accroachments, assumptions, and usurpations did—on the day and year last aforesaid—publish and

notify unto the several proper officers of all the said departments respectively, for the information and guidance of them, and of all other officers of the Colonial Government, to wit, the said Government of the said Queen in the said Colony, and with intent to cause and compel them respectively to submit to his pretended authority, and to obey him, the said W. T. Bridges, and his said accroached, assumed, and usurped Government, and other his accroachments, assumptions, and usurpations aforesaid. And the said defendant further says, that the said William Thomas Bridges did afterwards, to wit, on the day and year last aforesaid, act in and exercise his said pretended authority and other the functions, powers, and authorities of his said accroached, assumed, and usurped Government, and did, from the day and year last aforesaid, for a considerable time, to wit, down to the composing, printing, and publishing of the alleged libel, continue so to accroach, assume, and usurp as aforesaid, and so to act in and exercise the same pretended authority, and other the said functions, powers, and authorities as aforesaid. And the said defendant further says, that, during the said continuance of the said W. T. Bridges so to accroach, assume, and usurp, and so to act and exercise as aforesaid, and before the composing, printing, and publishing of the said alleged libel, to wit, on or about the month of May, in the twenty-first year of the said Queen, he, the said W. T. Bridges, did unlawfully, contemptuously, and against the express declaration of the said Queen, cause certain public papers and records of the said Queen, of great value and importance to the peace and good order of the said Colony, and to the honour and reputation of the Queen and her Government, and whereby, if preserved and produced, the truth or falsehood of certain criminal charges and accusations, theretofore made and then pending before the Queen against the said Daniel Richard Caldwell, would appear, and which were then in the said accroached, assumed, and usurped power of the said W. T. Bridges, to be burned and destroyed, to wit, in the said Colony, by the hands of certain persons, unto the said defendant unknown, then having the custody or possession of the said papers and records respectively, and did thereby defeat, avoid, and make impossible whatever inquiry the said Queen or her said Government might, and otherwise would have directed to be made, into the truth or falsehood of the said charges, and the contents of the said papers and records respectively, to wit, in the said Colony; and the said W. T. Bridges did there-

upon, to wit, in or about the month of June in the said 21st year of the said Queen, publicly, to wit, in the said Colony, avow and acknowledge his having so caused the said papers and records to be burned and destroyed as aforesaid. Wherefore the said defendant, at the said time and place, in the said Information mentioned, did print and publish, of and concerning the said W. T. Bridges and of his said accroached, assumed, and usurped Government as aforesaid, the said alleged libel in the said Information mentioned, with intent and in order that the said W. T. Bridges, and the said certain other persons unknown, might be lawfully punished for their several and respective actings in the premises. And the said defendant does aver, that it was for the public benefit, that the matters, charged in the said alleged libel in the said Information mentioned, should be printed and published as aforesaid, and that the particular fact by reason whereof it was for the public benefit that the said matter so charged should be so printed and published as aforesaid, was and is that the said alleged libel was so printed and published by the said defendant in order to the lawful punishment of the said W. T. Bridges, and of the said other persons unknown, who then and there were guilty of the lawful and contemptuous actings aforesaid. Without this, that he the said defendant did, at the time in the said Information in that behalf alleged or ever print or publish the said alleged libel, with the intents or with the meanings in the said Information respectively alleged, or with any or either of the same respectively. And this the said defendant is ready to verify. Wherefore he prays Judgment of the Court here, and that he may be dismissed and discharged of the premises in the Information above specified

(Signed) W. TARRANT.

(Signed) T. CHISHOLM ANSTEY.

REPLICATION,

On the part of the prosecution;—

De Injuria sua propria, absque tali causa;—

On which issue was joined.

The Government called three witnesses — First, Dr. Bridges, late acting Colonial Secretary; Mr. Mongan, acting Chinese Secretary; and the Honourable Mr. Cleverly, the Surveyor-General.

The evidence of the first-named witness (Dr. Bridges, the ex-Colonial Secretary), was to the effect, that he had been Acting Attorney-General in 1854 and 1855, and Acting Colonial Secretary in 1853 and 1858—that by Government he understood the Governor and himself, and no other person or Council—that by a Circular Memorandum of the 26th January, 1858 (which was produced), the Governor had required all departments to attend to every instruction of his (Dr. B.'s), whether it had emanated from the Government or not; and the Governor had also empowered him to intercept and reject official letters on their way to His Excellency, if he thought fit—that the Attorney-General (Mr. Anstey), the Colonial Treasurer (Mr. Forth), the Chief Magistrate (Mr. Davies), and the Superintendent of Police (Mr. May), had refused to obey this Circular as illegal—that Mr. Anstey had written to the Secretary of State about it—that Mr. Davies had demanded in Legislative Council that the Secretary of State should be consulted—that Mr. May had officially requested in his own case that such a reference might be made—that Dr. Bridges did not know that, from first to last, the Secretary of State had ever been consulted or informed by the Government on the subject—that Mr. May's letter had not been referred home, but the writer had been threatened with suspension or censure for "insubordination"—that the other public departments had submitted to the arrangements made by the Circular—that he (Dr. Bridges) had, whilst Acting Attorney-General, libelled Sir John Bowring, the Governor, in the same newspaper (the *Friend of China*), by inserting therein an extract from Legare's book, with intent to ridicule him [which libel was read in open court], but that he did not consider it a "seditious" libel—that it did not follow from Sir John and himself being the "Government," that a personal libel against either or both of them would be necessarily "seditious"—that his own libel against Sir John was "personal," not "seditious"—that he could not say what was a seditious libel without seeing it—that he could not say whether the libellous History of the Greek Loan, if published here from the Annual Register for 1826, would be a "seditious" libel or not—that Mah-Chow Wong was a notorious pirate and confederate of pirates, to use

