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JAMES KEENAN: UNITED STATES CONSUL TO HONG KONG

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James Keenan served as United States consul to Hong Kong for eight years beginning in 1853. Keenan's career demonstrated the difficulties faced by United States consuls in the Far East. Many of the problems Keenan faced during his career resulted from the juxtaposition of a man predisposed to controversy with one of the most ambiguous posts in United States consular service.

Keenan's career involved him in difficulties with a United States naval commander, British authorities in Hong Kong, a United States commissioner to China, his temporary successor in Hong Kong, and even the State Department. During his career, Keenan anticipated legislative changes regarding United States consuls.

Nevertheless Keenan's colorful career won him many British and American friends. However, his predilection for controversy damaged his effectiveness as United States consul.

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CHAPTER I

THE SITUATION

James, Keenan, the American consul in Hong Kong from 1853 to 1861, filled an ambiguous position with a vigorous decisiveness. His career and post deserve examination because, in performing what he viewed to be his duty, he left his mark on the course of the United States China policy.

In the past, studies of nineteenth century American diplomats in the Far East have emphasized American commissioners to China. The commissioners were the highest American diplomatic representatives in the area, but for a variety of reasons, at times, they had less of an impact on American policy than the American consuls.

The commissioners' lack of impact was due in part to the large number of men who were appointed to the position between 1843, when Caleb Cushing was sent to negotiate the first Sino-American commercial treaty, the Treaty of Wanghia, and 1861, when the commissioners were replaced by a United States minister who resided in Peking.¹

During this eighteen year period, eleven men were

¹For a complete list of commissioner appointees and their terms of service, see Appendix B.

offered appointments as commissioner to China. Of those who accepted, none remained in the post for any appreciable time. Four factors appear to account for the difficulties involved in filling the post in China. First, during the period, there were a number of changes in presidential administrations. Between 1843 and 1860 there were five parties and seven different presidents in control of the White House. None of the presidents served more than a single term. The commissioners' post was a patronage position. Therefore, when administrations changed, so generally did the commissioners.

A second factor was the inadequate remuneration paid those who held the China post.² Thomas A. R. Nelson, Joseph Blunt, and Robert J. Walker all gave money as their reason for declining the appointment.³ Third, the lack of prestige

²The salary for the commissioner to China was \$6,000 per year. In his December 2, 1851, annual message to Congress, President Millard Fillmore discussed the inadequacy of the amount and urged that consideration be given to the matter by Congress. See: J. D. Richardson, ed., Compilation of the Messages and Papers of the Presidents, 1789-1897, 53d Cong., 2d sess., 1907, House Miscellaneous Document No. 210. (Washington, D. C.: Government Printing Office, 1907), 5:122. Hereafter cited as Messages.

³Blunt to Secretary of State Daniel Webster, October, 1851, Diplomatic Instructions of the Department of State, 1801-1906, U. S. National Archives, Microcopy 77, Roll 38, p. 71. Hereafter cited as Diplomatic Instructions. Walker's refusal may be found in Miscellaneous Letters of the Department of State, U. S. National Archives, Microcopy 179, Roll 136, Walker to Secretary of State William Marcy, July 1853. Nelson's case is confusing. In Samuel F. Bemis and Grace Griffin, Guide to the Diplomatic History of the United

of the China post was also a factor. Edward Everett, for example, preferred his post as United States minister to Great Britain.⁴

The final factor was the harsh Chinese climate. It caused health problems for several American commissioners. Robert McLane resigned as commissioner because of ill-health, which he felt was not improved by the Chinese climate.⁵

States, 1775-1921, (Washington, D. C.: Government Printing Office, 1935; reprint ed., Gloucester, Mass.: Peter Smith 1963), p. 879, he is listed as having served as commissioner. The same is true of Graham H. Stuart, American Diplomatic and Consular Practice, (New York: D. Appleton-Century Company, 1936), p. 489. Hereafter cited as Consular Practice. Yet there is no indication that he ever attempted to reach China or assume his duties. Tyler Dennett, Americans in Eastern Asia, (New York: Macmillan Co., 1922; reprint ed., New York: Barnes and Noble, Inc., 1963), p. 190, refers to Nelson as the "Tennessee lawyer" who declined the post when he discovered that the salary and the cost of living in China would prevent him from saving any money while commissioner.

⁴Everett was the first person to be offered the post of commissioner to China in March 1843. The offer touched off a rumor that then Secretary of State Daniel Webster wanted to replace Everett as Minister to Great Britain. Everett's refusal of the China post successfully ended the rumor, as well as ended any chance to determine if it were true. For the most complete discussion of this rumor see: Kenneth S. Latourette, The History of Early Relations between the United States and China, 1784-1844, (New Haven: Yale University Press, 1917), pp. 132-3. Hereafter cited as Early Relations. Dennett, Americans in Eastern Asia, p. 112, mentions the rumor also.

⁵McLane to Marcy, Paris, April 19, 1855, U. S. Congress, Senate, Correspondence of the Late Commissioners in China, S. Ex. Doc. 22, 35th Cong., 2d sess., 1858, p. 490. Hereafter cited as Correspondence of Commissioners. McLane was the son of Louis McLane, who had been Secretary of State under President Andrew Jackson. Prior to becoming commissioner to China,

Of all these factors, the frequent changes in the presidency were the most detrimental. These changes worked against the formation of a consistent China policy. Nevertheless, even if Washington had had a set China policy, distance and communication problems would probably have made it difficult to enforce. In part, because of presidential changes between 1844 and 1860, there were intervals of from a month to more than three years when there was no American commissioner in the Middle Kingdom.⁶ Even the record sailing times of American clipper ships--seventy-four days from New York to Hong Kong--did little to assuage the communication problem.⁷ Poor communications often prevented a policy statement from reaching the commissioners until long after it had been issued. By the time it reached the American commissioner in China, the policy was often obsolete.

Similarly, if an American Commissioner to China deviated from his instructions, poor communications worked against the rectification of his action. By the time Washington learned of the miscreant's activity, the only practical option was to recall the erring commissioner and hope that his successor

McLane served two terms in the House of Representatives from Maryland. After resigning his China post, he served as Minister to Mexico (1859-60) and Minister to France (1885-89). See: National Cyclopedia of American Biography, s.v. "McLane, Robert." Hereafter cited as Cyclopedia.

⁶See Appendix B.

⁷Carl C. Cutler, Greyhounds of the Sea, (New York: Halcyon House, 1930), p. 463.

would be able to correct his predecessor's mistake. The cases of Humphrey Marshall and Peter Parker illustrate this problem. In the 1850s, Washington recalled both men because they had disregarded their instructions and pursued their own policies in China.⁸ Interestingly, although Marshall was recalled in October 1853, because of poor communications, he did not learn of his recall until January 27, 1854.⁹ Washington recalled Peter Parker in April 1857, but Parker did

⁸Marshall was the first commissioner to China to be removed. Dennett, Americans in Eastern Asia, p. 222, claims the removal was due to the inauguration of the Pierce administration. Te-Kong Tong, United States Diplomacy in China, 1844-1860, (Seattle: University of Washington Press, 1964), p. 145, argues that he was removed because his known dislike for the British proved embarrassing to the United States. Hereafter cited as U. S. Diplomacy. W. C. Costin, Great Britain and China, (Oxford: Clarendon Press, 1937), pp. 182-3, agrees with Tong. Since the State Department did not notify Marshall of his removal, there is no official explanation. A third possible reason exists in Marshall's unflattering opinion of the Taipings during a period when they enjoyed wide public support in the United States. Parker, on the other hand, was quite definitely recalled because of his unflagging efforts to involve the United States in an active alliance with the British and French against the Chinese. See: Tong, U. S. Diplomacy, p. 208. For the State Department's official view of Parker's activities in China see: Marcy to Parker, February 2, 1857, and Cass to Parker, April 24, 1857, Diplomatic Instructions, p. 147 and p. 161.

⁹U. S. Congress, House, Correspondence of the Commissioner to China, House Ex. Doc. 123, 33d Cong., 1st sess., 1853, p. 333. Hereafter cited as Commissioner to China. Marshall learned of his recall through a newspaper article.

not receive the State Department letter until four months later.¹⁰

Yet another barrier to the effective implementation of the United States China policy was the lack of a definite residence for the American commissioner to China. Until after the Treaty of Peking of 1860, which gave the United States the right to establish a legation in Peking, the American commissioners roamed from treaty port to treaty port, often using the ship on which they sailed as the American legation.¹¹ The lack of a permanent residence for its chief diplomatic representative was a problem unique to the United States. Other Western nations had territories in or near China which served as permanent residences. For example, the Portuguese leased Macao from the 1560s until 1887.¹² The British acquired Hong Kong in 1842 and used it

¹⁰Cass to Parker, April 24, 1857, Diplomatic Instructions, p. 149. Parker's "resignation" was dated August 25, 1857. Dennett, Americans in Eastern Asia, p. 192, apparently on the basis of this letter, incorrectly states that Parker retired of his own choice.

¹¹Ample demonstration can be found by a cursory examination of the dispatches to the State Department from the American commissioners. See: Commissioners to China and Correspondence of Commissioners.

¹²Hosea Ballou Morse, The International Relations of The Chinese Empire, (1910: reprint ed., Taipei: Taipei Book World, 1967), 1:43-46. Hereafter cited as International Relations.

for the residence of their chief diplomat.¹³ Spain used Manila, and the Dutch operated from their settlements on Java, Sumatra, and Malacca.¹⁴

Obviously, the frequent absence from China of United States commissioners and their lack of a definite residence in the Middle Kingdom left a great part of American diplomacy in the hands of the United States consuls in China and Hong Kong.¹⁵ The consuls were assigned to China's treaty ports to monitor United States trade activities and to protect American sailors. The consuls made the on-the-spot, day-to-day policy decisions in China. Because they had only sporadic contact with the commissioners, consuls such as Keenan often performed their duties without supervision. Circumstances frequently forced them to enact unauthorized

¹³G. B. Endacott, A History of Hong Kong, (London: Oxford University Press, 1958), p. 35. Hereafter cited as Hong Kong.

¹⁴Samuel Shaw, The Journals of Major Samuel Shaw, (Boston: William Crosby and H. P. Nichols, 1847; reprint ed., Taipei: Ch'eng-wen Publishing Company, 1968), pp. 168-9. Hereafter cited as Journals.

¹⁵The technical superior of the Hong Kong consul was the United States Minister to Great Britain. The State Department, however, in practice viewed the American Commissioner to China as the Hong Kong consuls' superior--a view often shared by the American Commissioner to China. An examination of the official correspondence of the American Minister to Great Britain during the 1850s reveals no mention of the Hong Kong consulate, which suggests the Minister to Great Britain either did not realize he was the technical superior or did not care. See: U. S. Department of State, Despatches from United States Ministers to Great Britain, U. S. National Archives, Microcopy 30: Rolls 58-72.

policies.

But, even if neither of the above problems had existed, the commissioners still would have had difficulty in supervising the consuls. The commissioners and the consuls both held dual appointments from the President and Congress. As a result, the consuls considered themselves to be the commissioner's equal in most matters. They were quick to point this out whenever they became involved in a dispute with a commissioner. As can be seen, the consuls and commissioners were both severely handicapped in their efforts to represent the United States in China.

Unfortunately for the commissioners and consuls, the aforementioned problems were minute when contrasted with China's attitude toward the Western nations. To the Chinese, all other nations were inferior. For centuries China had treated her neighbors as vassal states. Trade was a form of favor upon the vassal states. Naturally enough then, when better ships and sailing methods enabled the West to reach the Far East by means of an all-water route, the dealings between China and the West were conducted in a tribute system atmosphere.

The Chinese "tribute trade" policy toward the West during the Manchu dynasty had at least four irritating facets. The first was the desire to limit contact between Chinese subjects and foreign merchants. This was partially accomplished after 1757 by permitting Westerners to trade only

in Canton.¹⁶ Because Canton contained both an older walled inner city and a newer suburban city, the Manchus were able to further restrict Western contacts with the Chinese by prohibiting the Westerners from entering the walled city. Additionally, the Westerners who went to Canton were not allowed to stay in the new city for any length of time. This caused Portugal to maintain Macao as a base for its trade operations, and later led to the British acquisition of Hong Kong. Both territories were near Canton. However, they were far from the seat of the Manchu government in Peking.

Second, besides restricting foreign trade to the new section of Canton, the Chinese also permitted Westerners to contact only a few of their nationals. The only Chinese allowed to have dealings with the Western merchants were the Chinese who formed the co-hong. The term co-hong was an English corruption of the Chinese words hong sheung, meaning foreign associated merchants. It was first established in 1720. Essentially the co-hong was a loose monopoly composed of no more than thirteen Chinese merchant families who dealt with the Westerners and enforced trade regulations. Positions in the co-hong were purchased from the Manchu government. The benefits the co-hong derived from their monopoly in trading with the Westerners were somewhat offset by the co-hong's responsibility to the Manchu government for the

¹⁶Morse, International Relations, 1:67.

misdeeds of the foreigners.¹⁷ This co-hong trade monopoly became a major point of irritation to the West.

A third facet of the "tribute trade" policy required communication from foreigners to officials in China, in particular the Emperor, to take the form of a petition.¹⁸ Generally, the name of the foreign nation was placed lower on the petition than that of China. To the Chinese mind, this placement indicated the foreign state's subservient position. These communications, usually diplomatic messages, underwent a laborious process before reaching the capital, if in fact they ever reached it. However, if, after passing through the hands of several Chinese merchants and messengers, the message did reach Peking, there was always the possibility that the imperial advisors might not transmit it to the emperor. Western nations found the whole process offensive.

The final irritant was the attitude Peking took toward foreigners who were so inconsiderate as to appear in Peking and insist upon a personal interview with the emperor. The Manchus required these foreigners to perform the kowtow. The kowtow involved kneeling and touching the head to the ground

¹⁷Ibid., 1:129. For a more complete discussion see: John K. Fairbank, Trade and Diplomacy on the China Coast, (Cambridge: Harvard University Press, 1953), 1:50-51. Hereafter cited as Trade and Diplomacy. For a general review see: Paul H. Clyde and Burton F. Beers, The Far East, (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1975), p. 69.

¹⁸Clyde and Beers, The Far East, p. 70.

nine times as a sign of homage or subservience. Because of this requirement, which prior to 1860 most diplomatic representatives refused to perform, direct dealings with the emperor were infrequent.

Overall, China's traditional policy of dealing with what she viewed as inferior people did not facilitate either trade or diplomatic contacts with the West.

Despite these and other difficulties, increasing numbers of Westerners, including Americans, went to China during the last quarter of the eighteenth and the first half of the nineteenth century. The merchants went first. The first American merchant ship, the Empress of China, arrived in Canton on August 28, 1784. On board was Samuel Shaw, whose duty it was to serve as the first American "merchant-consul" in China. Essentially, the merchant-consul was a private trader appointed by the United States government to supervise American trade activities. However, Shaw was not officially recognized by the Chinese government, so his duties as merchant-consul were commercial rather than diplomatic.¹⁹

In 1787, Shaw reported to John Jay, the Secretary for Foreign Affairs under the Articles of Confederation, that five American ships had arrived in Canton. This was four more than had arrived in 1784. These ships returned to the

¹⁹Shaw, Journals, pp. 163, 235. In fact Shaw had difficulties convincing the Chinese that he was not English.

United States with a cargo of over a million pounds of tea.²⁰

During the next thirty years, the number of American ships involved in the Canton trade increased rapidly. In 1805, thirty-seven American ships carried cargoes of more than eleven million pounds of tea from Canton back to the United States.²¹ These ships also carried cargoes worth more than 3.5 million dollars from the United States to Canton.²² The growing China trade soon involved merchants in Philadelphia, New York, Boston, and Providence. In 1850, American shipping in the four ports of Canton, Shanghai, Hong Kong, and Amoy totaled 208 vessels with a tonnage of 96,989 tons.²³

The United States navy followed the American merchants to China. In 1819, the first American naval vessel, the U. S. S. Congress, arrived in Chinese waters and cruised there for several years. The United States navy, however, was not welcomed by the Chinese, either in Macao or Canton. They were asked to leave the area shortly after their arrival. This was a common occurrence for the next twenty years.²⁴

²⁰Ibid., p. 350.

²¹Dennett, Americans in Eastern Asia, p. 45.

²²U. S. Congress, Senate, Report of the Committee on Finance, S. Doc. 31, 19th Cong., 1st sess., 1826, p. 8. Morse, International Relations, 1:82, 89, agrees with these figures, although he does not appear to have used the same sources.

²³Eldon Griffin, Clippers and Consuls, (Ann Arbor: Edwards Brothers, 1938; reprint ed., Wilmington: Scholarly Resources, Inc., 1972), pp. 399-404.

²⁴Latourette, Early Relations, pp. 83-4.

After the merchants and the navy, a third group of Americans began arriving in China. They were the missionaries. The American Seaman's Friend Society sent Reverend David Abeel to Canton in October 1829. At the same time the American Board of Missions sent Reverend Elijah Bridgeman.²⁵ Like the merchants, the missionaries were hampered by the Chinese attitude toward Westerners. They too were limited in their movements to the areas of Canton and Macao, and their contacts with the Chinese whom they hoped to convert were restricted. The edict forbidding them to learn the Chinese language was an additional handicap. The language prohibition kept Abeel and Bridgeman from translating the Bible into Chinese. So Bridgeman, to help the English speaking merchants and seamen in Canton, started the periodical Chinese Repository in 1832.²⁶

In 1833 another American missionary, Samuel Wells Williams, arrived in Canton and took over the publication of the Chinese Repository. Later, Williams became active in

²⁵Ibid., p. 89. Also see: W. C. Hunter, The 'Fan Kwae' at Canton, (Shanghai: Kelly and Walsh, Ltd., 1911), p. 19.

²⁶Kenneth Latourette, A History of Christian Missions in China, (New York: The Macmillan Company, 1929), p. 218. Hereafter cited as Christian Missions.

American diplomatic ventures.²⁷ The first American medical missionary, Dr. Peter Parker, arrived shortly thereafter. Parker had graduated from Yale in 1831 and was ordained in 1834. He reached Canton in October 1834. Both Parker and Williams ignored the language ban and went to great lengths to learn Chinese. Williams succeeded to such an extent that he served as an interpreter for the United States government. Parker followed suit and also participated in American diplomatic ventures in the Far East.²⁸ The American missionaries, like the merchants, continued arriving in China in increasing numbers as the nineteenth century wore on.

²⁷Williams was not an ordained missionary. He went to China as a printer on his father's recommendation to the missionary board. Four years after his arrival in China, he accompanied a private American vessel in an attempt to return a group of shipwrecked Japanese sailors to Japan. In 1853-54 he acted as interpreter for the Perry expedition which opened Japan to American trade. Later in 1856 he was appointed United States interpreter and secretary of the legation to China. He stayed with the legation until 1876 and also designed the American legation building in Peking. After his retirement, he returned to the United States and became the first professor of Chinese at Yale. He died in 1884. See: Dictionary of American Biography, s.v. "Williams, Samuel Wells." Hereafter cited as D A B. Also see: Cyclopedia, s.v. "Williams, Samuel Wells."

²⁸Parker in 1838 founded the Medical Missionary Society in China. In 1844 he acted as interpreter for the Cushing mission. After Cushing's return to the United States, Parker was acting charge d'affaires. Parker held this position six different times until 1855 when he was appointed United States Commissioner to China. Parker's appointment made him the first American commissioner to have actually been in China prior to his appointment. Parker served as commissioner until August 1857. He then left China permanently, after having spent the majority of twenty-three years there. See: D A B, s.v. "Parker, Peter," and Cyclopedia, s.v. "Parker, Peter."

While these two groups of Americans were engaged in gaining a foothold in China, the British and the Manchus moved toward a confrontation which would affect the interests of all Western nations.

