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ORIGINAL MANUSCRIPT

Rethinking the Legitimacy of British Botanizing in Late Qing China (1840–1912)

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Abstract

British bioprospecting in the last decades of imperial China was propelled not merely by natural history and commerce, but significantly by China's evolving foreign relations under international treaties. This article unravels the legal dimension of British naturalists' collecting activities in late Qing China, challenging indiscriminate associations of their presence with imperialist or illicit plunder of natural resources. While the Sino-British treaties did not explicitly address plant collecting, they authorized British naturalists, as travelers, to move from Guangzhou to treaty ports and subsequently, under passports, into the interior. In practice, their expeditions encompassed both licit travel and illicit transgressions; and plant collecting was either officially acquiesced to or incorporated into the general regulation of travel for pleasure, coupled with lax inspection of plant outflow. From 1863, initially under British influence, Qing authorities even legalized international trade in tea seeds and plants, thus diminishing their control of a species economically vital to China. However, an international legal consensus on sovereign resource rights remained absent. The evolving legal environment for the botanical connection between the British Empire and late Qing China preceded the integration of natural resources into the agenda of international law, nuancing understanding of the politics of nature.

Historians have long been familiar with Westerners who for centuries collected and studied the plants of China for botanical, medical, gardening, and economic purposes.[1] Increasing scholarly attention has also turned to the state regulation of the movement of Westerners in China under its last dynasty, the Qing (1644–1912).[2] In particular, increased mobility for foreigners by the mid-nineteenth century allowed collectors access to areas and activities

[1] Emil Bretschneider, *Early European Researches into the Flora of China* (Trübner & Co., 1881); Emil Bretschneider, *History of European Botanical Discoveries in China* (Sampson Low, Marston and Co., 1898); Euan H. M. Cox, *Plant-Hunting in China* (Collins, 1945); Lucien André Lauener, *The Introduction of Chinese Plants into Europe*, ed. David Kay Ferguson (SPB Academic Publishing, 1996); Fa-ti Fan, *British Naturalists in Qing China: Science, Empire, and Cultural Encounter* (Harvard, 2004); Jane Kilpatrick, *Fathers of Botany: The Discovery of Chinese Plants by European Missionaries* (Chicago, 2014).

[2] R. Randle Edwards, "Imperial China's Border Control Law," in *Foreigners in Chinese Law*, ed. Tahirih V. Lee (Garland, 1997), 73–102; Hu Zhongliang, "Cong Dang'an Tan Wanqing Ouzhouren Zaihua Youli," *Lishi Dang'an* no. 2 (2002): 101–05; Pär Kristoffer Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (Oxford, 2012), 39–62; He Chao, "Wanqing Dui Fuhua Neidi Youli Wairen De Guanli Lunshu," *Jingchu Xuekan* 21, no. 5 (2020): 31–37; Michal Tomášek, "Origins of the Legal Regulation of Foreigners in China," *The Lawyer Quarterly* 11, no. 1 (2021): 70–82.

previously barred to them, especially in the period when Qing China's relationship with the world underwent dramatic change, particularly in the wake of the First Opium War (1839–42). The War resulted in the signing of China's first treaty with a Western power, Great Britain, which initiated the "treaty system" in China.[3] Furthermore, from 1839, international law as practiced by Western powers was introduced into the Chinese world through translation.[4] By around 1880, with the establishment of a series of legations in the United States, Europe, and Japan based on treaties or principles of international law, China formally entered the modern family of nations.[5] Although the traditional diplomatic patterns of the tributary system did not immediately vanish, the adoption of Western legal concepts altered Qing China's engagement with Western people and nations.[6] Throughout the late Qing period, and even earlier, the Qing government, like many other states, regulated the international trade of its domestic products; however, no widely accepted international law explicitly delineated China's exclusive sovereign rights over its natural resources.

Changing international relations between China and the West directly informed the extent of the rights British naturalists could secure in China. These changes gave rise to long-standing critiques that linked these collecting activities with illicit or imperialist plunder of Chinese natural resources.[7] The inconvenience of accessing "type specimens" of plants collected in China but housed abroad, particularly in European herbaria, also fueled critical sentiment toward these collecting activities.[8] While acknowledging their role as go-betweens in facilitating multifaceted scientific exchanges across geographical and

[3] John K. Fairbank, "The Creation of the Treaty System," in *The Cambridge History of China*, vol. 10, ed. John K. Fairbank (Cambridge, 1978), 213–63. Before the Opium War, Qing China had only entered into treaty relations with Russia; see Chen Guopei, ed., *Zhongwai Jiuyuezhang Daquan*, vol. 1 (Zhongguo Haiguan Chubanshe, 2004), 1–68.

