

# Alcock's Regulation on Costume and British Subjects of Chinese Origin

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## **Alcock's Regulation on Costume and British Subjects of Chinese Origin**

The staggering abundance of material contained in British Foreign Office archives, such as F017, make it difficult for us to understand the complexities of the diplomatic history of modern China by simply relying on the existing perspectives and methodologies based upon the framework of "country," such as Britain versus China. For instance, although the signing and abolition of unequal treaties was one of the most important issues in modern Chinese history, the privileges provided in an unequal treaty were not reserved for Westerners from Europe and America alone, but could also be enjoyed by the Chinese from the British colonies in Southeast Asia. In this sense, F017 can inspire us to explore and employ a new research framework. In this essay, I attempt to make a focused analysis of F017/1258, "Protection of Anglo-Chinese in China," to show the wide potential and possibilities exhibited by F017 for historical researchers.

On October 7, 1868, Sir Rutherford Alcock, the British envoy to China, issued the following notification to British consuls in China:

Therefore by the authority and power vested in me by the 85<sup>th</sup> Section of the China and Japan order in Council 1865, I do declare and order that all British subjects of Chinese descent shall, while residing or being in Chinese territory, discard the Chinese costume and adopt some other dress or costume whereby they may readily be distinguished from the native population. And I do further warn all British

subjects of Chinese descent so residing or being in the Chinese dominions as aforesaid, that in the event of their infringing or not observing this Order and Regulation, they shall not be entitled to claim British protection or interference on their behalf in any Court of Justice or elsewhere in the Chinese dominions.<sup>1</sup>

In other words, whether a British subject in China would receive protection by the British government or not was determined by their costume. Why did Alcock issue this kind of notification and what was its effect?

### **British subjects of Chinese origin and the Small Sword Society**

Based on the Treaty of Nanjing signed in 1842, five ports were opened for Western trade. From then on, Chinese individuals born in British colonies could be regarded as British subjects in China. In the supplementary treaties to the Treaty of Nanjing, the Qing government accepted the British consular jurisdiction and agreed that British subjects were to be protected by British consuls in China.

After the opening of the five treaty ports, Chinese living in the British colonies in Southeast Asia came to these treaty ports such as Amoy in southern Fujian, where their ancestors originated. If they wanted British protection, they were obliged to register at the British consulate on their arrival. However, most of them did not register and even moved into the interior where foreign people were not allowed to go. This group of Chinese people usually concealed their status as British subjects and lived among the native people. However, when they were involved in any disputes with

<sup>1</sup> F017/1258, Encl in in Alcock to Stanley, No. 254, October 13, 1868. Notification in Alcock to Consul, Circular No. 10, Oct. 7, 1868.

Qing local officials or native people, they would rush to the British consulate and seek protection as British subjects. Qing local officials tried to restrict their privilege as foreign subjects and sometimes targeted their properties because some of them were very wealthy. Yet British protection for British subjects of Chinese origin was not enough for them.<sup>2</sup>

These British subjects of Chinese origin organized a secret society called the Small Sword Society in Amoy to protect their lives and properties, and it expanded rapidly. The Qing local government regarded the society as dangerous and took all means to suppress it. In response, the society rose up and occupied Amoy in May 1853. This rebellion did not come to an end until Amoy was recaptured by Qing forces in November of the same year.<sup>3</sup>

### Regulation on costume

Issues concerning British subjects of Chinese origin were not resolved after the rebellion. The development of deltas and mines, and the expansion of plantations in Southeast Asia led to an increase in demand for laborers. Furthermore, ocean liner routes were established between southern China and Southeast Asia. As a result, the number of emigrants from South China to Southeast Asia jumped, leading to an enlarged number of British subjects of Chinese origin in southern China.

In a circular of October 1866, Alcock had the following comment on British subjects of Chinese origin:

They live with their families who have never left the country, enjoy all the rights and privileges of

Chinese subjects, buy land and houses, take part in the local administrations of their District, and sometimes conspire with secret societies against the Chinese Government to its manifest peril, and the disturbance of peace, and good order in the Realm. They are quite undistinguishable by the Native Authorities from all other Chinese subjects of the Emperor, and only discover themselves when, charged with some offence, they are arrested and held amenable to Chinese laws; and then only they claim exemption as British subjects.<sup>4</sup>

Thirteen years had passed since the suppression of the Small Sword Society rebellion in Amoy; however, the issue that sparked the rebellion remained. In order to avoid conflicts with Qing local officials over British subjects of Chinese origin and to control the activities of these subjects, the British government had to decide which categories of British subjects of Chinese origin were to be protected by the British government in China.