One of the major items in England's trade with China was opium.²⁹ In the second quarter of the nineteenth century, Manchu officials became increasingly concerned about the effects opium had upon the Chinese citizenry. The Manchus attempted to stop the use of opium by ordering stringent penalties, ranging from levying fines to death, for those

²⁹The British trade statistics reflect this. In 1834 opium represented forty-eight percent of the British trade. In 1835 opium comprised almost fifty-five percent of the British trade. See: Hsin-pao Chang, Commissioner Lin and the Opium War, (Cambridge: Harvard University Press, 1964; Norton Books, 1970), pp. 224-227. Hereafter cited as Lin. Morse, International Relations, 1:209-210, gives incomplete tables dealing with opium. John Slade, Narrative of the Late Proceedings and Events in China, (Canton: Canton Register Press, 1839; reprint ed., Wilmington: Scholarly Resources, Inc., 1972), pp. 71-75, discusses more fully British opium trade. Hereafter cited as Events in China. While there is no question that Americans were also engaging in the opium trade, the extent of American trade is uncertain. Dennett, Americans in Eastern Asia, p. 117, indicates that the American opium trade was one-tenth of Britain's and accounted for slightly more than one-tenth of the total American trade with China. Fairbanks, Trade and Diplomacy, p. 226, agrees with Dennett. In 1835 when British opium trade totaled almost eighteen million dollars, the reported American opium trade for that year was \$118,470. See: U. S. Congress, House, Report on Commerce, House Doc. 248, 26th Cong., 1st sess., 1844, p. 116. Ironically, American opium trade began to decline in the 1830s. See: Charles C. Steele, "Americans and the China Opium Trade in the Nineteenth Century," Pacific Historical Review, 9, (December 1940), and 6, (March 1941), p. 74.

Chinese who smoked it.³⁰ Later the Middle Kingdom also forbade the importation of opium. Barred from legal trading in opium, Westerners, especially the British, developed a widespread smuggling operation. This operation, in addition to providing the forbidden opium, had the additional disadvantage of spreading the opium trade outside the Canton area.

When attempts to curb the use of opium in China proved unsuccessful, the Manchu government turned its attention to the source of supply, the West. In December 1838, the Emperor gave Fukien Governor Lin Tse-hsu the title of commissioner and ordered him to eradicate the opium trade in and around Canton. Commissioner Lin arrived in Canton on March 10, 1839.³¹ A week after his arrival (March 17), Lin issued two edicts. One was addressed to the co-hong merchants. It chastized them for their failure to prevent the opium imports. The other was directed to all foreign merchants and demanded that they deliver all the opium aboard their ships to Commissioner Lin so that it could be destroyed.³² The British merchants responded to the edict by stating that they lacked the authority to

³⁰Chang, Lin, pp. 219-221. These pages contain a chronological list of opium edicts issued between 1729-1839.

³¹Arthur Waley, The Opium War through Chinese Eyes, (np.: George Allen and Unwin, 1958; Stanford University Press, 1960) pp. 12, 20. Hereafter cited as Opium War. Hunter, The 'Fan Kwae' at Canton, pp. 136-137, describes Lin and his arrival.

³²Chang, Lin, pp. 142-143. Also see: Chinese Repository, April 1839, and Slade, Events in China, pp. 27-31.

deliver the opium to Lin. Lin found this answer unsatisfactory. He notified the co-hong merchants that if the opium were not delivered, two of them would be beheaded.³³ Lin's threat resulted in the delivery of 1,036 chests of foreign-owned opium. Lin believed this to be only a portion of the opium and persisted in demanding that the remainder of the opium be turned over to him.³⁴

On March 24, 1839, Lin ordered all trade stopped and all Chinese out of the foreign factory area. He then had Chinese troops surround the foreign community.³⁵ Simultaneously Lin informed the foreign community that he would detain all the foreigners then in Canton until they surrendered the remaining opium. In response the British Chief Superintendent of Trade, Captain Charles Elliot agreed to surrender 20,283 chests of opium.³⁶ The delivery went slowly but was eventually completed on May 21, 1839. The opium was destroyed in June

³³Chang, Lin, p. 143. Waley, Opium War, p. 32, translates Lin as threatening the co-hong with "confiscation" of their property rather than death.

³⁴Chang, Lin, pp. 147-148. Slade, Events in China, pp. 42-46, gives the minutes of the Western merchants' meeting to discuss the opium surrender.

³⁵Chinese Repository, April 1839.

³⁶Slade, Events in China, pp. 66-67. Morse, International Relations, 1:225, points out that Elliot inadvertently agreed to surrender 523 more chests of opium than were actually in the area. Lin refused to accept less than 20,283, so the British were forced to purchase the additional number of chests.

1839.³⁷ Thereafter, trade between Britain and China came to a standstill. The stand-off was the result of the British merchants' demand that the Manchus reimburse them for the destroyed opium. The Manchus, in the person of Commissioner Lin, ignored the British demands.³⁸

On January 5, 1840, Commissioner Lin acted again. This time he closed Canton "forever" to ships from the biggest opium supplier, Great Britain. To make sure the British did not manage to circumvent the order by continuing to ship opium by ships registered to her colonies, the order was extended to include ships of British colonial registry.³⁹

When the order closing Canton was issued, Captain Elliot approached the Portuguese governor of Macao and requested space on which to land British cargoes. Elliot also wanted permission for British nationals to reside in Macao. The Portuguese, however, yielded to Manchu pressure and refused the British access to Macao. With both Macao and Canton closed to them, the British sought refuge on the virtually uninhabited island of Hong Kong, which was approximately forty miles east of Macao.⁴⁰

³⁷Chang, Lin, pp. 172-173.

³⁸Ibid., pp. 178-179. Much to the disgust of the British, Americans in the area quickly filled the vacuum created by the cessation of British trade activities. See: Morse, International Relations, 1:257.

³⁹Chinese Repository, January 1840.

⁴⁰Morse, International Relations, 1:239.

The British waited in Hong Kong for a naval force to arrive from India that would either support their demands for reparations for the destroyed opium or undertake military reprisals against China.⁴¹ The first of this force arrived in June 1840 and began a blockade of Canton.⁴² The Manchus responded by placing a bounty on the heads of Englishmen, attacking British ships with fire boats, and by bombarding the English ships enforcing the blockade.⁴³ The Opium War was underway. Peace negotiations to end the war began when Britain's superior forces overwhelmed China's inept army and navy. After several truces, the Opium War ended in 1842 with the signing of the Treaty of Nanking.⁴⁴

The Treaty of Nanking and its supplemental treaty, the Treaty of the Bogue (October 8, 1843), established the treaty

⁴¹Chang, Lin, p. 202.

⁴²Morse, International Relations, 1:265. The blockade marked the formal beginning of the Opium War. Captain Elliot's actions in China illustrates clearly that the United States was not the only Western nation handicapped in supervising their diplomatic representatives by distance and communication difficulties. Both the British Foreign Secretary, Lord Palmerston, and Queen Victoria were displeased by Captain Elliot's handling of the peace negotiations and by the final terms. See: Lord Palmerston to Queen Victoria, April 10, 1841, and Queen Victoria to the King of Belgium, April 13, 1841, Arthur Christopher Benson, ed., Letters of Queen Victoria, (London: John Murray, 1907), 1:260-261. For Elliot's specific failings, see: Morse, International Relations, 1:641-647.

⁴³Chinese Repository, June 1840; July 1840.

⁴⁴Negotiations were broken off by the Manchus over the British demands for cessation of territory. Morse, International Relations, 1:270.

port system.⁴⁵ Under the system, the ports of Canton, Amoy, Foochow, Ningpo, and Shanghai were opened to Western trade.

Even while the British and the Chinese were still fighting the Opium War, Americans in China began petitioning the United States government to send a diplomatic mission to China to negotiate a Sino-American commercial treaty.⁴⁶

The medical missionary, Peter Parker, even returned to the United States to use his influence to secure the creation of such a mission. Parker spent the first several months of 1841 in Washington, D. C. He discussed the China situation with any official he could reach, from either the outgoing or incoming administration.⁴⁷ Yet despite these importunings by Parker and the other petitioners, the United States government

⁴⁵Lewis Hartslett, comp., The Treaties and Conventions between Great Britain and Foreign Powers, (London: Henry Butterworth, 1845), 6:221-225 and 262-270. Hereafter cited as Treaties.

⁴⁶U. S. Congress, House, Merchants of the United States at Canton, China, Memorial, H. Doc. 40, 26th Cong., 1st sess., 1840. This memorial was signed by eight American merchants who suggested the negotiation of a commercial treaty and the value of an American naval force in the area. See also U. S. Congress, House, China Trade Communication, H. Doc. 170, 26th Cong., 1st sess., 1840. This communication, signed by thirty-six American merchants, was less concerned with having a treaty negotiated with China, but requested an American naval force for the area.

⁴⁷Dennett, Americans in Eastern Asia, p. 108. Parker apparently discussed China with President John Tyler, John Quincy Adams, and others. Dennett neglects to mention, however, that on March 29, 1841, Parker married Harriet Webster, a relative of Secretary of State Daniel Webster. See: Cyclopedia, 10:284. Parker's presence in D. C. in 1841 perhaps was primarily due to his upcoming wedding and possibly only secondarily concerned with China.

did not act. It took the news of the Treaty of Nanking to jolt Washington into action.

In December 1842, President John Tyler presented a special message to Congress which dealt with the China situation and described in part the Anglo-Chinese Treaty of Nanking. The President also proposed to appoint a commissioner to China.⁴⁸ His subsequent request for funds for a mission to China met strong opposition in Congress. But eventually, over the opposition of people like Missouri Senator Thomas Hart Benton, Congress approved the appropriation.⁴⁹

Once the money was available a procedure which was repeated almost constantly over the next twenty years began. It was the search for someone to serve as United States commissioner to China. In 1842, Tyler's first choice, Edward Everett, then minister to Great Britain, declined the appointment.⁵⁰ During the summer congressional recess, former Congressman Caleb Cushing accepted the appointment. Tyler gave him the title of Commissioner and Envoy Extraordinary and

⁴⁸U. S. Congress, House, Special Message of President John Tyler, H. Doc. 35, 27th Cong., 3d sess., 1842. Recent United States trade statistics with China were included.

⁴⁹U. S. Congress, Senate, Senator Benton speaking against increase in consuls and salaries, 27th Cong., 3d sess., March 8, 1843, Congressional Globe, 12:391-392. Also see: U. S. Congress, House, Report of the House Committee on Foreign Affairs, H. Rept. 166, 28th Cong., 1st sess., p. 4.

⁵⁰See note 4 above.

Minister Plenipotentiary to China.⁵¹ His appointment as commissioner enabled him to deal with the Chinese governors of provinces and cities. As envoy extraordinary and minister plenipotentiary, he was empowered to deal with the Emperor's court, if he could succeed in reaching Peking. Cushing also took with him the authorization to sign a treaty and a letter from President Tyler to the Emperor of China.⁵² The Cushing mission left the United States in the summer of 1843. The mission arrived in Macao on February 24, 1844.⁵³

⁵¹Claude M. Fuess, The Life of Caleb Cushing, (New York: Harcourt, Brace and Co., 1923), 1:412. Hereafter cited as Cushing. Born in 1800 into a Massachusetts merchant family engaged in the China trade, Cushing had an active and varied political career. In 1834 he went to the United States House of Representatives as a Whig after having served as a state senator. However, in 1841 he switched parties to support the Democrat John Tyler. This switch was partly responsible for the Congressional Committee's rejection of his nomination as Secretary of the Treasury, but during the following recess he was appointed Commissioner to China. From 1851-5 he served as Franklin Pierce's Attorney General. In 1860 Cushing chaired the rival Democratic Convention which nominated Breckinridge and Lane. Ironically, considering Cushing's desire for adequate United States representation in China, this contributed to John Ward's decision to resign as American Commissioner to China and return to the United States. The politically shrewd Cushing changed parties once again after the Civil War and became a Republican. As a result, he was able to serve as American Ambassador to Spain, where he died in 1879. Also see: D A B, s.v. "Cushing, Caleb."

⁵²For a copy of this strangely worded letter, see Appendix C.

⁵³Fuess, Cushing, 1:414-416. Interestingly Secretary of State Webster sent his oldest son (Daniel) Fletcher Webster with the Cushing mission as official secretary. See: U. S. Congress, Senate, Message from the President of the United States Communicating Copies of the Instructions Given to the Late Commissioner to China, S. Doc. 138, 28th Cong., 2d sess., 1844, p. 3, for Webster's notice to Cushing of Fletcher's

Once in China, Cushing began his treaty negotiations with the Manchu viceroy, Kiying. The negotiations lasted until July 3, 1844, at which time the Treaty of Wanghia was signed.⁵⁴

The Treaty of Wanghia differed from the British Treaty of Nanking in several important ways. First, the Americans did not ask to annex an area from China as the British had with Hong Kong. Second, the American treaty contained a provision for treaty revision every twelve years, an item the British treaty did not contain. Third, the United States agreed not to use opium as an article of trade. The British were now trading in opium openly, and Hong Kong was the center of the trade. Most importantly, however, the treaty clearly defined the principle of extraterritoriality, which the British treaties covered only in a general way. Simply stated, extraterritoriality made Americans in China subject to American laws and American courts. The provision necessitated adequate consuls and a consular court system in the Chinese treaty ports.⁵⁵ A

appointment at a \$4,500 per year salary. Additionally, it must be remembered that the United States interpreter for the mission, Parker, was married to yet another Webster.

⁵⁴U. S., Statutes at Large, vol. 8.

⁵⁵Fuess, Cushing, 1:439. Part of Cushing's view of China as "outside the limits of Christendom" was based upon the Terranova affair. Francis Terranova was a seaman on the American ship Emily. While the Emily was sailing up the Pearl River to Canton in September 1821, Terranova supposedly dropped a jar overboard. This jar reportedly struck a Chinese woman on the head and killed her. Chinese officials insisted the jar had been thrown at the woman. They demanded the

number of factors combined to make this a difficult goal to achieve.

For a variety of reasons Congress acted as an impediment to the creation of a good consular system. Some Congressmen doubted the need for the mission to China. This was indicated by their opposition to Tyler's appropriation request. In subsequent years these opponents continued to resist further United States involvement in China.⁵⁶

Congress was also poorly informed about China's culture geography, and politics. An example of this lack of information is found in legislation Congress passed in 1848. In a law enacted in that year, Congress assumed that Macao was Chinese territory and included it in a list of areas subject to the extraterritoriality provisions of the Cushing Treaty.⁵⁷

"murderer" be turned over to them. In spite of the many protests by the Emily captain and testimony from the crew, Terranova was tried by the Chinese. On October 28, 1821, the Chinese executed him by strangulation. U. S. Congress, House, Political Relations between the United States and China, H. Doc. 71, 26th Cong., 2d sess., 1841.

⁵⁶President Tyler asked for legislation covering the exercise of extraterritoriality which was granted in the Treaty of Wanghia, as well as legislation replacing merchant-consuls with nontrading consuls. No action was taken on his request. See: U. S. Congress, Senate, Message from the President of the United States Communicating an Abstract of the Treaty Between the United States and the Chinese Empire, S. Ex. Doc. 58, 28th Cong., 2d sess., 1844, p. 4-5. Also see: U. S. Congress, Senate, Senator Walker speaking against an amendment lowering the salary for a minister to China, 28th Cong., 2d sess., February 28, 1845, Congressional Globe, 14: 368-369.

⁵⁷U. S., Statutes at Large, vol. 9.

In addition, due to the pressure of legislation it considered more urgent, Congress often delayed work on bills relating to China and the consular system. For instance, the embarrassing error in the legislation, mentioned in the previous paragraph, was not corrected until 1850.⁵⁸

Funds for the consular system were always a problem. As late as 1852, there were only ten salaried United States consular positions in the world.⁵⁹ The other consuls were paid by the fee schedule method. They kept a portion of any fees they collected. Often the fees were insufficient to both meet the expenses of the office and pay them a reasonable wage.⁶⁰

The spoils system was an additional detriment to the consular system. Because of their political connections, many American merchants received appointments as consuls in China. In some instances these merchants were already in China at the

⁵⁸Ibid. Also see: U. S. Congress, Senate, Modification of an Act Approved August 11, 1848, S. Ex. Doc. 43, 36th Cong., 1st sess., 1859, for Secretary of State, Lewis Cass' letter dated May 16, 1859, pointing out other necessary modifications of the act.

⁵⁹Griffin, Clippers and Consuls, p. 48. Stuart, Consular Practice, p. 169, indicates the majority of these salaried consuls dealt with the Barbary States--Algeria, Morocco, Tripoli, and Tunis--as no one would take the consulates there without a salary.

⁶⁰McLane to Marcy, August 20, 1854, Correspondence of Commissioners, pp. 165-167. In this correspondence McLane describes the financial problems of the United States consuls in the ports of Ningpo and Shanghai.

time of their appointment.⁶¹ Subsequently many of the "merchant-consuls" were able to appoint fellow merchants as consuls or vice-consuls of less important treaty ports. For example, Paul Forbes, who was a member of the powerful Russell and Company, and consul in Canton from 1843 to 1854, appointed a merchant friend Henry G. Walcott vice-consul to Ningpo, in 1844.⁶² Townsend Harris, the first consul-general to Japan, seemed to owe his appointment to the influence of P. M. Wetmore, who headed the firm of Wetmore and Company.⁶³ At no level were the consulates immune from the spoils system.

The American missionaries in China also received appointments as consuls for much the same reasons.⁶⁴ Samuel Wells

⁶¹In 1845 the United States consul at Canton, Paul Forbes, a Whig, expressed concern to friends over the upcoming election as his "commercial rivals here...will do all they can to get it (the consulate)." Papers of Wright and Company, Division of Manuscripts, Library of Congress, as cited in Griffin, Clippers and Consuls, p. 57. Townsend Harris in 1854 wrote Marcy that "twenty years was quite long enough for one family (Forbes) of Whigs to hold the Canton consulate." Ibid., Harris to Marcy, Private letter. See Appendix A for a list of United States consuls in China during this period.

⁶²Paul Forbes to Secretary of State, March 22, 1844, Despatches from United States Consuls in Canton, China, 1790-1906, U. S. National Archives, Microcopy 101: Roll 3. Hereafter cited as Consular Despatches-Canton.

⁶³In 1853 Harris applied for the position of American consul at either Hong Kong or Canton. In 1854 he received the consular post at Ningpo, but never assumed his duties there, because by then, he was more interested in receiving a consulate in Japan. Mario Cosenza, The Complete Journal of Townsend Harris, (Garden City, N. Y.: Doubleday Doran and Co., 1930), pp. 3-8. Hereafter cited as Townsend Harris.

⁶⁴Ibid., p. 50n. In 1855 Harris appointed Daniel Jerome MacGowan, a medical missionary from Boston who had been sent to China by the American Baptist Union, as vice-consul to Ningpo. Also see Appendix A.

Williams and Peter Parker are outstanding examples of the missionary-diplomat.

Finally, Congress was responsible for the general lack of authority of the consuls. While the Constitution permitted the appointment of diplomatic and commercial officers, it did not define the powers attendant with these positions.⁶⁵

President George Washington, in an address to Congress in December 1790, emphasized the need for legislation delineating both the jurisdiction and functions of American consuls.⁶⁶

Congress responded by passing a law detailing the powers of consuls in April 1792.⁶⁷

The act described, in broad terms, the duties of the consul. It also established a fee schedule for consular services. The five main duties of a consul were first, to receive protests and declarations and authenticate copies of them with their consular seal; second, to handle the settlement of the estates of Americans who died within their jurisdiction--in China this duty often simply meant notifying the seaman's next-of-kin of his death; third, to take jurisdiction over stranded United States vessels and any goods that were saved from those vessels; fourth, to serve as depositories for ships' papers; and fifth to offer relief to shipwrecked

⁶⁵U. S. Constitution, art. II, sec. 2.

⁶⁶Richardson, Messages, 1:81.

⁶⁷U. S. Statutes at Large, vol. 1.

United States sailors.⁶⁸ This latter function was especially important and, as it turned out, quite controversial, because while the consul could aid shipwrecked sailors, he had no authority or funds to assist shipwrecked American citizens.

Like the consular acts of most of the other nations of the world, the United States Consular Act of 1792 did not specify that the American consul had to be a United States citizen. Foreigners could serve as American consuls. The act also permitted American consuls to engage in private commercial activities while they were on the government payroll. This led to frequent charges that the merchant-consuls put their companies' interests ahead of their country's.