the Doctor's own words, and had been a bad character for years — that Mr. Caldwell's alleged intimacy with him was equally notorious — that Mr. Caldwell had made strong efforts to obtain the pirate's pardon, but had been foiled by the production before the Executive Council of certain papers found on a pirate named Beaver, during an inquiry into the items of Mr. May's memo. taken from the papers previously seized in the hong of Mah-Chow Wong the pirate — that, but for Mr. May's memoranda having been produced, the Governor would have pardoned Mah-Chow Wong long before the production of Beaver's papers — Mr. Caldwell was accordingly directed to examine the papers themselves, and compare them with the newspaper report — that Mr. Mongan was merely to assist him — that Mr. Caldwell reported that the papers did not implicate even Mah-Chow Wong, much less himself — that Mr. May's memoranda being then produced in Council, and Mr. Mongan being unable to say more than that his own examination of the papers had been very " cursory," a new inquiry was ordered to be made by his official superior, Mr. Wade—that Mr. Wade's report was either never made, or never produced — that he (Dr. Bridges) had been asked what was to be done with Mah-Chow Wong's papers — that he had ordered them to be burned; and that, as to Mr. May's memoranda, he never knew what had become of them from the time Mr. May put them into his hands. He admitted that, notwithstanding the finding of the Caldwell Committee, his notorious connection with the pirate, and all the reports of the various departments — especially from the Chief Magistrate, of a date subsequent to the Caldwell Commission inquiry, and which were read in Court to him — Mr. Caldwell had not been called to account by Government, because he had done nothing worthy of being called to account for.

The evidence of the second witness (Mr. Mongan, the Assistant Chinese Secretary), proved that Mr. Caldwell examined part of the papers without their having first gone through his hands — that when the papers were received, one of the packages containing them had been opened — that it was his conviction that the papers had been tampered with, and some abstracted, before they came under his charge—that his impression was, that the motive for so tampering with them was the removal of the evidences of guilt against Mah-Chow Wong, whose release it was Mr. Caldwell's object to effect — that he had applied to the Governor as to what was to be done with the papers — that the Governor referred him to Dr.

Bridges — that Dr. Bridges had told him to burn them — and that the libel was true thus far at least, that a *contemptible, damnable trick* had been practised in suppressing those papers.

The evidence of the third and last Government witness (Mr. Cleverly, the Surveyor-General) proved that he had been the Chairman of the Commission of Five appointed by the Governor to investigate Mr. Caldwell's conduct — that two were against Caldwell, and two for him, of whom one (Mr. Lyall) had been named as a friend of Dr. Bridges, and to protect his interests. That he was very much surprised when he learnt that the Mah-Chow Wong papers were burnt — that he had heard them referred to in the Legislative Council in Dr. Bridges' presence on the 10th and 14th May, which was long after the period when it is stated that they were burnt, and they were spoken of as if then in existence — that the demeanour of the Governor and Dr. Bridges on those occasions was such as to lead him and everybody to suppose them still in existence — that the Caldwell Commission had been left to trace the papers, and that it was not until late on the 16th June, when concealment of the fact was impossible, that the destruction had been confessed — that the Governor had repudiated the act *in toto* — that, during the Caldwell investigation, the evidence of at least twenty witnesses had been rejected, which should have been taken, This was done by a mistake, into which they had been led by the erroneous advice of Mr. Day, the counsel appointed by Dr. Bridges to assist them — that the Government has refused to allow the Attorney-General's protest against Mr. Day's conduct to be printed — that Mr. Caldwell used to interrupt and make gestures to the witnesses deponing against him, which he, as chairman, on the Attorney-General's remonstrance, had stopped — that since the report of the committee had been handed in, further evidence against Mr. Caldwell had come to his knowledge — that the evidence of Dr. Bridges and Mr. Mongan was so different from what had been given by them before the Commission, as to amount to "new evidence" — and that Dr. Bridges had openly declared before the Commission, that he felt himself bound as a brother Freemason to stand by Caldwell, a statement suppressed in the minutes.

So closed the evidence for the Government.

The result was an immediate verdict for the defendant, without calling on his counsel for the defence.

That there might be no doubt of the jury's meaning, I, as counsel for the defendant, reminded them, that he had not only traversed the entire information by the ordinary plea of "Not Guilty," but had also pleaded, in justification of the libel, certain facts, viz., that the government libelled was not the Queen's lawful Government, but the "accroached and usurped" government of one Dr. Bridges; that the libellous matter was true; and that the publication thereof was for the common good.

I then asked them —

"Gentlemen, do you find for the defendant on both these issues?"

And their foreman answered —

"We do!"

They were a special jury of merchants and bankers. I was afterwards assured by one of them, M. Vaucher, the French Consul, that,—far from being prejudiced in the defendant's favour, his bias, if he had one, was to spare so great a reproach to Her Majesty's Government, as such a verdict on such an issue could not fail to cast; but that the facts were too much for him.

To my application for costs against the Crown, the Chief Justice answered most readily —

"You shall certainly have them!"

Nor was this the only disgrace sustained by the Government that day.

On the face of the voluminous and conflicting depositions of the crown witnesses, in the court of the magistrate who had committed the case for trial, wholesale perjury was manifest; insomuch that my friend, Mr. Green, the acting attorney-general, in

preference to abiding my threat of exposure, found it prudent not to endorse the names of the greater number of them on his information.

Of the three whom he did call, nevertheless, the first and principal witness, Dr. Bridges, was materially contradicted, not only by the other two, but also by himself, and this on matters of fact within his own knowledge.

Laying hold of these startling contradictions, the defendant, in publishing to his readers the victory he had gained over his prosecutor, distinctly charged the late acting Colonial Secretary with deliberate perjury in the witness-box; assigned the particulars of his charge; and invited a new prosecution of himself for preferring it.

So pointed was the accusation, that Dr. Bridges found himself compelled, by the pressure of public opinion, to notice it.

But, to the wonder and derision of every one, the only notice he did take of it was, by circulating, through another of the newspapers, a letter, informing the world that he meant to take none at all.

This affectation of indifference did not serve. It came too late. Within the past twelve months, he had twice personally prosecuted the same newspaper—in the absence of a material witness—for alleged libels of a much less serious character; and the very perjury, now charged against him, had respect to evidence, given by him in support of a third prosecution, instituted against the same, in the name of his own Government.