[4] Rune Svarverud, *International Law as World Order in Late Imperial China: Translation, Reception and Discourse, 1847–1911* (Brill, 2007), 75–130; Zhiguang Yin, "Heavenly Principles? The Translation of International Law in 19th-Century China and the Constitution of Universality," *The European Journal of International Law* 27, no. 4 (2017): 1005–23.

[5] Immanuel C. Y. Hsü, *China's Entrance into the Family of Nations: The Diplomatic Phase, 1858–1880* (Harvard, 1960), 181–86, 209–10; Immanuel C. Y. Hsü, "Late Ch'ing Foreign Relations, 1866–1905," in *The Cambridge History of China*, vol. 11, ed. John K. Fairbank and Kwang-Ching Liu (Cambridge, 1980), 84.

[6] Takeshi Hamashita, "Tribute and Treaties: East Asian Treaty Ports Networks in the Era of Negotiation, 1834–1894," *European Journal of East Asian Studies* 1, no. 1 (2001): 59–87.

[7] For example, see Yu Dejun, "Diguo Zhuyi Zhe Zenyang Lueduo Woguo De Zhiwu Ziyuan," *Shengwuxue Tongbao* no. 1 (1952): 27–30; Feng Guomei, "Yunnan Zhiwu Diaocha He Caiji De Lishi Huigu Yu Qianzhan," *Yunnan Xueshu Yanjiu* no. 4 (1963): 34–42; Sheng Zhiwu Yanjiusuo, "Gaoshan Zhiwu Yuandi: Yulongshan," in *Hengduan Shanmai*, ed. Yunnan Renmin Chubanshe (Yunnan Renmin Chubanshe, 1975), 14–16; Chen Jie et al., eds., *Yunnan De Zhiwu* (Yunnan Renmin Chubanshe, 1983), 21–23; Chen Demao, *Zhongguo Zhiwu Fenleixue Shi* (Huazhong Shifan Daxue Chubanshe, 1993), 174; George B. Schaller, *The Last Panda* (Chicago, 1994), 22; Xue Dayuan, ed., *Zhongguo Shengwu Yichuan Ziyuan Xianzhuang Yu Baohu* (Zhongguo Huanjing Kexue Chubanshe, 2004), 55–56; Stevan Harrell, "Explorers, Scientists, and Imperial Knowledge Production in Early Twentieth-Century China," in *Explorers and Scientists in China's Borderlands, 1880–1950*, ed. Denise M. Glover et al. (Washington, 2011), 3–25; Guo Fengping, ed., *Sichou Zhilu Shang De Zhiwu Wenhua Jiaoliu Yanjiu* (Xibei Nonglin Keji Daxue Chubanshe, 2017), 7; Mu Jihong, *Chama Gudao Wenhua Yichan Xianlu* (Yunnan Daxue Chubanshe, 2020), 83.

[8] Despite its changing meaning, today a type specimen serves as an anchor for the binomial name and original description of a species, which is important for taxonomic identification and nomenclatural stability. However, due to the pioneering work of European botanists and collectors, a large number of type specimens are located in collections of natural history held in a variety of European institutions. In this sense type specimens are often not accessible to taxonomists, especially those outside Europe and without powerful passports. See Lorraine Daston, "Type Specimens and Scientific Memory," *Critical Inquiry* 31, no. 1 (2004): 153–82; Joeri Witteveen, "Suppressing Synonymy with a Homonym: The Emergence of the Nomenclatural Type Concept in Nineteenth Century Natural History," *Journal of the History of Biology* 49, no. 1 (2016): 135–89; Alexandra Cook, "Plant Technology and Science," in *A Cultural History of Plants in the Seventeenth and Eighteenth Centuries*, ed. Jennifer Milam (Bloomsbury, 2022), 106; Maura C. Flannery, *In the Herbarium: The Hidden World of Collecting and Preserving Plants* (Yale, 2023), 16–17.

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cultural boundaries,[9] the legitimacy of Western botanizers in Qing China has not yet been adequately investigated in its historical and legal context. Here, I use the term "legitimacy" to refer to the historically dynamic legal and political sanction of British naturalists' collecting activities in late Qing China, which encompassed the right granted by international treaties, the approval or acquiescence of Qing authorities, and Qing domestic legislation. It was these legal and political frameworks that legitimized certain practices pertaining to the collection of plants and necessitating imperial travel.