The same Americans who criticized the merchant-consul concept also opposed the spoils system method of making appointments. They claimed it resulted in American consuls who were less than adequate representatives. As a result of these complaints, in 1833, Secretary of State Edward Livingston made a report to President Andrew Jackson on the defects of the consular system. In the report, he recommended a more detailed definition of the consul functions.⁶⁹ No action was taken on Livingston's suggestion for over twenty years.

Had Livingston been aware of the problem, he might also

⁶⁸Ibid.

⁶⁹U. S. Congress, Senate, Message of the President of the United States in Relation to the Consular Establishment, S. Doc. 83, 22d Cong., 2d sess., 1833, p. 1-4.

have suggested that consuls be permitted to send their reports to a single Washington address. As it was, the consuls reported the fees they collected to the Department of the Treasury; they sent their other reports to the Department of State. The Department of State was understaffed. As a result it could oversee the consuls in only a limited manner.⁷⁰

An American consul--and James Keenan was typical--operated under all these handicaps. While in Asia he was confronted by a seeming merry-go-round of commissioners; the superior to inferior attitude of China toward the United States; and the ramifications of American foreign policy decisions vis a vis other nations of the world. For his troubles, he was poorly paid, criticized by his contemporaries, forgotten by Congress, and given inadequate instructions on the scope and functions of his office. It is amazing that anyone would take a position as a United States consul, especially in Asia, but James Keenan did. How he coped with these and other problems will be discussed in subsequent chapters.

⁷⁰Tong, U. S. Diplomacy, p. 38.

CHAPTER II

THE FIRST YEAR

James Keenan's appointment as United States consul to Hong Kong in May 1853, marked the beginning of a new era in the American consular service in Asia. Prior to Keenan's appointment, the United States government, using expediency and the spoils system, had two types of consuls, the merchant-consul and the missionary-consul. Keenan was the first of a third type of consul--the political consul.¹ Unlike the earlier consuls, his primary occupation was that of United States consul. As a result, Keenan viewed his main responsibilities to be the protection of American rights and citizens, rather than commercial concessions or conversions.

Keenan could not be termed a China hand. He had never been to the Far East before his appointment as United States consul to Hong Kong. However, he did have an advantage over the first two types of consuls. He had a political background. Keenan was born in 1819 in Greensburg, Pennsylvania, to Scottish parents. He spent his youth in Greensburg, the county seat of Westmoreland County, which was located approximately twenty-five miles southeast of Pittsburg.²

¹See Appendix A.

²Seventh Census of the United States, 1850, U. S. National Archives, Microcopy 432: Roll 933. Also: Ninth Census

In 1846, when the news of the Mexican-American War reached Pennsylvania, Keenan enlisted, as a private, in the 1st Regiment, 11th Infantry of the Pennsylvania volunteers. One admirer later wrote that he did this to "defend his nation's honor."³ During the hostilities, his regiment participated in the landing at Vera Cruz and in the capture of Mexico City.⁴ By the time of his discharge, in 1848, Keenan was a 2nd lieutenant.⁵

Upon his return to Greensburg, Keenan entered politics. In 1848, he ran for the office of Westmoreland County Register and Recorder on the Democratic party ticket. He was successful in this bid for office. He was also successful in a bid for reelection two years later. From his position as Register and Recorder Keenan made friends with a number of influential Pennsylvania Democrats.⁶

of the United States, 1870, U. S. National Archives, Microcopy 593: Roll 1465, gives fairly complete information on Keenan's brother, Edward J. Keenan, including the information that both parents were foreign born.

³Edmund Snowden to General Pierce, November 26, 1852, U. S. Department of State, Letters of Application and Recommendation During the Administrations of Franklin Pierce and James Buchanan, 1853-1861, U. S. National Archives, Microcopy 967: Roll 25. Hereafter cited as Letters of Recommendation.

⁴Ibid.

⁵William H. Powell, List of Officers of the Army of the United States from 1779 to 1900, (New York: L. R. Hamersly and Co., 1900), p. 407.

⁶P. C. Shannon to the President, undated, Letters of Recommendation.

In 1851, the newly elected Democratic Governor of Pennsylvania, William Bigler, appointed Keenan Adjutant General of the Commonwealth of Pennsylvania.⁷ With the post came the honorary title of General, a title by which Keenan was referred to for the rest of his life. The adjutant general post gave Keenan more honor than financial security.⁸ As a result, in 1852, Keenan applied to the Department of State for a position as United States consul to Glasgow, Scotland. Many of his Democratic friends in Pennsylvania supported his application with letters of recommendation. The letters were impressive. They came from members of the Pennsylvania canal board, judges in the state's 10th judicial district, Democratic members of the Pennsylvania house and senate, Governor William Bigler, and even the future president, James Buchanan.⁹ However, Keenan did not receive the Glasgow appointment. On April 5, 1853, at President Franklin Pierce's suggestion, Keenan amended his application for the Glasgow position to include any consulate of equal importance.

⁷Ibid., Charles Shales to Franklin Pierce, undated. William Bigler was defeated as governor in 1854. In 1855 he was elected to the United States Senate. Interestingly during the same time that he was governor of Pennsylvania, his brother, John Bigler, served as governor of California. See: Appleton's Cyclopedia of American Biography, s.v. "Bigler, William."

⁸Letters of Recommendation, Citizen of Pittsburg to President Pierce, undated.

⁹Ibid.

¹⁰Ibid., Keenan to Chief Clerk, State Department, April 5, 1853.

In addition to the application change, Keenan's political astuteness enabled him to apply pressure in another area in his attempt to secure an appointment as consul.

This other area was through Buchanan. When the news of Buchanan's appointment as minister to Great Britain reached Keenan, he wrote Buchanan on April 14, 1853, expressing his and other Pennsylvanian's fears that Buchanan's appointment would prevent other Pennsylvanians from receiving consular appointments.¹¹

Buchanan had already discussed this matter with President Franklin Pierce. In their conversation, Buchanan referred to the possible lack of further appointments to Pennsylvanians as an "insurmountable obstacle" to his accepting the ministership to England. Pierce gave him his assurances that Buchanan's appointment would be viewed as an "appointment for the whole country." Thus possible appointments to other Pennsylvanians would not be affected by Buchanan's acceptance. Buchanan, on the basis of this conversation, assured Keenan that his fears and those of his friends were groundless.¹²

Keenan, however, continued his correspondence with other Pennsylvanian politicians. On April 21st, he wrote another letter to Buchanan reporting a conversation between Pennsylvania Representative Augustus Drum and the President. In this

¹¹John Bassett Moore, ed., The Works of James Buchanan, (New York: Antiquarian Press, 1908-1911), 9:12-16. Hereafter cited as James Buchanan.

¹²Ibid.

conversation President Pierce reportedly told Drum that "it will be impossible to bestow important consulships on Pennsylvania," which "has a cabinet officer and the first and highest mission."¹³ Buchanan therefore was forced to continue to apply pressure to insure that his appointment would not prevent the appointments of other Pennsylvanians. Buchanan's and Keenan's endeavors were rewarded. On May 22, 1853, the President appointed Keenan United States consul to Hong Kong.¹⁴

Keenan accepted the appointment and at once began preparations for his departure. But in June 1853, he wrote the State Department and requested permission to delay his departure so that he might sail to China with Robert Walker, who had been recently offered the post of United States Commissioner to China.¹⁵ The permission was denied. Walker,

¹³Ibid. Pierce's cabinet consisted of Secretary of War Jefferson Davis (Mississippi), Secretary of the Treasury James Guthrie (Kentucky), Secretary of State William Marcy (New York), and Postmaster General James Campbell (Pennsylvania). White's Conspectus of American Biography, (New York: James T. White and Co., 1937), pp. 6-11. Additionally both Drum and J. M. Burrell wrote to Pierce reminding him of his political responsibilities. See: Letters of Recommendation.

¹⁴U. S. Congress, Senate, Journal of Executive Proceedings of the Senate, December 6, 1852-March 3, 1855, (Library of Congress, 1887), 9:232, 234, 240, 265. Congress approved Keenan's appointment on March 14, 1854, almost a year after Pierce appointed him consul.

¹⁵Keenan to Marcy, June 10, 1853, U. S. Department of State, Despatches from United States Consuls in Hong Kong, 1844-1906, U. S. National Archives, Microcopy 108: Roll 2. Hereafter cited as Consular Despatches-Hong Kong.

it turned out, had refused to accept the office of Commissioner because of the inadequate salary that went with the post.¹⁶ No new appointment was immediately made.

After further delays, Keenan finally left for China on October 12, 1853. He sailed from New York aboard the steamer George Law. After stopping in San Francisco, the ship crossed the Pacific and reached Hong Kong on January 25, 1854.

Keenan officially assumed his new duties on February 1st.¹⁷

When Keenan arrived in Hong Kong in 1854, he saw a bustling port which was expanding daily. It was a far cry from the "bleak and barren hill-side" that existed in 1841."¹⁸ After the Opium War Hong Kong had developed rapidly. In 1844,

¹⁶See Chapter I, p. 2, n. 3. Walker was an extremely colorful political figure. He had been born and raised in Pennsylvania, but served in the U. S. Congress as a senator from Mississippi. His Letter of Mr. Walker of Mississippi, Relative to the Annexation of Texas, written in January 1844, argued for annexation of Texas on the basis that after the soil was exhausted in Texas, slaves would move south into Mexico and South America. Thus annexation solved the problem of slavery and freed blacks. See: Frederick Merk and Lois Bannister Merk, Fruits of Propaganda in the Tyler Administration, (Cambridge: Harvard University Press, 1971), pp. 97-99. Walker and Buchanan were quite friendly. Buchanan, as President persuaded Walker to serve as governor of Kansas territory. See: Moore, James Buchanan, 10:121.

¹⁷Keenan to Marcy, February 1, 1854, Consular Despatches-Hong Kong.

¹⁸U. S. Congress, House, Report of M. C. Perry of the Naval Expedition to Japan, H. Ex. Doc. 97, 33d Cong., 2d sess., 1855, 1:134. Hereafter cited as Report of M. C. Perry. Endacott, Hong Kong, p. 18, reports that British Foreign Secretary Palmerston in a letter to Captain Elliot described Hong Kong as "a barren island with hardly a house upon it."

538 ships with a total tonnage of more than 189,000 tons entered the port. Ten years later, when Keenan arrived, 1,100 ships with a total tonnage of over 443,000 tons anchored at Hong Kong.¹⁹ Keenan himself described Hong Kong as a rendezvous point for all ships in Chinese waters.²⁰ The dramatic growth of Hong Kong can best be explained through an examination of the history of that British colony.

In 1841 Sir Henry Pottinger, who was the newly appointed British Envoy Extraordinary and Minister Plenipotentiary to China, arrived at Macao.²¹ Pottinger's instructions from the British Foreign Secretary, Lord Palmerston, were to attempt to determine Hong Kong's suitability as a British station. If he judged it unsuitable, he was to attempt to replace Hong Kong with an island that met Great Britain's needs.²²

Pottinger, however, was impressed with the possibilities of Hong Kong. It was an island of only thirty-two square miles, but it had one of the world's best natural harbours. Its position at the mouth of the Pearl River placed it only seventy-six miles from Canton, the city which was the center

¹⁹Endacott, Hong Kong, pp. 74, 126.

²⁰U. S. Congress, Senate, Report on the Commercial Relations of the United States with All Foreign Nations, S. Ex. Doc. 107, 34th Cong., 1st sess., 1857, p. 29. Hereafter cited as Commercial Relations.

²¹Endacott, Hong Kong, p. 20.

²²Ibid., p. 21.

of the China trade. Macao was approximately forty miles to the west.²³

In fact, Pottinger was sufficiently impressed with Hong Kong to move the headquarters of the British Superintendency of Trade from Macao to Hong Kong in 1842. Simultaneously he declared Hong Kong to be a free port.²⁴ Pottinger's interest in Hong Kong was so great that subsequently when a new Foreign Secretary, Lord Aberdeen, instructed him to forget about Hong Kong as an island station, he disregarded the instructions. When he negotiated the Treaty of Nanking with China in August 1842, he included a clause that gave Great Britain possession of the island.²⁵ However, since Pottinger had exceeded his instructions, Hong Kong was not declared a British colony by the British government until after treaty ratifications were exchanged with the Manchus in 1843. At that time Pottinger became the colony's first British governor.²⁶

While he was governor of Hong Kong, Pottinger performed three functions. In addition to administering the colony,

²³Ibid., pp. 1-2. Also see: N. B. Dennys, ed., The Treaty Ports of China and Japan, (Hong Kong: A. Shortred and Co., 1867), p. 1. Hereafter cited as Treaty Ports. Griffin, Clippers and Consuls, p. 279.

²⁴Dennys, Treaty Ports, p. 57. Additionally, Hong Kong, as late as 1855, had no quarantine regulations. Keenan's wry comment concerning health conditions in Hong Kong was: "No new disease can be imported." See: Commercial Relations, p. 638.

²⁵Hertslett, Treaties, p. 223, art. 13.

²⁶Dennys, Treaty Ports, p. 58.

he also served as the primary British diplomatic representative in China, and as the superintendent of British trade in the Far East. This combination of duties, which was also assumed by later Hong Kong governors, consolidated most British governmental authority in China in the hands of one man.²⁷

Pottinger served as governor for slightly less than a year. In 1844 he returned to England.²⁸ He left his successor, Sir John F. Davis, (1844-1848), the task of putting the new British colony on a firm basis.²⁹

One of the major problems Davis faced was finding capable men to fill the lesser administrative positions in Hong Kong. There were two ways in which Davis could fill these positions. He could use British citizens who resided in the area but who had little or no administrative experience; or he could wait for experienced men to be sent from Britain. As a result, some of his appointments, like those of United States consuls in the Far East, were made on the basis of expediency. It was expediency that accounted for the appointment of a former ship's mate, C. B. Hillier, as Assistant Magistrate. Hillier's presence in Hong Kong apparently was his only credential for the job.³⁰

²⁷Endacott, Hong Kong, p. 35.

²⁸Dennys, Treaty Ports, p. 59.

²⁹Endacott, Hong Kong, p. 50.

³⁰Ibid., p. 42.

Davis used his other option, that of waiting for a suitable man to be sent from England, before he established the Hong Kong police force. A former London police officer, Charles May, arrived in Hong Kong in 1845 to assume the post of Superintendent of Police. May headed a police force composed of Europeans, Indians, and Chinese.³¹

During his four year tenure as governor, Davis attempted to put the colony on a secure financial footing by renting out government-owned land. He also set up a system of monopolies and authorized the sale of licenses.³² Additionally, Davis allowed the importation of opium into Hong Kong.³³ His endeavors to establish Hong Kong financially were not particularly successful. In 1848, Davis' successor, Sir George Bonham, assumed control of a colony that was in the midst of a severe financial crisis.³⁴

Bonham was governor from 1848 to 1854. The period was notable primarily for his attempts to resolve the financial crisis. However, despite its financial difficulties, the colony continued to grow. In 1853 Bonham estimated that in

³¹Ibid., p. 54.

³²Dennys, Treaty Ports, pp. 59-60.

³³Endacott, Hong Kong, p. 53. Davis also attempted to persuade the Manchus to legalize opium on the basis that legalization would eliminate smuggling. See: Morse, International Relations, 1:548. Keenan reported in April 1855, that a large quantity of opium was shipped from Hong Kong to San Francisco. See: Commercial Relations, p. 29.

³⁴Endacott, Hong Kong, p. 79.

the five years since he had become governor, there had been an eighty-two percent increase in Hong Kong's population.³⁵ Perhaps the increase in population was due in part to the public health program on the island which reduced the number of deaths from disease, and the influx of mainland Chinese. Many mainlanders were driven to the island by the Taiping Rebellion.³⁶ In any event, by 1853, the island, which twelve years earlier had had hardly a house, now had 491 European and 2,416 Chinese residences. In addition there was a large colony of Chinese boat people.³⁷

This was the thriving British colony to which Keenan was sent to serve as American consul. Many of the problems that would confront Keenan resulted from the nearness of British Hong Kong to the Manchu-governed Chinese mainland. As a result, routine consular problems dealing with piracy, shipwrecks, and the relations between American shipmasters and their crews, became atypical in Hong Kong. The multinational jurisdiction, involving primarily Great Britain, China, and the United States, created out-of-the-ordinary problems. Furthermore, the lack of adequate definition of consular functions enabled Keenan's decisive personality to solve these problems unconventionally.

The first problem resulting from the multinational

³⁵Ibid., p. 85.

³⁶Ibid. Also, Dennys, Treaty Ports, p. 61.

³⁷Endacott, Hong Kong, p. 85.

jurisdiction that Keenan faced involved the American ship Sarah Moers. The Sarah Moers hit a reef and sank off Raven Island, which was a part of the Caroline Island group in the South Pacific, on December 2, 1853. At the time, the Sarah Moers was en route from Sidney to San Francisco. The American passengers and seamen who survived made their way ashore and remained on Raven Island until March 18, 1854. On that date the American whaler Nathaniel Talmadge and the American bark Delta rescued them and took them to Guam.³⁸

When they reached Guam on March 25, 1854, the survivors debarked from the Nathaniel Talmadge and the Delta. There was no American consulate on Guam, so the captain of the Sarah Moers, Joel Woodberry, placed himself and the rest of the survivors in the hands of the Spanish Governor of Guam, Don Pablo Perez, until arrangements could be made to transport them to Manila.³⁹

While the Americans waited for transportation, Governor Perez told those who were destitute that if they wanted to eat, they had to work.⁴⁰ Through hard labor, the workers earned a sixpence a day; but their food cost them seventy-five cents per day. In order to make ends meet, they were forced to sell everything but the clothes they were wearing.⁴¹ This

³⁸Consular Despatches-Hong Kong, deposition of Sarah Moers crew, enclosure in June 1, 1854.

³⁹Ibid.

⁴⁰Ibid., deposition of Sarah Moers passengers.

⁴¹Ibid., deposition of Sarah Moers crew.

state of affairs continued for almost two weeks. Finally Captain Woodberry arranged to have a private Spanish schooner take all the survivors to Manila.⁴²

Pablo Perez, however, refused to allow the Sarah Moers crew and three destitute passengers to leave. Instead he sent them into the country with armed guards, who had orders to flog anyone who refused to work.⁴³ Captain Woodberry objected strenuously, but to no avail. On April 17th he was forced to leave for Manila aboard his hired schooner without the crew and the three passengers.⁴⁴

Fortunately for the survivors who remained behind, the American whaler Hellesport arrived a short time later. Captain Munwaring of the Hellesport convinced Governor Perez to release the crew and the remaining passengers. On May 7, 1854, the last of the survivors of the Sarah Moers boarded the Hellesport and departed for Hong Kong.⁴⁵

In Hong Kong, the survivors appealed to Keenan for assistance. Keenan was able to deal quickly with the sailors' needs, but an appeal for funds from the three destitute passengers, Mr. and Mrs. James Mallory and their son, created a dilemma. The 1793 Act concerning Consuls and Vice-Consuls allowed him to assist destitute seamen, but it made no pro-

⁴²Ibid., deposition of Captain Joel Woodberry, July 25, 1854, enclosure.

⁴³Ibid., deposition of Sarah Moers crew.

⁴⁴Ibid., deposition of Captain Joel Woodberry.

⁴⁵Ibid., deposition of Sarah Moers crew.

vision for destitute shipwrecked passengers. On the other hand, under a Hong Kong ordinance, Keenan, as United States consul, was responsible for any destitute Americans in Hong Kong.⁴⁶ This conflict between what Keenan was allowed to do by congressional legislation and what he was required to do by British ordinance necessitated that the problem be resolved to the satisfaction of all concerned. As a result, Keenan took matters into his own hands and furnished the Mallorys with sufficient funds to enable them to return home. He also took depositions from most of the Sarah Moers survivors, and, on their behalf, sent a protest concerning their treatment to Governor Perez. Finally, he informed the State Department of Governor Perez's actions and urged that the United States "not permit such conduct from petty Spanish officials."⁴⁷

The State Department apparently took no official action on the Sarah Moers affair.⁴⁸ Still one facet of Keenan's actions--his financial assistance to the three destitute American passengers--occasioned a letter from the Secretary of State, William Marcy, to the chairman of the Senate Foreign Relations Committee. Marcy cited Keenan's action in supplying

⁴⁶Ibid., Keenan to Marcy, Sept. 22, 1854.

