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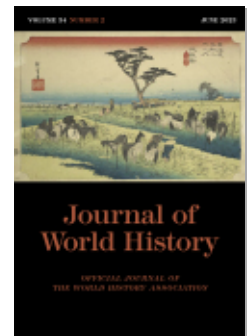
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C. Nathan Kwan

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# “The Destruction of a Common Foe”: The Expedition Against Shap-ng-tsai and the International Dimensions of Suppressing Chinese Piracy

C. NATHAN KWAN

*The defeat of the Chinese pirate Shap-ng-tsai (Zhang Kaiping) by forces from the British and Qing empires in the waters of Vietnam is one of the most impressive naval victories of the mid-nineteenth century. Despite the magnitude of the engagement, it has received limited and mostly one-sided analysis. Engaging with a wider array of sources, particularly those from Qing authorities, allows for a more holistic reconstruction of Shap-ng-tsai's defeat and an assessment of its significance. A comparison between accounts by British and Chinese officials reveals discrepancies reflecting the limits of each side's authority at sea and how they used their (mis)understanding of each other to justify killing thousands of pirates in the waters of a foreign state. Anglo-Qing cooperation against Shap-ng-tsai would provide a model for future anti-piracy expeditions and helped improve relations between Britain, China, and Vietnam in the mid-nineteenth century.*

KEYWORDS: piracy, Sino-British relations, Royal Navy, Vietnam, international law.

ON October 20, 1849, the British warships HMS *Columbine* and *Fury* and HEICS *Phlegethon* engaged the fleet of the pirate Shap-ng-tsai (Shi Wu Zai, an alias of Zhang Kaiping) off the coast of “Cochin China [i.e., Vietnam].” Commander John C. Dalrymple Hay, in charge of the British flotilla, wrote to his superiors that at the end of the engagement, his force had “totally destroyed by Fire” some “58 Piratical Vessels, mounting about 1200 Guns, and with Crews of 3000 men . . . without the loss of One life of the Officers and men under my orders.” Over the next two days, Hay's force, accompanied by a contingent from

the Qing empire (1644–1912) under “a Mandarin named ‘Wong [Huang],’” reportedly killed 1,700 pirates. Additionally, Wong took about 400 as prisoners, leaving “about 1000 more . . . to be finished by the Cochin Chinese.”<sup>1</sup> Hay also wrote to Wong’s superior, the “Illustrious ‘Ho [He],’ Governor General of Hainan and Eleven Provinces,” triumphantly proclaiming that “the Fleet of Shap-ng-tzai our common Enemy, and the enemy of All Mankind has been annihilated at Chokeum.”<sup>2</sup> British naval power, with Qing official support and sanction, achieved a stunning victory, in Vietnamese waters, over the most notorious pirate of the mid-nineteenth century. The international dimensions of the engagement with Shap-ng-tzai reveal the dynamics and limits of Anglo-Qing interactions in suppressing piracy, set a precedent for anti-piratical operations, and served as an example of how defeating a common enemy improved relations between Britain, China, and Vietnam.

From British records, the expedition against Shap-ng-tzai is one of the greatest naval victories against pirates in the nineteenth century, if not in history. Unfortunately, scholarship on Shap-ng-tzai’s defeat has been as one-sided as the battle. Most studies of the Shap-ng-tzai expedition, and on Chinese piracy after 1810 in general, is based on English sources and scholarship.<sup>3</sup> Scholars have more recently made efforts to bring in the Chinese perspective on efforts to suppress piracy in mid-nineteenth century South China, revealing the important contributions Chinese sources can bring to this discussion. The association of “Shap-ng-tzai” in English sources with the pirate Zhang Kaiping in Chinese archival materials makes possible a reassessment of defeat of a great pirate chief in Vietnamese waters incorporating Qing as well as British perspectives. A more holistic account of the expedition against Shap-ng-tzai offers insight into one of the most significant joint expeditions against pirates between British and Qing forces in the mid-nineteenth century.

<sup>1</sup> John C. Dalrymple Hay to Francis Augustus Collier, 23 October 1849, Admiralty Records (ADM): China Station Correspondence (125)/145, 98–99, The National Archives (TNA), London. The pinyin romanization of English transliterations of Chinese will be provided, when possible, in parentheses.

<sup>2</sup> Hay to Ho, 25 October 1849, ADM 125/145, 102.

<sup>3</sup> The surrender of a massive pirate confederation in 1810 ended what Robert Antony calls the “golden age” of Chinese piracy. Robert J. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China* (Berkeley, CA: University of California Institute of East Asian Studies, 2003), 19–21. The classic account of this dramatic finale is Dian Murray, *Pirates of the South China Coast, 1790–1810* (Stanford: Stanford University Press, 1987).

Anglo-Qing cooperation against Shap-ng-tsai built upon a system of collaborative efforts against piracy that had developed since the colonization of Hong Kong. Despite a lack of agreement on the basis for this cooperation, British and Qing authorities nonetheless worked with each other against pirates, who threatened the interests of both states. The expedition against Shap-ng-tsai brought this system of cooperation into foreign waters beyond British or Qing jurisdiction. Critical engagement with the omissions and discrepancies between official accounts of the expedition suggests that British and Qing officials were aware of the legal ambiguity of an attack on pirates in the waters of Vietnam. They also reveal how both sides understood the extent of each other's authority and international relations in the Gulf of Tonkin and took advantage of each other to defeat a common enemy.

Misunderstanding, misinformation, and mutual action produced a system of cooperation between British and Qing officials against piracy that eventually justified a projection of power into foreign seas resulting in thousands of casualties for Chinese pirates in the waters of Vietnam. The impressive victory against Shap-ng-tsai was exceptional and eventually raised doubts from the British and Qing governments. Though actions against pirates on the scale of that against Shap-ng-tsai in Vietnam would not be repeated, the expedition set a precedent for Qing officials who accompanied British warships, lending intelligence and legitimacy to attacks on pirates. The defeat of a notorious pirate in Vietnamese waters also affected the relations between Britain and Vietnam, whose authorities acknowledged the Royal Navy's role in suppressing piracy and became more amicable towards British subjects. The international expedition against one of the last great pirates had international ramifications. Cooperation against a common foe brought together disparate understandings of piracy and the limits of state authority over it and reveals how these differences could be reconciled and indeed used to expand the Anglo-Qing anti-piracy regime into regions beyond either side's jurisdiction. Such cooperation, even if built on imperfect mutual understanding, smoothed over differences between Britain, China, and Vietnam.

#### THE PAPER TRAIL OF THE PIRATE CHIEF

Beresford Scott, paymaster and purser of HMS *Columbine*, compiled a detailed record of the expedition against Shap-ng-tsai, including excerpts from newspapers in Hong Kong and Britain in 1851. He acknowledged the impressive victory as "one of the most successful and

important expeditions of the present day.”<sup>4</sup> Indeed, the victory over Shap-ng-tsai helped end the depredations of perhaps the most impressive pirate chief of the mid-nineteenth century. Commanding thousands of pirates, Shap-ng-tsai menaced Qing power and British shipping on the China coast. By 1845, the pirate, then living in Hong Kong, was already notorious to Qing officials who requested his extradition, which the governor of Hong Kong refused.<sup>5</sup> Within three years, he had effectively taken control of Dianbai, a major port on the Guangdong coast.<sup>6</sup> He remained in power there in the months before his defeat.<sup>7</sup> From this headquarters on the south-western coast of Guangdong, Shap-ng-tsai commanded operations stretching along the coast all the way to Zhejiang. He demanded a hefty ransom from the Qing government to spare the shipping of that prosperous province and neighbouring Fujian from his piracy. Officials at Amoy (Xiamen), though well-removed from Dianbai, were nonetheless terrified of the pirate.<sup>8</sup> He even had the audacity to extort protection money from salt junks, imposing on a monopoly of the Qing state.<sup>9</sup>