In the 1950s and 1960s, the United Nations (UN) General Assembly passed a series of resolutions on sovereignty over natural resources. Reflecting the concurrent movement toward decolonization and independence, the UN regulated nature, most notably through a 1962 resolution that proclaimed "the right of peoples and nations to permanent sovereignty over their natural wealth and resources."[10] Nationalization of the natural world, most clearly embodied in the renaming of plants, such as American ginseng, Korean ginseng, and Chinese ginseng, rationalized the cross-border control of living organisms. However, naturalists in the West also pioneered the concept of "borderless nature," which emerged alongside the rise of the international nature conservation movement in the early twentieth century.[11] The tension around the human ownership of nature highlights the disputable legal dimension of the entanglement of humans, plants, and geography. Related issues of legislation, from a historical perspective, can be traced back to earlier regulatory or legal environments for transnational bioprospecting.

Using Sino-British treaties, the writings of British travelers, and Chinese official and archival documents concerning foreign affairs, I argue that British botanical exploration in late Qing China, in the context of the dynamics of late Qing China's legal order and international relations, exposes the complex issue of legitimacy through both the movement of British naturalists in China and the practice of collecting plants. Scottish-born Robert Fortune (1812–80) was one such naturalist, notable for his introduction of Chinese tea plants and tea manufacture to the British Empire.[12] Fortune made five botanical expeditions to China between 1843 and 1861, a period that witnessed the early expansion of British rights to explore China.[13] Naturalists such as Fortune, and their collection practices, foreground the role of plants in the making of the world's biogeographical and political order. Focusing on British collecting activities in late Qing China (1840–1912) reveals how modern global botanical exchanges became subject to various restrictions, which were partly framed by international law. The British Empire, and other Western powers, driven by a natural historical tradition focused in part on discovery and collection, increasingly sought access to,

[9] Kapil Raj, "Go-Betweens, Travelers, and Cultural Translators," in *A Companion to the History of Science*, ed. Bernard Lightman (Wiley Blackwell, 2016), 39–57.

[10] Malcolm D. Evans, ed., *Blackstone's International Law Documents* (Oxford, 2021), 104. For recent discussions of the United Nations General Assembly resolutions on permanent sovereignty over natural resources, see, for example, Stephan Hobe, "Evolution of the Principle on Permanent Sovereignty Over Natural Resources: From Soft Law to a Customary Law Principle?," in *Permanent Sovereignty over Natural Resources*, ed. Marc Bungenberg and Stephan Hobe (Springer, 2015), 1–13; Pedro J. Martinez-Fraga and C. Ryan Reetz, *Public Purpose in International Law: Rethinking Regulatory Sovereignty in the Global Era* (Cambridge, 2015), 293–317; Jérémie Gilbert, *Natural Resources and Human Rights: An Appraisal* (Oxford, 2018), 14–17.

[11] Raf de Bont, "Borderless Nature: Experts and the Internationalization of Nature Protection, 1890–1940," in *Scientists' Expertise as Performance: Between State and Society, 1860–1960*, ed. Joris Vandendriessche et al. (Routledge, 2015), 49–65.

[12] Sarah Rose, *For All the Tea in China: How England Stole the World's Favorite Drink and Changed History* (Viking, 2010), 34. Rose critiques Fortune as someone who compromised Chinese intellectual property and trade secrets.

[13] For Fortune's life and contribution to botany, see, for example, George S. Boulger and Elizabeth Baigent, "Robert Fortune," in *Oxford Dictionary of National Biography*, vol. 20, ed. Henry C. G. Matthew and Brian Harrison (Oxford, 2004), 476–77; Alistair Watt, *Robert Fortune: A Plant Hunter in the Orient* (Royal Botanic Gardens, Kew, 2017); David Kay Ferguson, *Robert Fortune—Plant Hunter* (Anhui Daxue Chubanshe, 2017).

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exploitation of, and control over the global natural world. The procurement of tea seeds and plants, initially under the vague umbrella of travel for pleasure and later through explicit trade regulations, highlights a subtle but significant transfer of de facto control and access over natural resources, even if de jure ownership was not explicitly ceded.