⁴⁷Ibid., July 25, 1854.

⁴⁸At least no mention of the Americans' difficulties with the Spanish governor of Guam was found in the letters from the State Department to the American minister to Spain, Pierre Soule, during this time. See: Diplomatic Instructions, Roll 143. However, the State Department forwarded the letter to the nonexistent consul on Guam. See: Consular Despatches-Hong Kong, July 25, 1854, margin note.

funds to the American passengers to support his proposed amendment to the Civil and Diplomatic bill.⁴⁹ The amendment called for annual appropriations for the relief of destitute American citizens in foreign countries. Keenan's actions in the Sarah Moers affair emphasized the need for an expansion of consular functions.

While Keenan was still involved in resolving the Sarah Moers affair, the problems Chinese pirates were creating for Americans and American interests in Asia came to his attention.

The Hong Kong area was infested with Chinese pirates. This was due in part to the number of small islands and channels in the Pearl River. The maze of waterways enabled the pirates to nearly always slip away from their pursuers. The fact that Hong Kong served as a meeting place for Western ships increased its attractiveness to the pirates.⁵⁰ Additionally, the lack of British jurisdiction over the waters around Hong Kong made the area a relatively safe place for pirates to operate. For a number of years, the British were unable to deal with the pirate problem. As late as 1864, the

⁴⁹ Marcy to Mason, December 22, 1854, U. S. Congress, House, Claim of James Keenan, United States Consul at Hong Kong, H. Ex. Doc. 113, 35th Cong., 2d sess., 1859, p. 58. Hereafter cited as Claim of James Keenan.

⁵⁰ Commercial Relations, p. 29, 636. Keenan reported that the estimated number of pirates in Chinese waters was 100,000 men. Also, Dennys, Treaty Ports, pp. 66, 71, noted that during March, April and May 1853, there were thirty-two cases of piracy in the Hong Kong area, while in 1855, twenty-three pirate junks were destroyed by the H. M. S. Bittern.

governor of Hong Kong, Sir Hercules Robinson revealed that the British court system still could not cope with the pirates. He urged that all captured Chinese pirates be turned over to the Chinese for prosecution since they could not be effectively prosecuted by the cumbersome Hong Kong court system.⁵¹

Finally, the British naval force in the area during the mid 1850s was virtually nonexistent, because the British involvement in the Crimean War required the presence of the British navy elsewhere.

Thus once again Keenan was faced with a problem complicated by multinational jurisdiction. The Manchu government was disinterested in controlling the pirates. Even if the dynasty had been concerned, they had no effective navy.

Therefore, since the Manchus would not and the British could not deal with the problem, Keenan with his customary decisiveness, turned to the United States navy for the solution. Keenan's attempts to get United States naval authorities in the area to take some action against the pirates led to a heated correspondence with Captain Cadwallader Ringgold, commander of the United States Surveying and Exploration Expedition in the Far East.⁵² Interestingly enough neither Keenan's nor Ringgold's superiors were in the Hong Kong area

⁵¹Endacott, Hong Kong, pp. 131-132.

⁵²"Early Voyages of American Naval Vessels to the Orient," U. S. Naval Institute Proceedings, vol. 37, no. 137-140, (1911) p. 412. Hereafter cited as Proceedings.

at the time of the exchange. Keenan's legal superior, the Minister to Great Britain, James Buchanan, was in London. The highest American diplomat in the Far East, who at least technically out-ranked Keenan, was the American commissioner to China, Robert McLane. At the time, McLane was in the north, checking on the progress of the Taiping Rebellion.⁵³ Ringgold's superior, Commodore Matthew Perry was in Japanese waters attempting to open that island kingdom to United States trade.⁵⁴

The correspondence between Keenan and Ringgold began on May 31, 1854, when Keenan notified Ringgold that Chinese pirates had attacked and captured the Dutch ship Paul Johan. Simultaneously, he relayed information concerning other reported pirate sightings in the Hong Kong area.⁵⁵ The attack caused the American merchant house of Williams, Anthon and Company to become concerned, because two American ships they had an investment in were almost two months overdue.⁵⁶ Keenan felt that an American naval vessel should be sent to

⁵³McLane to Marcy, May 21, 1854, Correspondence of Commissioners, pp. 40-44.

⁵⁴Report of M. C. Perry, pp. 1-4.

⁵⁵Keenan to Ringgold, May 31, 1854, Consular Despatches-Hong Kong.

⁵⁶Ibid., Williams, Anthon and Company to Keenan, May 31, 1854. Williams, Anthon and Company were the agents of the overdue ships. Henry Anthon had been the vice-consul for Hong Kong until Keenan arrived to take over the consulate. Charles Delano Williams served as the Swedish and Norwegian consular agent at Hong Kong during this time. See: Claim of James Keenan, p. 30.

locate the overdue ships. The sending of the ship, Keenan suggested, would serve as a warning to Chinese pirates that the United States would take action to protect "American shipping and American interests."⁵⁷ Keenan also supplied Ringgold with some reported pirate locations.

In his response dated June 1st, Ringgold pointed out that the expedition was not equipped to chase pirates. Further, in his opinion two overdue ships did not constitute a great enough emergency to require the intervention of the United States navy. Still, Ringgold did not totally preclude the use of an American naval vessel. He indicated that if the repairs that were needed by his ships could be completed and if, in the meantime, Commodore Perry did not require the use of his squadron, a vessel might be made available to search for the overdue United States merchantmen.⁵⁸

Several days after Ringgold's response to Keenan, Charles Delano Williams of the American mercantile firm of Williams, Anthon and Company called upon Ringgold in an effort to persuade him to do something immediately about the overdue American ships. Williams extracted a promise from Ringgold to send a naval vessel to look for the missing ships.⁵⁹

A week later (June 9) Ringgold still had not redeemed

⁵⁷Ibid., Keenan to Ringgold, May 31, 1854.

⁵⁸Ibid., Ringgold to Keenan, June 1, 1854.

⁵⁹Ibid., Ringgold to Keenan, June 9, 1854.

his promise to Williams. On that date, two separate newspaper items caused the Ringgold-Keenan correspondence to become vitriolic. One item was an article in the June 8th edition of the China Mail. The article suggested that Ringgold was neglecting American shipping interests in the area. It described as "disgraceful" Ringgold's refusal to send any of the vessels under his command to suppress the pirates or look for the overdue American ships.⁶⁰

The second news item was an advertisement in the June 9th Hong Kong Register and Recorder. The ad read, "The United States consulate at Hong Kong desires tenders for an American vessel to be fitted out for the purpose of hunting down pirate junks in Chinese waters."⁶¹

Ringgold branded the first article "discourteous, ill-natured, offensive, and ill-judged."⁶² He also implied that the source for the article had been the American consul and insisted that Keenan have their correspondence published to "rebuke" [sic] the article.⁶³ Keenan responded immediately to Ringgold's charges. First, he disclaimed any prior knowledge of the article in the China Mail or any acquaintanceship with its author. Keenan also denied any knowledge of the ad

⁶⁰For the complete text of this article, see: Appendix D.

⁶¹Hong Kong Register and Recorder, June 9, 1854.

⁶²Ringgold to Keenan, June 9, 1854, Consular Despatches-Hong Kong.

⁶³Ibid.

in the Register and Recorder. Additionally, Keenan pointed out that the editor of the paper had admitted that the ad had not emanated from the United States consulate. Finally, Keenan attempted to placate Ringgold by reiterating the information concerning the reported pirate locations contained in his May 31st letter to Ringgold.⁶⁴

Ringgold, however, refused to be placated. In a letter written the next day, he reiterated his charges that the advertisement had in fact originated in the consulate. He also described it as an insult to the American flag, and implied that the advertisement's appearance reflected unfavorably on Keenan's performance of his duty, even if Keenan had had nothing to do with it. Finally, Ringgold gave Keenan a list of their correspondence and the order in which he wanted it published.⁶⁵

Keenan responded quickly to this letter. He objected to Ringgold's tone, the officer's refusal to believe the denial concerning the advertisement, and the captain's aspersions on his ability as a consul. Then Keenan again offered evidence of his innocence. He informed Ringgold that the editor of the Register and Recorder, Andrew Dixon, admitted that his paper's reference to the United States consulate was an error, and had stated so in an editorial.⁶⁶ He also informed Ringgold

⁶⁴Ibid., Keenan to Ringgold, June 9, 1854.

⁶⁵Ibid., Ringgold to Keenan, June 10, 1854.

⁶⁶Ibid., Dixon to Keenan, June 10, 1854.

in no uncertain terms that he knew his consular duties and could fulfill the office and protect his country's flag. Further, Keenan remarked that he had no intention of making himself "ridiculous by being embroiled in a petty quarrel with any gentlemen who...wore a Sword." In a final jibe Keenan expressed his regret at Ringgold's insistence on the publication of their correspondence, for he felt the correspondence would reflect badly on the U. S. Navy.⁶⁷

Keenan's opinion was shared by the editor of the China Mail. He prefaced the published correspondence with a lengthy editorial. In it several of the inconsistencies in Ringgold's letters were pointed out. The editorial also described Ringgold's June 9th letter to Keenan as having been written "in a pet." However, since the editor felt the original article had had the desired effect, nothing more needed to be said on the subject.⁶⁸

Unfortunately, both Keenan and Ringgold had jumped to incorrect conclusions about one another. Neither seemed to consider the possibility that the article in the China Mail and the advertisement in the Register and Recorder might have been the work of either Mr. Williams and/or Mr. Anthon. These two men had a vested interest in involving the American navy in the protection of American shipping. Also, Anthon had served as acting United States consul in Hong Kong before

⁶⁷Ibid., Keenan to Ringgold, June 12, 1854.

⁶⁸China Mail, June 15, 1854.

Keenan's arrival. Williams was the Swedish and Norwegian consul.⁶⁹ Anthon's former position could account for the Register and Recorder advertisement being credited to the consulate.

If in fact Williams and/or Anthon were responsible for the article and the advertisement, their actions were successful. Despite his anger, Ringgold despatched the United States brig Porpoise, under the command of Lieutenant Henry Rolando, to look for the missing ships. Luckily, Rolando met one of the missing ships, the Valparaiso and escorted it safely to Hong Kong.⁷⁰

Following the June 12th letter from Keenan to Ringgold, there was a week's lull in their correspondence. During this time Ringgold had sent out Rolando while he himself went to Whampoa aboard the Vincennes. At Whampoa Ringgold assisted the chartered United States steamer Queen in protecting the American interests in the Canton area from a threatened attack by Chinese revolutionaries.⁷¹ The attack did not materialize, primarily because Imperial Chinese forces in Canton succeeded

⁶⁹See note 56.

⁷⁰Correspondence of the Commissioners, Rolando to Keenan, September 18, 1854, pp. 226-227.

⁷¹U. S. Congress, House, Execution of the Treaty with China for the Settlement of Claims, H. Ex. Doc. 29, 40th Cong., 3d sess., 1868, p. 147. Hereafter cited as Claims against China. Also, Ringgold to Keenan, June 10, 1854, Consular Despatches-Hong Kong.

in repulsing the rebels.⁷²

On Ringgold's return to Hong Kong, he reopened his correspondence with Keenan. On June 19th, he pointed out to Keenan that he had at least partially fulfilled the promise he made to Williams by having one of his vessels escort the Valparaiso safely to Hong Kong. Ringgold could not resist giving Keenan an account of the Porpoise's cruise in search of the Valparaiso and of the pirates. He informed Keenan that at one point a number of Chinese junks and boats of various sizes had approached within hailing distance of the Porpoise. When the Chinese pilot aboard the Porpoise had been asked by the American officers what type of boats these were, he responded that they were "pirate" boats. Fortunately, before taking action, Rolando had inquired further and discovered what the pilot really meant was that they were pilot boats. The crux of the problem to Ringgold was the Chinese pronunciation of the Western letter "l". He mistakenly claimed that their mispronunciation of the word "pilot" sounded like "pirate". Ringgold then naively suggested that this mispronunciation might well be the reason for the numerous reports of pirate activity in the Hong Kong area.⁷³ Ringgold had apparently not

⁷²Morse, International Relations, 1:410. The attack, however, was only delayed. At the end of the year (December 30, 1854) an attack did occur. The fighting in and around the area of Canton totally disrupted trading. Both the British and American naval forces combined to help clear the area of rebels. See: Griffin, Clippers and Consuls, p. 243.

⁷³Ringgold to Keenan, June 19, 1854, Consular Despatches-Hong Kong.

yet received Keenan's letter of the 12th, when he penned his account of Rolando's experience.

Later the same day (June 19th), he wrote a second letter to Keenan. This time he objected to Keenan's description, in his June 12th letter, of their correspondence as a petty quarrel. He did, however, concede that there were differences of opinion which might be resolved by a personal meeting. He invited Keenan to choose a time to come aboard his ship the Vincennes for a meeting.⁷⁴

Keenan responded to both of Ringgold's letters on June 21st. He politely declined Ringgold's invitation to meet, ironically citing the demands of his office as requiring too much of his time to leave any for visiting. He then proceeded, in a crisp fashion, to correct Ringgold's ignorance concerning the Chinese pronunciation of the English language. Keenan painstakingly described for Ringgold's benefit how it was the letter "r" that the Chinese could not pronounce--not the letter "l." As evidence of this Keenan referred Ringgold to two well-known scholarly works on the subject. He then suggested that Rolando's pilot on the Porpoise must be an exceptional Chinese if he were in fact saying "pirate" rather than "pilot." The matter of Chinese pronunciation, however, was beside the point, for as Keenan sarcastically informed Ringgold, no matter what they called themselves, the acts of

⁷⁴Ibid., Ringgold to Keenan, P. M. June 19, 1854.

piracy in the area were committed by someone.

So that in the future Ringgold would know the difference between pilot boats and pirate boats, Keenan described the differences between the two. Pilot boats, according to Keenan, were small, similar to fishing boats, whereas pirate boats were generally large junks. Pilot boats seldom contained more than five men, but pirate boats carried between sixty and one hundred men. Keenan ended his lecture by observing on the one hand that pilot boats were unarmed. On the other hand, the same could not be said of pirate junks. They carried from ten to forty guns. Keenan hoped that equipped with his description, Ringgold would hereafter be able to distinguish between the two.⁷⁵

If in the future Ringgold still had doubts about the prevalence of pirates in the area, Keenan suggested he either talk with other Americans or with the consuls of other Western nations. Keenan ended his letter of June 21 by making two final points. First, he stated that it was his duty to notify Ringgold of all threats to American shipping; and second, he warned Ringgold that if the United States navy would not protect American interests in the area, American citizens would organize to protect themselves.⁷⁶

This letter ended the correspondence between the consul

⁷⁵Ibid., Keenan to Ringgold, June 21, 1854.

⁷⁶Ibid.

and Ringgold. It apparently was effective, for thereafter the United States navy was more active in protecting American lives and property. Rolando and the Porpoise rescued the survivors of two shipwrecked vessels on June 25th. The survivors were stranded on the island of Pratas, which was located approximately 200 miles southeast of Hong Kong. Among the survivors were the Mallorys, the same family who had survived the shipwreck of the Sarah Moers.⁷⁷

In July, Ringgold sent Rolando to locate and destroy the pirates who were menacing American shipping off the South China coast. Rolando went first to Macao, where he learned that a large force of pirates was in Sam Cock Bay, which was approximately forty miles away. He at once decided to attack this force and was joined in the assault by two French launches and four Portuguese lorchas.⁷⁸

On July 14, 1854, Rolando and his flotilla surprised twenty-five pirate junks in Sam Cock Bay. Two of the junks were driven ashore; two were sunk; and two more were captured. Unfortunately, the other nineteen junks escaped. Rolando's force also rescued four Portuguese lorchas which, along with their crews, were being held by the pirates.⁷⁹

⁷⁷Correspondence of the Commissioners, p. 230. The Mallorys' reappearance in Hong Kong as shipwreck victims meant that the impoverished family was again Keenan's responsibility. See: Keenan to Sec. of State, Sept. 22, 1854, Consular Despatches-Hong Kong.

⁷⁸Correspondence of the Commissioners, Rolando to Keenan, Sept. 18, 1854, pp. 226-227.

⁷⁹Ibid.

Shortly after Rolando returned to Hong Kong, Commodore Perry returned to Hong Kong from Japan. Perry soon discovered that Ringgold was suffering from an "intermittent fever," which he believed had rendered Ringgold mentally incompetent. Perry relieved Ringgold of his duties and sent him back to the United States.⁸⁰ Once Ringgold was in the United States, he reopened his feud with Keenan by filing complaints about Keenan's activities with the State Department, the Secretary of the Navy, and President Pierce. Keenan defended himself successfully through the simple expedient of sending all his correspondence with Ringgold to the State Department.⁸¹

In spite of Rolando's defeat of some of the pirates in the Hong Kong area, the Chinese pirates remained a menace to American shipping interests in China. On October 7, 1854, four separate pirate bands attacked the Chilean barque Caldera in the Kulun area. The Caldera was insured by an American firm and carried an American-owned cargo. The news of the attacks on the Caldera electrified Hong Kong.⁸²

The story Captain Matthew Rooney of the Caldera told upon his safe return to Hong Kong on October 13, contained all the elements of a classic seafaring tale. The Caldera had left

⁸⁰Proceedings, pp. 413-414.

⁸¹Keenan to the Secretary of State, September 9, 1854, Consular Despatches-Hong Kong. It is unclear how Keenan came to hear of Ringgold's complaints against him.

⁸²China Mail, 14 October 1854.

Hong Kong bound for San Francisco early on the morning of October 5, 1854. The day was excellent as was the sailing. However, later in the day, the wind rose and the Caldera was caught in what Captain Rooney described as a typhoon. During the storm the Caldera's sails were shredded; her masts blown away; and she began to leak badly.⁸³ Accordingly on October 7, Captain Rooney sought shelter near a group of five small islands, which were approximately 100 miles from Hong Kong.⁸⁴

That night the exhausted and injured crew of the Caldera were forced to man hand pumps to keep the ship from sinking. While their attention was occupied in this project, three pirate junks surprised them. The pirates began their attack by throwing stink pots and other burning material onto the deck of the Caldera. The pirates then boarded the ship and overpowered the crew but did not kill them. With the crew safely tied up, the pirates spent all of the next day, October 8th, transferring the Caldera's cargo to their junks. Darkness forced them to suspend the cargo transfer before it was completed.⁸⁵

The next morning (October 9th) a large fleet of pirate vessels appeared on the horizon. Their course was set for the Caldera. When they realized this, the first group of pirates

⁸³F. B. Cutting to Peter Parker, United States Commissioner, December 3, 1855, Claims against China, p. 121.

⁸⁴Ibid., Affidavit of James B. Endacott, p. 113-134.

⁸⁵Ibid., Protest of Captain Rooney, p. 136-137.

hastily left the Caldera. The adventures of the Caldera crew were not over. The second group of pirates now took control of the Caldera. This group also did not harm the crew. In fact, they offered to send the crew to Hong Kong. These pirates finished unloading the Caldera's cargo. By 8:00 P. M. on the 9th, the Caldera was empty. These pirates departed, leaving the Caldera and her crew in charge of a Chinese boatman, whom they instructed to guide the Caldera and its crew back to Hong Kong. But, as soon as the pirates were out of sight, the boatman deserted the Caldera.⁸⁶

Later that night a third group of pirates boarded the Caldera. This group took the ship's stores and robbed the passengers and crew. When they departed, they attempted to set the Caldera on fire. They also refused to let the crew leave the ship before they tried to set the ship afire.⁸⁷

Shortly after the third pirate group had retired from the scene, a fourth pirate band boarded and stripped the ship completely. They also prevented the crew from leaving the ship. However, they did take a French female passenger away with them.⁸⁸

Captain Rooney persuaded one of these pirate boats to take him to Macao by promising to pay the ship's captain a

⁸⁶Ibid.

⁸⁷Ibid.

