

Analysis on the Nature of Treaty Ports from the British Concession in Tianjin

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Abstract: The existing historical materials of Tianjin concession accurately reflect the special social situations of China at that time: the “permanent land lease” and “the states within a state”. This paper analyzes the fact that Britain grabbed the Tianjin concession through The Beijing Treaty in 1860, and gradually seized the consular jurisdiction, the permanent lease of land, the administrative power, the power of collecting tariff, as well as the police power in the concession. These behaviors seriously infringed China's sovereignty. They reveal the nature of foreign powers' forced establishment of concessions at treaty ports: the crazy political, economic and cultural aggression against the Chinese people.

1. Introduction

Britain signed *The Tianjin Treaty* with the Qing government on October 24, 1860; it took the treaty as the basis of the forced concession in Tianjin. On December 4, 1860, British envoy to China, Bruce, delivered a diplomatic note to the Prince Gongqing, Aisin Gioro Yixin, saying that he would like to “rent the district of Tianjin on behalf of the state for permanent use,” and take the area as a residence and trestle for consulates and merchants. Later, he sent a note to Hengfu, the governor of Zhili (the Hebei Province at present), to transfer to Tianjin's local government for the establishment of the British concession in Tianjin. On December 17, the Qing government allowed the British envoy to set up the British concession; the foreign powers began to set up the British concessions in Tianjin. According to the *Constitution of the Area under the Jurisdiction of the British Municipal Council in Tianjin* (formulated in 1918 and revised in 1928), the British concession is finally composed of the original concession, the extended concession, the south extended concession and the promotion area. The British concession area in Tianjin and its boundaries are as following. The northeast is bounded by the Haihe River; the northwest is bounded by the French concession. Starting from the Haihe River, there is a line passing through the Feilong Road, the Xinyuan Road, the center of Bristow Road to the Center of Bristow Road Bridge. That is the starting point. The other point is the intersection of the central line of Feilong Road and the west line of the Heba Road. Connecting the two points and extending, the straight line is about 10000 feet long. Drawing a vertical line on the west of the second Beishou pier of the bridge near the Tongjialou tower of the Machang road, the line crosses with the above-mentioned extended straight line to form a positive angle; that is the exact end point. The vertical line mentioned in the previous section is the southwest boundary. The southeast is bounded by the southeast boundary of the old side of the Machang road to the old foundation of the earth wall. The irregular topographical boundaries of the southeast corner are as follows. The south is bounded by the earth wall, which is now located on the threshold of British concession. The boundary is determined by the boundary stone to Dagu Gate in the center of the Taku Road. The northeast is bounded by the center line of the Taku Road; the Southeast is bounded by the south end of Kailuan Lane extending to the Haihe River.

2. Consular Jurisdiction

According to the Article 5 of *The Nanjing Treaty* between China and the UK, “any British businessman who goes to these ports can carry on their mercantile transactions with whatever persons they please.” According to the unequal treaties, the five ports with the most advantageous

geographical location along the coast of China were forced to open for trade. At these trading ports, British people are allowed to live with their family members freely, and they are free to trade, but the management power is owned by consuls and administrators. This aggressive policy can be found in Tianjin concession.

King Victoria has made a lease to allow Ci Gu (or his testamentary successors, legacy caretakers, or assignees) to use the lot 19 located in Zizhulin, Tianjin. If Ci Gu subleases the place in whole or in parts, or transfers the lease to the Chinese or other foreigners, the foreigners must sign a contract before the transfer of the property to ensure that he or she obeys the British police and the consular jurisdiction, and “obeys the order of his or her Majesty's consular officer or deputy consular officer or official appointee”. Otherwise, the real estate will be entered at any time by a consul or other duly appointed officer lawfully appointed by the crown and the ownership of the real estate will be recovered on behalf of the crown.

3. Permanent Lease of Land

3.1 The British Government Seized the Full Right of Lease on the Land within the Concession, Which Seriously Infringed Upon China's Sovereignty and Territorial Integrity.

When the concession was just developed, the Royal lease clearly reflected the fact that China lost its territorial sovereignty. According to the lease, “Mr. John Gibson acted as the consulate of the United Kingdom in Tianjin, Zhili Province. He was appointed to lease the land in Zizhulin, Tianjin, to British subjects on behalf of the British government.” The lessee, Gu Ci, must bear obligations and pay the expenses for drainage, street lamp decoration and repair, road repair, leisure place construction and police office construction within the time specified in the contract. In case of failure to pay the rent of 1500 Wen per Mu (=0.0667 hectares) on schedule, the consul, the deputy consul and other officially appointed personnel designated by the emperor shall control the contracted real estate at any time and recover the ownership of the real estate on behalf of the emperor.