Regulation of Mobility on Paper

In 1656 the Qing court banned maritime trade in order to guard against overseas rebel forces. Later, in 1684, only one year after the Qing occupation of Taiwan, a rebel stronghold not far off the southeast coast of mainland China, the ban was formally lifted for the sake of people's livelihoods and national finance.[14] The Scottish naturalist James Cuninghame (*ca.* 1665–1709) had joined British trading ships bound for China, and collected specimens of plants and animals on the islands of Xiamen and Zhoushan around the turn of the eighteenth century.[15] From 1757, Sino-European trade became confined to Canton (i.e., Guangzhou) in consideration of coastal defense and local livelihoods in Guangdong province.[16] English naturalist John Bradby Blake (1745–73) had sent seeds and plants he procured in Guangzhou to England during his service as a supercargo (an officer responsible for overseeing a ship's goods) for the British East India Company between 1766 and 1773.[17] However, Europeans could not trade and reside freely in Guangzhou. Four viceroys of Guangdong and Guangxi subsequently suggested that the emperors impose restrictions on foreigners in Guangzhou in 1759, 1809, 1831, and 1835. One of the restrictions proposed in 1759 required foreign merchants in Guangzhou to relocate to Macao outside the trading season.[18] Partly due to these rules, which were intolerable and unjust in the minds of some British traders and politicians, two British embassies led by George Macartney (1737–1806) and William Pitt Amherst (1773–1857) arrived in Beijing in 1793 and 1816 in vain efforts to change the status quo of Sino-British trade.[19] The Qing court unilaterally enacted these restrictive ordinances on Canton trade. Yet this Canton system for China's foreign trade collapsed in 1842 when the era of treaty ports began.[20]

Following the end of the Opium Wars, the geographic extent within which the British could legally reside and move in China was expanded. The Treaty of Nanking (signed 29 August 1842, and ratified 26 June 1843) permitted British subjects, with their families and establishments, to reside in the cities and towns of Guangzhou, Xiamen, Fuzhou, Ningbo,

[14] Gang Zhao, *The Qing Opening to the Ocean: Chinese Maritime Policies, 1684–1757* (Hawai'i, 2013), 57–98; Robert J. Antony, *The Golden Age of Piracy in China, 1520–1810: A Short History with Documents* (Rowman & Littlefield, 2022), 91.

[15] Charles E. Jarvis and Philip H. Oswald, "The Collecting Activities of James Cuninghame FRS on the Voyage of *Tuscan* to China (Amoy) between 1697 and 1699," *Notes and Records* 69, no. 2 (2015): 135–53; Charles Jarvis, "The Chinese Tallow Tree: From Asset in Asia to Curse in Carolina," in *The Material Cultures of Enlightenment Arts and Sciences*, ed. Adriana Craciun and Simon Schaffer (Palgrave Macmillan, 2016), 191–93.

[16] Qinggui et al., *Qing Shilu*, book 15 (Zhonghua Shuju, [1807] 1986), 1023–24; Wang Hongbin, "Qianlong Huangdi Congwei Xialing Guanbi Jiang, Zhe, Min San Haiguan," *Shixue Yuekan* no. 6 (2011): 40–45.

[17] Jordan Goodman and Peter Crane, "The Life and Work of John Bradby Blake," *Curtis's Botanical Magazine* 34, no. 4 (2017): 231–50; Josepha Richard, "Collecting Chinese Flora: Eighteenth- to Nineteenth-Century Sino-British Scientific and Cultural Exchanges as Seen through British Collections of China Trade Botanical Paintings," *Ming Qing Yanjiu* 24, no. 2 (2020): 209–44.

[18] Liang Tingnan et al., *Yue Haiguan Zhi* (Wenhai Chubanshe, [1839] 1975), 2012–31, 2070–103.

[19] George Staunton, *An Authentic Account of an Embassy from the King of Great Britain to the Emperor of China*, vol. 2 (W. Bulmer and Co., 1797), 250–346; Clarke Abel, *Narrative of a Journey in the Interior of China, and of a Voyage to and from that Country, in the Years 1816 and 1817* (Longman, Hurst, Rees, Orme, and Brown, 1818), 92–129; John M. Carroll, *Canton Days: British Life and Death in China* (Rowman & Littlefield, 2020), 35–37.

[20] Paul A. Van Dyke, *The Canton Trade: Life and Enterprise on the China Coast, 1700–1845* (Hong Kong, 2007), xiv, 5–33; John D. Wong, *Global Trade in the Nineteenth Century: The House of Houqua and the Canton System* (Cambridge, 2016), 147–60.