⁸⁸Ibid.

sizable sum. Rooney reached Macao on October 12, 1854. There he protested in vain to the Chinese authorities. When he received no satisfaction, he went on to Hong Kong. At midnight on October 13, Rooney entered his protest with the French consul.⁸⁹

After filing his protest Rooney wasted no time in getting back to the Caldera and his crew. He chartered the Lady Mary Wood and left Hong Kong before 9 A. M. on October 14th. When he arrived at the spot where he had left the Caldera, all that he found were pieces of charred wood and his frightened and exhausted crew. After searching the area, a badly shaken Rooney returned to Hong Kong. Later another ship was sent to search for the Caldera's cargo. It was no more successful than Rooney had been.⁹⁰

Keenan soon found himself deeply embroiled in the Caldera piracy. The American firms with financial interests in the Caldera demanded that Keenan file a formal protest with the Chinese officials that sought damages for the lost ship and goods. Keenan did so. As it turned out, the crux of the Caldera question was whether or not the Chinese Imperial Government was liable for the actions of Chinese pirates. Keenan and the merchants with financial interests in the Caldera believed they were. Articles 9, 26, and 27, of the American-Chinese treaty of 1844 were cited to support their position.⁹¹

⁸⁹Ibid.

⁹⁰Ibid., Extract from Friend of China, p. 141.

⁹¹Keenan to Chang, October 16, 1854, Correspondence of

The United States commissioner to China, Robert McLane, disagreed with their contention and stated that the Treaty did not provide for indemnity payments by the Chinese government.⁹² The Imperial Government flatly denied any liability for the pirate activities.⁹³

While the question of financial compensation was being debated, a joint military expedition was organized to punish the pirates and to attempt to locate and recover the Caldera's cargo. Keenan was so irate over the pirates' lack of respect for American shipping interests that he fulfilled his threat to Ringgold, and personally accompanied the armed force. The force consisted of two war junks, under the command of a Chinese mandarin; the British steamships Encounter and Barra-couta; the steamer Queen chartered by the United States; a Portuguese lorcha Amazonia; and two other chartered steamers, the Canton and the Charles Forbes. In addition to Keenan, the editor of A Friend of China, William Tarrent, and one of the owners of the Caldera cargo, S. W. Alvord, also traveled with the force.⁹⁴

the Commissioners, p. 463. Also, Ibid., Nye Brothers & Co., Russell & Co., Henry W. Hubbell, and Alvord & Co. (agents for the Caldera) to Robert McLane, December 9, 1854, pp. 476-480.

⁹²Ibid., McLane to Caldera agents, November 27, 1854, pp. 474-476.

⁹³Yeh to Spooner (U. S. Vice-consul at Canton), October 19, 1854, Claims against China, pp. 142-143.

⁹⁴Ibid., George Preble to Henry Hubbell, June 1, 1859, pp. 149-150.

On November 12, 1854, the fleet reached Kulun. When they attempted to land, Chinese pirate junks and shore emplacements fired at them. The force returned the fire and stormed the pirate enclave. They captured twenty-eight cannons, forty-seven junks and two pirate villages. They found some property belonging to the Caldera aboard the junks and in the villages. The commander of the expedition, Captain O'Callaghan, of the British navy, ordered the junks and villages burned. Before leaving the village, Keenan secured the flag of the pirate chief as a trophy.⁹⁵

While the expedition was successful in destroying the pirates' junks and the villages they used as their bases, it was unsuccessful in recovering the Caldera cargo. As a result the American firms continued to seek compensation from the Chinese government. Their claims remained unsettled for almost fifteen years.⁹⁶

By the end of his first year as consul to Hong Kong, James Keenan had a first-hand knowledge of some of the difficulties that confronted an American consul who was accredited to a British colony which was located in Chinese waters. His actions during the year had demonstrated that in his zeal to protect American citizens and financial interests in the Hong Kong area, he had a tendency to exceed his instructions.

⁹⁵Keenan to Marcy, December 10, 1854, Consular Despatches-Hong Kong.

⁹⁶Claims against China, p. 164.

During his second year as the United States consul to Hong Kong, Keenan would continue to exceed his instructions and become even more controversial.

CHAPTER III

CONTROVERSIAL KEENAN

As mentioned, in 1854, Keenan tested the scope of his authority through his handling of the Sarah Moers' affair, his correspondence with Commander Ringgold, and his search for the Caldera pirates. During his second year in Hong Kong, he challenged the British authorities in the colony. Here too he exceeded the limits of his authority in order to perform what he viewed his duty.

The windmill at which Keenan tilted was the British claim that they had the right to board American ships in Hong Kong harbor and in some instances remove sailors from them.

Keenan's first encounter with this problem came in September 1854. In that month, he learned that the British Hong Kong police intended to board the American schooner Joshua Bates and remove a man Keenan had ordered held aboard her in irons. Keenan notified Commodore Matthew C. Perry, who was still in Hong Kong with the Japanese squadron, of the British intentions and requested that he assign a guard to the Joshua Bates.¹ Perry complied with Keenan's request, and

¹Keenan to Commodore M. C. Perry, September 5, 1854, Claim of James Keenan, p. 58.

the police made no attempt to board the ship.²

Keenan, however, was aware that the United States navy would not always be able or willing to assist him in preventing the British officials from boarding American ships. Technically what he should have done to protect against future boardings was to have written his legal superior, the United States Minister to Great Britain, James Buchanan, about the matter and let Buchanan handle it.³ Instead, when the American Commissioner to China, Robert McLane, visited Hong Kong in October 1854, Keenan brought the matter to his attention.⁴ As a result, McLane, Keenan, and the British Attorney General of Hong Kong, W. T. Bridges, met to discuss the Joshua Bates incident and to resolve the handling of future similar incidents. At the meeting, McLane and Keenan argued that the British had no right to board American ships and interfere with their internal affairs. Bridges conceded the point. In Bridges' presence, McLane instructed Keenan to move the United States consulate to Kowloon--an area still controlled by the Chinese--if the British ever again interfered with the performance of his duties.⁵ McLane and Keenan both seemed

²Ibid., Keenan to Secretary of State William Marcy, November 14, 1855, p. 5.

³Keenan obviously knew Buchanan was Minister to Great Britain after the pressure he had applied to get his post. See: Chapter II, pp. 4-5.

⁴Keenan to William Marcy, November 14, 1855, Claim of James Keenan, p. 6.

⁵Ibid.

oblivious to the fact that since the Sino-American Treaty of Wanghia did not guarantee American access to Kowloon, McLane's instructions were of dubious legality.⁶

Less than six months later, McLane resigned his post as American Commissioner to China.⁷ Therefore in October 1855, when the British did board an American ship anchored in Hong Kong harbor, Keenan had to deal with the matter himself.

The incident involved the barque Reindeer. At first, the incident seemed to be a simple matter of desertion. Captained by Erastus Nichols, the Reindeer arrived in Hong Kong on October 12, 1855. Five days after its arrival Captain Nichols asked Keenan to have one of his seamen, a deserter, John Madison, arrested and returned to the Reindeer. Since the American consulate did not have a marshal, Keenan notified the British superintendent of police, Charles May, of the desertion and requested his assistance in arresting Madison.⁸ May did not immediately acknowledge Keenan's request, and his oversight caused Keenan and Captain Nichols to visit him on October 18.⁹ They took the Reindeer's articles with them.

⁶U. S., Statutes at Large, vol. 8.

⁷McLane to Marcy, April 19, 1855, Correspondence of Commissioners, p. 490.

⁸Keenan to May, October 17, 1855, enclosure in Keenan to Marcy, November 14, 1855, Claim of James Keenan, p. 11. May was a former London police officer who had served as superintendent of police in Hong Kong since 1845. See: Endacott, Hong Kong, p. 54.

⁹Keenan to William McCluney (Commander of U. S. S. Powhatan), October 23, 1855, Claim of James Keenan, p. 7.

The articles described Madison as being twenty-one years old, five feet six inches in height and listed his birth place as New York City.¹⁰ May agreed to look into the matter.

Two days later (October 20) Madison returned to the Reindeer of his own accord, but refused to perform his duties. Captain Nichols was not on board at the time, and, Charles Day, the officer in charge of the vessel, put Madison in irons. The following day Captain Nichols released Madison and ordered him to return to his post. Madison refused to obey Nichols' order and attempted to strike the captain. Nichols and chief officer Day overpowered Madison and placed him in irons for the second time.¹¹

Several hours later a squad of Hong Kong police boarded the Reindeer and freed Madison. Nichols was absent at the time, but when he learned of Madison's release, he immediately reported the boarding to Keenan. Keenan, in turn, sent a vigorous protest to the British authorities in Hong Kong.¹²

Several days later, Keenan learned that the Madison case was considerably more complicated than he had first believed. While Madison was absent without leave from the Reindeer, (October 17-20) he had visited the assistant superintendent of British police in Hong Kong, Mr. Grandpre. Madison told

¹⁰Ibid., Keenan to May, October 56 [26?], 1855, p. 11.

¹¹Ibid., Nichols to Keenan, October 13 [23?], 1855, p. 18.

¹²Ibid.

Grandpre that he was a native of Suderland, England and he wanted to join the Hong Kong police force, but had been unable to do so because he could not obtain his discharge from the Reindeer. Grandpre apparently advised Madison to return to the Reindeer for his belongings, and when Madison hesitated, assured him that he would see to it that he was not imprisoned for desertion. When Grandpre learned that Madison had been placed in irons, he sent a squad of police to the Reindeer to free him. In effect, Madison had arranged for his escape from the Reindeer before he returned to the vessel on October 20th.¹³ Only hours after he was freed from the Reindeer, Madison filed assault and battery charges against Captain Nichols.

The revelation of the above facts incensed Keenan. On October 23, he accompanied Captain Nichols to his trial on the charges of assault and battery. In court, Keenan protested the whole procedure to the presiding British magistrate, C. B. Hillier.¹⁴ Keenan likened the boarding of the Reindeer by the Hong Kong police to the British actions which had involved the United States and Great Britain in the War of 1812.¹⁵ Keenan's arguments summarized over forty years of Anglo-American controversy on the subject of British search and seizure of

¹³Ibid., William Tarrant (editor of Friend of China), to Keenan, November 5, 1855, pp. 21-22. This letter confirms statements made in an October 27th editorial of Friend of China.

¹⁴Ibid., Keenan to Secretary of State Marcy, November 14, 1855, p. 3.

¹⁵Ibid., Keenan to McCluney, October 23, 1855, p. 9.

American merchant vessels and impressment of their crews.¹⁶ But essentially the consul based his arguments on two points.

His first point involved the question of the degree of jurisdiction a nation exercised over her merchant ships. The United States viewed the merchant vessels as an extension of her territory. As such, United States jurisdiction was absolute over these vessels, while they were on the high seas.¹⁷ In Keenan's view the term "high seas" also included American merchant vessels in foreign ports. He maintained the ships were still under American jurisdiction, not the jurisdiction of the nation who controlled the port. Therefore, Keenan regarded the boarding of the Reindeer without either a search warrant from the United States consul, or the permission of the ship's captain, disrespectful and illegal. Additionally, he maintained that since the "assault" on Madison had occurred on an American vessel the British had interfered in a matter subject solely to American jurisdiction.¹⁸ Great

¹⁶It must be emphasized that this issue arose most frequently when Britain was involved in war. At the time--from March 1854 to February 1856--Britain was involved in the Crimean War against Russia. In fact Keenan suggested to Marcy that some of the British actions toward Americans were based on their fears of an American-Russian "proclivity." See: Ibid., Keenan to Marcy, December 14, 1855, p. 24

¹⁷Daniel Webster (Secretary of State) to Lord Ashburton, August 8, 1842, The Works of Daniel Webster, (Boston: Charles C. Little and James Brown, 1851), 6:320. Hereafter cited as Webster.

¹⁸Keenan to McCluney, October 23, 1855, Claim of James Keenan, p. 9.

Britain rejected any American argument claiming territorial extension for merchant vessels.¹⁹

Keenan's second point involved Madison's nationality. Madison had told Grandpre and had testified in magistrate C. B. Hillier's court that he was born in England. Therefore, the British naturally considered Madison a subject of the Queen. The British based their position on the place of Madison's birth and the principle of "indefeasible allegiance."²⁰ This principle held that a citizen of Great Britain remained a citizen from birth to death unless Great Britain specifically granted him permission to change his nationality.

The United States rejected this concept. While Secretary of State from 1845 to 1849, James Buchanan had expressed the United States opposition to the principle of indefeasible allegiance. The American view, called "voluntary expatriation," made Madison a United States citizen because he had claimed American citizenship when he joined the crew of the Reindeer.²¹ Keenan, aware of Buchanan's statements on the matter felt the British had committed two crimes. First,

¹⁹James Zimmerman, Impressment of American Seamen, (New York: Columbia University, 1925), p. 20. Hereafter cited as Impressment. Also see: Webster, p. 321.

²⁰In the Webster-Ashburton correspondence, the principle is described as "perpetual and indissoluble allegiance." Webster, p. 319. Also see: Zimmerman, Impressment, p. 21.

²¹Moore, Buchanan, 8:265-266. A complete discussion of this principle is found in John Bassett Moore, The Principles of American Diplomacy, (New York: Harper and Brothers, 1905).

they had invaded American territory by boarding the Reindeer, and second, they had removed an American citizen, who was in irons for attempting to strike an American ship's captain.

But it was a British court and Keenan's arguments fell on deaf ears. Following the return of a guilty verdict, Magistrate Hillier fined Captain Nichols seventy-five dollars. Keenan, who was by this time furious, advised Nichols not to pay the fine. The consul then escorted Nichols out of the courtroom and to the American merchant house of De Silver and Company, which was several blocks away.²² A group of British police followed them. At the door to De Silver and Company Keenan stopped and remonstrated with the British policemen, who obviously hoped to arrest Nichols for not paying the fine. While Keenan was keeping the police occupied, several American sea captains, who were inside the store at the time, spirited Nichols out the back door and escorted him to the U. S. S. Powhatan.²³

After the Hong Kong police realized Nichols was no longer

²²Keenan to McCluney, October 23, 1855, Claim of James Keenan, p. 8. There were several De Silvers in Hong Kong. One, Robert De Silver, who was connected with De Silver and Company, served as the United States consul to Macao from 1849 to 1855. He also acted as naval storekeeper during this same period. When he resigned as storekeeper, he appointed Keenan as his successor. See: U. S. Department of the Navy, Letters Received by the Secretary of the Navy from Navy Agents and Naval Storekeepers, 1843-1865, U. S. National Archives, Microcopy 517: Rolls 16-17. Hereafter cited as Naval Storekeepers.

²³Nichols to Keenan, October 13 [23?], 1855, Claim of James Keenan, p. 19.

in De Silver's store, they returned to police headquarters and apprised the superintendent of police, Charles May, of what had transpired. May went to the Powhatan and demanded the surrender of Captain Nichols.²⁴ Captain William McCluney, the commander of the Powhatan, refused to honor the request.²⁵ Captain McCluney concurred with Keenan's belief that the British actions in the Reindeer case were illegal. He now indicated to May his willingness to use force, if necessary, to protect American sailors in Hong Kong from British attempts to claim jurisdiction over them.²⁶

Two days later, on October 25, 1855, Keenan reiterated his position on this matter to the British Colonial Secretary, W. T. Mercer.²⁷ However, Keenan's vigorous representations made no impression on the British. On the same day, acting on a tip, Superintendent May, and a squad of Hong Kong police, boarded the American ship River Bird and conducted a search for Nichols. To their disgust Nichols was not aboard the ship.²⁸

²⁴China Mail, 24 October 1855.

²⁵Ibid.

²⁶Marcy to Secretary of Navy, J. C. Dobbin, April 21, 1856, U. S. Department of State, Executive Letters of the Department of State, January to June 1856, U. S. National Archives, vol. 1. Hereafter cited as Executive Letters.

²⁷W. T. Mercer to James Keenan, October 25, 1855, Claim of James Keenan, p. 10.

²⁸Ibid., Keenan to Marcy, November 14, 1855, p. 6.

During late October Keenan also pressed for a hearing on the desertion charges Nichols had filed against Madison. On October 27, the case was heard by the assistant Hong Kong magistrate, W. T. Mitchell. Mitchell dismissed the charges against Madison and advised the seaman against having anything more to do with the Reindeer and its captain. Madison took Mitchell's advice and shipped out of Hong Kong on a British vessel.²⁹ As was to be expected, the decision infuriated Keenan. He returned to Colonial Secretary Mercer's office and delivered a new round of protests on the subject of the illegality of Madison's removal from the Reindeer and the dismissal of the desertion charges against him. Mercer refused to give Keenan any satisfaction.³⁰

Keenan's brash actions irritated nearly every British civil official in Hong Kong. On November 1, the British officials decided to put Keenan in his place. On that day, the government filed charges of assault and forcible rescue against Keenan for his part in the Nichols "escape."³¹ When Keenan chose to ignore the charges, Hong Kong police arrested him at the consulate and took him to court. Keenan had a quick arraignment, but his case was postponed until November 7th. Until that time Keenan was free on bail.³² On November

²⁹Ibid., G. Cooper Turner (Reindeer attorney) to James Keenan, November 6, 1855, pp. 12-13.

³⁰Ibid., Mercer to Keenan, October 29, 1855, p. 13.

³¹Ibid., Keenan to Marcy, November 14, 1855, p. 5.

7th, the case was postponed until November 13th. Then on the 13th, the magistrate ordered Keenan to appear before the Supreme Court on November 29th. By the 13th Keenan was convinced that the British authorities were using the charges and the court delays to harass him, especially since, by this time the Hong Kong agent for the Reindeer had paid Captain Nichols' fine.³³ Keenan's opinion was justified. Prior to November 29th, the British dismissed the charges against him.³⁴

Keenan was irritated beyond measure by the British actions in the Reindeer affair, especially in light of the understanding that he, Commissioner McLane, and Attorney General Bridges had seemingly reached the previous year. Further he felt that the British harassment of him, while he attempted to perform his official duties was uncalled for. As a result, he wrote Secretary of State, W. L. Marcy, on November 14 and asked him to urge the British to recall the governor of Hong Kong, Sir John Bowring; the chief magistrate, C. B. Hillier; the assistant magistrate, W. T. Mitchell; and the superintendent of police, Charles May.³⁵

³²Ibid.

³³Ibid., Keenan to Sir John Bowring, October 29, 1855, pp. 19-20.

³⁴James William Norton-Kyshe, The History of the Laws and Courts of Hong Kong, Tracing Consular Jurisdiction in China and Japan, (London and Hong Kong, 1898), 1:364. Hereafter cited as History of Laws.

³⁵Keenan to Marcy, November 14, 1855, Claim of James Keenan, p. 7.

Fortunately, the State Department was not brash enough to honor Keenan's request. Had they done so, the United States might have become involved in a major imbroglio. State Department officials, however appear to have shown Keenan's correspondence to the new American Minister to Great Britain, George M. Dallas, before he left for London.³⁶

In April 1856, Secretary of State Marcy sent a long sugarcoated reprimand to Keenan. The despatch lauded Keenan for his "zeal and attention to the interests of American commerce and...his protection of American citizens." But Marcy also stated that both he and President Pierce felt that Keenan had claimed "powers and jurisdictions" for himself which applied only to American consuls residing in China proper. To prove his point Marcy cited a lengthy series of legal cases that applied to the situation.³⁷

Almost simultaneously, the State Department made certain that the Navy Department understood the official United States governmental position in cases such as the Joshua Bates and Reindeer. Marcy sent a letter to the Secretary of the Navy, J. C. Dobbins, on April 21, 1856, in which he indicated his dismay at the navy's involvement in the Reindeer affair.

³⁶Margin note on Keenan to Marcy, November 14, 1855. Consular Despatches-Hong Kong.

³⁷Marcy to Keenan, April 12, 1856, Claim of James Keenan, p. 46.