In addition, the *Constitution of the Area under the Jurisdiction of the British Municipal Council in Tianjin* records the process of the continuous expansion of British concession and the further damage to China's sovereignty and territorial integrity. As for the definitions of concession are concerned, “concession refers to the permanent lease of the area occupied by the Chinese government to the British government, which is called as the British concession and can be subleased to the public”; “the extended concession refers to the area which began to be managed by the British authorities on March 31, 1897. The Tianjin Customs allowed in the proclamation. It is called as the extended concession of the British Municipal Council or the extended concession of the UK”. The above records reflect two facts. First, the consul and the board of directors of the British Council, based on the first concession, expanded their sphere of influence and seized greater interests and jurisdiction. Second, China's Tianjin Customs repeatedly conceded, allowing the British government's unreasonable demands. The process reflects the cruel fact that weak countries have no diplomacy.

3.2 British Municipal Council Illegally Purchased the Private Lands of the Chinese outside the Concession and Turned them into “Lands Owned by the Council”, forcing the Chinese Government to Recognize the Fact of Extended Concession.

In the 19th century, the British Municipal Council under the chairmanship of Detring purchased a large amount of land outside the British concession and subleased them to foreigners. Most of these lands were later included in the extended concession. The lands were not rented by the British government from the Chinese government; the Municipal Council privately purchased them from Chinese landowners according to the permanent lease method and then subleased them to the tenants, so it is impossible to find the basis from the British law. “Referring to the Feu system in the history of Scotland, the concession board formulated a new method of land lease. That is, the land is actually rented indefinitely, and the lessee pays the fixed rent to the Municipal Council on an annual

basis, which is called Feu in constitution. This paper translates as 'lands owned by the council', and the lessee Feuer translates as the 'lessee of the lands owned by the council'.

3.3 The British Government Acquiesced in the Operation of Obtaining Nine Hundred and Ninety-nine Years' Permanent Lease Proposed by the Businessmen, so as to Achieve the Insidious Purpose of Seizing the Land Sovereignty of Concession in China.

The British Chamber of Commerce in Tianjin proposed that the British government could unilaterally extend the “Royal contract” of British businessmen to nine hundred and ninety-nine years without compensation, putting pressure on the Chinese government and forcing the Chinese government to comply. The purpose is to conceal the British government's identity of intermediary landlord, so as to achieve the goal of completely dividing China's territory.

According to the confidential telegram between the British Tianjin Association and the London China Association, the British Tianjin Association has a clear understanding on the infeasibility of the British government's demand for the implementation of the landlord's power, and also a clear understanding of the fact that China only admits that the British government has the right to live in the concession. Therefore, the association proposed to the British Foreign Ministry through the London China Association. “In view of the changes in the status quo of the concession and the consequences thereof, we take the liberty to propose to extend the Royal contract to nine hundred and ninety-nine years free of charge.” The procedures are as follows. The first step is to ensure that the permanent lease is extended to nine hundred and ninety-nine years. The second step is to obtain the permanent lease in China, so as to ensure that the contract text is consistent with foreigners' land leases of the British extended concession, of other foreign concessions, of special zones and of other places in China, so as to eliminate the British government's identity of the intermediate landlord.

4. Administrative Power

Normally speaking, the administrative power of the British concession belonged to the consular officer; it was exercised by the Municipal Council and finally decided by the ambassador to China. The first municipal constitution of British concession was the *Local and Consular Constitution of Tianjin Port* approved and published by the British Consul in Tianjin. In 1865, the British government stipulated that the municipal constitution of the British concession in China should be promulgated and implemented by the ambassador to China. On November 26, 1866, the British ambassador to China, Alcock, approved and implemented the revised municipal Constitution of the British concession. In 1899, the *Constitution of the British Extended Concession in Tianjin* was formulated to stifle the opinion of taxpayers in British concession who object the inclusion of the extended area into the old concession management.

The constitution stipulates that in addition to administrative power and the management of public health, following affairs of the extended concession should also be “managed by the British authorities” of the Municipal Council.

4.1 Tax Collection

According to the conditions and the time limit stipulated in the articles of association as well as future laws and regulations, all residents, real estate owners, bureau owned land lessees and lessees shall be assessed and levied taxes.

4.2 Traffic Control

In case of crisis or danger, the Municipal Council shall cut off all or part of the traffic of vehicles or pedestrians. However, the decision should be made under the approval of the British Consul.

4.3 Business Management

For different types of businesses in the concession, the Municipal Council has the right to collect certain levies or ban the business at its discretion. Firstly, for peddlers, beggars, storytellers,

merchants, coolies and agents, along with horses, handcarts, carts, Paizi carts and bicycles, the Municipal Council can issue licenses and collect levies, or ban or prohibit them. Secondly, for hotels, restaurants, tea houses, opium smoking houses, taverns, theater, vaudeville gardens and other places of entertainment, as well as brothels and whorehouses, the Municipal Council can issue licenses and collect levies, or ban, prohibit the business and close down the place.

4.4 Administration of Public Security

The Municipal Council should set up special patrol teams, recruit and build the volunteer team and the fire brigade, and set up various teams to rescue the life and property.