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and Shanghai for commercial purposes. It also empowered the British government to appoint superintendents or consular officers to reside in these places.[21] However, the treaty did not clarify whether the British could move beyond them. Soon the Supplementary Treaty of the Bogue (signed 8 October 1843) provided that "English" merchants could trade only at those five ports and should not go into the countryside beyond "certain short distances" to be specified by "the local authorities, in concert with the British consul."[22] The latter provision was rigorously enforced. On 21 November 1845, for example, the district magistrates of Guangzhou communicated to the British consul the names of 70 localities in neighborhoods outside the city of Guangzhou where British subjects would "enjoy full liberty and protection"; they also specified that the British could take excursions on both sides of the river "where there are not numerous villages."[23] Shortly afterwards, on 29 November, the local Chinese intendant in Shanghai publicized regulations regarding the land demarcated for British settlement.[24] This new right of residence allowed a Mr. Smith to collect living specimens of the plant Plumbago (*Plumbago larpentae*) in Shanghai and send them to England in 1846.[25] Even though the five treaty ports, the new British colony of Hong Kong, and Portuguese-controlled Macao afforded several separate footholds from which to prospect for natural specimens, the movement of the British in the Qing empire was substantially restrained.

A breakthrough came with the signing of a series of treaties of Tientsin (1858) between China and Russia, the United States, Britain, and France during the second Opium War (1856–60). These treaties opened the door for increased trade at more treaty ports, and allowed these nationals to journey into the vast interior of China.[26] Specifically, the Sino-Russian Treaty of Tientsin (signed 13 June) allowed missionaries to penetrate the interior of China to propagate Christianity, but only if they held the right documentation: "свидѣтельствами" (certificates) issued by Russian consuls or border authorities. Moreover, all the political, commercial, and other rights and privileges that could subsequently be acquired by the states most favored by the Qing government were to be extended at the same time to Russia without requiring prior negotiations.[27] A similar demand appeared in the Sino-American Treaty of Tientsin (signed 18 June), although this treaty itself did not mention permission to enter interior China, but merely declared the right of Americans to reside and trade at the treaty ports and to travel between them with their vessels and merchandise.[28] These treaty clauses enabled Russia and the United States to secure the travel rights that China also granted to the British and the French

[21] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, vol. 1 (The Statistical Department of the Inspectorate General of Customs, 1917), 352.

[22] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 391–92.

[23] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 401.

[24] Robert Bickers, "Ordering Shanghai: Policing a Treaty Port, 1854–1900," in *Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century*, ed. David Killingray et al. (Boydell, 2004), 173–94; Robert Bickers, "Citizenship by Correspondence in the Shanghai International Settlement (1919–1943)," in *Citadins et Citoyens dans la Chine du XXe Siècle*, ed. Yves Chevrier et al. (Éditions de la Maison des Sciences de l'Homme, 2010), 227–62.

[25] Anonymous, "Plumbago Larpentae," *The Annals of Horticulture* 4 (1849): 30–31; George Eyles, "Notice of the Introduction of Lady Larpent's Leadwort—Plumbago Larpentae," *Paxton's Magazine of Botany, and Register of Flowering Plants* 16 (1849): 149–50.

[26] Liu Jialiang, "Wanqing Waiguoren Fu Neidi Youli Huoyun," *Gugong Xuekan* 15 (2015): 347–54; Wolfgang Keller and Carol H. Shiue, "Foreign Trade and Investment," in *The Cambridge Economic History of China*, vol. 2, ed. Debin Ma and Richard von Glahn (Cambridge, 2022), 428.

[27] Dmitry Alekseevich Peshchurov, ed., *Sbornik Dogovorov Rossii s Kitaem, 1689–1881 gg.* (Imperatorskoj Akademii Nauk, 1889), 127, 129; Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 89–90, 97–98.

[28] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 719, 726.

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soon afterwards. The Sino-French Treaty of Tientsin (signed 27 June) allowed French subjects, including French missionaries, to travel to the interior of China or the ports where foreign ships were not admitted. However, they were required to acquire "passeports" issued by diplomatic agents or French consuls in China and endorsed by Chinese authorities. However, the French residing or passing through the treaty ports could roam in their vicinities without passports as long as they did not exceed certain limits that were to be fixed by the consul and the local authority.[29]