Shap-ng-tsai's depredations were not limited to Chinese shipping. He also allegedly attacked British ships, the loss of at least four of which were attributed to his activities. By threatening British shipping, however, the pirate chief incurred the wrath of the Royal Navy, which retaliated in the form of the frigate *Columbine* and steamers *Fury* and *Phlegethon*. Commanding these ships, Commander Hay pursued the pirate chief to the island of Hainan, southwest of Dianbai, where a Qing squadron joined the expedition. The Anglo-Qing force eventually caught up with Shap-ng-tsai in the estuary of a Vietnamese

<sup>4</sup> Beresford Scott, ed., *An Account of the Destruction of the Fleets of the Celebrated Pirate Chieftains Chui-Apoo and Shap-ng-tsai on the Coast of China, in September and October 1849, By Her Majesty's Sloop "Columbine," Commander John C. Dalrymple Hay; Steam Sloop "Fury," Commander J. Willcox; and Hon. E. I. Co's Armed Steam Vessel "Phlegethon," G. J. Neblett, Esq., Commander: Collected Principally from the Press, Colonial and British, as Published at the Time* (London: Savill and Edwards, 1851), 157.

<sup>5</sup> *Friend of China and Hongkong Gazette*, 31 October 1849.

<sup>6</sup> *China Mail*, 28 September 1848.

<sup>7</sup> Memorial by Xu Guangjin and Ye Mingchen, Daoguang reign (DG) 30th year/4th month/22nd day (2 June 1850), Foreign Office Records (FO): Kwangtung Provincial Archives (931)/1201, 4, TNA.

<sup>8</sup> Ei Murakami, *Haiyang shishang de jindai Zhongguo: Fujianren de huodong yu Yingguo Qingchao de yinying* [A Modern Maritime History of China: Fujianese Activity and British and Qing Responses], translated into Chinese by Wang Shilun (Beijing: Social Sciences Academic Press, 2013), 194.

<sup>9</sup> *China Mail*, 4 October 1849.

river.<sup>10</sup> There, the superiority of British naval gunnery and the advantages of steam power allowed the joint forces achieve the victory described in the opening of this piece. Three British warships, supported by Qing forces defeated a much larger force of sixty-four vessels crewed by thousands of pirates. As the British ships pursued the remnants of the pirate band upriver, Vietnamese forces joined in the destruction resulting in massive casualties for the pirates, with well over a thousand killed and hundreds captured.<sup>11</sup> Though Shap-ng-tsai himself survived the battle, the defeat proved a blow from which his power could not recover, and the pirate surrendered to Qing authorities within months. The Anglo-Qing victory in Vietnam destroyed the largest pirate organization of the mid-nineteenth century, and fleets of the size commanded by Shap-ng-tsai would not be seen in China again.<sup>12</sup>

Unfortunately, neither Shap-ng-tsai's notoriety, nor his stunning defeat, has inspired much subsequent study. The dearth of scholarship on Shap-ng-tsai stems in part from an apparent shortage of sources on the expedition. The pirate's adversary, Commander (later Admiral) Hay produced an account of the engagement in 1889, four decades after he defeated Shap-ng-tsai.<sup>13</sup> His memoirs, published in 1898, also mention the pirate.<sup>14</sup> China coast newspapers and Hay's accounts are the main sources for much of the limited scholarship on the Anglo-Qing expedition against Shap-ng-tsai. In her classic work, *British Admirals and Chinese Pirates, 1832–1869*, Grace Estelle Fox mainly consulted these sources in her discussion of the pirate chief's defeat.<sup>15</sup> Most other scholarship on mid-nineteenth century Chinese piracy mentions Shap-ng-tsai only in passing and largely cites Fox or her sources.<sup>16</sup>

<sup>10</sup> John C. Dalrymple Hay, *Lines from My Log-Book* (Edinburgh: David Douglas, 1898), 178–184.

<sup>11</sup> *Friend of China*, 3 November 1849. Shap-ng-tsai's fleet may have been even larger than the one defeated in Vietnam. Qing sources report that in the month before the battle, the pirate chief had lost over 10 ships and hundreds of pirates in during a typhoon. Memorial by Xu Guangjin and Ye Mingchen, Daoguang reign DG 30/4/22 (2 June 1850), FO 931/1201, 6.

<sup>12</sup> Murakami, *Haiyang*, 205.

<sup>13</sup> John C. Dalrymple Hay, *The Suppression of Piracy in the China Sea, 1849* (London: Edward Stanford, 1889).

<sup>14</sup> See Hay, *Lines*, 178–184.

<sup>15</sup> In addition to Hay's memoirs, Fox also cites the newspapers *China Mail* (Hong Kong) and *Chinese Repository* (Canton). Grace Estelle Fox, *British Admirals and Chinese Pirates, 1832–1869* (London, 1940), 107–112.

<sup>16</sup> For examples see Gerald S. Graham, *The China Station: War and Diplomacy, 1830–1860* (Oxford: Clarendon Press, 1978), 273–275; Iain Ward, *Sui Geng: The Hong Kong*

Jonathan Chappell and Murakami Ei engage with English sources beyond Hay's account in their discussions of Shap-ng-tsai. Murakami cites references to Shap-ng-tsai in sources from Amoy (Xiamen) in the province of Fujian, far from China's border with Vietnam. He shows that Shap-ng-tsai's activities had significant impacts on developments beyond the coast of Guangdong and helped spur cooperation between British and Qing officials at Amoy.<sup>17</sup> Chappell, perhaps the only recent scholar to discuss the significance of the expedition against Shap-ng-tsai in any depth, makes a similar assertion. He argues that the cooperation against Shap-ng-tsai represents a temporary alignment of interests that was neither officially sanctioned nor sustainable, and that its financial costs motivated British officials to shift the onus of responsibility for suppressing piracy onto the Qing state.<sup>18</sup> Chappell and Murakami acknowledge the significance of the Shap-ng-tsai expedition for British and Qing interaction in suppressing piracy.

Commander Hay's mention of "Wong the mandarin" reveals that Qing officials played a role defeating Shap-ng-tsai. The Chinese perspective, however, is largely omitted in scholarly works on the subject. English scholarship on Shap-ng-tsai fails to even give his proper name.<sup>19</sup> "Shap-ng-tsai" was a *nom de guerre* of the pirate named Zhang Kaiping. Consulting cases of Cantonese piracy from 1810 to 1885 through an impressive engagement with Chinese and Vietnamese sources, Chen Yu-hsiang associates Shap-ng-tsai with the pirate Zhang Kaiping. Chen records Zhang's fate simply as "surrendered to the governor-general of Guangdong and Guangxi."<sup>20</sup> Chen's failure to mention Anglo-Qing cooperation in Zhang Kaiping's defeat confirms

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*Marine Police, 1841–1950* (Hong Kong: Hong Kong University Press, 1991), 14; Dian Murray, "Living and Working Conditions in Chinese Pirate Communities, 1750–1850," in *Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries*, ed. David J. Starkey, E. S. van Eyck van Heslinga, and J. A. de Moor (Exeter: University of Exeter Press, 1997), 49; Robert J. Antony, "Piracy on the South China Coast through Modern Times," in *Piracy and Maritime Crime: Historical and Modern Case Studies*, ed. Bruce A. Elleman, Andrew Forbes, and David Rosenberg (Newport, RI: Naval War College Press, 2010), 42.

<sup>17</sup> Murakami, *Haiyang*, 194 and 203–205.