Marcy urged that American naval commanders be apprised of the distinction between the United States naval vessels which were granted extraterritoriality in foreign ports such as Hong Kong, and American merchant and private vessels which were not entitled to the immunities of extraterritoriality. To make certain his request was understood, Marcy enclosed a copy of his letter to Keenan.³⁸

Communication delays prevented Keenan and his American supporters in Hong Kong from learning the State Department's position for some time. Until Marcy's note arrived, Keenan, backed by elements of the United States navy, a group of American citizens and ship masters, and the new American commissioner to China, Dr. Peter Parker, continued to pressure the British on the boarding and search issue.³⁹ In January 1856, Keenan informed Marcy that the British officials in Hong Kong had discontinued "their former course" and had started asking his permission before boarding American vessels in the harbor.⁴⁰

At least temporarily Keenan had ended in Hong Kong a British practice which had long been a source of irritation to American merchants. But in achieving his goal he had greatly exceeded his authority and had drawn a reprimand from

³⁸ Marcy to Dobbin, April 21, 1856, Executive Letters.

³⁹ Keenan to Marcy, December 14, 1855, Claim of James Keenan, pp. 40-43.

⁴⁰ Ibid., Keenan to Marcy, January 12, 1856, p. 44.

the State Department.⁴¹ However, the State Department did not reject Keenan's accomplishment and offer to return the right to board and search American merchant vessels to the British.⁴²

Keenan made additional friends among the Americans in Hong Kong through his handling of the Reindeer affair. But, simultaneously he had offended the British. One British newspaper in Hong Kong, the China Mail, demanded "an ample apology from or recal [sic] of Keenan."⁴³ British animosity toward Keenan was prevalent long after the conclusion of the Reindeer affair. It affected a court verdict almost a year later, when Keenan's duties as United States consul once again brought him into the Hong Kong courts. The case involved the salvage of the American merchant vessel, Mermaid.

The Mermaid, under the command of Captain George Smith, was carrying a cargo of cotton from Bombay to Whampoa, when, on March 2, 1856, it was driven by a storm onto the Pratas Shoals. Pratas Shoals were approximately 200 miles southeast of Hong Kong. The Captain, crew, and part of the cargo of the Mermaid were rescued by two Chinese boatmen, Lyn [sic] and Tye [sic]. Lyn and Tye took the Americans to Hong Kong,

⁴¹Marcy to Keenan, April 17, 1856, U. S. Department of State, Instructions to Consuls, U. S. National Archives, Record Group 59, 7:215. Hereafter cited as Instructions.

⁴²Keenan to Marcy, August 20, 1856, Claim of James Keenan, p. 49.

⁴³China Mail, January 1856.

where Captain Smith promptly went to the United States consulate and gave the title to the salvaged cargo to Keenan.⁴⁴ As consul, Keenan was obligated to accept the cargo. He was to sell it and with the money realized, pay Lyn and Tye a twenty-five percent salvage fee. The remaining money was to be sent to the owners of the Mermaid and to the firm that had insured the ship and its cargo.⁴⁵

Keenan fulfilled his obligations, but Lyn and Tye demanded all the money from the sale of the cargo. The Chinese based their claim on the idea that they were due more than a salvage fee because they had also rescued Captain Smith and the Mermaid crew. Keenan refused their demand. He feared acceding to it would establish a damaging and costly precedent. Lyn and Tye responded by filing a suit in the Hong Kong court against Keenan. They asked for the remainder of the money from the sale of the cargo.⁴⁶ The Hong Kong court ignored Keenan's argument that a verdict favoring Lyn and Tye would establish a precedent costly to Western shipping. The court ruled against Keenan. However, both the British Attorney General, T. Chisholm Austez and Keenan's defense attorney,

⁴⁴Keenan to Marcy, February 14, 1857, U. S. Congress, House, James Keenan, United States Consul at Hong Kong, H. Ex. Doc. 75, 35th Cong., 2d sess., 1859, pp. 6-7. Hereafter cited as James Keenan.

⁴⁵Ibid.

⁴⁶Ibid. They were willing to allow Keenan five percent for his "services" in selling the cargo.

Clark Turner, who was also British, felt that the decision was based on "political and national grounds." They called it an "utter miscarriage of justice."⁴⁷

Even as Keenan was involved in his struggle with the British courts, other events in China were building to a climax. Keenan's involvement in these events would almost cost him his post. The origins of the trouble lay in the 1844 Sino-American Treaty of Wanghia. Article 34 of the treaty provided for a treaty revision at the end of twelve years, or in 1856. However, under clause 8 in the Anglo-Chinese treaty of the Bogue--a most-favored-nation clause--Britain claimed the right to revision as well. Since the British treaty went into effect two years earlier than the Treaty of Wanghia, beginning in 1854 the British started pressuring the Chinese for a treaty revision.

The major English grievance involved the entry of British subjects into Canton. Article 2 of the British Treaty of Nan-king stated that "British subjects, with their families and establishments shall be allowed to reside...without molesta-tion and restraint" at the treaty ports.⁴⁸ However, the Bri-tish had consistently been denied entry into Canton.

After 1843, the Chinese in Canton angrily resisted Bri-tish attempts to enter the city. In 1846, Canton officials

⁴⁷Ibid., Statement of T. Chisholm Austez and Clark Tur-ner, pp. 11-13.

⁴⁸Hertslett, Treaties, 1:265.

even announced to the British that the "entrance into the city can never be allowed."⁴⁹ The British, not wishing to embarrass the Cantonese officials, temporarily relented on the entry question. But as the time for treaty revision neared, the British, especially the local British authorities, began to consider the issue of the entry into Canton a means of forcing the Chinese into negotiating a new treaty. England, however, advised the plenipotentiary to China, John Bowring, not to involve Britain in the use of force to gain a treaty revision.⁵⁰ Americans were also interested in a treaty revision, but entry into Canton was not of interest to them. Like Britain, the United States government would not sanction the use of force to gain treaty revision.⁵¹

⁴⁹Chinese Repository, January 1846. In an April 1846 letter the British Foreign Secretary, the Earl of Aberdeen, told Sir John Davis, that "it would be better to submit to some temporary inconvenience, rather than provoke the jealousy of an ignorant populace, by aiming at more than we are strictly entitled by Treaty to exact." See: Great Britain Foreign Office, Correspondence Respecting Insults in China, (London: Harrison and Sons, 1857; reprint ed., San Francisco: Chinese Material Center, Inc., 1975), p. 43. Sir John Davis also complained in a letter of January 26, 1847 to the Foreign Office that the British subjects did not contribute to amicable relations with the Chinese. In fact Davis stated that "the subjects of every other civilized Government get on more quietly with the Chinese, and clamour less for protection than our own." See: Great Britain Foreign Office, Papers relating to the Riot at Canton in July 1846, (London: T. R. Harrison, 1847; reprint ed., San Francisco: Chinese Material Center, Inc., 1975), p. 101.

⁵⁰Costin, Great Britain, p. 186.

⁵¹Marcy to Peter Parker, September 27, 1855, Diplomatic Instructions, p. 122. Parker, however seemingly neglected to make the United States position clear to Bowring. At least

Events in October 1856, gave Bowring the necessary justification to ignore his government's instructions not to use force to gain entry into Canton. These events involved a small sailing ship, the Arrow, which was sailing under British registry. On October 8, 1856, Chinese Imperial forces boarded the Arrow and seized the twelve Chinese crew members, while the ship was anchored at Canton.⁵²

The Arrow was owned by Fong Ah-ming, a Chinese merchant who resided in Hong Kong. The Arrow sailed under the protection of the British flag due to its British registry. The Arrow was entitled to a British registry under an 1855 Hong Kong ordinance which allowed Chinese who leased land in Hong Kong to register their vessels in the crown colony.⁵³

The Arrow then was owned by a Chinese and had a Chinese crew, but flew the British flag. To complicate matters further, it had a British master, Thomas Kennedy. Following the boarding, Kennedy complained to the British consul at Canton, Henry Parkes, about the seizure of his crew. Parkes felt that the boarding constituted an invasion of British territory, as

Bowring wrote to Clarendon in a letter dated May 1, 1856, that he expected the United States to support Britain with "vigorous action," as cited in Costin, Great Britain and China, p. 197.

⁵²Morse, International Relations, 1:422.

⁵³S. Wells Williams, The Middle Kingdom, (New York: Wiley and Putnam, 1848), pp. 629-684. Morse, International Relations, 1:423 suggests a reason for the Manchus' tolerance of this practice.

well as an insult to the British flag. He protested the action on these grounds to the Governor of Canton, Yeh Mingchin. Yeh explained that the boarding of the Arrow was necessary for the capture of a Chinese pirate. He also dismissed Parkes' charge of an insult to the British flag on the basis that since a Chinese owned the Arrow, the ship had no right to be sailing under the British flag.⁵⁴

Bowring was quick to use the incident. When he learned of the events, he ordered Parkes to demand the return of the crew and a written apology for the insult rendered to the British flag. Parkes presented the demands to Yeh. On October 10, Yeh offered to return nine of the men. He claimed the other three were guilty of smuggling. Parkes refused to accept Yeh's compromise. On October 21, Bowring, Parkes, and the commander of the British naval forces in the area, Admiral Michael Seymour, issued a joint ultimatum to Yeh. The ultimatum gave him twenty-four hours to either return the men and apologize, or face the consequences. Yeh did not answer the ultimatum. On October 22, Admiral Seymour inherited the problem. His solution to it was to bombard Canton.⁵⁵

⁵⁴Morse, International Relations, 1:423-24.

⁵⁵Ibid., p. 528. A slightly different view is presented in Stanley Lane-Poole, The Life of Sir Henry Parkes, (London and New York: Macmillan and Co., 1894; reprint ed., Wilmington: Scholarly Resources, Inc., 1973), 1:244. According to this source, Parkes was reasonableness personified. He merely requested the return of the crew. Bowring requested the apology while Seymour caused the real problem by bringing in the "City Question." An American in China at the time observed

Seven days later British ground forces attacked Canton and entered the old walled inner city through a breach in the wall that had been opened by the bombardment. The British went directly to Yeh's palace but found it empty. Several Americans entered Canton with the British forces. One was the American consul at Canton, Oliver H. Perry. A second was Keenan. The Americans "were not joining in...the quarrel, but simply protecting the interests of their countrymen."⁵⁶

Unfortunately, some Americans did not view their representatives' actions in this light. The discontents accused Keenan of compromising the United States neutrality in the Arrow War by entering Canton and by displaying a large United States flag while he was in the city. As in the Reindeer affair, Keenan's involvement in the incident started innocently enough.

In late October 1856, Keenan had gone to Canton on an errand for the American consul in Macao, S. B. Rawle. Rawle was an invalid and could not make the trip himself. While Keenan was in the Canton factory area located outside the

that Seymour, who was one-eyed due to a previous injury, "could see only one way to negotiate." See: W. A. P. Martin, A Cycle of Cathay or China, South and North, (New York: Fleming H. Revell, Co., 1897), p. 143.

⁵⁶Times (London), 2 January 1857. Oliver Perry, the American consul to Canton, reported with some pride to the State Department that Admiral Seymour had invited him to help himself to a souvenir from Yeh's palace. Perry did. See: Consular Despatches-Canton, Perry to Marcy, October 31, 1856.

Canton city walls, the British forces entered the main part of the city through the breach they had created in the wall. Keenan, "as a matter of curiosity," followed the British troops into the inner city and strolled to Governor Yeh's palace. Having satisfied his curiosity about the appearance of the city inside the walls and the governor's palace, he left the city and joined other Western spectators outside the city walls. Several spectators informed him that an American seaman carrying an American flag had followed him during his stroll into Canton and had not yet returned. Keenan feared the man might have been caught in the fighting which was still raging in some parts of the city and promptly went to search for him. He found the seaman in the outer courtyard of the governor's palace with the flag still furled and escorted him to safety.⁵⁷

Sometime later, Keenan sent an account of his walk in Canton to the Secretary of State, William Marcy. Keenan's despatch was not the first account of the stroll to reach the Secretary of State. Prior to its arrival, Marcy received newspaper accounts of the incident which erroneously stated that Keenan had ordered the American seaman to unfurl his United States flag and follow him into Canton. The newspaper account infuriated Marcy. He instructed the United States Commissioner to China, Peter Parker, to investigate the incident. If the

⁵⁷Keenan to Secretary of State, May 18, 1857, Consular Despatches-Hong Kong.

newspaper accounts proved accurate, Marcy ordered Parker to remove Keenan from his post.⁵⁸

Parker responded to Marcy's instructions by questioning the British consul in Canton, Harry S. Parkes, about the matter. Parkes advised him that although Americans were present in Canton on October 29, 1856, he had no knowledge of an American flag being unfurled. Parker reported this fact to Marcy and promised to continue his investigation until all doubt about Keenan's activities had been removed.⁵⁹

Less than three weeks later Parker abruptly reversed himself and claimed that Keenan had taken an American flag into Canton. Therefore, on May 20, 1857, Parker ordered Keenan to surrender his post and to turn the archives of the consulate over to a person he would designate.⁶⁰

Keenan felt Parker's action was unjustified. First, he tried to learn the name of his accuser, but Parker refused to tell him. Then Keenan objected to his removal on the grounds that there had been no hearing at which he could

⁵⁸ Marcy to Parker, February 2, 1857, Diplomatic Instructions, p. 150. It is unclear precisely what reports Marcy saw.

⁵⁹ Parker to the Secretary of State, May 5, 1857, Correspondence of Commissioners, p. 1319. Parker apparently did not check with the temporary French Minister Comte de Courcy who reported to the Quai d'Arsey that Kinnan [sic] not only carried an American flag into Canton but also was drunk and engaged in looting. See: Costin, Great Britain and China, p. 211.

⁶⁰ Parker to Keenan, May 20, 1857, Correspondence of Commissioners, p. 1388.

refute his anonymous accuser or accusers. Additionally, Keenan pointed out that William Marcy, the man who had ordered the investigation into his stroll into Canton, was no longer secretary of state. Keenan argued that if the State Department wanted him removed after hearing his story, it was the place of either the new Secretary of State, Lewis Cass, or the new President, James Buchanan, to issue the order.⁶¹ By insisting that only the president or the secretary of state had the authority to remove him, Keenan was able to circumvent Parker and keep his post.⁶²

Even though Keenan did not need their help in his struggle with Parker, many of his American friends in the Far East rallied to his support. A glowing tribute written by the New York Daily Times correspondent in Hong Kong appeared in the New York paper on July 30, 1857. The article lamented the spread of the "misrepresentations" and "falsehoods" concerning Keenan's conduct in Canton. The correspondent called Keenan the most popular American official in China and suggested that many American residents in China would be delighted to see him appointed Commissioner to the Middle Kingdom.⁶³

Another American in China, D. J. MacGowan, a physician-

⁶¹Ibid., Keenan to Parker, June 17, 1857, pp. 1396-1397.

⁶²Ironically, Parker had himself been removed by Cass on April 24, 1857, almost a month before he attempted to remove Keenan. See: Lewis Cass to Parker, April 24, 1857, Diplomatic Instructions, p. 156.

⁶³New York Daily Times, 30 July 1857.

missionary, and once an American consul himself, was perhaps influenced by this article. During the same period, MacGowan authored a series of articles which dealt with suggestions for the improvement of American diplomacy in China.⁶⁴ MacGowan made the sensible suggestion that United States consuls in China be given preference whenever the post of American commissioner to China was vacant. He argued this would be a benefit to the system in two ways. First it would be an additional incentive for the American consuls to remain in their posts. Second, he hoped that elevating a consul to commissioner would improve the cooperation between the two groups.⁶⁵

Americans in China were not the only group interested in seeing American consuls elevated to serve as Commissioner to China. Local British newspapers also expressed their willingness to see an American consul--especially Keenan--as the American commissioner.⁶⁶

The British change in attitude toward Keenan likely resulted from two considerations. First, Keenan had been

⁶⁴MacGowan was appointed vice-consul to Ningpo by Townsend Harris in May 1855. Harris was the official appointee to Ningpo but never accepted the appointment. Harris went to Japan as United States Consul-General on August 4, 1855, while MacGowan resigned as consul in June 1855. See: Cosenza, Townsend Harris, p. 50.

⁶⁵North China Herald, 6 January 1858. MacGowan's articles appeared in December 1857 and January 1858 editions.

⁶⁶Keenan to Department of State, June 28, 1858, Consular Despatches-Hong Kong. These newspapers were enclosed in this despatch.

cooperating with the British in locating and returning British deserters who were aboard American vessels. Second, his presence in Canton may have suggested to the British that if he were American Commissioner to China, he would perhaps not be quite as scrupulous in maintaining the United States strict neutrality as his predecessors had been. Whatever the reason, Keenan enjoyed very amicable relations with the British in Hong Kong while he was under fire from Parker.⁶⁷

Keenan himself might have had ambitions to become commissioner. His more immediate concern though was his poor health. Once his post in Hong Kong was again secure, on his physician's advice, Keenan began preparations to return to his home in Pennsylvania for a year's leave of absence.⁶⁸ Keenan waited until the new American commissioner to China, William Reed, arrived before departing, so that Reed could approve his choice of a temporary successor as consul in Hong Kong.⁶⁹

Reed arrived on November 5, 1857.⁷⁰ Two months later Keenan notified the State Department that with Reed's

⁶⁷China Mail, 12 November 1857.

⁶⁸Keenan to Parker, June 17, 1857, Correspondence of Commissioners, p. 1397. Keenan notified Parker that on April 7, 1857, he had received permission from the State Department to take a leave of absence if his health required it.

⁶⁹Keenan to Cass, July 22, 1857, Consular Despatches-Hong Kong.

⁷⁰Ibid. November 11, 1857.

approval he had appointed O. E. Roberts as acting consul for the duration of his absence.⁷¹ He also informed Cass that he would depart for the United States on January 29, 1858.⁷²

Keenan did not as yet know it, but following his return to the United States he would have to face the severest challenge to his consular career.

⁷¹Roberts' appointment was an unpopular one. Many of the same newspaper articles which praised Keenan, decried Roberts. His integrity was highly suspect. See: Keenan to Department of State, June 28, 1858, Consular Despatches - Hong Kong.

⁷²Ibid., January 15, 1858.

CHAPTER IV

KEENAN'S LAST YEARS

Once Keenan had departed for the United States, O. E. Roberts settled quickly into his job as acting Hong Kong consul. Roberts, however, was a man with a mixed reputation, and had a slightly over-inflated opinion of himself. In 1856, Townsend Harris, at the time United States consul-general to Japan, credited Roberts' "rascality" with the fiscal collapse of a major American merchant firm in China, Wetmore and Company.¹ Shortly after Wetmore and Company's collapse, Roberts had written the American commissioner to China, Peter Parker, requesting the consular post at Shanghai.² He did not receive the post, possibly because at that time it was ably filled by Robert C. Murphey.³

Another American in China, S. Wells Williams, who served as sometime interpreter for the American mission to China, felt that after Roberts filed his application in 1856, he should have "spent his time more energetically and prepared himself for something," rather than merely sitting and waiting

¹Cosenza, Townsend Harris, p. 179.

²Frederick Wells Williams, ed., "Journal of S. Wells Williams, L. L. D." Journal of the North China Branch of Royal Asiatic Society for the Year 1912, 42(1912)218.

³See Appendix A.

for a consular post.⁴

Roberts, like many other Americans in the Far East at the time, was highly critical of the American consular system. It has been suggested that Roberts influenced the American Commissioner to China, William Reed, to such an extent that Reed's unflattering opinions of the American consular service in China were actually Roberts' opinions.⁵ Nevertheless, Roberts' criticism may have been to a great extent motivated by his desire for a permanent consular position.

Roberts continued to criticize the consular system after taking charge of the Hong Kong consulate. Even before Keenan left Hong Kong for the United States, Roberts sent a confidential dispatch (January 27, 1858) to the State Department that bemoaned the "epedemic of drunkenness [sic]" among the United States consular officers in China. Roberts did not include the consulate at Hong Kong in this indictment. He did, however, express once again his willingness to become the United States consul at Shanghai.⁶

Subsequently Roberts realized Keenan's absence afforded him a golden opportunity to take over the Hong Kong consulate permanently. Less than two weeks after Keenan left Hong Kong,

⁴Williams, Journal, p. 218.

⁵U. S. Department of State, Despatches From United States Ministers to China, 1843-1906, U. S. National Archives, Microcopy 92: Roll 18.