Such travel documents were not "passports in the international sense," but functioned as "local certificates or passes" granting their holders permission to move inland.[30] One of the earliest such passports, written in Chinese and French, issued to the French Father Jean-Baptiste-Raphaël Thierry in Beijing on 7 November 1860, instructed officials and the people of China to provide hospitality and protection for him.[31] The Sino-British Treaty of Tientsin, signed on 26 June 1858, and ratified on 24 October 1860, entitled British merchant ships to trade on the middle and lower reaches of the Yangtze River. Meanwhile, it authorized British subjects to travel "for their pleasure or for purposes of trade, to all parts of the interior," though it required them to obtain passports "issued by their consuls and countersigned by the local authorities," "for examination in the localities passed through." No passports were necessary if they went on excursions from the treaty ports "to a distance not exceeding one hundred *li*, and for a period not exceeding five days." These provisions did not apply to ship crews, who were later restrained by regulations yet to be formulated by the consul and local authorities.[32] The passport system wove British naturalists into the infrastructure of what the historian Fa-ti Fan describes as the British "informal empire" in China, especially its consular service.[33] A subsequent agreement between China and Britain, signed on 8 November 1858, blocked the British from entering Beijing for trade purposes.[34] Behind this provision lay a concern that the British presence in the imperial capital would undermine the respect among China's population for the Qing court's authority.[35] Certainly Beijing was a tiny spot when compared with the entire territory of China. In 1909, people from countries not in treaty relations with China could also apply for passports to travel in the country.[36]

To facilitate state control of trade, Qing China's Office of Foreign Affairs attempted to limit the use of passports to those seeking to travel for pleasure and therefore initiated discussions with the British envoy about such restrictions. After negotiation, in 1863, the Office declared that while the passport still permitted travel to the interior lands, it did not serve as a permit for interior trade. Foreigners who intended to travel for trade had to

[29] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 819, 821.

[30] Francis Wharton, ed., *A Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys-General*, vol. 2 (Government Printing Office, 1886), 193.

[31] Ma Jinke, *Chang'an Zhai Wenshi Jilu* (Zhongguo Xiju Chubanshe, 2006), 212–18.

[32] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 407–08, 429. Then one *li* roughly equaled 576 meters; see Qi Kaiyue, "Lun Zhongguo Fazhishi Zhong De Juli Danwei 'Li'," *Zhonggong Hangzhou Shiwei Dangxiao Xuebao* no. 3 (2017): 74–79.

[33] Fa-ti Fan, "Victorian Naturalists in China: Science and Informal Empire," *The British Journal for the History of Science* 36, no. 1 (2003): 1–26; Fan, *British Naturalists in Qing China*, 61–90.

[34] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 427.

[35] Harry Gelber, *Battle for Beijing, 1858–1860: Franco-British Conflict in China* (Palgrave Macmillan, 2016), 62.

[36] Yet in 1908 they had been permitted to travel without passports: see Waiwubu, "Waiwubu Wei Suoyou Wuyueguo Renmin Youli Yilü Faji Zhizhao De Ziwen (1909)," in *Qingdai Minguo Jilin Dang'an Shiliao Xuanbian: Shewai Jingji Maoyi*, vol. 1, ed. Li Shutian et al. (Jilin Wenshi Chubanshe, 1995), 143; Waiwubu, "Waiwubu Zi Gesheng Wuyueguo Renmin Youli Banfa Wen (1908)," in *Daqing Xin Faling*, vol. 2, ed. Shanghai Shangwu Yinshuguan Bianyisuo (Shangwu Yinshuguan, 2011), 829.

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obtain relevant documents from the new-style maritime customs.[37] The American consul in Xiamen later confirmed this policy, reporting of the 1968 Sino-British Treaty that: "the Chinese hold that this refers only to travel for the purpose of pleasure, and refuse permission to travel for purposes of trade."[38] The term "pleasure" was, however, vague and subjective and thus could legitimize a range of activities undertaken by British travelers for non-trading purposes, including botanical prospecting.

For naturalists there was no reason to exclude plant collecting from pleasurable activities. In 1861 the Scottish doctor Walter Dickson collected the plant *Ehretia dicksonii* during his overland trip from Guangzhou to Hankou, presumably with a passport. The trip was undertaken "with the official support afforded by the late Treaty," to "ascertain what are the facilities as well as the difficulties of traveling by the western route." En route he had observed such plants as the tea shrub and cotton.[39] A copy of one such passport for travel, valid from 25 February 1894 to 25 February 1895, is reproduced in the Australian doctor George Ernest Morrison's travel book of 1895. Morrison registered as a British subject at the British consulate in Hankou, and then obtained the passport for Hubei, Sichuan, Guizhou, and Yunnan provinces.[40] Ambiguity in official language thus allowed naturalists the latitude to travel, collect, and transport specimens.

Regulation of Mobility in Practice

The regulatory framework delineated by Qing treaties was subject to interpretation and modification, as evidenced by the 1863 negotiation concerning the impermissible use of the passport for trade. Scrutinizing the experiences of British naturalists in late Qing China, particularly Robert Fortune's five botanical expeditions, helps to elucidate how this regulatory framework actually worked in practice, at least for British subjects.