<sup>18</sup> Jonathan Chappell, "Maritime Raiding, International Law and the Suppression of Piracy on the South China Coast, 1842–1869," *International History Review* 40, no. 3 (2018): 480–482.

<sup>19</sup> An "informant" told the Hong Kong newspaper *China Mail* that "Shap-ng-tsai" refers to "the fifteen boys. They are formed by the . . . three Companies [a secret society], and mixing these up with the holy number, five . . . people say three times five are fifteen, and hence the denomination – the fifteen boys." *China Mail*, 1 November 1849.

<sup>20</sup> See Table 1: Brief Table of Cantonese Piratical Activity during the Qing Dynasty (1810–1885) in Chen Yu-hsiang, "Qingdai zhongye Guangdong haidao zhi yanjiu (1810–1885) [A Study of Cantonese Piracy in the Mid-Qing, 1810–1885]," *Chengda lishi xuebao* 34 (2008): 96–97.

Chappell’s assertion that the high Qing authorities in Beijing were largely ignorant of the Shap-ng-tsai expedition.<sup>21</sup> The wariness that the Qing government harbored towards foreigners deterred local officials from reporting cooperation with British forces against pirates to Beijing.<sup>22</sup> There seems to be scant evidence of the stunning victory achieved by British and Qing forces over Shap-ng-tsai in archival materials from the upper echelons of the Qing bureaucracy.

Fortunately, Chinese accounts of the Shap-ng-tsai expedition have been preserved in local archival sources. Documents in the Guangdong Provincial Archives, captured during the British occupation of Canton (Guangzhou) in 1858, provide Qing perspectives on the engagement. Several memorials by the Canton authorities mention the pirate Zhang Kaiping.<sup>23</sup> Discussed in more detail below, these accounts are rather vague about the whereabouts of Shap-ng-tsai’s defeat. They mention that British and Vietnamese forces also attacked the pirate chief but make no reference to any direct cooperation between Qing officials and the Royal Navy against him. There are also discrepancies, some quite significant, between the Canton memorials and British records about Shap-ng-tsai’s defeat. These may not have been coincidental.

A pivotal perspective for reconciling Qing and British official accounts comes from Edward Hodges Cree, a naval surgeon aboard HMS *Fury* during the Royal Navy’s encounter with Shap-ng-tsai. His illustrated diaries give the most detailed extant account of events of 20–22 October 1849 in Vietnamese waters, including the first visual representations.<sup>24</sup> Cree’s diaries are an important part of a broader range of sources on the Shap-ng-tsai expedition that allows for a fuller engagement with contemporary interpretations and understandings. From such sources a more holistic and accurate account of the event can be constructed. Taking various accounts together sheds light on the workings of international cooperation against piracy in the

<sup>21</sup> Chappell, “Maritime Raiding,” 480. Chen’s table of mid-nineteenth century piracy, while not mentioning British involvement in Shap-ng-tsai’s defeat, does note that Xu Yabao (Chui Apoo) was tried and condemned by a British court in Hong Kong. See Chen, “Qingdai,” 96.

<sup>22</sup> Yasufumi Toyooka and Ei Murakami, “The Suppression of Pirates in the China Seas by the Naval Forces of China, Macao, and Britain (1780–1860),” in *In the Name of the Battle Against Piracy: Ideas and Practices in State Monopoly of Maritime Violence in Europe and Asia in the Period of Transition*, ed. Atsushi Ota (Leiden: Brill, 2018), 225–226.

<sup>23</sup> In FO 931, TNA. See David Pong, *A Critical Guide to the Kwangtung Provincial Archives Deposited at the Public Record Office of London* (Cambridge, MA: Harvard University Press, 1975).

<sup>24</sup> See *Private Illustrated Journal of Dr. E.H. Cree (CRJ)*, Vol. XII (12), 1849, Caird Library of the National Maritime Museum, London.



mid-nineteenth century. The omissions and inconsistencies between official accounts of the expedition against Shap-ng-tsai, particularly when compared with Cree's detailed records, reveal how British and Qing officers understood and used each other's involvement to justify expanding their cooperation against Chinese pirates into the maritime jurisdiction of a foreign state.

#### DEFEATING A COMMON ENEMY

Shap-ng-tsai's defeat was the high-water mark for Anglo-Qing joint efforts against piracy. The expedition was the culmination of a system of cooperation for suppressing piracy that developed after the British colonization of Hong Kong during the first Opium War (1839–1842). Subsequent treaties laid out the extent of jurisdiction and the responsibilities that Qing and British authorities had over each other's subjects on the China coast but were understood differently by the signatories. Pirates threatened Qing authority and British trade, prompting cooperation despite misunderstandings. The Shap-ng-tsai expedition extended this cooperation into the waters of Vietnam. Such an expansion of the range of Anglo-Qing cooperation against pirates lacked precedence and had dubious legality. The ambiguities and lacunae in official accounts suggest British and Qing officers were aware that the expedition was questionable while also revealing their understanding of each other's authority and its limits during an attack on pirates in waters beyond either side's jurisdiction.

#### *Precedents for Cooperation*

Interactions between British and Qing officials in dealing with piracy were nothing new in 1849. Shortly after the British colonization of the island of Hong Kong, officials there began seeking the assistance of the Qing authorities at Kowloon (Jiulong) on the mainland side of Victoria Harbour in suppressing piracy. Chinese pirates captured by the Royal Navy or colonial officials at Hong Kong were often sent to Kowloon for trial and punishment. Article IX of the Supplementary Treaty of the Bogue, signed a year after the Treaty of Nanking ending the first Opium War, provided a legal basis for the extradition of Chinese pirates and other criminals to Qing jurisdiction. The treaty, which codified the Hong Kong government's practice of delivering pirates to Qing officials in Kowloon, was interpreted differently by British and Qing

authorities.<sup>25</sup> In the British understanding of international law, piracy was a crime under universal jurisdiction and could be tried in any tribunal, including those of the Qing.<sup>26</sup> Qing officials did not distinguish between maritime and land-based banditry and considered all crimes by Chinese subjects under their jurisdiction.<sup>27</sup> Officials in Guangdong thus willingly approved of the British rendition of pirates. The British extradition of pirates and their reception by Qing authorities was based on what Arnulf Becker Lorca calls "mestizo international law," asymmetrically negotiated between Western and non-European parties, which Qing jurists interpreted differently from their British counterparts. Non-western jurists' engagement with the law of nations, as international law was then known, had an impact on the law in practice and could thus produce a "mestizo" version of law.<sup>28</sup> China's "unequal treaties," through stipulations about criminals and the extent of British and Qing jurisdiction over them, brought together different legal systems.<sup>29</sup> Though vague and often understood differently on each side, treaty law justified Anglo-Qing cooperation in suppressing piracy.

As British officials began delivering pirates to Kowloon, the Qing officers there came to realize the potential that British forces had for suppressing piracy. The Kowloon authorities began to cooperate with British colonial officials and naval officers against pirates. A system of cooperation thus emerged in which Royal Navy ships provided with Qing intelligence went on expeditions against pirates, and those captured were delivered to officials in Kowloon. British participants justified this practice on the grounds of treaty law and universal jurisdiction. Qing officials saw the extradition of pirates as reaffirming their authority and jurisdiction over Chinese subjects. The discrepant understandings of this mestizo international law of piracy did not prevent the system from expanding beyond the confines of Victoria

<sup>25</sup> Ivan Lee, "British Extradition Practice in Early Colonial Hong Kong," *Law & History* 6, no. 1 (2019): 89.

<sup>26</sup> On universal jurisdiction, see Lauren Benton, "Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction," *International Journal of Maritime History* 12, no. 1 (2011): 225–240.

<sup>27</sup> Robert J. Antony, *Unruly People: Crime, Community, and State in Late Imperial South China* (Hong Kong: Hong Kong University Press, 2016), 106.