On June 5, 1867, British foreign minister Edward Henry Stanley, 15th Earl of Derby, suggested Alcock draft a notification to address the issue:

H. M. Govt. consider that it would be a legitimate exercise of power on their part, if, as a matter of policy it should be thought right to exercise it to lay down a regulation that British subjects of Chinese race travelling or being in China, if they propose to claim British protection in case of need, should, while in China adopt some distinctive habit or costume which shall distinguish them from the

<sup>2</sup> Ei Murakami, *Umi no Kindai Chūgoku: Fukkenjin no katsudō to Ijirisu, Sinchō* (Maritime History of Modern China: Local Fujian actors and the British and Chinese Empires), Nagoya University Press, 2013, pp. 229-239.

<sup>3</sup> Ibid., pp. 239-252.

<sup>4</sup> FO17/1258, Alcock to Consul, Circular No. 13, November 26, 1866.

admitted & avowed subject[s] of the emperor of China.<sup>5</sup>

Based on this suggestion, Alcock drafted a notification and sent it to Stanley on September 7, 1867 for review.<sup>6</sup> Stanley submitted it to law officers of the Crown. In the officers' reply on December 30, it was suggested that "it might be expedient that the British and Chinese authorities should together determine what distinctive badge or costume should be adopted," and they revised the draft of the notification.<sup>7</sup> On January 3, 1868, Stanley sent the revised notification back to Alcock.<sup>8</sup>

On March 31, 1868, Alcock sent Stanley another version of the notification in which he ordered British subjects to adopt European costume.<sup>9</sup> The Foreign Office sent it again to the law officers of the Crown, who regarded the part—stating that "some form or adaptation of European costume, that shall suffice to distinguish them readily from the native population"—as somewhat vague and suggested changing it to "discard the Chinese costume, and adopt some other dress or costume whereby they may readily be distinguished from the native population."<sup>10</sup> This suggestion was again passed to Alcock through Stanley.<sup>11</sup> Hence, the wording of the notification was finalized and the notification issued.<sup>12</sup>

As stated above, Alcock established the regulation for determining the categories of British subjects of Chinese origin to be protected by the British government in China. This regulation was carefully

formulated based on the opinions of the law officers of the Crown.

### Response of the Straits Settlements

It was difficult for the Straits Settlements, where many Chinese lived, to accept this regulation. On December 19, 1868, Thomas Braddell, attorney general of the Straits Settlements, wrote to the governor that British subjects of Chinese descent in the Straits Settlements "retain the dress, language and costumes of their Chinese ancestors but are treated in all respects by Government and the courts of justice as Her Majesty's other subjects in the Colony." Furthermore, he wrote if the headmen of the Chinese "should be required to discard their natural costume, the effect would be to prevent them altogether from going to China, in fact it would cause a total cessation of personal visits on the part of our Chinese subjects to China" and it "would have an injurious effect on the mass of Chinese."<sup>13</sup>

Based on this objection, on December 21, Sir Harry St. George Ord, governor of the Straits Settlements, conveyed this worry to Alcock concerning the regulation.<sup>14</sup> He also asked Stanley "to direct that the regulation shall not operate at least as against persons whose claim to be considered British subjects are undeniable, from their having been born in the settlement of parents either naturalized or born in the settlement."<sup>15</sup>

On May 6, 1869, Alcock expressed his objection to the view of the government concerning the Straits

<sup>5</sup> F017/1258, Stanley to Alcock, No. 96, June 5, 1867.

<sup>6</sup> F017/1258, Alcock to Stanley, No. 136, September 7, 1867.

<sup>7</sup> F017/1258, Law Officers of the Crown to Stanley, No. 37, December 30, 1867.

<sup>8</sup> F017/1258, Stanley to Alcock, No. 1, January 3, 1868.