Consequently, his present determination not to prosecute, when considered in its natural connection

with the solemn contradictions given on oath, by the Chief Magistrate, the Surveyor-General, and another witness, to his own sworn depositions in the police court, upon matters where an honest mistake, on either side, was impossible—not to speak of the intrinsic incoherencies of his own testimony—made the worst possible impression on every one in the community:—

Except only on Sir John Bowring. For so I interpret the astounding fact, communicated to me by the last mail, that, since my departure from the colony, his Excellency has dared to confide into his hands the responsible duty of *locum tenens*—for fee and reward—to the acting Attorney-General in the Supreme Court;*—to the renewed terror of the peaceable Chinese, and to the indignation of the British;—albeit, to the wonder perhaps of none, Chinese or British.

Hong Kong Government, at the best, is an expensive occupation—exceeding the local revenue—and demanding a yearly Parliamentary grant.

It may be doubted whether the new House of Commons will approve the extra allowances, required to defray the cost of these ever-recurring instances of corruption and *misgovernment*.

* Case of the murderers on board of the "Mastiff." Hong Kong, February Sessions, 1859.

THE CALDWELL ENQUIRY COMMISSION.

The appointment of this Commission arose out of the following circumstances.

On the 10th May, 1858, the Registration Ordinance of 1858, already referred to, had reached its last stage in the Legislative Council.

On my way to attend it, a letter from the Superintendent of Police was placed in my hands, to be laid before the Council, with a view, I presume, to the question, whether some security should not be taken against abuse, before the final passing of a measure, which confirmed so many of the prodigious powers vested in Mr. Caldwell, under the condemned ordinance of the year preceding.

That letter charged positively, that he had already turned to the profit, of himself or his friends, the large powers, similarly vested in him by the much more recent ordinance, which made him Licenser of Chinese Brothels.

That letter specified the "Licensed Brothel No. 48"—a brothel therefore licensed by himself—as being one, in which he was interested either as immediate or as head landlord—the land on which it stood ("Inland Lot 241 B."), being his property.

I read this letter in my place in Council. My reasons for doing so—the demeanour and conduct of the accused and his confederates—the unanimous vote of the Council in favor of the incapacitating clause, which I thereupon moved to add to the Registration Ordinance,—and the ulterior consequences of these proceedings,—are correctly stated in my printed evidence before the Commission :—*

* Minutes, etc., pp 1, 2.

I knew it was perfectly hopeless sending in any report to the Executive Government, as Mr. Caldwell was always held up as quite necessary to the administration of the colony. My second reason was, that I wished to induce the Legislative Council to do with the Registration Ordinance what they had neglected to do with the Brothel Ordinance, and insert a clause disqualifying Mr. Caldwell and his family from deriving any pecuniary benefit in the exercise of his functions with regard to that measure. On going into Committee, accordingly, I moved that clause, and the Committee adopted it without a division. The Governor and the Acting Colonial Secretary appeared, however, much opposed to it; the Governor treating the charge as ridiculous, and the Acting Colonial Secretary as impossible.

Dr. Bridges stated himself to be professionally aware of the fact that Mr. Caldwell had parted with every inch of land he possessed in the colony before he became Licensor of Brothels, and that he had acquired none since.

I protested, of course, against this mode of dealing with a charge which I said I had made upon my liability to punishment if it was untrue.

Then Mr. Cleverly (the Surveyor General), expressing his concurrence with Dr. Bridges (the Acting Colonial Secretary), proposed to go down and examine his books, and returned with the statement, that the lot 241 *B* was registered in the name of Mr. D. R. Caldwell; on which the Governor apologised to me for having doubted my statement.

Some one suggested, that perhaps the Crown-rent might not be paid by Mr. Caldwell, but by somebody else; to which the Colonial Treasurer, Mr. Forth, said, he had just examined his books, and his clerk, Mr. Gilmour, who was present, could tell that the money had been paid by Mr. Caldwell's own hand; to which the clerk assented.

The matter then dropped for the time. But about half an hour afterwards, Dr. Bridges having communicated with Mr. Caldwell, Mr. Caldwell made his appearance in an adjoining room, and sent in a written memorandum to Dr. Bridges, which that officer, rudely interrupting the gentleman who was speaking, insisted on reading to the Council. He observed, with an air of triumph, "There now—I thought so—Mr. Caldwell says it's a mistake; and it is a mistake;" and he read the memorandum to us, which purported to lay the blame on his lawyer, Mr. Stace, who ought to have registered

the transfer of this brothel lot from Mr. Caldwell to a purchaser, but had not. He emphatically denied that he owned a single inch of land in the colony.

I observed that Mr. Caldwell had forgotten to say a word about paying the ground-rent with his own hands, which could not have been by mistake.

Dr. Bridges said he did not pay it with his own hands.

I said, "In a matter like that, I would rather believe the evidence of an impartial witness like Mr. Gilmour, whom we had heard, than the simple denial of the accused person;" upon which Dr. Bridges said, that he said nothing of the kind.

Mr. Forth, however, confirmed my statement of Mr. Gilmour's evidence.

I then asked His Excellency, whether he really meant to say, that any charge, brought by any person, above all a person in my position, could be disposed of, or even met, by the broad denial of it on the part of Mr. Caldwell.

The Governor said that he really thought Mr. Caldwell had met it—upon which the matter dropped. In consequence of this, I wrote my letter of the 13th May,* which has been put in.

Previous to the next meeting of Council, which was on the 14th instant, I received, from the Colonial Treasurer, the return of Crown-rents paid on 11 lots. I reserved this document until I should hear what would be the result of a discussion which I knew the Colonial Treasurer was going to commence on the subject of lot 241 B, and I advised him to say nothing about the remaining 10 lots.

As I expected, the Governor read from the chair, in reply to the Colonial Treasurer, a letter (L) from Mr. Caldwell, referring to lot 241 B, and reiterating the statements of his former memorandum.

Mr. Forth had, on the morning of the 11th instant, brought into the Governor's room Mr. Gilmour, who contradicted Dr. Bridges' statement of his words used on the previous day—and said that the rent of this lot was paid, as I had asserted, *in propria persona*, by Mr. Caldwell, on the 26th February. Consequently, Mr. Caldwell, unable any longer to deny this fact, admitted it; but added, that he did this merely to oblige a poor Chinaman, who was ignorant of our language and customs,—which to my mind, as I told the Governor, was a confession of agency for a brothel.