<sup>28</sup> Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History, 1842–1933* (Cambridge, 2015), 7 and 86–88. Lorca considers the Treaty of Nanking (Nanjing) in 1842 the first treaty whereby a negotiation of mestizo international law was possible.

<sup>29</sup> On unequal treaties and international law see Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004), 72–73.

Harbour and encouraging Anglo-Qing cooperation against pirates elsewhere along the China coast and, in the case of the Shap-ng-tsai expedition, beyond Chinese waters.<sup>30</sup> Cooperation between British and Qing agents against a common enemy developed despite misunderstandings and mistrust.

Chappell points out that British and Qing understandings of piracy and their interests in suppressing it did not converge until the 1860s.<sup>31</sup> Prior to this, expedience and loose interpretations of treaties brought together disparate British and Qing efforts in checking piratical activity. As piracy threatened both empires' interests, a *modus vivendi* haphazardly developed for suppressing piracy despite the imperfect understandings each side had of the other's authority and maritime jurisdiction. This *ad hoc* system, and the mestizo international law underpinning it, informed the actions of British and Qing participants in the expedition against Shap-ng-tsai. Discrepancies in British and Chinese accounts of the engagement and of each other's participation in it reveal how both sides (mis)understood Anglo-Qing cooperation and used it to justify the expansion of a joint effort against Chinese pirates into Vietnamese waters.

### *Cooperation and Confusion in Accounts of the Shap-ng-tsai Expedition*

The expedition against Shap-ng-tsai in what British and Qing authorities recognized as foreign waters, extended their system of cooperation against piracy beyond both states' maritime jurisdiction.<sup>32</sup> This transgression helps explain why in official sources the location of the engagement is either downplayed or unclear. In his memoirs, Commander Hay recounts that Rear-Admiral Francis Collier, commander-in-chief of the Royal Navy's East Indies and China

<sup>30</sup> C. Nathan Kwan, "Barbarian Ships Sail Freely about the Seas': Qing Reactions to the British Suppression of Piracy in South China, 1841–1856," *Asian Review of World Histories* 8 (2020): 87–98. On Anglo-Qing cooperation in Fujian, see Murakami, *Haiyang*, 222–226.

<sup>31</sup> Chappell, "Maritime Raiding," 482–484.

<sup>32</sup> On the mechanisms and limits of Qing maritime control see Ronald C. Po, *The Blue Frontier: Maritime Vision and Power in the Qing Empire* (Cambridge: Cambridge University Press, 2018). According to the international law to which Britain adhered, piracy within three miles of a foreign state's coast or in foreign rivers was under the jurisdiction of that state, and British actions against pirates in this space required the sanction of that state's authorities. Fox, *British Admirals*, 89–91.

Station, gave him a "*carte blanche*" to go after Shap-ng-tsai.<sup>33</sup> Hay seemed less sure of the lack of limits on his actions in 1849. In his report of the expedition to Collier, he obfuscated the locations of the battle. He admitted to sailing to Vietnam and blockading an estuary, but never specifically mentions proceeding up the river.<sup>34</sup> Cree recorded that "Chok-am," rendered Chokeum in Hay's report, is up the "Tonquin River." Moreover, on 21 and 22 October, he wrote that British ships and boats proceeded fourteen miles further up the river, a clear infringement on Vietnamese maritime space.<sup>35</sup> A Chinese memorial reporting the expedition notes that British and Vietnamese forces attacked Zhang Kaiping in the seas of Annam (Vietnam) but does not mention where Huang Kaiguang, to whom credit is given for capturing pirates, engaged Shap-ng-tsai's followers.<sup>36</sup> A different memorial states that Huang "led a fleet to the Annamese border and, on the seas of Huafeng, attacked and killed over five hundred pirates and captured over one hundred." While acknowledging the location of Huang's engagement with pirates (Shap-ng-tsai is not mentioned) as the seas of Huafeng, the area is not described as foreign, though the border with Vietnam is implicated.<sup>37</sup> From the geographic indeterminacy of such accounts, Hay and the Canton authorities seem to have been aware that something was amiss about this expedition up a Vietnamese river. As British and Qing officers did not fully understand the limits of each other's authority over maritime space and jurisdiction over piracy, however, they were able to use their collaborative efforts to justify the actions against Shap-ng-tsai in waters under foreign jurisdiction.

The figure of Huang Kaiguang is key to Hay's justification of his actions. In his report, Hay wrote that "Major General Wong the Mandarin proved himself a Gallant, Active and efficient ally."<sup>38</sup> Cree's diary entries cast doubt on the extent of Qing involvement. While his account confirms Hay's claim that Huang led a squadron of eight war

<sup>33</sup> Hay, *Lines*, 178. In his memoir, Hay admits the attack took place near Haiphong. Hay, *Lines*, 181.

<sup>34</sup> Hay to Collier, 23 October 1849, ADM 125/145, 98–99.

<sup>35</sup> Entries for 21, 22, and 23 October 1849, CRJ/12, 76–79.

<sup>36</sup> Memorial by Xu Guangjin and Ye Mingchen, DG 30/4/22 (2 June 1850), FO 931/1201. Huang Kaiguang is Wong the mandarin in Hay's report. Cree gives Wong's full name as "Wang-Hai-Quang." CRJ/12, 66. For a discussion of the nomenclature of Vietnam in Qing sources, see John E. Wills, Jr. "Functional, Not Fossilized: Qing Tribute Relations with Đại Việt 1791–1820" (Vietnam) and Siam (Thailand), 1700–1820," *T'oung Pao* 98 (2012): 476.

<sup>37</sup> Memorial by Xu Guangjin, DG 30/05/22 (1 July 1850), FO 931/1207. Qing officials traditionally considered the seas of the boundary of Vietnam as beyond their control. Po, *Blue Frontier*, 60.

<sup>38</sup> Hay to Collier, 23 October 1849, ADM 125/145, 99.

junks to accompany the expedition, it records that by 15 October, “we outsailed our Chinese friends, who have not yet hove in sight.”<sup>39</sup> There is no mention of Qing war junks participating in the attack on Shap-ng-tsai’s fleet. Hay’s omission of this detail suggests that he considered significant Chinese participation important in justifying his actions. Though the Qing squadron may not have been present at the attack on Shap-ng-tsai’s fleet, Huang took part in the action. The logbook of HMS *Fury* records that on 14 October, the ship “embarked Wong Hai Quong, Head Mandarin & 9 in Suit.”<sup>40</sup> Cree recorded that during the engagement with Shap-ng-tsai, the “old general, Wong, showed some pluck in jumping overboard from one of the boats and swimming to a junk and capturing three of the pirates himself; they were so frightened at seeing one of their own mandarins, that they made no resistance.”<sup>41</sup>

Cree’s reference to Huang’s authority as a “mandarin” may be significant for the British understanding of the legality of the expedition against Shap-ng-tsai. Royal Navy accounts inflate the ranks of the Qing officials who supported the expedition. At Haikou, the capital of the island of Hainan off the southwest coast of Guangdong, Hay recalls meeting with the “Governor General (‘Ho’);” Cree calls Ho the “Governor of Hai-Nan.”<sup>42</sup> Hay and Cree refer to Huang Kaiguang as a major-general.<sup>43</sup> The logbook of HMS *Columbine* records observing “[HMS] *Fury* salute on the embarkation of Wong Commander-in-Chief of land & sea forces of Hainan.”<sup>44</sup>

Thomas Francis Wade, a much more trustworthy authority on the Chinese language and the ranks of Qing officials, translated Ho’s title as “acting commodore on the Yáichau [Yaizhou] station, now acting commander-in-chief at Hainan” and Huang’s as “the naval officer temporarily in charge of the Háikau [Haikou] station,” hardly the esteemed ranks reported by Royal Navy observers.<sup>45</sup> Investing the

<sup>39</sup> Entries for 14 and 15 October 1849, CRJ/12, 67–68.

