

# FROM EGYPT TO JAPAN.

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NEW YORK:  
SCRIBNER, ARMSTRONG & CO.  
1877.

Three spots in Canton had for me the fascination of horror—the court, the prison, and the execution ground. I had heard terrible tales of the trial by torture—of men racked to extort the secrets of crime, and of the punishments which followed. These stories haunted me, and I hoped to find some features which would relieve the impression of so much horror. I wished to see for myself the administration of justice—to witness a trial in a Chinese court. A few years ago this would have been impossible; foreigners were excluded from the courts. But now they are open, and all can see who have the nerve to look on. Therefore, after we had made a long circuit through the streets of Canton, I directed the bearers to take us to the Yamun, the Hall of Justice. Leaving our chairs in the street, we passed through a large open court into a hall in the rear, where at that very moment several trials were going on.

The court-room was very plain. A couple of judges sat behind tables, before whom a number of prisoners were brought in. The mode of proceeding was very foreign to American or European ideas. There was neither jury nor witnesses. This simplified matters exceedingly. There is no trial by jury in China. While we haggle about impanelling juries and getting testimony, and thus trials drag on for weeks, in China no such obstacle is allowed to impede the rapid course of justice; and what is more, there are no lawyers to perplex the case with their arguments, but the judge

has it all his own way. He is simply confronted with the accused, and they have it all between them.

While we stood here, a number of prisoners were brought in; some were carried in baskets (as they are borne to execution), and dumped on the stone pavement like so many bushels of potatoes; others were led in with chains around their necks. As each one's name was called, he came forward and fell on his knees before the judge, and lifted up his hands to beg for mercy. He was then told of the crime of which he was accused, and given opportunity if he had anything to say in his own defence. There was no apparent harshness or cruelty towards him, except that he was presumed to be guilty, unless he could prove his innocence; contrary to the English maxim of law, that a man is to be presumed innocent until he is proved guilty. In this, however, the Chinese practice is not very different from that which exists at this day in so enlightened a country as France.

For example, two men were accused of being concerned together in a burglary. As they were from another prefecture, where there is another dialect, they had to be examined through an interpreter. The judge wished to find out who were leagued with them, and therefore questioned them separately. Each was brought in in a basket, chained and doubled up, so that he sat helplessly. No witness was examined, but the man himself was simply interrogated by the judge.

In another case, two men were accused of robbery with violence—a capital offence, but by the Chinese law no man can be punished with death unless he confesses his crime; hence every means is employed to lead a criminal to acknowledge his guilt. Of course in a case of life and death he will deny it as long as he can. But if he will not confess, the court proceeds to take stringent measures to *make* him confess, for which purpose these two men were now put to the torture. The mode of torture was this: There were two

round pillars in the hall. Each man was on his knees, with his feet chained behind him, so that he could not stir. He was then placed with his back to one of these columns, and small cords were fastened around his thumbs and great toes, and drawn back tightly to the pillar behind. This soon produced intense suffering. Their breasts heaved, the veins on their foreheads stood out like whipcords, and every feature betrayed the most excruciating agony. Every few minutes an officer of the court asked if they were ready to confess, and as often they answered, "No; never would they confess that they had committed such a crime." They were told if they did not confess, they would be subjected to still greater torture. But they still held out, though every moment seemed an hour of pain.

While these poor wretches were thus writhing in agony, I turned to the judge to see how he bore the spectacle of such suffering. He sat at his table quite unmoved; yet he did not seem like a brutal man, but like a man of education, such as one might see on the bench in England or America. He seemed to look upon it as in the ordinary course of proceedings, and a necessary step in the conviction of a criminal. He used no bravado, and offered no taunt or insult. But the cries of the sufferers did not move him, nor prevent his taking his accustomed ease. He sat fanning himself and smoking his pipe, as if he said he could stand it as long as they could. Of course he knew that, as their heads were at stake, they would deny their guilt till compelled to yield; but he seemed to look upon it as simply a question of endurance, in which, if he kept on long enough, there could be but one issue.

But still the men did not give in, and I looked at them with amazement mingled with horror, to see what human nature could endure. The sight was too painful to witness more than a few moments, and I rushed away, leaving the men still hanging to the pillars of torture. I confess I felt a

relief when I went back the next day, to hear that they had not yielded, but held out unflinchingly to the last.

Horrible as this seems, I have heard good men—men of humanity—argue in favor of torture, at least “when applied in a mild way.” They affirm that in China there can be no administration of justice without it. In a country where testimony is absolutely worthless—where as many men can be hired to swear falsely for ten cents apiece as you have money to buy—there is no possible way of arriving at the truth but by *extorting* it. No doubt it is a rough process, but it secures the result. As it happened, the English gentleman who accompanied us was a magistrate in India, and he confirmed the statement as to the difficulty, and in many cases the impossibility, of getting at the truth, because of the unfathomable deceit of the natives. Many cases came before him in which he was sure a witness was lying, but he was helpless to prove it, when a little gentle application of the thumbscrew, or even a good whipping, would have brought out the truth, which, for want of it, could not be discovered.