⁶Roberts to Secretary of State, January 27, 1858, Consular Despatches-Hong Kong.

Roberts sent a lengthy dispatch to the State Department. The dispatch levied a number of charges against Keenan for his ineffective performance of his consular duties.⁷

Roberts claimed the Hong Kong consulate office and its accounts books were "very confused and slovenly." The condition existed, Roberts stated, because Keenan spent the majority of his time at the "ship chandlers" and had "idle and intemperate habits."⁸

Roberts also accused the clerk at the consulate of embezzlement and hinted that Keenan had been a willing accomplice.

Next, Roberts charged that Keenan had removed part of the archives of the consulate. He listed the missing items as an account book and a letter book, which contained copies of the despatches Keenan had sent to the State Department. Roberts took advantage of his discussion of the letter book to express his opinion on Keenan's entry into Canton. He claimed that Keenan was "under the influence of liquor" at the time he had taken his now celebrated stroll.⁹

Finally, Roberts charged Keenan with several counts of corruption and malfeasance of office. To support his charges, Roberts argued that Keenan had collected through the consulate

⁷Ibid., Roberts to Secretary of State Cass, February 13, 1858.

⁸Ibid.

⁹Ibid.

a two and a half percent commission on wages paid to discharged American sailors by the ship masters; that he had received an illegal twelve percent of the fees earned by the consulate clerk for "outside business" or business not directly involved with the consulate; and that Keenan had received money from ships' captains when he settled disputes between captains and crews in favor of the captains. Lastly, Roberts charged Keenan with acquiring additional illegal funds by inflating the expenses he incurred in caring for destitute American seamen. Roberts concluded that as a result of these four sources of illegal income, Keenan's post actually paid him \$15,000 per year.¹⁰

After presenting these damning indictments, Roberts modestly proposed that a "man of mercantile experience and incorruptible integrity" be made consul in Hong Kong at a salary of \$5,000 per year. He nominated himself for the post.¹¹

The seriousness of Roberts' charges caused the State Department to investigate them promptly. If Roberts' charges were not reason enough, the State Department's uncertainty over Keenan's performance was increased when the British Minister to the United States, Lord Napier, urged the State

¹⁰Ibid.

¹¹Ibid.

Department to remove Keenan from office.¹² The British were still irritated by Keenan's actions in the Reindeer affair. On June 8, 1858, Assistant Secretary of State, John Appleton, apprised Keenan that a letter had been received which "impugned his character as a public officer." Appleton invited Keenan to defend himself against the charges.¹³

Keenan responded as soon as he received the State Department letter. He pointed out that there were "selfish and dishonest motives" behind Roberts' charges. Keenan offered as evidence of his innocence the many letters and testimonials British and American citizens had written to the State Department. These letters testified to the high esteem in which he was held.¹⁴

Keenan responded to Roberts' charge that he spent too much time at a "ship chandlers" by explaining that shortly before returning to the United States on leave, he had closed his house and taken up temporary residence at the American merchant house of DeSilver and Company. He occasionally went there during the day to write letters and reports, because he encountered fewer interruptions at the "ship chandlers" than

¹²F. O. 5/711, February 26, 1859, and 5/712, March 2, 1859, Napier to Malmesbury as cited in Griffin, Clippers and Consuls, p. 171.

¹³John Appleton to James Keenan, June 8, 1858, Instructions, 7:410.

¹⁴Keenan to Department of State, June 28, 1858, Consular Despatches-Hong Kong with enclosures.

he did at the consulate.¹⁵

Keenan also had a ready answer for the missing account book and the letter book. He had brought the account book with him to the United States in order to more easily prepare and settle his accounts while in the country. The letter book contained names and facts that Keenan did not feel should be made available to the curious, so he had placed it in the safe of his agent, Mr. De Silver prior to his departure.¹⁶

Keenan dismissed Roberts' notion that he had acquired vast sums illegally as "silly."¹⁷ Keenan explained that his position on disputes between captains and crews occasionally led him into conflict with various captains. This was far removed, he asserted, from Roberts' accusation that he received gifts from the captains for returning verdicts in their favor.¹⁸

While Keenan was busy defending himself against Roberts' charges and Lord Napier's pressure for his removal, a third person filed charges against him. This latest set of charges, filed with the Secretary of the Navy, Joel Abbott, evolved from a dispute Keenan had had with an American ship captain, John W. Airey, over the care of an unidentified American seaman. Captain Airey and his ship, the Spitfire, had arrived

¹⁵Ibid.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Ibid.

in Hong Kong in May 1857. Following the accepted practice, Captain Airey deposited his ship's papers at the consulate with Keenan. On the same day he placed an ill sailor from his crew in the British hospital in Hong Kong. Simultaneously, Captain Airey fired the sick seaman and informed him he would only be responsible for the first week of his hospital bills. The hospital surgeon notified Keenan of the situation.¹⁹

Accordingly, Keenan sent for Captain Airey. The consul advised the Captain that if the crewman was able to depart with the Spitfire when it sailed from Hong Kong, Airey was responsible for all the man's hospital bills. However, if the man was unable to sail with the Spitfire, then Captain Airey owed him three months wages. Airey refused to accept Keenan's interpretation of the law. Therefore Keenan announced he would withhold the Spitfire's papers until Airey made satisfactory financial arrangements for the ill seaman.²⁰

While Keenan and Captain Airey were still arguing over the ill seaman, other Spitfire crewmen appeared at the consulate and complained of Airey's ill-treatment of them. They followed their testimony with requests that Keenan void the enlistment papers they had signed when they joined the Spitfire. Keenan investigated their charges and found them to be true. He freed the sailors of their contractual obligations

¹⁹Ibid., Keenan to John Appleton, undated.

²⁰Ibid.

to Airey, and later ignored Airey's reports that the men were deserters.²¹

Eventually Airey had to yield to Keenan's financial conditions for the ill sailor. In order to get the Spitfire's papers, Captain Airey paid the sick sailor three months wages. However, once he obtained his ship's papers from Keenan, he did not leave Hong Kong. Instead, he wandered about Hong Kong and complained about Keenan in "most unflattering language."²²

The ever volatile Keenan did not tolerate Captain Airey's actions for long. One day Keenan "conveniently" ran into Captain Airey in a store more than a mile from the consulate. When Keenan walked in, Airey was in the midst of delivering a harangue about Keenan's character. Keenan laid down his umbrella, approached Airey and said: "'Captain, you have been talking of me in this way long enough.'" He then grabbed Airey by the throat, and hit him, after which he released Captain Airey, straightened his clothes, turned, picked up his umbrella, and left.²³

Captain Airey subsequently filed assault charges against Keenan. Keenan entered a plea of guilty. The Hong Kong magistrate who heard the case was well aware of Captain Airey's

²¹Ibid.

²²Ibid.

²³Ibid.

character. He assessed Keenan the minimum fine--\$25.²⁴

The State Department concurred with the Hong Kong magistrate's view and accepted Keenan's account of the event. It also accepted Keenan's replies to the rest of the charges. To the disgust of Lord Napier and Acting Consul Roberts, the State Department sent Keenan back to his post in Hong Kong.²⁵

Keenan returned to Hong Kong in January 1859. His first act was to file a civil court suit against Roberts to recover the consular salary, which Roberts had paid himself despite a written agreement with Keenan that forbid such a payment. The two men had signed the agreement before Keenan departed for the United States. In a despatch dated February 21, 1859, Keenan notified the State Department of the suit. He also stated that Roberts had removed some books and papers from the consulate.²⁶

Keenan's next despatch (March 13, 1859), described the papers Roberts had taken. They included all the State Department despatches the consulate had received in 1858. Additionally, Roberts had removed the consulate's cash books. Keenan used the removal of these items as the basis for filing

²⁴Ibid.

²⁵Griffin, Clippers and Consuls, p. 171. Roberts' disgust must be assumed.

²⁶Keenan to Lewis Cass, February 21, 1859, Consular Despatches-Hong Kong. There is an excellent possibility that Keenan made these arrangements because of Roberts' poor reputation.

formal charges against Roberts with the State Department. Keenan simultaneously charged Roberts with extorting money from American ship captains, retaining money meant for United States sailors, and falsifying consulate accounts.²⁷

Keenan was only partially successful in his attempts to gain revenge. He won his court case and recovered part of his misapplied salary.²⁸ However, the charges he filed with the State Department did not produce the desired results. In fact, the charges appear to have gone uninvestigated. In April 1859, the State Department appointed Roberts to serve as one of two commissioners who were to negotiate outstanding American claims against China. Receiving the position helped Roberts realize his goal of getting a governmental appointment, although the position's \$3,000 per annum salary must have been a disappointment.²⁹ Possibly the State Department did not receive Keenan's list of charges against Roberts until after the appointment had been made.

²⁷Ibid., Keenan to Cass, March 13, 1859. At least one captain's log eloquently testified to the validity of part of Keenan's charges against Roberts. Captain Curwen of the Golden West described Roberts as a man "who exerts himself to annoy shipmasters." Curwen greeted the return of Keenan, "Our Consul," with relief. See: Ship Golden West Sydney, Hong Kong 1858-9, as cited in Griffin, Clippers and Consuls, p. 6.

²⁸Keenan to Cass, June 3, 1859, Consular Despatches-Hong Kong.

²⁹Cass to John Ward (American Commissioner to China), April 29, 1859, Diplomatic Instructions, p. 204. Griffin, Clippers and Consuls, p. 358, cites March 9, 1859 for the appointments.

While Keenan was attempting to settle with Roberts, he must have become aware of the changes that had occurred in Hong Kong during his absence. Some probably pleased him. In 1855, Keenan had urged the State Department to request the British government to remove Sir John Bowring, W. H. Mitchell, C. B. Hillier, and Charles May from their positions in Hong Kong.³⁰ In March 1856, Hillier was appointed British consul to Siam.³¹ In 1859, while Keenan was in the United States, John Bowring, Charles May, and W. H. Mitchell, along with former Hong Kong Attorney General Bridges were involved in a major scandal. Essentially, the scandal concerned the rumored activities of D. R. Caldwell, Registrar-General of Hong Kong.³² In 1857, Assistant Attorney General, T. Chisholm Anstey, charged that Caldwell "consorted with pirates" and was unfit for public office. A commission of inquiry found Anstey's charges largely unsubstantiated and did not recommend Caldwell's dismissal.³³ However, rumors began to circulate in Hong Kong that Bowring, Mitchell, and May, abetted by Bridges, had conspired to destroy the evidence which would have substantiated Anstey's charges. While nothing was

³⁰See: Chapter III, p. 73.

³¹Dennys, Treaty Ports, p. 73.

³²Endacott, History of Hong Kong, pp. 95, 102, 106. Registrar-General was a position created by Bowring in 1856 to explain British laws to the Chinese inhabitants of Hong Kong. Caldwell also served as a Justice of the Peace.

³³Ibid.

proven, the rumors affected these men's ability to perform their official functions.³⁴ As a result, almost immediately after Keenan's return to Hong Kong, Bowring was replaced as governor of the colony by Hercules Robinson.³⁵ Additionally, Sir Frederick Bruce became the British minister to Peking and simultaneously superintendent of British trade.³⁶ Mitchell, at the time of Robinson's arrival in Hong Kong, quietly resigned.³⁷ Bridges left the colony when it appeared that the Caldwell inquiry would be reopened.³⁸ May replaced Mitchell as Assistant Magistrate, but continued to serve under a cloud.³⁹

During Keenan's final years as United States consul, he continued to view the protection of American rights and interests as his primary duty. But his zeal in performing his duty no longer involved him in confrontations with the British authorities. Most probably the 1856 Act to Regulate the Diplomatic and Consular Systems of the United States was the

³⁴Ibid. Other accounts of the involved and complex charges, countercharges, rumors, and speculations may be found in Dennys, Treaty Ports, pp. 80-81, and Norton-Kyshe, Laws and Courts, pp. 501-30, 576-80.

³⁵Endacott, History of Hong Kong, p. 175.

³⁶Ibid. This meant a separation of functions that had been combined in one man for more than fifteen years.

³⁷Ibid.

³⁸Ibid.

³⁹Dennys, Treaty Ports, p. 81.

main reason for the calm of Keenan's final years.⁴⁰

The Act was the result of criticism of the United States diplomatic and consular system. Overall the Act created a uniquely American consular system.⁴¹ It established scales for consular salaries and expenses, defined consular duties, and set penalties for dereliction of duties. Under the salary scale, Keenan received an annual salary of \$3,500.⁴² This was \$500 more than he had been receiving. But it was still inadequate. In January 1856 Keenan had complained to the State Department that he was paying \$2,300 of his \$3,000 salary for house rent and to a clerk to assist him with the consulate paperwork.⁴³ He had to take his personal living expenses from the remaining \$700. These were greater than normal, because Hong Kong was more expensive than any neighboring Chinese port. Keenan's \$500 a year raise did not appreciably ease his situation.

The same Act granted salaried consuls up to ten percent of their annual salary for the rental of space for a United States consulate.⁴⁴ This small sum placed Keenan at a

⁴⁰U. S., Statutes at Large, vol. 11. See Appendix E for the edited text of this act.

⁴¹See: Chapter 1:26-28 for this criticism.

⁴²U. S., Statutes at Large, vol. 11.

⁴³Keenan to Marcy, January 12, 1856, Consular Despatches-Hong Kong.

⁴⁴U. S., Statutes at Large, vol. 11.

disadvantage. Rents in Hong Kong were substantially higher than on the Chinese mainland. Keenan suffered an additional disadvantage because no funds were included for the hiring of interpreters. Funds were provided for interpreters for consuls in China, but because Hong Kong was a British possession it was assumed that all consular business would be conducted in English.⁴⁵

Other sections of the bill defined consular functions and duties. One prohibited consuls from performing any diplomatic function unless the President expressly granted the consul permission to engage in the activity.⁴⁶ Another section required the consul to investigate the area around his post for opportunities to promote and expand American commercial interests.⁴⁷

Still another section specified the consul's ethical obligations and prescribed penalties for violations of them. A salaried consul was no longer permitted to engage in private business. This ended the institution of the merchant-consul, who had previously comprised the majority of United States consuls in China.⁴⁸ The salaried consuls were now also required to post a good behavior bond, which was forfeited if

⁴⁵Ibid.

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Ibid. See Appendix A for the merchant-consuls.

the consul engaged in any business other than United States governmental business. Additionally an errant consul could be convicted of a misdemeanor, and as punishment either fined or imprisoned.⁴⁹ Previously, the consul who violated the terms of his office generally risked only his post. All in all, the 1856 Act made it more unlikely that Keenan would become involved in controversy.

A second reason for the placidity of Keenan's last years in Hong Kong were the personnel changes within the Hong Kong government. A third was the sobering effect the various charges he had faced in the United States had had upon him. For these reasons, following his return to Hong Kong, Keenan limited his activities to investigating two incidents involving the deaths of crew members of American vessels.

Keenan reported the first incident to the State Department on October 28, 1859. The American ship Flora, captained by Edward Warsaw, arrived in Hong Kong early in October 1858. Many of the crew served out their contracts and received their discharges while the Flora was in Hong Kong. Once they received their discharges, the crew accused Captain Warsaw of killing a crew member known as Jim during the voyage to Hong Kong. Word eventually reached Keenan, and he investigated

⁴⁹U. S., Statutes at Large, vol. 11. One other section of vital importance prohibited foreigners from holding a United States consular post. This was a distinct departure from the practices of other nations. This section helped insure an American consular system.

the crew's charges. From October 21 through October 28, 1859, Keenan collected evidence and depositions. He concluded there was a case against Warsaw. When he notified the State Department of the incident, he also stated that he was sending Warsaw to the United States for trial on the charge of "felonious murder."⁵⁰

The second incident involved Captain Nathan Willett, master of the American ship Saracen. Possibly because of Keenan's handling of the Flora episode, the time between the arrival of the Saracen and Keenan's report of the incident to the State Department was much shorter.

The Saracen arrived in Hong Kong in late January 1861. Word spread quickly after its arrival that Captain Willett had shot crewman John Dillon on January 26, 1861. Keenan held a hearing on the case on April 1, 1861.⁵¹ Four days later Keenan satisfied himself that the charge was valid. As a result, he placed Willett in custody until a trial could be held in the United States, again on the charge of "felonious death."⁵² In both cases Keenan's decisions were unchallenged.

In 1860, Abraham Lincoln's election introduced the possibility that a Republican would replace the Democrat Keenan

⁵⁰Keenan to Cass, October 28, 1859, Consular Despatches-Hong Kong. The testimony and evidence used by Keenan in his decision were enclosed with this despatch.

⁵¹Ibid., Keenan to Cass, April 1, 1861.

⁵²Ibid., Keenan to Cass, April 5, 1861.

as United States consul to Hong Kong. On February 1, 1861, twenty-two American ship captains, all the American captains who were in Hong Kong at the time, sent a petition to President Lincoln requesting that "our consul" James Keenan, be permitted to continue as United States consul to Hong Kong. The memorial expressed the fear that if Keenan were removed, the United States maritime interests in the area would suffer.⁵³ Keenan appreciated the gesture by the American captains. However, the petition had no effect upon Lincoln. The President replaced Keenan with Horace N. Congar of New Jersey.⁵⁴ Lincoln's appointment proved a wise one. Keenan was in ill health.

By the time Congar arrived in Hong Kong in December 1861, Keenan's health had deteriorated to such a degree that he had to be carried in a sedan chair to the United States consulate to perform the function of turning over the consulate seals and records to Congar.⁵⁵ Keenan's career as United States consul in Hong Kong had ended.

Early in 1862, suffering from a "hemorrhaging of the

⁵³U. S. Department of State, Letters of Application and Recommendation During the Administrations of Abraham Lincoln and Andrew Johnson, 1861-1869, U. S. National Archives, Microcopy 650: Roll 26.

⁵⁴U. S. Department of State, List of U. S. Consular Officers, 1789-1939, U. S. National Archives, Microcopy 587: Roll 9.

⁵⁵Congar to Seward, June 30, 1862, Consular Despatches-Hong Kong, Roll 5.

lungs", Keenan sailed from Hong Kong for New York. He died while en route.⁵⁶

⁵⁶U. S. Congress, House, James Keenan, H. Rept. 49, 38th Cong., 1st sess., 1864, p. 3.

CHAPTER V

EVALUATION AND CONCLUSION

Any evaluation of Keenan as United States consul at Hong Kong must include Keenan's view of what he considered to be his primary responsibilities. Keenan made no secret of his belief that his most important duties were to protect American rights and interests in the area. In some ways this made Keenan a man ahead of his time. For example, the 1856 Act to Regulate the Diplomatic and Consular Systems of the United States changed the thrust of activities for most American consuls when it added the investigation of new commercial opportunities to their duties.¹

Keenan was already active in this area. As early as April 1854, Keenan wrote a lengthy despatch to the State Department which contained suggestions for improving American commercial interests in Hong Kong. In this despatch Keenan advised the State Department that the treatment of American vessels returning from China to San Francisco was having a detrimental effect on American commerce. The state of California had become anti-Chinese. California laws dealt severely with vessels carrying passengers and freight from China. In 1852, the California legislature levied a five to ten dollar

¹Chapter IV, p. 101.

head tax on all Chinese arrivals. In 1855 this tax was increased by legislative action to \$50 a head. Until the tax was declared unconstitutional by the California Supreme Court, American vessels carrying Chinese passengers avoided San Francisco.² Keenan recommended that the State Department not tolerate activities of this sort. Simultaneously he suggested that once this issue was resolved a steamship line be established between San Francisco and Hong Kong. He argued that, if one were in operation, Europeans leaving China would return to Europe by way of the United States. This would be financially beneficial to the United States.³

Approximately fourteen months later, Keenan again notified the State Department that anti-Chinese legislation in California was still adversely affecting American commerce in Hong Kong. He urged the repeal of all anti-Chinese legislation

²William L. Tung, The Chinese in America 1820-1973, (Dobbs Ferry, N. Y.: Oceana Publications, 1974), pp. 8-9, 51-52. This book gives a valuable chronology of anti-Chinese legislation on both the state and federal level. Keenan to Marcy, March 12, 1859, Consular Despatches-Hong Kong, describes the beneficial effect of the court decision on American shipping. Interestingly, one of the major opponents of the Chinese in California was John Bigler, the brother of the governor of Pennsylvania. See: Appleton's, s.v. "Bigler, John."