<sup>40</sup> Entry for 14 October in *Ship’s Log for HMS Fury*, 1 June 1849–20 October 1849, ADM: Ship’s Logs, (53)/1706.

<sup>41</sup> Entry for 21 October 1849, CRJ/12, 77–78.

<sup>42</sup> Hay to Collier, 23 October 1849, ADM 125/145, 98; Entry for 26 October 1849, CRJ/12, 85.

<sup>43</sup> Hay to Collier, 23 October 1849, ADM 125/145, 98–99; Entry for 13 October 1849, CRJ/12, 66.

<sup>44</sup> Entry for 14 October 1849 in *Ship’s Log for HMS Columbine*, 9 July 1849–9 January 1849, ADM 53/2346.

<sup>45</sup> “Translation of an Official Communication addressed by the Chinese Naval Commander-in-Chief on the Hainan Station, to His Excellency Her Majesty’s Plenipotentiary” in *China Mail*, 1 November 1849. He Fang was a *fujian* (colonel) and Huang Kaiguang a *shoubei* (captain). T. F. Wade was an important British diplomat and sinologist. After several decades as a British diplomat in China, he retired and became the

Hainan authorities with inflated ranks helped justify handing hundreds of pirates to their jurisdiction. In his initial report, Hay stated that Huang Kaiguang took 400 prisoners, most of whom were likely captured by Royal Navy forces. In an account of the Shap-ng-tsai expedition in his memoirs, written much later, Hay also credits Huang with mediating between the expeditionary force and Vietnamese officials, who received many of the prisoners from Shap-ng-tsai's fleet with Huang's assent.<sup>46</sup> The rendition of pirates to Vietnamese authorities may explain the discrepancy between the 400 prisoners allegedly taken by Huang in Hay's original account and the "over one hundred" reported in a memorial from Canton.<sup>47</sup> It also reveals some dynamics of the relations between Britain, China, and Vietnam.

Two years before the Shap-ng-tsai expedition, Hong Kong Governor and British Superintendent of Trade John Davis also went to Vietnam, supported by HMS *Vulture* and *Ringdove*, to negotiate a treaty there.<sup>48</sup> The presence of British warships disconcerted the Vietnamese authorities, who appealed to China for protection. Qiying, the governor-general of Guangdong and Guangxi and the highest Qing authority at Canton, reprimanded Davis for attempting to trade with a "dependency" of China and asserted Qing protection over Vietnam.<sup>49</sup> Qing statesmen considered Vietnam a model tributary and were indeed willing to intervene militarily on behalf of Vietnamese rulers.<sup>50</sup> The Shap-ng-tsai expedition suggests that British officers recognized Qing authority over Vietnam. In handing captured pirates to Huang Kaiguang and commenting on Huang's authorizing Vietnamese officials to exercise jurisdiction over hundreds of the prisoners, Hay both affirmed Huang's jurisdiction over Shap-ng-tsai's followers and Qing officials' authority to act in Vietnam. Universal jurisdiction and the mestizo law of piracy in China could accommodate the tributary system. Thus, Huang's mediation helped provide further legitimacy to a British attack on pirates in Vietnamese waters. His presence on board

first professor of Chinese at Cambridge University. Hans J. van de Ven, "Sir Thomas Francis Wade (1818–1895)," *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/28382> [accessed 6 May 2019].

<sup>46</sup> Hay, *Lines*, 183.

<sup>47</sup> Memorial by Xu Guangjin and Ye Mingchen, DG 30/4/22 (2 June 1850), FO 931/1201, 8.

<sup>48</sup> Davis to Palmerston, 4 October 1847, FO: General Correspondence before 1906, China (17)/30, 148.

<sup>49</sup> Qiying to Davis, dated February 1848, FO: Superintendent of Trade Correspondence (677)/26, 168.

<sup>50</sup> Wills, "Functional, Not Fossilized," 453–454 and 470–473.

HMS *Fury* brought the Royal Navy into the established Sino-Vietnamese anti-piracy regime.

The maritime boundary between Chinese and Vietnamese seas had always been porous, and by the late-eighteenth century pirates and other seafarers frequently transgressed it. The disregard that Chinese and Vietnamese mariners showed for this border raised problems of jurisdiction and exposed the limited maritime reach of the Chinese and Vietnamese states.<sup>51</sup> In 1797, Emperor Jiaqing forbade Qing naval forces from pursuing pirates into Vietnamese waters. This prohibition necessitated a more defined maritime border, which was drawn at the Bailongwei peninsula, territory that belonged to Vietnam until it was ceded to China after the Sino-French War (1884–1885).<sup>52</sup> The limited capabilities of Chinese and Vietnamese naval forces as well as continued piratical transgressions of the Bailongwei boundary, however, necessitated collaboration between the two across the maritime divide. Cooperation with Vietnamese officials emboldened Qing warships and even armed Chinese civilian vessels to pursue pirates into Vietnamese waters.<sup>53</sup> As piracy threatened the economic security and political stability of Vietnam, emperors of the Nguyen dynasty (1802–1945) were also active in its suppression. Nguyen officials communicated with their Qing counterparts regarding piracy, seeking assistance and responding to Qing requests to act against pirates. Many Chinese pirates were defeated by joint Sino-Vietnamese naval actions. Chinese pirates captured by Nguyen forces were usually

<sup>51</sup> Wensheng Wang, *White Lotus Rebels and South China Pirates: Crisis and Reform in the Qing Empire* (Cambridge, MA: Harvard University Press, 2014), 95; Chen Yu-hsiang, “Qingchao yu Yuenan bianjing de haidao qingxing [The Problem of Piracy at the Sino-Vietnamese Border],” in *Hanghai: wenming shiji* [Maritime Navigation: Traces of Civilization] (Shanghai: Shanghai guji chubanshe, 2011), 2–3; Robert J. Antony, “Giang Binh: Pirate Haven and Black Market on the Sino-Vietnamese Frontier, 1780–1802,” in *Pirates, Ports, and Coasts in Asia: Historical and Contemporary Perspectives*, ed. John Kleinen and Manon Osseweijer (Singapore: ISEAS-Yusof Ishak Institute, 2010), 39–40.

<sup>52</sup> Dian Murray, “Piracy and China’s Maritime Transition, 1750–1850,” in *Maritime China in Transition, 1750–1850*, ed. Gungwu Wang and Chin-keong Ng (Wiesbaden: Harrassowitz Verlag, 2004), 57; Dian Murray, “Guangdong de shuishang shijie: ta de shengtai he jingji [The Cantonese Water World: Its Ecology and Economy],” translated into Chinese by Zhang Pin-tsun in *Zhongguo haiyang fazhanshi lunwenji, diqiji (shang ce)* [Collected Essays on the History of Chinese Maritime Development, vol. 7, part 1], ed. Tang Hsi-yung (Taipei: Academia Sinica, 1999), 157; Wang, *White Lotus*, 225–226. A chart by Lieutenant Compton Domville commanding HMS *Algerine* in a cruise against pirates in the neighborhood of Hainan records “Paklong,” the Cantonese pronunciation of Bailong (wei), as the “Supposed Boundary Line” between China and Vietnam. See Lieutenant Compton Domville to Commodore Oliver Jones, 11 April 1868, ADM 125/13, 231.