4.5 Public Health

First, the Municipal Council should take charge of the sanitation and epidemic prevention. When plague, cholera or other deadly diseases are prevalent, appropriate measures should be taken to protect the public health.

Second, the council is responsible for food safety. Relevant functionaries should check whether the dairies, slaughterhouses, bakeries and other food selling shops are operating in accordance with the laws and regulations. Once any illegal act is found, the food will be confiscated and even the operator's legal responsibility will be investigated. At the same time, they should check the safety of food sold by vendors entering the concession from outside. If the vendor refuses to inspect or show the business license, he will be not allowed to enter into the concession.

Third, the Municipal Council should set up various teams to maintain public health.

4.6 Maintenance of Public Morality

First, it is forbidden to make noise in the streets and at night. Second, it is necessary to intervene and accuse all those who intentionally abuse animals. Lost or mad dogs should be captured, detained and killed; the owners of lost dogs should be fined.

4.7 Environmental Protection

The council is responsible for eliminating harmful substances from coal dust, and prohibiting toxic production and commercial activities which are harmful to public health and the living environment.

4.8 Industrial and Commercial Administration

The Municipal Council should check the weights and measures, and prosecute people who hold illegal weighing instruments, measuring tools or counterfeit currency. It should limit the time for the selling of games and issue permits for the business.

4.9 Construction and Management of Public Facilities

The Municipal Council needs to install gas, tap water and power supply systems. For the construction of trams or other means of transportation, the council can entrust relevant projects to a third party.

4.10 Debit and Credit Guarantee Service

The Municipal Council guaranteed taxes, income or the common property of landowners, council owned land lessees, land lessors and residents.

4.11 Establishment of Public Welfare Facilities

The Municipal Council should set up scholarship programs, build markets, hospitals, bands, swimming pools, bathing pools, playgrounds, libraries and other public welfare facilities within the municipal scope.

However, the constitution of the association emphasizes that the projects of municipal management shall be approved or agreed by the British Consul or his agent, and the final adjudicator shall be the minister or his agent dispatched by the queen of England to China, which

has nothing to do with the Chinese government. “All payments under these articles and regulations shall be subject to the approval or consent of the British Consul or his agent.” The British Consul may, at any time, convene a general assembly of landlords, tenants and residents on his own initiative. The consul may convene a meeting by way of public announcement or private notice.

5. The Area of Concession

Opening ports for trade can be carried out under the sovereign of a country. But in modern China, the corruption and incompetence of the Qing government led to a series of concessions. The existing historical materials of Tianjin concession accurately reflect the special social situations: the great powers have the right to “permanently rent the land” and build “the states within a state”.

According to the *Table of the Area of Each Concession in the New and Old Districts and Special Districts of Tianjin (February 25, the Twenty-fifth Year of the Republic of China)*, by 1936, Britain, France, the United States, Germany, Italy, Russia, Japan, the Austro-Hungarian Empire and Belgium occupied a total area of 149821 mu in the new and old districts of Tianjin concession. Among them, the area of the old city boundary is 81658.926 mu, and the area of the new city boundary is 68162.074 mu. The area of each concession is shown in Table 1.

Table 1 Area of Each Concession in the New and Old Districts and Special Districts of Tianjin.
(February 25, the Twenty-fifth Year of the Republic of China)

The old and new area	Area (Mu)	note
Wujing District in the old city boundary	62456.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The Special One District in the old city boundary	2304.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The Special Two District in the old city boundary	989.000	The number of mu filled in is based on the blueprints of the area of the old city measured by the former land bureau
The Special Three District in the old city boundary	5334.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The Special Four District in the old city boundary	484.926	The number of mu filled in is calculated based on the area which is recovered from Belgium concession and converted into the Special Four District with new lease.
The British Concession in the old city boundary	5630.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The French Concession in the old city boundary	1815.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The Japanese Concession in the old city boundary	1946.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
The Italian Concession in the old city boundary	700.000	The number of mu filled in is calculated based on the blueprints of this area in the old city measured by the former land bureau.
Areas newly included in the city boundary	68162.074	The number of mu is calculated according to the proportion of Tianjin demarcation map. The total area is 149821 mu; the old city boundary is 81658.926. So the area of new city boundary should be as above.
The old and new city boundary; Total number	149821.000	The number of mu filled in is calculated according to the proportion of Tianjin demarcation map.

6. Conclusion

The study of the British concession in Tianjin in this paper only reveals the tip of the iceberg of concessions in modern China. But if we put aside the aggressive nature of the British colonial crime and only analyze the issue from the perspective of municipal management, the modernization level of British urban management is far higher than that of contemporary China; their experiences are worth learning. In this respect, the Chinese must continue learning from foreign countries, enrich the country and strengthen the army, and make scientific decisions, in order to realize the “Chinese dream” of the great rejuvenation of the Chinese nation.

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