Each of the expeditions varied in purpose and location; the details help explain the larger historical changes. On his first botanical expedition, Fortune left England, arriving in Hong Kong on 6 July 1843, and then proceeded north to Xiamen and elsewhere. Over two years later, he sailed from Guangzhou on 22 December 1845, and anchored in the Thames on 6 May 1846.[41] This expedition took place after the signing and ratification of the Treaty of Nanking, which opened treaty ports and furnished new opportunities for British traders as well as enthusiasts of natural history.[42] Against this backdrop the Horticultural Society

[37] Foreign Office, *Papers Relating to the Affairs of China* (Harrison and Sons, 1864), 160–61; Zongli Yamen, "Zongshu Zi Youli Tongshang Zhizhao Bude Dizuo Ru Neidi Maimai Dan Zhao (1863)" and "Zongshu Zhaohui Yingshi Yangshang Ru Neidi Mai Tuhuo You Lingshiguan Ziqing Haiguan Faji Baodan Wen (1863)," in *Yuezhang Cheng'an Huilan*, part 2, vol. 21, ed. Yan Shiqing (Dianshi Zhai, 1905), 16–18, 32–34; Yuan Shikai, "Duxian Yuan Wei Gucheng Xian Linling Fengjin Yangshang Sishe Neidi Hangzhan Tongchi Yanhe Gezhouxian Zha (1902)," in *Beiyang Gongdu Leizuan*, ed. Gan Deci (Wenhai Chubanshe, 1967), 1031–32. See also Hu, "Cong Dang'an Tan Wanqing Ouzhouren Zaihua Youli," 101–02.

[38] Charles W. Le Gendre, "China: Amoy," in *Letter of the Secretary of State, Transmitting a Report on the Commercial Relations of the United States with Foreign Nations* (Government Printing Office, 1869), 607–36, at 618.

[39] Walter Dickson, "Narrative of an Overland Trip, through Hunnan, from Canton to Hankow," *Journal of the North-China Branch of the Royal Asiatic Society*, new series, no. 1 (1864): 159–73, at 160–61, 171. See also Bretschneider, *History of European Botanical Discoveries in China*, 681; Ivan M. Johnston, "Studies in the Boraginaceae, XX Representatives of Three Subfamilies in Eastern Asia," *Journal of the Arnold Arboretum* 32, no. 2 (1951): 99–122, at 101.

[40] George Ernest Morrison, *An Australian in China: Being the Narrative of a Quiet Journey across China to British Burma* (Horace Cox, 1895), 8–9.

[41] Robert Fortune, *Three Years' Wanderings in the Northern Provinces of China* (John Murray, 1847), 1, 12–13, 405. In his first letter sent to the Horticultural Society, Fortune claimed to have landed in Macao on 6 July 1843. See Robert Fortune, Letter to the secretary of the Horticultural Society of London, 30 July 1843, Papers of Robert Fortune, RHS/Col/8/2/1, The Lindley Library of the Royal Horticultural Society, London (hereafter Lindley Library).

[42] Louise Tythacott, "British Travels in China during the Opium Wars (1839–1860): Shifting Images and Perceptions," in *Britain and the Narration of Travel in the Nineteenth Century: Texts, Images, Objects*, ed. Kate Hill (Routledge, 2016), 195–97.

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of London appointed Fortune as its plant collector in China in early December 1842. The Chinese Committee of the Society was formed for this purpose; its first meeting, chaired by the botanist and gardener George Loddiges (1786–1846), was held on 28 December 1842 "to settle the details of the mission to China."[43] None of the committee members was Chinese. However, one of its members, John Reeves (1774–1856), was an expert in Chinese plants and animals. Reeves had first traveled to China as a tea inspector of the British East India Company in Guangzhou in 1812, ultimately not returning to England until 1831.[44] On 23 February 1843, the Horticultural Society tasked Fortune with collecting "seeds and plants of an ornamental or useful kind, not already cultivated in Great Britain," and obtaining "information upon Chinese gardening and agriculture together with the nature of the climate and its apparent influence on vegetation."[45] Keith Alcorn underscores that the Society's membership represented "the alliance of commercial and scientific interests," which offered "the commercial, scientific and cultural expertise" necessary to the success of the Society's investment in collecting expeditions.[46]