<sup>53</sup> Chen, “Qingchao,” 8; Chen, “Qingdai,” 96.

forwarded to Qing officials at the Chinese city of Qinzhou.<sup>54</sup> The Kowloon authorities' accepting of pirates from British authorities at Hong Kong thus had a precedent in interactions between Qing and Nguyen officials. The Shap-ng-tsai expedition brought the Anglo-Qing anti-piracy regime into contact with that between Vietnam and China.

Cooperative efforts between Qing and Nguyen officials across the Sino-Vietnamese maritime boundary had become an established practice by 1849. It is possible that the Hainan officials saw the arrival of Hay's warships as a similar form of cooperation, especially as Nguyen rulers sent fleets as far as Hainan.<sup>55</sup> Alternatively, the disappearance of Huang Kaiguang's force may also suggest an unwillingness on the part of the Qing squadron to sail into Vietnamese waters. The day after Cree lost sight of Huang's war junks, he noted that the British flotilla "weighed and proceeded to Pe-Long Bay, at the head of the Gulf of Tonquin."<sup>56</sup> "Pe-Long" is likely Cree's romanization of Bailong(wei) at the maritime boundary between China and Vietnam. Huang and his staff, on board HMS *Fury* and out of reach of the Qing squadron, may have unwillingly crossed this boundary. Regardless, Huang's participation in the battle against Shap-ng-tsai and subsequent reception of prisoners suggests that the destruction of a common piratical foe justified any perceived transgression.

Despite Huang Kaiguang's cooperation with British warships in Vietnamese waters, such interaction is absent in Qing official sources. This omission, along with ambiguity regarding the location of the battle, suggests that the provincial authorities at Canton doubted the propriety of the affair. On receiving Governor Samuel George Bonham's report of the expedition against Shap-ng-tsai, Xu Guangjin, who had succeeded Qiying as governor-general, acknowledged that "your honorable country's steam cruisers attacked pirates on the seas of Annam. You obtained the assistance of Annamese officers in the attack, and together you burned and completely destroyed a fleet of pirate ships." Xu considered the matter "a cause of great joy" but made no reference to cooperation by Huang Kaiguang. In fact, in response to Bonham's suggestion that British and Qing forces cooperate to suppress piracy at the mouth of the Pearl River, Xu refused and further pointed

<sup>54</sup> Nguyen Thi My Han, "The Anti-Piracy Activities of the Nguyen Dynasty in the South China Sea, 1802–1858," *International Journal of Maritime History* 31, no. 1 (2019): 53 and 78–79.

<sup>55</sup> Wills, "Functional, Not Fossilized," 474.

<sup>56</sup> Entry for 16 October 1849, CRJ/12, 68.



out that “the inner river cannot be compared to the foreign seas of Annam.”<sup>57</sup>

Xu Guangjin’s insistence on the distinction between foreign seas and Qing maritime space provides important insight into how Qing officials viewed British attacks on Chinese pirates in foreign waters. In an early memorial mentioning the Shap-ng-tsai expedition, Xu reported that “pirate ships . . . escaped to the foreign oceans of Annam. This is so our forces cannot transgress the boundary and pursue them relentlessly”. He then cited a report from the circuit intendant of Qiongzhou, the administrative unit encompassing Hainan, stating that the British and Annamese forces jointly attacked pirates in “the sea of Huafeng in Annam,” in which “the number of pirates killed or drowned was in the hundreds.”<sup>58</sup> No mention of Qing participation appears. The *China Mail* from a month earlier, however, references a report from “Kiung-chau [Qiongzhou]” that mentions cooperation between “Hwang-k’ai-hwang [Huang Kaiguang]” and “2 foreign steamers” against Shap-ng-tsai at “Hwa-fung [Huafeng] off the Tso-kin river in Cochin China.”<sup>59</sup> Xu must have been aware of the cooperation but chose not to report it to the emperor. His memorial on British actions suggests an acceptance of the Royal Navy’s right to cooperate with Vietnamese forces to deal with pirates in the waters of Annam, especially since Qing forces were technically not allowed to pursue pirates beyond the Sino-Vietnamese maritime boundary. Either through ignorance or misinformation, Qing authorities ultimately sanctioned the expedition against Shap-ng-tsai, a tacit recognition that the *modus vivendi* between British and Qing officials for dealing with pirates on the China coast could be extended to waters beyond either’s jurisdiction.

#### IN THE WAKE OF SHAP-NG-TSAI

The cooperative expedition against Shap-ng-tsai marked a zenith in Anglo-Qing cooperation against piracy, its celebration paving the way

<sup>57</sup> Xu Guangjin to Bonham, DG 29/09/28 (12 November 1849), FO: Chinese Secretary’s Office, Various Embassies and Consulates, China: General Correspondence (682)/1982/58. On the inner-outer dichotomy of Qing maritime control see Po, *Blue Frontier*, 62–78.

<sup>58</sup> Memorial by Xu Guangjin, DG 29/11/15 (28 December 1849), FO 931/1034, 4–5. Vietnamese officials may have indeed cooperated with British forces. Hay credits ambiguous “Mandarins” with having “destroyed 4 [junks] and finished 2 others.” Hay to Collier, 23 October 1849, ADM 125/145, 99. Given the small size of Huang Kaiguang’s force, it is likely that these mandarins were Nguyen rather than Qing officials.

<sup>59</sup> *China Mail*, 22 November 1849.

for future joint operations. In addition to praise from the press, the expedition received official approbation. Bonham reported to Foreign Secretary Lord Palmerston that the expedition "met with the most signal success" and requested that Palmerston

bring to the favorable notice of the Lords of the Admiralty the services of Commanders Hay and Willcox in these late operations; and to that of the Honorable Court of Directors [of the East India Company] the merits of Mr. Niblett, commanding H.C. Steamer "Phlegethon."<sup>60</sup>

The Vice Admiralty Court of Hong Kong, in accordance with the practice of awarding bonus payments to Royal Navy crews for suppressing piracy, awarded participants of the expedition head money for 2,950 pirates, 1,845 of whom were captured or killed.<sup>61</sup> The East India Company, which leased warships such as the *Phlegethon* to supplement the Royal Navy's East Indies and China Station, gave "Encomiums" to Niblett for his "efficient co-operation in an attack on Pirates at the mouth of the Tonquin River."<sup>62</sup>

The Qing court, likely unaware of British participation, also approved of the defeat of so many pirates. Several months after the Shap-ng-tsai expedition, Xu Guangjin commended Huang Kaiguang for having "exerted himself in attacking pirates, killing and capturing very many" and recommended Huang for promotion.<sup>63</sup> Emperor Xianfeng rewarded Huang for "capturing many pirates in Guangdong" by ordering that he be presented with a peacock feather.<sup>64</sup> After his devastating defeat, Shap-ng-tsai, who survived the battle in Vietnam, surrendered along with "his gang of five hundred and twenty people in twenty ships carrying fifty-two large and small iron and brass guns" at the end of 1849.<sup>65</sup> Governor-General Xu requested that Shap-ng-tsai be pardoned and taken into military service, specifically to suppress

<sup>60</sup> Bonham to Palmerston, 3 November 1849, FO 17/159, 2-4.

<sup>61</sup> Fox, *British Admirals*, 110-111.

<sup>62</sup> "Marine Department, No. 11 of 1851," 19 March 1851, India Office Records (IOR): Correspondence with India (E)/4/808, 800, British Library, London. On the lease of HEICS *Phlegethon* and *Nemesis* to the Royal Navy, see "Marine Department, No. 9 of 1850," 20 February 1850, IOR/E/4/803, 755.

<sup>63</sup> Memorial by Xu Guanjin, DG 30/12/13 (14 January 1850), FO 931/1269, 3-4.