³Keenan to Marcy, April 14, 1854, Consular Despatches-Hong Kong. While Keenan does not specifically state the benefit to the United States, the implication is that he was attempting to encourage "tourism." For a complete description of steam activity in and around Hong Kong during this period, see: E. K. Haviland, "Early Steam Navigation in China," American Neptune, 22(1962)5-43.

and once again proposed a steamship line between San Francisco and Hong Kong.⁴

Keenan's efforts to expand American trade in Asia also involved him in a search for coal. Between his first and second despatch about the steamship line, Keenan became aware of the need for coaling stations for the steamships.⁵ The island of Formosa figured prominently in his coaling station plans and in the future plans of many other Americans.

Formosa lay directly on the route between Hong Kong, the China treaty ports and the west coast of the United States. The island was 120 miles off the southeast coast of China. Keenan was not the first American to express interest in Formosa. Commodore Matthew C. Perry, had sent the U. S. S. Macedonian and the Supply to explore Formosa in March 1854. The vessels reported favorably on the availability of coal on

⁴Commercial Relations, August 8, 1855, p. 639.

⁵The need for coaling stops was felt by the United States Navy as well as by United States merchants. Keenan was very close to the Naval Storekeeper in Hong Kong, Robert De Silver. In 1855, De Silver reported to the Secretary of Navy, J. C. Dobbins, that there were problems with the coal depots in Hong Kong. The problems centered on the high cost of storage areas for the coal supplies. Land costs in Hong Kong prevented the United States from being able to purchase land in Hong Kong. De Silver proposed that the United States find locations for the coal elsewhere. Later De Silver notified Dobbins that two to three hundred tons of coal were loaned to the American merchant Gideon Nye. Keenan must also have known of these problems, as he served as the Acting Naval Storekeeper in Hong Kong from March to September 1856. See: Naval Storekeepers, De Silver to Dobbins, May 14, 1855; June 9, 1855; July 7, 1855; November 22, 1855; and Keenan to Dobbins, September 1, 1856.

the island. Perry then suggested that the United States annex the island.⁶

Also in March of 1854, Townsend Harris sent a 119 page report on Formosa's commercial and coal potential to Secretary of State William Marcy. Harris proposed that the United States attempt to purchase the island.⁷ The State Department does not seem to have responded to either Perry's or Harris' proposals.

Ironically, it was not Keenan but Amoy consul, Thomas Hart Hyatt, who next brought Formosa to the attention of the American authorities.⁸ In September 1856, Hyatt described the problems and expense involved in obtaining coal from mines located 150 miles inland from Amoy to the American commissioner to China, Peter Parker. He recommended that the United States attempt to gain permission to use the coal on Formosa.⁹

It took little persuasion to convince Parker of the importance of Formosa. He began to suggest repeatedly in his

⁶Report of M. C. Perry, 2:137-38, 143-45, 153-54.

⁷William E. Griffis, Townsend Harris: First American Envoy in Japan, (Boston and New York, 1855), p. 16.

⁸The consular despatches of Hong Kong during this period make no mention of Formosa.

⁹Hyatt to Parker, September 1, 1856, Correspondence of Commissioners, pp. 965-67. For a detailed discussion of American interest in Formosa see: Thomas Cox, "Harbingers of Change: American Merchants and the Formosa Annexation Scheme," Pacific Historical Review, 62, May 1973.

despatches that the United States consider annexing the island.¹⁰

In early 1857, Keenan joined the chorus and also mentioned Formosa in his despatches to the State Department. He informed Secretary of State Marcy that he had "private and authentic information," that the British government planned "to seize and hold" Formosa.¹¹ In his Commercial Report, dated February 14, 1857, Keenan belatedly described the products of Formosa.¹²

The State Department reacted unfavorably to the four men's suggestions. The State Department's decision not to annex Formosa damaged hopes for a trans-Pacific steamship line.¹³ The problems with California also continued despite Keenan's pleas.¹⁴

In addition to being legislatively ahead of his time in the area of strengthening American commercial interests, Keenan also did things in other areas that were illegal at

¹⁰Tong, U. S. Diplomacy, contains one of the most complete discussions of Parker's attempts to interest the United States government in annexing Formosa.

¹¹Keenan to Marcy, January 29, 1857, and February 14, 1857, Consular Despatches-Hong Kong.

¹²U. S. Congress, Senate, Commercial Reports, S. Ex. Doc. 53, pt. 1, 35th Cong., 1st sess., 1858, p. 65.

¹³Marcy to Parker, February 27, 1857, Diplomatic Instructions, p. 146.

¹⁴U. S. Congress, Senate, Commercial Reports, S. Doc. 37, 35th Cong., 2d sess., 1859, p. 467. Roberts filed this report dated October 6, 1858.

the time he did them. Later the correctness of these acts would be recognized by legislation. His actions in the Sarah Moers case demonstrated this tendency. In this instance he extended consulate protection to destitute American citizens rather than just limiting it to destitute sailors as was provided for under the law.

Keenan's biggest contribution though was his protection and defense of American rights and interests. He challenged whoever stood in his way, regardless of their rank. In the case of the Chinese pirates, this led to a confrontation with Commodore Ringgold of the United States Navy. In Keenan's opinion Ringgold was inadequately defending American commercial interests in the Far East. In the Reindeer affair, Keenan challenged the British authorities in Hong Kong. He felt they were damaging American commercial activities by interfering in American vessels internal affairs. Keenan's involvement in the events in Canton brought him into conflict with the American commissioner to China, Peter Parker. Keenan justified his presence in Canton on the grounds that American commercial property and interests were being threatened by the Anglo-Chinese War in the Canton area. Finally, Keenan's problems with acting consul Roberts resulted, in part, from Roberts' treatment of American sea captains in Hong Kong. Keenan believed there was no place for graft in the Consular service.

If Keenan were evaluated in terms of what he believed

to be the duties of American consuls, Keenan was an effective consul. However, prior to 1856 strictly speaking, Keenan's primary duties as consul were to monitor United States trade activity and to protect American seamen. Keenan broadly interpreted his duties and as a result of his interpretation, he intervened actively on behalf of American commerce and American citizens. While he often anticipated forthcoming changes in the legislation regulating consuls, his actions were premature. Much of the controversial activity which marked Keenan's career involved incidents which were outside his legitimate consular functions. From this standpoint Keenan was not a good consul. His continual involvement in controversy also damaged his effectiveness. Many times he was busy extricating himself from situations that he should not have been involved in in the first place.

Keenan is a fascinating and unique character in American consular history. But he was in the wrong position to perform what he declared to be his primary duties. It was not the duty of the American consul in Hong Kong to protect and defend American citizens and interests in China. In many respects, Keenan was performing the duties of the American commissioner to China. Keenan was never commissioner to China. He was the American consul to Hong Kong. He earned the respect of the Westerners in the area for his consistency in supporting his fellow citizens, but he too frequently overstepped the bounds of his office.

APPENDIX A

CONSULS IN CHINA AND AREA

	Consul	Vice consul	Appointment Year	Resigna- tion Year
Amoy	Charles Bradley ^o	Charles Bradley, Jr.*	1849	1851
	Thomas Hart Hyatt ^x	Thomas Hart Hyatt, Jr.*	1849 1853 (June) 1854	1853 1861 1861
Canton	Paul S. Forbes ^o	R. B. Forbes ^o	1843	1854
	Oliver Perry*	Robert Sturgis ^o	1849 1854 1855	1851 1855 Past 1861
Foochow	Caleb Jones ^o		1853	1857 (Died)
	Samuel Gouverneur ^x		1859	Past 1861
Hong Kong	Thomas Waldron ^o	Henry Anthon, Jr. ^o	1843	1844 (Died)
	Frederick Bush	William Knapp ^o Jr.?	1845	1853
	James Keenan ^x	O. E. Roberts	1850 1853 (May) 1855 1858	1853 1861 1857 1859

	Consul	Vice consul	Appointment Year	Resignation Year
Macao	Robert De Silver ^o		1849	1855
	S. B. Rawle	S. B. Rawle? Gideon Nye ^o	1854 1856 1858	1856 1856 (Died) Past 1861
Ningpo	Dr. D. B. McCartee ⁺		1854	1856
	Charles Bradley ^o	D. J. Macgowan ⁺	1855 1856	1855 1860
Shanghai	Henry Wolcott ^o		1846	1848
	Robert Murphy ^x	Edward Cunningham ^o	1851	1854
		William Knapp?	1853 (July)	1857
	W. L. G. Smith		1857 1858	1858 Past 1861

Key:

- + - Missionary consuls
- o - Merchant consuls
- x - Political consuls
- * - Nepotism
- ? - No specific information available

APPENDIX B

COMMISSIONERS AND MINISTERS IN CHINA¹

Diplomatic Representative	Dates	Title	Secretary of State
Caleb Cushing, Mass.	5/8/1843- 8/15/1844	Commissioner Envoy Extraordinary	Daniel Webster Mass. John C. Calhoun S. C.
Alexander H. Everett, Mass.	3/13/1845- 6/28/1847 Died in office	Commissioner	James Buchanan Pa.
John W. Davis, Ind.	1/3/1848- 5/25/1850	Commissioner	Buchanan
Thomas A. R. Nelson, Tenn.	3/6/1851 Resigned	Commissioner	Buchanan
Joseph Blunt, N. Y.	10/15/1851 Declined	Commissioner	Webster
Humphrey Marshall, Ky.	8/4/1852- 1/27/1854	Commissioner	Webster Edward Everett Mass.
Robert J. Walker, Miss.	6/22/1853 Declined	Commissioner	William L. Marcy N. Y.

¹U. S. Department of State, Diplomatic Instructions, U. S. National Archives Service, Washington, D. C., Microcopy 77, Roll 38. Various pages.

Diplomatic Representative	Dates	Title	Secretary of State
Robert M. McLane, Md.	10/18/1853- 12/12/1854	Commissioner	Marcy
Peter Parker, Mass.	8/16/1855- 8/25/1857	Commissioner	Marcy
William B. Reed, Pa.	4/18/1857- 12/8/1858	Commissioner	Lewis Cass Mich.
John E. Ward, Ga.	12/5/1858- 12/1860	Commissioner	Cass
Anson Burlingame, Mass.	7/15/1861- 11/21/1867	Commissioner	William H. Seward N. Y.

APPENDIX C

LETTER TO THE EMPEROR OF CHINA¹

I, John Tyler, President of the United States of America--which states are: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, and Michigan--send you this letter of peace and friendship, signed by my own hand.

I hope your health is good. China is a great empire, extending over a great part of the world. The Chinese are numerous. You have millions and millions of subjects. The twenty-six United States are as large as China, though our people are not so numerous. The rising sun looks upon the great mountains and great rivers of China. When he sets, he looks upon rivers and mountains equally large in the United States. Our territories extend from one great ocean to the other; and on the west we are divided from your dominions only by the sea. Leaving the mouth of one of our great rivers, and

¹U. S. Congress, Senate, Message from the President of the United States communicating copies of the Instructions Given to the Late Commissioner to China, February 25, 1845, 28th Cong., 2d sess., Sen. Doc. 138, p. 8.

going constantly towards the setting sun, we sail to Japan and to the Yellow Sea.

Now my words are that the Governments of two such countries should be at peace. It is proper, and according to the will of Heaven, that they should respect each other and act wisely. I therefore send to you Count Caleb Cushing, one of the wise and learned men of this country. On his first arrival in China, he will inquire for your health. He has then strict orders to go to your great city of Peking, and there to deliver this letter. He will have with him secretaries and interpreters.

The Chinese love to trade with our people, and to sell them tea and silk, for which our people pay silver, and sometimes other articles. But if the Chinese and Americans will trade, there should be rules, so that they shall not break your laws nor our laws. Our minister, Caleb Cushing, is authorized to make a treaty to regulate trade. Let it be just. Let there be no unfair advantage on either side. Let the people trade, not only at Canton, but also at Amoy, Ning-po, Shanghai, Fu-chow, and all such other places as may offer profitable exchanges both to China and the United States, provided they do not break your laws nor our laws. We shall not uphold them that break your laws. Therefore we doubt not that you will be pleased that our minister of peace, with this letter in his hand, shall come to Peking, and there deliver it; and that your great officers will, by your order, make a

treaty with him to regulate affairs of trade,--so that nothing may happen to disturb the peace between China and America.

APPENDIX D

CHINA MAIL ARTICLE¹

Two pirate boats were captured by six Mandarin junks off the White Rocks at Nine Islands on Tuesday the 6th.

We learn also from Macao, that the Portuguese government lorch Amazona, Captain Carvalho, had taken two pirate junks, and gone in pursuit of two others, supposed to have formed part of the fleet which seized the Paul Johann. On board of one of the junks was found a chronometer and some books, and in the other a sextant and several articles of cabin furniture.

We are likewise told that the indefatigable Chinese informer employed by the Macao authorities has been mortally wounded by a scoundrel who lay in wait for him. The assassin at first missed his blow, and then tried to escape; but the informer in company with some soldiers gave chase, and being in advance of the others, seized the run-away, who having his right hand at liberty, plunged a long knife into the unfortunate man's side, and made for a gate, which was shut in his face. He then tripped over a stone and fell, and in trying to wrest the weapon from his hand, one of the soldiers received a dreadful gash across the face, which laid open his cheek and nose. The soldiers at last succeeded, but not until the man's

¹The China Mail, 8 June 1854.

right hand was almost beat into a jelly, and he was rendered senseless by repeated blows on the head; indeed so severely was he handled, that on being taken to the hospital, he was at once declared to be dying.

The pirates seem to be taking advantage of the alarm which prevails in the colony, and we daily hear of fleets of them being seen by vessels in this neighbourhood. Some of the junks set down as pirates doubtless are honest traders; but though, as in the case of the Fortuna, we are not inclined to give credence to every attack reported by shipmasters, still it is certain that pirates never were more plentiful than they are now. This morning's Shipping List contains a report of the Josiah Quincy having been chased off the Ladronez by four large junks; and as several other American vessels are overdue, it might naturally be expected that Commodore Ringgold, with four vessels at his command, should at least take a cruize outside and look about him. The Spartan cannot well be spared, and the duty thus naturally devolves on the Americans. An excuse may be attempted on the ground of the special service on which the surveying fleet is engaged, and on the danger to their instruments from the concussion caused by the discharge of guns; but the latter could be easily removed on board one of the other ships, and no special duty ought to excuse the Commander of a man-of-war from pursuing and extirpating pirates wherever they are to be found.

At the time the Japan squadron was lying idle in Cumsing-moon, we suggested the occasional despatch of a vessel on a cruize down the West Coast, as not only likely to benefit the cause of humanity, but conduce to the health of the men and the preservation of discipline; and we would now repeat the recommendation to Commodore Ringgold.

It is really a disgrace to both the English and American navies, that with such extensive means at their command, they do so little for the suppression of piracy; while a small Portuguese lorcha, with an officer and some twenty men, performs better service than both navies put together. Our men-of-war are dilatory enough, but the Americans are even more so; and we do not remember an instance in which a single pirate junk, numerous though they be in these waters, has fallen into the hands of the latter, or that, except on one solitary occasion, they have even taken the slightest trouble in searching for them.

APPENDIX E

AN ACT TO REGULATE THE DIPLOMATIC AND CONSULAR
SYSTEMS OF THE UNITED STATES¹

Sec. 3. And be it further enacted, That consuls general, consuls, and commercial agents, appointed to the ports and places hereinafter specified in Schedules B and C, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified...

Schedule B.

II. Consuls.

Hong Kong, three thousand five hundred dollars. Glasgow, three thousand dollars....

China.--Canton and Shanghai, each, four thousand dollars. Fouchou, three thousand five hundred dollars. Amoy and Ningpo, each, three thousand dollars.

Sec. 5. And be it further enacted, That no consul general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate, or

¹U. S., Statutes at Large, vol. 11. The Act has been edited to contain only directly relevant sections.

commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and if appointed after this act shall take effect, he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition; and if appointed before, and retained in office after this act shall take effect, he shall, within such reasonable time as the President shall prescribe, enter into a new official bond with such stipulation as a condition thereof; and if any such consul general, consul, or commercial agent, shall violate such prohibition, he shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in said Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the treasury of the United States; and such prohibition shall be applicable to all consuls general, but not to any consul or commercial agent not embraced in said Schedule B, except as hereinafter authorized,

unless otherwise expressly provided by law.

Sec. 6. And be it further enacted, That the President be and is hereby authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars per annum, to be determined by the President, and to assign such interpreters, from time to time, to such consulates in China, and with such duties, as he may think proper.

Sec. 21. And be it further enacted, That no compensation provided by this act for any such officer as is mentioned in the first section of this act, or for any assistant secretary of the legation, or for any such officer as is mentioned in Schedules B and C of the third section of this act, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office after this act shall take effect, who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

Sec. 22. And be it further enacted, That the President be, and is hereby authorized to provide at the public expense all such stationary, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business; and whenever he shall think there is sufficient reason therefor, to allow consuls general,

consuls, and commercial agents, who are not allowed to trade, actual expenses of office rent, not to exceed, in any case, ten per centum of the amount of the annual compensation allowed to such officer, and to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and return (e)s, the payment of compensation, the safe-keeping of the archives, and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests; and it shall be the duty of all such officers to conform to such regulations, orders, and instructions; and it shall be the duty of the Secretary of State to publish official notifications, from time to time, of such commercial information communicated to him by such diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select, and to report to Congress, at least once in each year, a synopsis of so much of the information on all subjects which which shall be so communicated to him, as he may deem valuable for public information.

Sec. 26. And be it further enacted, That upon the application of any seaman or mariner for a discharge, if it shall appear to the consular officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, he shall discharge such seaman or mariner, and shall require from the master or commander of the ship or vessel from which such discharge shall be made, the payment of three months' extra wages, as provided by the act hereinbefore mentioned, approved February twenty-eight, eighteen hundred and three; and it shall be the duty of such master or commander to pay the same, and no such payment or any part thereof shall be remitted in any case, except such as are mentioned in the proviso of the ninth clause of the act entitled "An act in addition to the several acts regulating the shipment and discharge of seamen and the duties of consuls," approved July twentieth, eighteen hundred and forty, and as hereinafter provided, and the extra wages required to be paid by the said ninth clause of the last hereinbefore mentioned act, and by this section, shall be applicable to the same purposes and in the same manner as is directed by the said act approved February twenty-eighth, eighteen hundred and three, in regard to the extra wages required to be paid thereby; and if any consular officer, when discharging any seaman or mariner, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the

discharge of any seaman or mariner, by either of the said acts, as far as they shall remain in force under this act or by this act, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman or mariner to the full amount of his share thereof; and if any seaman or mariner shall, after his discharge, have incurred any expense for board or other necessaries at the port or place of his discharge before shipping again, such expense shall be paid out of the share of the three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him: Provided, however, That in cases of wrecked or stranded ships or vessels, or ships or vessels condemned as unfit for service, no payment of extra wages shall be required.

Sec. 32. And be it further enacted, That if any consular officer shall wilfully neglect or omit to perform seasonably any duty imposed upon him by this or any other act, or by any order or instruction made or given in pursuance of this or any other act, or shall be guilty of any wilful malfeasance or abuse of power, or any corrupt conduct in his office, he shall liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages by any such officer, he, and his sureties upon his official bond, shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the

use of the person or persons so injured; Provided, That such suit shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against such officer, under such bond, for every wilful act of malfeasance or corrupt conduct in his office; and if any such officer shall refuse to pay any draft, order, or warrant which may be drawn upon him by the proper officer of the Treasury Department for any public moneys of the United States in his hands, or for any amount due from him to the United States, whatever the capacity in which he may have received or may hold the same, or to transfer or disburse any such moneys promptly upon the legal requirement of any authorized officer of the United States, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not to exceed ten years nor less than one year, or by fine not to exceed two thousand dollars nor less than two hundred dollars, or both, at the discretion of the court; and any such officer so offending, may be charged, proceeded against, tried, convicted, and dealt with in any district in which he may be arrested or in custody.

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