I then asked, whether Mr. Caldwell had made any explanation as to any other lots besides 241 B? and was answered, No.

* Resigning my office of Justice of the Peace for Hong Kong.

Upon which I gave in this document (List of Ground-rents, see appendix *B* in letter *C*)* in to the Governor, shewing that if there had been one mistake, there had been eleven mistakes, all in one day. I pointed out that three of the eleven were specially mentioned as having been transferred to Chun-atsoo, previous to the payment of 26th February; from which I said it was perfectly clear that the other eight had not been transferred.

No explanation was given by the Governor, by the Acting Colonial Secretary, or by anybody whatever, in answer to this important

* Return of Crown Rents paid by D. R. Caldwell, Esq., for the Half-year, ending on the 25th December, 1857.

On Interest, Lot No. 79	£6 16 11½		
241 <i>b</i>	0 10 1		
241 <i>a</i>	0 13 1		
242 <i>b</i>	0 6 8		
262	0 8 3	£8 14	7½
238 <i>c</i>	0 9 9		
240	0 10 11		
250	1 1 9	£2	2 5
These Lots were transferred to Clum Atsoo, prior to this payment.	204	4 2 0	
	381	1 17 9	
	382	1 17 9	
		<u>£18 14</u>	<u>6½</u>

Paid on the 26th February, 1858.

The above Lots were paid by Mr. Caldwell in propria personâ; but he requested me to make out the receipts on account of Lum Ateen,* Chun Alai,† and Chun Atsoo.‡

(Signed) DAVID GILMOUR,
Treasury Clerk.

11th May, 1858.

* Admitted by Mr. Caldwell (Minutes of Evidence, &c.), to be his wife's doctor, and to attend his family professionally as such.

† Admitted by the same, to be his doctor's concubine.

‡ Stated by the same to be sister to his wife, Mrs. C.

[All this documentary matter has been suppressed by the Local Government. The Chairman (Mr. Cleverly), in his cross examination, in the Queen v. Tarrant, verifies some correspondence between himself and Dr. Bridges, on the prohibition to print the documentary evidence].

document; nor could any one say who were Lum-ateen, Chun-alai, and Chun-atsoo—names which Mr. Gilmour said had been spelt over to him by Mr. Caldwell. * * * *

The debate that day, the 14th, closed with a renewed expression, by the Governor and Dr. Bridges, of their high appreciation of Mr. Caldwell's conduct, in the face of this evidence, and I have not heard that Mr. Caldwell had attempted any further explanation. I have already put in the strong testimonial contained in Dr. Bridges's letter of the 17th, which I take to be a further judgment upon this complaint. I have therefore a right to say, that the charges now under investigation, have been already disposed of by the Executive Council.

Even if the suggestion that there had been any mistake in the matter had not, under the above circumstances, already been proved to be false, I might point out to the Commissioners that it is on the face of it ridiculous and absurd, inasmuch as it is the daily and immediate duty of the Registrar General, by Section 5 of the Ordinance which gives him power to register Brothels, not only to ascertain correctly the actual state of their title and occupancy, but to record those particulars on the spot, and communicate the same to the Colonial Secretary. The Section requires, that in those records shall appear the names of the immediate Landlord or Lessor of the licensed brothel, and also of the Crown Lessee or Tenant of the plot of ground on which the same may be standing or built; and this is for the purpose of the speedy and summary conviction of these persons, whether they are the immediate offenders or not against the Ordinance.

The evidence of one of the Commissioners, who was also a member of the Legislative Council, and present on both days, confirms this statement of the result of the discussion.

It further confirms me as to another important fact, which I had stated in my official correspondence; but not wishing to do more than was necessary to the matter then in hand, I did not give in evidence before the Commission.

That evidence is as follows: *—

* Minutes, etc., p. 88.

My impression, from what was said in Council on the 10th and 14th of May, certainly was, that His Excellency and the Acting Colonial Secretary were convinced that Mr. Caldwell had cleared himself from the charges then brought against him, and that there was no need of further inquiry.

My strong impression is, that I did hear the Acting Colonial Secretary say in debate, that he saw no harm in Mr. Caldwell's servants being interested in brothels, and, on being reminded that it might lead to improper persons being licensed to keep brothels, I certainly think I did hear him say, that as any person wishing to become a brothel-keeper must be an improper person, that would be of no consequence.

My resignation was not accepted.

Under these circumstances, and considering that the decision of the Government—for decision it was—left me no other resource, I gave formal notice on the 13th May, of an appeal to the Secretary of State. On the 17th May, I despatched my letter of appeal of that date, for transmission to Lord Stanley, M.P., through the usual channel.

In reply, I was then informed by Dr. Bridges, that an inquiry being contemplated before a Commission, to be nominated by the Government, my letter of appeal was stopped in the Secretariat.

I had, however, taken the precaution to prepare a duplicate, which I now forwarded, through the post-office; adding a few lines expressive of my hope that the Minister would consider these strange circumstances, as constituting a case for departing from the routine of his office, and for reading the duplicate so transmitted. At the same time, I duly informed Dr. Bridges of what I had done; protesting against this tardy concession of an inquiry in a form so palpably intended as a baulk.

Late in the evening of the 22nd May,—which fell

on a Saturday,—I was notified by Dr. Bridges, that the Commission was then issued;* and a “list” of “charges,” said to have been extracted from my correspondence and speeches, was enclosed.

I lost no time in protesting, once and for all, against that most absurd and dishonest compilation. My protest was afterwards renewed, again and again, in writing and verbally, in Council, in Court, before the Commission itself, and in my correspondence with the local authorities and with Downing Street. The Legislative Council and the Commission received and adopted my protest. But, from the first occasion down to this instant, no notice whatever has ever been taken of it, in any communication to myself, direct or indirect, on the part of the Government, or in any of their notifications. Neither did it move them in any way to revoke their “list” of charges, or qualify its language or arrangement, or to abstain from publishing it in the *Hong Kong Government Gazette*, with the mendacious statement, that such were the charges *I* had brought.

I subjoin a copy of my first protest from my manuscript. It was admitted in evidence by the Commission, and is the suppressed document (A).†

ATTORNEY GENERAL'S OFFICE,
Monday, 24th May, 1858.