<sup>64</sup> Imperial Edict to the Grand Council, Xianfeng reign (XF) 1/2/bingxu day (31 March 1851) in *Qing shi lu* [Veritable Records of the Qing, QSL], XF, *juan* 28. While Huang was rewarded for suppressing piracy, neither this edict nor the memorial that prompted it specifically mention Zhang Kaiping/Shap-ng-tsai nor British involvement in the pirates' defeat.

<sup>65</sup> Memorial by Xu Guangjin and Ye Mingchen, DG 30/4/22 (2 June 1850), FO 931/1201, 9.

piracy.<sup>66</sup> In doing so, Xu was applying a longstanding policy of “pacification,” in which former pirates were given ranking positions in the Qing military and coopted to fight against their former brethren.<sup>67</sup> The emperor approved of this arrangement.<sup>68</sup> Shap-ng-tsai/Zhang Kaiping joined the Qing army, rising to the rank of captain (the same rank as Huang Kaiguang). The former pirate chief died fighting bandits of a different sort in the inland province of Jiangxi.<sup>69</sup>

The conduct of the expedition against Shap-ng-tsai did not meet with universal approval, however. The fragmented narrative and omissions in Qing sources call into question whether high authorities truly approved of the Royal Navy slaughtering Chinese subjects in the waters of a tributary state. Moreover, Xu Guangjin feared that British activities in Vietnamese waters would drive the pirates to “reassemble their remnants and scurry back into the inner seas,” causing problems in China.<sup>70</sup> Some Britons also expressed doubts about the expedition. In the aftermath, Cree commented, as HMS *Fury* took victims of Shap-ng-tsai’s pirates on board, that “I fear there were many women destroyed in the junks.”<sup>71</sup> Morality and money affected Westminster’s perception of the expedition. During a House of Lords debate on repealing the act that enabled the participants of the Shap-ng-tsai expedition to receive an astounding £42,425, the Earl of Ellenborough deemed the one-sided engagement against Shap-ng-tsai a “military execution.”<sup>72</sup> The Head Money Act of 1825 was repealed on 15 July 1850, less than a year after Shap-ng-tsai’s defeat.<sup>73</sup>

While expeditions on the scale of that against Shap-ng-tsai may not have been sustainable or even feasible, subsequent developments suggest that the stunning results made Qing officials amenable to

<sup>66</sup> Memorial by Xu Guangjin, DG 30/5/22 (1 July 1850), FO 931/1207, 26–27.

<sup>67</sup> See Robert J. Antony, “Pacification of the Seas: Qing Anti-Piracy Policies in Guangdong, 1794–1810,” *Journal of Oriental Studies* 32 (1994): 16.

<sup>68</sup> Imperial edict to the grand council, DG 30/5/dingsi day (5 July 1850) in QSL, XF, *juan* 9.

<sup>69</sup> Memorial by Ye Mingchen, XF 7/5/jiaxu day (7 June 1857) in QSL, XF, *juan* 226.

<sup>70</sup> Memorial by Xu Guangjin, DG 29/11/15 (28 December 1849), FO 931/1034, 4.

<sup>71</sup> Entry for 23 October, CRJ/12, 81. It should be noted that it was not uncommon for women to abet, participate, and even take leading roles in piracy in South China. See C. Nathan Kwan, “In the Business of Piracy, Entrepreneurial Women Among Chinese Pirates in the Mid-Nineteenth Century,” in *Female Entrepreneurs in the Long Nineteenth Century: A Global Perspective*, ed. Jennifer Aston and Catherine Bishop (Basingstoke: Palgrave, 2020), 195–218.

<sup>72</sup> Hansard, House of Lords Debate, 18 April 1850, Vol. 110. cc. 483–484, quoted in Chappell, “Maritime Raiding,” 482.

<sup>73</sup> Though the Parliamentary debate on the bill centered on piracy in Malaya, the expense of paying bounties for Chinese pirates was well known. Fox, *British Admirals*, 113–114.

increased cooperation.<sup>74</sup> Bonham hoped that the “deputing of a Mandarin of high rank, named Hwang [i.e., Huang Kaiguang], to accompany the expedition” against Shap-ng-tsai was “a step in the right direction, and it were to be desired that the Imperial Commissioner [Xu Guangjin] could be induced to follow this good example, and be prevailed upon to co-operate with us in the destruction of a common Foe.”<sup>75</sup> Some Qing officials were indeed impressed by the expedition. Commander Hay’s flaunting of Shap-ng-tsai’s boast that “he would go where English Ships dare not follow him” seems to have impressed local Qing officials.<sup>76</sup> Hay accomplished this feat with HEICS *Phlegethon*, the iron-hulled steamship on board which he spent most of the expedition.<sup>77</sup> The shipbuilders of the *Phlegethon* also built the infamous HEICS *Nemesis*, which had proved the capacity of shallow-draught steamships to navigate shallow rivers and deliver impressive ordinance to locations inaccessible to sailing ships during the Opium War.<sup>78</sup> The expedition against Shap-ng-tsai showed that British naval commanders could also bring this power to bear against pirates to devastating effect. The Kowloon authorities were quick to act on this realization. On 3 March 1850, Fan Lai, an officer from Kowloon, went to Hong Kong to request that authorities there “send an English steamship to go annihilate pirates.” Recognizing the efficacy of British naval technology, Fan specifically requested the assistance of a steamship as “the east wind was blowing hard” making it difficult for sailing vessels to go after the pirates.<sup>79</sup>

Captain James Morgan, the senior officer in China, dispatched Commander W.N.L. Lockyer in HMS *Medea* to “receive on board . . . a Mandarin from the Cowloon side” and proceed after pirates.<sup>80</sup> Lockyer sailed to “Kut-O [Ji’ao],” or Crooked Island, which was well beyond the territorial waters of Hong Kong Island.<sup>81</sup> There, he reported that his force “succeeded in destroying a much greater number of these

<sup>74</sup> Chappell, “Maritime Raiding,” 482; Murakami points out that Shap-ng-tsai’s fleet was anomalous in being the largest Chinese pirate band in the mid-nineteenth century. Piratical assemblages after 1849 would not reach the size of Shap-ng-tsai’s. Murakami, *Haiyang*, 203–204.

<sup>75</sup> Bonham to Palmerston, 3 November 1849, FO 17/159, 5–6.

<sup>76</sup> Hay to Collier, 23 October 1849, ADM 125/145, 98.

<sup>77</sup> Entries for 13, 16, 17, and 19–21 October, ADM 53/2346.

<sup>78</sup> Daniel R. Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century* (Oxford: Oxford University Press, 1981), 34–35. Graham, *China Station*, 153–154.

<sup>79</sup> Bonham to Xu Guanjin, 8 March 1850, Chinese translator unknown, FO 677/26, 45.

<sup>80</sup> Morgan to Lockyer, 4 March 1850, ADM 125/145, 116.

<sup>81</sup> Crooked Island would not become part of British Hong Kong until the lease of the New Territories in 1898.

Pirates than we could have hoped for, and with little, or no danger to the town; only one Fisherman having been killed by our Shot.”<sup>82</sup> Lockyer attempted to justify the civilian casualty by mentioning that he had “opened fire on the Pirate Junks at the earnest request of the Mandarin [sic], the moment we were assured they were the vessels of which we were in search.” He further emphasized that as there was “no doubt of our having fallen upon the pirates we were in search of, I had no hesitation in complying with the Mandarin’s urgent entreaty to destroy them.”<sup>83</sup> Fan Lai in the Crooked Island expedition served a similar function to Huang Kaiguang in that against Shap-ng-tsai, providing an official Qing presence to justify a British attack on pirates beyond Hong Kong’s maritime jurisdiction. The prisoners from the expedition were delivered to the Kowloon authorities. From such an act, Xu Guangjin considered that British “good intentions and amicability are sufficiently evident.”<sup>84</sup> British steam warships, when used against pirates rather than Qing forces, could have a positive impact on Anglo-Qing relations.