To the objection that such methods may coerce the innocent as well as the guilty—that the pain may be so great that innocent men will confess crimes that they never committed, rather than suffer tortures worse than death—the answer is, that as guilt makes men cowards, the guilty will give up, while the innocent hold out. But this is simply trusting to the trial by lot. It is the old ordeal by fire. A better answer is, that the court has beforehand strong presumptive evidence of the crime, and that a prisoner is not put to the torture until it has been well ascertained by testimony obtained elsewhere that he is a great offender. When it is thus determined that he is a robber or a murderer, who ought not to live, then this last step is taken to compel him to acknowledge his guilt, and the justice of his condemnation.

But there are cases in which a man may be wrongfully accused; an enemy may bribe a witness to make a complaint against him, upon which he is arrested and cast into prison. Then, unless he can bring some powerful influence to rescue him, his case is hopeless. He denies his guilt, and is put to the rack for an offence of which he is wholly innocent. Such cases, no doubt, occur; and yet men who have lived here many years, such as Dr. Happer and Archdeacon Gray, tell me that they do not believe there is a country in the world where, on the whole, justice is more impartially administered than in China.

I was so painfully interested in this matter, that I went back to the Yamun the next day in company with Dr. Happer, to watch the proceedings further. As before, a number of prisoners were brought in, with chains around their necks, each of whom, when called, fell down on his knees before the judge and begged for mercy. They were not answered harshly or roughly, but listened to with patience and attention. Several whose cases were not capital, at once confessed their offence, and took the punishment. One young fellow, a mere overgrown boy of perhaps eighteen, was brought up, charged with disobedience to parents. He confessed his fault, and blubbered piteously for mercy, and was let off for this time with rather a mild punishment, which was to wear a chain with a heavy stone attached, which he was to drag about after him in the street before the prison, where he was exposed to the scorn of the people. The judge, however, warned him that if he repeated the disobedience, and was arrested again, he would be liable to be punished with death! Such is the rigor with which the laws of China enforce obedience to parents.

A man accused of theft confessed it, and was sentenced to wear the *cangue*—a board about three feet square—around his neck for a certain time, perhaps several weeks, on which his name was painted in large characters, with the crime of

which he was guilty, that all who saw him might know that he was a thief!

These were petty cases, such as might be disposed of in any police court. But now appeared a greater offender. A man was led in with a chain around his neck, who had the reputation of being a noted malefactor. He was charged with both robbery and murder. The case had been pending a long time. The crime, or crimes, had been committed four years ago. The man had been brought up repeatedly, but as no amount of pressure could make him confess, he could not be executed. He was now to have another hearing. He knelt down on the hard stone floor, and heard the accusation, which he denied as he had done before, and loudly protested his innocence. The judge, who was a man of middle age, with a fine intellectual countenance, was in no haste to condemn, but listened patiently. He was in a mild, persuasive mood, perhaps the more so because he was refreshing himself as a Chinaman likes to do. As he sat listening, he took several small cups of tea. A boy in attendance brought him also his pipe, filled with tobacco, which he put in his mouth, and took two or three puffs, when he handed it back; and the boy cleaned it, filled it, and lighted it again. With such support to his physical weakness, who could not listen patiently to a man who was on his knees before him pleading for his life? But the case was a very bad one. It had been referred back to the village in which the man was born, and the "elders," who form the local government in every petty commune in China, had inquired into the facts, and reported that he was a notorious offender, accused of no less than seven crimes—five robberies, one murder, and one maiming. This was a pretty strong indictment. But the man protested that he had been made the victim of a conspiracy to destroy him. The judge replied that it might be that he should be wrongfully accused by *one* enemy, but it was hardly possible that a hundred people of his native vil-

lage should combine to accuse him falsely. Their written report was read by the clerk, who then held it up before the man, that he might see it in white and black. Still he denied as before, and the judge, instead of putting him to the torture, simply remanded him to prison for further examination. In all these cases there was no eagerness to convict or to sentence the accused. They were listened to with patience, and apparently all proper force was allowed to what they had to say in their own defence.

This relieves a good deal the apparent severity of the Chinese code. It does not condemn without hearing. But, on the other hand, it does not cover up with fine phrases or foolish sentiment the terrible reality of crime. It believes in crime as an awful fact in human society, and in punishment as a repressive force that must be applied to keep society from destruction.

Next to the Yamun is the prison, in which are confined those charged with capital offences. We were admitted by paying a small fee to the keepers, and were at once surrounded by forty or fifty wretched objects, some of whom had been subjected to torture, and who held up their limbs which had been racked, and showed their bodies all covered with wounds, as an appeal to pity. We gave them some money to buy tobacco, as that is the solace which they crave next to opium, and hurried away.