SIR,

After office hours on Saturday, the 22nd instant, I had the honour of receiving yours of that date, covering “a copy of the charges to be forwarded to the Committee appointed for investigating the accusations brought by me against the Registrar General.”

Had it reached me at an earlier period, you should have had my reply to it the same day.

* It was post-dated, however, the 20th May, 1858.

† Minutes, etc., p. 1.

I have the honour to remind H. E. of my appeal to the Secretary of State, and of his own repeated absolutions of Mr. Caldwell, against which I have presented that appeal.

I do this the rather, because I perceive that, at least two of the "charges" or "accusations" which are contained in H. E.'s "list,"—I mean Nos. 15 and 16—were stated to Lord Stanley and to none else, in my letter of the 17th instant, and no where else, and merely by way of support to the charge which I did make and prove, but which H. E. overruled, that of being concerned in the brothel, No. 48, or the management thereof.

Not willing to obstruct any enquiry which H. E. may be now advised to make into the subject-matter of my appeal, I must respectfully decline to accept any share in the responsibility, attaching to the examination of a document, not yet referred back, for that purpose, by the minister to whom alone it was directed.

Not desiring, in the least, to shelter myself from whatever interrogatories I may be asked to underly, or to withhold whatever help I may be asked to afford, I must not vitiate or waive my appeal to the Imperial Government.

Therefore, not inhibiting the course, now at the twelfth hour taken, I must not sanction it,—ready to be a witness, I deny that I am any longer an accuser,—altogether eschewing the function of prosecutor before a Tribunal, now, as H. E. informs me, on the point of being named by him, to investigate a case which, I am aware, has been already judged by H. E. himself,—I shall, nevertheless, cheerfully furnish the members of the Commission collectively, or individually, with whatsoever assistance they may think me capable of rendering, in the course of their enquiry.

I cannot close this protestation, without including my grave objections to the way in which the "List" has been prepared; both with respect to what it omits and to what it contains.

I. To what it omits—Because it does not contain the least reference to some of the stronger facts: *e. g.*, the "accusations" (for H. E. holds these and "informations" to be synonymous) brought by Mr. Cleverly and Mr. Forth, on the authority of the Land Office and Treasury books, and by Mr. Gilmour, the Treasury Clerk, on his own authority, corroborated at the last moment by the confession of Mr. Caldwell; and importing against the latter, not only the guilt charged in No. 17 of the "List," and others of its "charges," but also that of a twice-repeated falsehood told in defence, and to which I presume

the 14th "charge," in its extraordinary vagueness, relates ; and also the conduct of Mr. Caldwell, in his character of "friend" of the pirate, after his conviction, in applying for and obtaining the all-important documents and effects of the convict, then at the Police Station ; also his previous conduct at the Police Court, *nolle prosequi* on the stronger charge ; and a number of other matters, not specified in the letter of the 13th instant, which H. E.'s decision of the 10th instant, in Legislative Council, compelled me to send in.

II. To what it contains : Because it is not a true and faithful abstract of what I really did say or write :—

1. To the Governor in Council ;
2. To the Secretary of State ;
- or 3. To yourself, as Acting Colonial Secretary.

1. For the reasons already assigned in a former letter, I waive all benefit of the "privilege of debate," invented by H. E.'s own "standing orders," a few months ago, and, so far as I am concerned, submit to be "questioned out of Council by Government for what I have said or done in Council." But I cannot help thinking that H. E., before approving of the "List" before me, ought to have had his attention called to the fact, that the "privilege" was also intended to enure for the benefit of third parties. And I abstain here from recording the "charges" to which I particularly refer, and in which a name is mentioned.

2. With regard to the Secretary of State, I have above signified my determination, not to incur his Lordship's censure by publishing, except to H. E., the "charges" said to be contained therein.

3. But, as to my correspondence with yourself, commencing on the 6th July, 1857, occasionally re-appearing during the latest months of the last winter, and revived and pressed from the 13th instant to this date inclusive, I do most confidently aver, that the effect thereof cannot be truly ascertained from the analysis supposed to be furnished in the "List of Charges"—charges, many of which are but studied varieties of the same charge, many imperfectly stated, some mere inferences from the presumed establishment of the rest, and others never made at all, or, if made, expressly alleged to be merely probable or doubtful, or otherwise qualified.

1. Of the first are "charges" 2, 5, 14, 15, and 17 ; 3, 4, 6, 12, and 16 ; and 6, 7, 9, 10, 11, and 12.

2. Of the second are "charges" 2, 6, 7, 8, 11, 12, 13, 14, 16, and 17.

3. Of the third are "charges" 1, 2, 3, 4, 5, and 8.

4. Of the fourth are "charges" 6, 7, 12, 13, and 14.

For reasons already suggested, I must not offer any advice to H. E., touching the mode of supplying the deficiencies or correcting the excesses of the "List," with respect to the statements in Council or the letter to Lord Stanley.

But I have no hesitation in saying, that the whole of my correspondence with you, including the appendices, ought to be laid before the Commission, together with this my very respectful remonstrance.

I have the honour to be,

Sir,

Your very obedient servant,

(Signed) T. C. ANSTEY.

The Hon. W. T. Bridges, Esq., D.C.L., A.C.S.

I likewise subjoin that "List of Charges," as printed by Dr. Bridges, in the *Hong Kong Government Gazette*, and also at the head of the "Report."

LIST OF CHARGES

PREFERRED BY THE ATTORNEY-GENERAL TO THE GOVERNMENT AGAINST
THE REGISTRAR-GENERAL.

1. With being unfit to be a Justice of the Peace [an inference].
2. With having a scandalous connection with a Brothel licensed by himself, namely, Brothel No. 48.
3. With having passed a portion of his life among Chinese out-laws and pirates [involved in No. 6, 7, 9, and 13].
4. With an alliance with some of the worst Chinese in this colony through his wife—a Chinese girl from a Brothel.
5. With being a speculator in Brothels and Brothel Licenses [involved in No. 2].
6. With being long and intimately connected with Mah-Chow Wong; and that that connection is still subsisting; and that the principal link in that connection is the bond of affinity by adoption, according to Chinese law.
7. With being in the habit, on Mah-Chow Wong's unsupported information, of arresting and discharging persons, and of confiscating or restoring property.
8. That the Chinese dare not now complain of the connivances

and procurements of Mr. Caldwell, the patron of the outlaw Mah-Chow Wong [an inference].