The expedition against Shap-ng-tsai also had an impact on Vietnam, where the engagement took place. The British mission of 1847 clearly caused concerns, as evidenced in the Vietnamese appeal to Qing protection. Davis complained about “a disposition to delay & evade” on the part of Vietnamese officials.<sup>85</sup> The reception of Hay’s force, wreaking havoc among Shap-ng-tsai’s pirates off the Vietnamese coast and upriver, differed markedly. Cree wrote that the British flotilla was “visited by numbers of the astonished natives,” including soldiers. Vietnamese officials even provided wood for the British steamships.<sup>86</sup> Cree also recorded receiving “40 prisoners from the mandarin [sic] at Chok-am, who had given themselves up to the natives,” suggesting that Vietnamese authorities gave some legitimacy to the action.<sup>87</sup> Hay believed that in the aftermath of Shap-ng-tsai’s defeat, “an opening most favourable to British Interests” had occurred in “Hainan and its neighbourhood as well as on the opposite coast of Cochin China.”<sup>88</sup> His optimism was misplaced. A treaty after a second war with China

<sup>82</sup> Lockyer to Morgan, 5 March 1850, ADM 125/145, 118–119.

<sup>83</sup> Lockyer to Plumridge, 18 March 1850, ADM 125/145, 125–126.

<sup>84</sup> Xu Guangjin to Bonham, DG 30/2/1 (14 March 1850), FO 677/26, 45.

<sup>85</sup> Davis to Palmerston, 26 October 1847, FO 17/130, 176.

<sup>86</sup> Entry for 22 October 1849, CRJ/12, 79–80. The logbook of HMS *Fury* records receiving “2295 piculs of wood.” See Entry for 23 October, ADM 53/1707.

<sup>87</sup> Entry for 23 October 1849, CRJ/12, 89.

<sup>88</sup> Hay to Collier, 27 October 1849, Colonial Office Records (CO): Hong Kong, Original Correspondence (129)/30, 296, TNA.

established Haikou as a treaty port in 1858, but the British consulate there did not open until 1876.<sup>89</sup> Britain never signed a treaty with Vietnam before French colonization. The goodwill expressed in the Shap-ng-tsai expedition nonetheless seemed to improve relations between Britain and Vietnam, which had been soured since the early nineteenth century by British merchants from India who attempted to sell faulty firearms to the Vietnamese king.<sup>90</sup> Suppressing Chinese piracy, which also affected Vietnam, helped restore a favorable Vietnamese opinion of Britain. Edward Brown, a British sailor who escaped captivity by Chinese pirates by fleeing to Vietnam, met with an official there eight years after the Shap-ng-tsai expedition. According to Brown, the official claimed that Vietnam "was very friendly with Great Britain; that British men-of-war often visited their coast, to destroy pirates, for which they were very thankful" and that "the King of Cochin-China had given orders to protect and support all Englishmen."<sup>91</sup> British suppression of piracy, even when legally questionable, could be an important diplomatic tool.

## CONCLUSION

The history of Anglo-Qing relations is dominated by narratives of conflict and coercion. Collaboration between the British and Qing empires against piracy challenges this generalization. Cooperation between officials from both sides in suppressing piracy began shortly after the colonization of Hong Kong. Though treaties and the British practice of international law regarding pirates allowed such cooperation, a system developed haphazardly between British and Qing officials out of necessity and convenience. From this cooperation, a mestizo international law understanding of piracy emerged on the China coast. Neither participant in the collaborative suppression of piracy, however, fully understood the limits of the other's jurisdiction, which allowed the system to expand, if on legally ambiguous grounds, beyond Hong Kong and the treaty ports. The British-led expedition

<sup>89</sup> Robert Nield, *China's Foreign Places: The Foreign Presence in China in the Treaty Port Era, 1840–1943* (Hong Kong: Hong Kong University Press, 2015), 141.

<sup>90</sup> [John] R[oberts], "Advertisement" in J R, *Diary of a Journey Overland through the Maritime Provinces of China, from Manchao, on the South Coast of Hainan, to Canton, in the Years 1819 and 1820* (London: Sir Richard Phillips and Co., 1822), 93.

<sup>91</sup> Edward Brown, *A Seaman's Narrative of his Adventures during a Captivity among Chinese Pirates, on the Coast of Cochin-China, and Afterwards during a Journey on Foot across that Country in the Years 1857–1858* (London: Charles Westerton, 1861), 204.

against Shap-ng-tsai, a Chinese pirate in Vietnamese waters, is an example of the expansion of the Anglo-Qing anti-piracy regime, based on dubious understandings of the mestizo international law of piracy on the China coast, into a foreign maritime jurisdiction.

The inconsistencies and lacunae in British and Qing official records of the expedition against Shap-ng-tsai suggest that officials on both sides were aware that aspects of the engagement violated standard practices. The areas emphasized in various accounts, however, also reveal how British and Qing participants used each other to help justify an otherwise illegal attack on pirates in Vietnamese waters. British accounts emphasized Qing participation. In the context of Vietnam's subordinate status to China, British officers cited the participation of Qing officials to legitimize their violation of Vietnamese maritime sovereignty. By letting Huang Kaiguang deal with prisoners, some of whom were handed over to Vietnamese officials, British officers applied their understanding of universal jurisdiction over piracy to Sino-Vietnamese relations. On the other hand, Qing official accounts avoid mentioning any cooperation with British forces and obscure the location of Shap-ng-tsai's defeat. They instead relegate the Royal Navy to a peripheral position, where foreign ships attacked Shap-ng-tsai in seas beyond Qing control. They attribute Shap-ng-tsai's defeat to Huang Kaiguang, crediting this victory for the pirate's eventual surrender, after which Shap-ng-tsai was co-opted into the Qing military.

The fragmented accounts of the Shap-ng-tsai expedition and the difficulties of piecing together a coherent, more holistic history help explain its relative neglect in scholarship, despite its importance. The impressive victory stands as a high-water mark for Anglo-Qing cooperation against piracy, and though future expeditions of such scale proved unsustainable, it encouraged further interactions in dealing with piracy. It also provided a model for Anglo-Qing cooperation, which involved Qing officials going on board British warships to help direct expeditions against pirates. The 1858 Treaty of Tientsin (Tianjin) mandated cooperation against piracy, but, as Chappell points out, law was only effective with methods of enforcement.<sup>92</sup> The practice of Qing officials accompanying British expeditions pioneered during the Shap-ng-tsai expedition proved an effective fulfillment of treaty stipulations. By 1868, the governor-general of Guangdong and Guangxi noted that "a system was jointly agreed on some time ago" in

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<sup>92</sup> Chappell, "Maritime Raiding," 483.

which “one of the Chinese military officers stationed at Kowloon should be invited to accompany” any British warship on expeditions against pirates’.<sup>93</sup> The Kowloon military officers were following in the footsteps of Huang Kaiguang, a pivotal figure in the defeat of Shap-ng-tsai. This stunning, multinational victory against the largest pirate band of the mid-nineteenth century set an important precedent for Sino-British cooperation in the suppression of piracy in China. The destruction of a common foe also improved relations between Britain, China, and Vietnam.

*C. Nathan Kwan is an Assistant Professor in the Department of History at the University of Macau. His research examines international relations in the Canton Delta in late imperial China with a focus on impacts of piracy and the presence of Western naval forces in the region. He received his PhD from a joint program between the Department of History at the University of Hong Kong and the Department of War Studies at King's College London. <http://orcid.org/0000-0002-6801-9125>*

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<sup>93</sup> Ruilin to Robertson, 30 July 1868, trans. William Mayers, 30 July 1868, ADM 125/13, 1116.