<sup>9</sup> F017/1258, Alcock to Stanley, No. 69, March 31, 1868.

<sup>10</sup> F017/1258, Law Officers of the Crown to Stanley, No. 40, July 30, 1868.

<sup>11</sup> F017/1258, Stanley to Alcock, No. 149, July 31, 1868.

<sup>12</sup> F017/1258, Alcock to Stanley, No. 254, October 13, 1868.

<sup>13</sup> F017/1258, Braddell to Ord, Dec. 19, 1868.

<sup>14</sup> F017/1258, Ord to Alcock, Dec. 21, 1868.

<sup>15</sup> F017/1258, Ord to Buckingham, No. 255, Dec. 23, 1868.

Settlements. He argued that in Hong Kong, where many British subjects of Chinese origin lived, "it has created no trouble and no attention." He wrote that British subjects of the Straits desired British protection "only when they have got into trouble, political or commercial," and that the Chinese government regarded the returned British subjects as most dangerous and troublesome. Therefore, Alcock did not intend to revise the regulation.

Although the regulation was decided upon after careful consultation between the Foreign Office and law officers of the Crown, the Foreign Office and Alcock did not consult with the Colonial Office and the government of the Straits Settlements, which did not share the same interests as the Foreign Office. Interestingly, from the standpoint of limiting protection for overseas Chinese, the British Foreign Office and British envoy to China shared the same interests as the Qing local governments.

### **Regulation disregarded and expanded activities**

How effective, then, was the regulation? In 1874, all British subjects of Chinese origin applied for registration at the British Consulate in Amoy but at the same time expressed their wish to wear Chinese costume. William Henry Pedder, British consul in Amoy, rejected their registration.<sup>16</sup> Instead, Pedder forced these individuals to obey the regulation by not wearing Chinese costume outside the British Consulate. In 1877, Chaloner Alabaster, British consul in Amoy, reported that the regulation was not enforced in Amoy.<sup>17</sup> In November 1903, Sir Earnest Satow, British envoy to China, reported that 116 British subjects of Chinese origin registered in ports in China, but only

eight of them wore Western costume. Hence, the regulation was rendered moot because it was disregarded by British subjects of Chinese origin.<sup>18</sup>

Besides the undoing of the regulation, the British Foreign Office and Colonial Office continued to disagree on who were to be protected in China. This inter-departmental inconsistency actually created an opportunity for the British subjects of Chinese origin to expand their activities. Taking advantage of those privileges granted under the unequal treaties, they were engaged in all sorts of economic activities, causing frequent conflicts with the Qing local governments and the native Chinese. British consuls were therefore embroiled in these conflicts, even many trivial ones. Given all these consequences, the British government abolished this regulation of costume at the beginning of the twentieth century, and asked the Foreign Office and Colonial Office to jointly decide on who were to receive protection in China. It needs to be noted that the activities of British subjects of Chinese origin aroused the hostility of the Qing government and prompted it to introduce the first Chinese nationality law in 1909.<sup>19</sup>

### **Conclusion**

The regulation on costume proposed by Alcock was opposed by the government of the Straits Settlements while back in Britain, the Foreign Office and Colonial Office could not agree either due to different departmental interests. However, the British envoys and consuls in China held an outlook similar to that of the Qing local governments in terms of regulating

<sup>16</sup> FO228/533, Pedder to Wade, No. 12, Aug. 7, 1874.

<sup>17</sup> FO228/585, Alabaster to Fraser, No. 62, Oct. 29, 1877.

<sup>18</sup> FO881/8972, No. 10, Satow to Lansdowne, Nov. 25, 1903.

<sup>19</sup> Murakami, *op. cit.*, pp. 401-441.

British subjects of Chinese origin. In this case, the traditional research perspectives based upon the framework of “country,” such as Britain versus China, are no longer valid for interpreting modern Chinese history. People who actively leveraged the privileges granted under the unequal treaties were not British from Britain but rather overseas Chinese who asserted their British nationality. After all, the term “British subject” was not clearly defined until the early twentieth century, which also means that the categories of people who could exercise rights granted under the unequal treaties were not decided during the same period.

### **Citation**

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