9. With having procured bail for Mah-Chow Wong: such bail being a servant of his own (Mr. Caldwell's), who had been but a month before in prison for debt.

10. With audaciously denying that the books and papers of the Pirate's Hong contain any evidence of Mah-Chow Wong's guilt; with having deceived the Executive Council in the enquiry had relative to Mah-Chow Wong; and with being convicted of falsehood by Mr. May.

11. With being partner with Mah-Chow Wong in a lorch; and that there were entries in Mah-Chow Wong's books, and made by him, of moneys paid to Mr. Caldwell on account or out of the produce of plunder made at sea.

12. With harbouring Mah-Chow Wong's wife after his conviction.

13. With inducing the Attorney-General, at the beginning of 1857, to order the release of a great number of men who Mr. May knows to have been pirates, and who Mr. Caldwell ought to have known at the time were pirates.

14. With buying land in the colony since December last, when he became Licenser of Brothels.

15. With having once owned three unlicensed Hong Kong Brothels at a time.

16. With having a Chinese sister-in-law by blood or usage, who in 1856-57 was keeping Brothels.

17. With receiving the monthly rack-rentals of houses, and in particular of a Brothel standing on 11 Crown Lots, down to the present month of May.*

18. With having informed Mr. May, that he, Mr. Caldwell, was a member of a Secret Society.

19. With having informed Mr. May, that although he would not himself take bribes, he would not object to his wife doing so.

Lastly, I subjoin the "Report" itself. For it contains the account—meagre and unsatisfactory though

* The real charge, and one which was fully proved upon them, is entirely omitted! It was, that, for months after his acceptance of the Licensership, he continued to be the registered and ostensible owner and manager, even to the payment of Crown rent for the property, on which the Brothel stood.

it be—which the Commissioners have given of their own proceedings and notions.

But I must first premise that, even with that dishonestly prepared “List” to hamper them, their findings would have been far more unfavourable to Mr. Caldwell, but for some unhappy mistakes into which, as stated on oath by their Chairman, in the *Queen v. Tarrant*, they were led by their assessor, Mr. Day, of the local bar.

For, under his advice, they accepted Mr. Caldwell’s verbal statement, in every instance, as evidence, for or against, himself, as he chose to give it; treating it, in the first case, as “satisfactory explanation,” and in the second instance, as “admission.”

And, under the same advice, they rejected as “hearsay,” all evidence of “reputation,” whether as to pedigree or character;—thereby voluntarily depriving themselves of at least twenty witnesses in attendance, and of a hundred who might have been summoned.

And, lastly, they held themselves to be so bound, by the wording of the “List,” as to have no other muddle term, between finding for and against the “charge” as laid, except passing it by, *sub silentio*;—a proceeding of which I have already furnished many instances.

And yet, with all this, their “Report” was a mere compromise, effected in a couple of hours, for the sake of peace, if not to save the mail.

Three of them—a majority—were Legislative Councillors.

These remarked that there stood among the notices for the next day, a motion of mine, for omitting, from the estimates, the post of Registrar-General and Protector of Chinese, as useless and mischievous.

They further observed that, "as they were going to vote for it, and it was sure to be carried, Mr. Caldwell would be got rid of in that way most effectually. Why put a stigma on him now, which might prevent him from gaining some employment, of a lower grade than his present office."

So they all agreed to sign the Report; trusting to the morrow to cure the mischief they were doing.

Unhappily, that morrow never came. For somehow the compromise got wind.

The Legislative Council was immediately prorogued *sine die*, and did not meet again for more than two months;—by which time, my suspension had caused that notice of motion to drop!

With this explanation of their Report, I now proceed to set it forth *in extenso*.

REPORT.

Council Chamber, Saturday, 17th July, 1858.

Sir,—We, the Members of a Commission appointed by Your Excellency, on the 20th day of May, 1858, to inquire into and report upon certain charges brought against Mr. Caldwell, the Registrar-General, having inquired into the same, do now report,—

That we commenced our public proceedings on the 27th of May last, and have had Twenty-five Sittings, extending over a period of Seven Weeks; that we have examined upwards of Fifty Witnesses, and a vast mass of Documents; and have extended our inquiries into a number of matters, some of which, irrelevant as they may now appear, were so woven into and combined with the immediate subject of inquiry, that it was not considered safe to leave them unexamined. We allowed ourselves great latitude as to the kind of evidence we admitted, and were obliged to do so particularly in the matter of hearsay evidence, though not to the extent which the Attorney-General (who sent in a protest on the subject) considered justifiable or even necessary. We may observe here, that the same gentleman also forwarded a protest against the manner of taking

Chinese evidence, as being, in his opinion, palpably favourable to Mr. Caldwell. But we now repeat, what the Chairman stated at the time of the reception of the protest, that we consider the Attorney-General's complaint totally unfounded.

We have experienced great difficulty in our labours: First, from the nature, arrangement, and wording of the charges — some of which it appeared unnecessary, as it certainly was most distasteful to us to inquire into; Secondly, from the reluctance of witnesses to give evidence; and Thirdly, and especially from the refusal of the Attorney-General to act as accuser, or to recognise the charges as his charges. Under these circumstances, we considered it advisable to engage the services of Mr. Day to act as examiner, parties interested being informed that he would receive at his Chambers any information which it was intended to bring before the Commission.

On the subject of our inquiry we report:

That charge 2, has been satisfactorily met and explained by Mr. Caldwell,* though there existed strong *prima facie* grounds for bringing it.

That charge 4 is not proved; but that there were grounds for bringing it.

That no proof whatever has been brought forward in support of charge 5.

That charge 14 is not proved as regards Mr. Caldwell himself, though it appears that Mrs. Caldwell has had transactions in land and houses for her sister since December last, when Mr. Caldwell became Licenser of Brothels; but that there is no evidence that Mr. Caldwell had any knowledge of such transactions.