But there is a place more terrible than the prison; it is the execution-ground. Outside the walls of Canton, between the city gate and the river, is a spot which may well be called Golgotha, the place of a skull. It is simply a dirty vacant lot, partly covered with earthenware pots and pans, a few rods long, on one side of which is a dead wall; but within this narrow space has been shed more blood than on any other spot of the earth's surface. Here those sentenced to death are beheaded. Every few days a gloomy procession files into the lane, and the condemned are ranged against the



wall on their knees, when an assistant pulls up their pinioned arms from behind, which forces their heads forward, and the executioner coming to one after another, cleaves the neck with a blow. A number of skulls were scattered about—of those whose bodies had been removed, but whose heads were left unburied. In the lane is the house of the executioner—a thick, short-set man, in a greasy frock, looking like a butcher fresh from the shambles. Though a coarse, ugly fellow, he did not look, as one might suppose, like a monster of cruelty, but was simply a dull, stolid creature, who undertook this as he would any other kind of business, and cut off human heads with as little feeling as he would those of so many sheep. He picks up a little money by exhibiting himself and his weapon of death. He brought out his sword to show it to us. It was short and heavy, like a butcher's cleaver. I took it in my hand, and felt of the blade. It was dull, and rusted with stains of blood. He apologized for its appearance, but explained that it had not been used recently, and added that whenever it was needed for service, he sharpened it. I asked him how many heads he had cut off. He did not know—had not kept count—but supposed some hundreds. Sometimes there were “two or three tens”—that is, twenty or thirty—at once. Rev. Mr. Preston told me he had seen forty cut off in one morning. Dr. Williams had such a horror of blood that he could never be present at an execution, but he one day saw nearly two hundred headless trunks lying here, with their heads, which had just been severed from the bodies, scattered over the ground. Mr. Preston had seen heads piled up six feet high. It ought to be said, however, that in ordinary times no criminal convicted of a capital offence can be executed anywhere in the province (which is a district of nearly eighty thousand square miles, with twenty millions of inhabitants) except in Canton, and with the cognizance of the governor.

The carnival of blood was during the Taiping rebellion in

1855. That rebellion invaded this province; it had possession of Whampoa, and even endangered Canton. When it was suppressed, it was stamped out in blood. There were executions by wholesale. All who had taken part in it were sentenced to death, and as the insurgents were numbered by tens of thousands, the work went on for days and weeks and months. The stream of blood never ceased to flow. The rebels were brought up the river in boat-loads. The magistrates in the villages of the province were supposed to have made an examination. It was enough that they were found with arms in their hands. There were no prisons which could hold such an army, and the only way to deal with them was to execute them. Accordingly every day a detachment was marched out to the execution ground, where forty or fifty men would be standing with coffins, to receive and carry off the bodies. They were taken out of the city by a certain gate, and here Dr. Williams engaged a man to count them as they passed, and thus he kept the fearful roll of the dead; and comparing it with the published lists he found the number executed in fourteen months to be eighty-one thousand! An Aceldama indeed! It is not, then, too much to say that taking the years together, within this narrow ground blood enough has been shed to float the Great Eastern.

But decapitation is a simple business compared with that which the executioner has sometimes to perform. I observed standing against the wall some half a dozen rude crosses, made of bamboo, which reminded me that death is sometimes inflicted by crucifixion. This mode of punishment is reserved for the worst malefactors. They are not nailed to the cross to die a lingering death, but lashed to it by ropes, and then slowly strangled or cut to pieces. The executioner explained coolly how he first cut out an eye, or sliced off a piece of the cheek or the breast, and so proceeded deliberately, till with one tremendous stroke the body was cleft in twain.

Thus Chinese law illustrates its idea of punishment, which is to inflict it with tremendous rigor. It not only holds to capital punishment, but sometimes makes a man in dying suffer a thousand deaths. A gentleman at Fuhchau told me that he had seen a criminal starved to death. A man who had robbed a woman, using violence, was put into a cage in a public place, with his head out of a hole, exposed to the sun, and his body extended, and there left to die by inches. The foreign community were horror-struck; the consuls protested against it, but in vain. He lingered four days before death came to put an end to his agony. There were about twenty so punished at Canton in 1843, for incendiarism.

We shudder at these harrowing tales of "man's inhumanity to man." But we must not take the pictures of these terrible scenes, as if they were things which stare in the eyes of all beholders, or which give the fairest impression of Chinese law; as if this were a country in which there is nothing but suffering and crime. On the contrary, it is pre-eminently a land of peace and order. The Chinese are a law-abiding people. Because a few hundred bad men are found in a city of a million inhabitants, and punished with severity, we must not suppose that this is a lawless community. Those who would charge this, may at least be called on to point out a better-governed city in Europe.

This fearful Draconian code can at least claim that it is successful in suppressing crime. The law is a terror to evil-doers. The proof of this is that order is so well preserved. This great city of Canton is as quiet, and life and property are as safe, as in London or New York. Yet it is done with no display of force. There is no obtrusion of the police or the military, as in Paris or Vienna. The gates of the city are shut at night, and the Tartar soldiers make their rounds; but the armed hand is not always held up before the public eye. The Chinese Government has learned to make its au-

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thority respected without the constant display of military power.