That charge 15 has not been proved.

That no proof has been given in support of charge 16, but that there were grounds for bringing it.

That there is no proof whatever of charge 17, and that there were no sufficient grounds for bringing it.

That there were no grounds whatever for bringing charges 18 and 19.

That there were no grounds whatever for bringing charge 3.

That with regard to charge 6, a long and intimate connection

* By a simple denial of interest, although the agency or nominal ownership was not denied, but admitted, both by himself and his alleged *vendée*, the Chinese quack, Lum Ateem, "his family physician" (pp. 11, 12).

between Mr. Caldwell and Mah-Chow Wong has been proved, but that there is no proof of any connection by affinity, according to Chinese law or custom.

That with regard to charge 7, it is proved that Mr. Caldwell has been in the habit, on Mah-Chow Wong's unsupported information, of arresting persons; but that there is no evidence as to his confiscating or restoring property.

That as regards charge 8, there is no evidence of any connivances or procurements of Mr. Caldwell; but that it is manifest that the Chinese are very averse to give evidence against him.

That as to charge 9, it has been proved, that Mr. Caldwell aided in the acceptance of Sze-kai, his former servant, as Bail for Mah-Chow Wong; and that Sze-kai had been imprisoned for debt, for a few days, a short time previously.

That we think it unnecessary to make any other observation regarding charge 10, than that there is no evidence of Mr. Caldwell having deceived the Executive Council.

That with reference to charge 11, a partnership with Mah-Chow Wong in a lorcha is proved, and in fact admitted by Mr. Caldwell; but that there is no evidence as to payments to Mr. Caldwell out of the produce of plunder made at sea.*

That as to charge 12, there is no evidence whatever.

That of the fact stated in charge 13, of the release of the men upon Mr. Caldwell's representation as to their character, there is no doubt whatever; and that it appears incomprehensible how any person, with Mr. Caldwell's knowledge of the Chinese language, and holding the appointment he did, could have been ignorant of the boats in which the men were seized, and that one at least of these men was a notorious pirate, particularly as it is in evidence that Mah-Chow Wong was connected with the boats.

That with regard to charge 1, it being only a matter of inference, we find in support of such inference that a sum of money was offered by a Chinaman as a mark of gratitude to Mr. Caldwell, for being instrumental in the release of a lorcha seized by pirates, in which the man's father was; but that this money was refused by Mr. Caldwell, and on such refusal that it was offered to Mrs. Caldwell as a present to the children. A majority, however, of the Commission do not feel satisfied that Mrs. Caldwell accepted this

* But see pp. 50 and 56; where Mr. May distinctly gives evidence to that effect.

money. It has also been proved that a Chinese female, named Shaplock, who had been in frequent communication with Mr. Caldwell (and is reported, but not proved, to be a sister by Chinese usage of Mrs. Caldwell), received from the Foo T'ai pawn-shop the sum of 400 dollars, because the sentence on a pawnbroker belonging to the said shop had been mitigated, as was supposed, through her influence, and that she received a further sum of 50 dollars for her personal trouble in the matter. Further, since the commencement of this inquiry, Mr. Caldwell has, solely upon the information conveyed in an anonymous letter that certain property had been stolen, personally and without the assistance of the police, searched a room in the occupation of Assow, the Police Court Interpreter, whom Mr. Caldwell knew to be about to give evidence before the Commission. Mr. Caldwell, in the opinion of the Commission, acted in this matter injudiciously, to say the least of it.

Notwithstanding these facts, coupled with the circumstance of Mr. Caldwell's connection with so notorious a character as Mah-Chow Wong, it appears to a majority of the Commission, that, although Mr. Caldwell's original appointment as a Justice of the Peace may have been injudicious, they do not necessitate so strong a measure as his removal from that office.

Finally, we would state that in the course of the inquiry it has come to our knowledge, that previous to the appointment of the Commission, certain papers connected with Mah-Chow Wong's trial, and which might have been of service to the Commission, have been destroyed; but it has been clearly proved that their destruction was ordered, solely because they encumbered the Chinese Secretary's Office, while it appeared that they were then of no value, and could not be further required.

We have the honour to be,

Your Excellency's

Most obedient humble Servants,

CHS. ST. GEO. CLEVERLY, *Chairman.*

H. TUDOR DAVIES.

GEORGE LYALL.

A. FLETCHER.

JOHN SCARTH.

To His Excellency

SIR JOHN BOWRING, K.T., LL.D.,

GOVERNOR OF HONG KONG,

ETC., ETC., ETC.

Surely enough, and more than enough, was found, even by this wretched "Report," to disqualify Mr. Caldwell for all employment under the Crown;—if not to set the police authorities upon his track.

Yet Dr. Bridges and Sir John Bowring affected to regard the "Report," as tantamount to a finding,—“that *none* of my charges had been *substantially* proved,” and, ‘the decision of the Commissioners in no other light than as an exculpation of him.’ I was therefore notified of their intention, to summon an Executive Council for the purpose of suspending me from my office.*

In my reply, I demanded a hearing for myself and my witnesses before the Executive Council; and,—no other attention being paid to my demand, beyond informing me that the Council had condemned me already, and a renewal of the intimation, that Sir John Bowring was about to submit to that body the propriety of my suspension,—I lodged my protest against its jurisdiction to proceed, in so flagrant a violation of the law of the land and the Queen’s regulations, already noticed.

In the face of my protest, they met on the 7th August last, and, without taking any notice of it, or communicating with me in any way, pronounced the sentence of suspension from that date, and published it in their *Government Gazette* of the following week.

This was done *in terrorem* to the other European witnesses;—none of whom, however, have as yet been suspended, albeit threatened with suspension. But the Chinese Interpreter, Assow, in the very face of their own Commission’s Report, was dismissed at

* Letter of Dr. Bridges, A.C.S. (No. 433), 23rd July, 1858.

the same time for giving his evidence against the Caldwells.

The Assessor to the Commission, Mr. Day, was gratified with my place. His death, in the following month, opened the way to the present occupant, Mr. Green, a gentleman of honour and courage, and one who has openly expressed his disgust at the manner of my suspension, and the pretences alleged for it.

And now I find, from the newspaper reports of parliamentary proceedings, that Sir John Bowring, driven from the ground taken by him on the 24th July, is engaged in an attempt to divert attention from his disaster, and to arrest it upon a counter charge against myself.

Sir E. Lytton has informed the House, that Sir J. Bowring imputes to me a breach of special confidence, in giving the evidence I did give before the Commissioners.

A few words will show the absurdity and untruthfulness of that imputation.

You will have seen, that I not only took no part in the promotion of that method of inquiry, but, on the very ground, that thereby the official confidence of the Imperial Government would of necessity be violated, protested against it. It was the spontaneous act of Sir John Bowring's Government.

By the terms of their warrant of Commission, as printed by authority,* the Commissioners were directed to call for whatsoever evidence they thought fit, and more especially such as, without a plenary absolution

* Report and Minutes, Pref. p. i.

of the servants of Government from all official confidence or secrecy, was not attainable.

And not only were all servants of Government so absolved from that obligation, but they were even commanded to hold it as nought, after the following fashion, by His Excellency himself.

“*And I do hereby empower you (the Commission) to demand and obtain access at all times to all and all manner of papers, records, and documents, relating to the subject matter of the said Commission, and in the custody or under the control of the several public departments within this colony, and, from time to time, to call before you and examine all persons superintending or employed in or under any of the said departments, AND I DO HEREBY CHARGE ALL PERSONS IN THE PUBLIC SERVICE TO BE AIDING AND ASSISTING UNTO YOU HEREIN.”

Nor was this clause in their warrant suffered by the Commissioners to become a dead letter.

One of them compelled Dr. Bridges to give evidence as to the connection of his protégé, Caldwell, with the Chinese spy system.†

In like manner, the Marine Magistrate, Mr. Inglis,‡ was most reluctantly induced to furnish them, with reminiscences of the early habits and connections of the Chinese wife of the same “Protector of Chinese.”

On each occasion, the unwilling witness was reminded of the above-cited passage of the warrant, and of his peculiar liability to censure, as a Government servant, in the event of disobedience to the tenor thereof.

* Report and Minutes, Pref. p. 1.

† Minutes of Evidence, etc., 28th June, 1858.

‡ Ibid, 11th and 16th June, 1858.

In no other capacity than as a witness, summoned under the hand of the Chairman, did I ever offer myself to the notice of the Commission; and, even then, I never missed an opportunity, from the first day of the inquiry to the end,* of “disclaiming the charges as made out on the charge list.”

Nay, my steadfastness in the course I had marked out to myself, of taking no part in the inquiry but as a summoned witness, is made the subject of animadversion, if not of complaint, by the Commissioners themselves.

In their Report,† they say that they “had experienced great difficulty in their labours: First, from the NATURE, ARRANGEMENT, and WORDING of the charges; some of which it appeared unnecessary, as it certainly was most distasteful to them to inquire into; Secondly, from the reluctance of witnesses to give evidence; and Thirdly, and ESPECIALLY, from THE REFUSAL OF THE ATTORNEY-GENERAL TO ACT AS ACCUSER, OR TO RECOGNISE THE CHARGES AS HIS CHARGES.”

There was, therefore, no “breach of confidence” upon my part; but, on the contrary, the strictest obedience to the Governør’s own warrant.

Further evidence has been since then obtained against Mr. Caldwell — both as to his past acts, and as to his continued malpractices.

In one case,‡ a verdict has established the credit of witnesses, whose testimony, if good for any pur-

* Minutes, etc., pp. 1—3, 30, etc. etc.

† Report, p. 1.

‡ *Cheong-shew-Shek v. Endicott*; tried at Hong Kong, before the Chief Justice and a special jury, 1 & 2 Dec., 1858. Compare the Caldwell Commission Minutes, pp. 31, 3.

pose at all, made out, against Mah-Chow Wong and his gang, one of the cases of extortion narrated by Mr. May, J.P., and myself, before the Caldwell Commission,—and against Mrs. Caldwell a participation in the same—and it cast upon Mr. Caldwell (who gave his evidence most unsatisfactorily) a very strong suspicion of having been engaged, so lately as the autumn of 1857, in an attempt to defraud.

In other cases, yet more recent—for which I must refer to the correspondence asked for by Mr. James—his conduct in obstructing the due administration of justice, has led to results, which have received public animadversion, both from the Supreme Court and from the Magistracy.

And still he remains the Chinese Registrar-General, Protector, and Brothels' Licenser, and one of Her Majesty's Justices of the Peace for Hong Kong.

I left that colony, upon sick certificate, on the 30th January last; exactly three years, to an hour, from my first arrival on its shores.

On my return hither, I find myself no longer Attorney-General;—my suspension having been confirmed, on grounds not yet stated, but which, I am happy to learn, are not those alleged by Sir John Bowring—whatever those may be, for I have not seen his despatches—nor such as are not reconcileable with personal appreciation and respect.

Once, during my Parliamentary career, it fell to my lot to vindicate a public servant who had, in like manner, deserved the anger and hatred of a corrupt East Indian Proconsulate:—and I did it unsolicited, and without consulting him, and yet with entire success.

The absence of imputation makes it unnecessary

for me to attempt, for my own character, a similar vindication:—and I gladly forbear.

But the good cause, for which I have suffered, I leave to the public spirit of Englishmen, their consciences, their love of constitutional liberty, and their knowledge of law and right.

The rest I resign to fortune.

I am, Sir,

Your very obedient servant,

T. CHISHOLM ANSTEY,

*Late Her Majesty's Attorney-General
for Hong Kong.*

LONDON,

16th April, 1859.



The first thing I noticed
 when I stepped out of the
 morning with a bright
 sun in the sky. I
 felt a sense of freedom
 and joy. The air was
 fresh and clean. I
 took a deep breath
 and smiled. It was
 a beautiful day.

I had been told that
 the weather was perfect
 for a visit. I was
 not disappointed. The
 people were friendly
 and welcoming. I
 felt like I had found
 a new home.



PRESERVATION SERVICE
.....

SHELFMARK *8023 B 28*
.....

THIS BOOK HAS BEEN
MICROFILMED (*1995*)
N.S.T.C.
MICROFILM NO *SEE RPM*