Fortune's second expedition began in 1848 with a more official purpose. The British East India Company asked him to obtain "the finest varieties of the tea-plant" and "native manufacturers and implements" [for] "the government tea plantations in the Himalayas." He set off from England, landed in Hong Kong on 14 August 1848, and later went north to Shanghai and the tea countries. Finally, he departed from Shanghai on 16 February 1851, and arrived in Calcutta on 15 March.[47] At the end of 1852, the Company again deputed Fortune to add to "the collections already formed," and particularly to procure "some first-rate black-tea makers for the experimental tea-farms in India." During this third expedition, he sailed from Hong Kong for Shanghai on 14 March 1853. Subsequently, he left China for India, first voyaging to Hong Kong and Guangzhou, before reaching Calcutta on 10 February 1856.[48] Fortune's fourth expedition was driven by the American interest in growing tea. The commissioner of patents in Washington, D.C. hired him to collect tea seeds in China. He left England on 4 March 1858. By August, he had visited "various great tea districts," and arranged "for large supplies of tea and other seeds and plants at the proper season" to be sent to the United States. In March 1859, he left Shanghai, heading to England.[49] His last expedition occurred several days after Fortune returned from Japan to Shanghai on 4 August 1861. He traveled north on his own initiative as far as Beijing, and left there with collections of plant seeds and other materials on 28 September. He reached Shanghai on 20 October, and returned to England on 2 January 1862.[50]

[43] Minutes of the Chinese Committee, 28 December 1842, Papers of Robert Fortune, RHS/Col/8/1/1, Lindley Library; Ferguson, *Robert Fortune—Plant Hunter*, 16–29. This meeting was attended by John Reeves (1774–1856), James Robert Gowen (1784–1862), Alexander Henderson (1780–1863), and John Lindley (1799–1865).

[44] Fa-ti Fan, "John Reeves," in *Oxford Dictionary of National Biography*, vol. 46, ed. Henry C. G. Matthew and Brian Harrison (Oxford, 2004), 352–53. For Reeves's work on the natural history of China, see Fan, *British Naturalists in Qing China*, 43–57; Catherine Frances Welby Bailey, "The Reeves Collection: An Investigation into Chinese Botanical Drawings, Their Identification and Conservation" (PhD diss., University of the Arts London, 2011); Kate Bailey and Charlotte Brooks, "The RHS Reeves Collection: What's in a Name?," *Occasional Papers from the RHS Lindley Library* 16 (2018): 33–76.

[45] Instructions to Mr. Robert Fortune Proceeding to China in the Service of the Horticultural Society of London, 23 February 1843, Papers of Robert Fortune, RHS/Col/8/1/2, Lindley Library.

[46] Keith Alcorn, "'His Utter Unfitness for a Commercial Collector': Sponsorship of Exotic Plant Collecting in Early Nineteenth-Century Britain," *Journal of the History of Collections* 35, no. 2 (2023): 347–61, at 356.

[47] Robert Fortune, *A Journey to the Tea Countries of China* (John Murray, 1852), v, 357.

[48] Robert Fortune, *A Residence among the Chinese* (John Murray, 1857), v, 1, 421.

[49] Nelson Klose, "Experiments in Tea Production in the United States," *Agricultural History* 24, no. 3 (1950): 156–61, at 158–59; William Gardener, "Robert Fortune and the Cultivation of Tea in the United States," *Arnoldia* 31, no. 1 (1971): 1–18; Ferguson, *Robert Fortune—Plant Hunter*, 186–87.

[50] Robert Fortune, *Yedo and Peking* (John Murray, 1863), vi, 1–2, 63, 170–71, 304, 386–88.

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Fortune understood the flexible legal framework that facilitated his voyages, as is evident from his notes. After landing on Nan'ao island, Shantou, Guangdong province, in late August 1843, he noticed its role as a station for "the contraband trade in opium" between "foreign vessels and the Chinese smugglers." Several months later, there was communication between the recently appointed local Chinese admiral and Henry Pottinger (1789–1856), governor of Hong Kong, regarding the British who had built houses and roads on the island during the term of office of the former admiral, and who were allegedly making another Hong Kong. Fortune indicated that they had no right to do so according to the Treaty of Nanking. Pottinger also "acknowledged the irregularity of the proceeding," and secured agreement for a period of six months' time for the British to sell or remove their articles onshore.[51] What happened on Nan'ao illustrates the corrupt side of Qing regulation of the opium trade, then illicit, and the movement of British people on its territory. With this in mind, Fortune, when revisiting the island for plants in October 1845, managed to obtain official endorsement, thus having "no difficulty in prosecuting my botanical researches amongst the hills."[52] Given that at the time the island had not been officially open to foreigners, his entry into Nan'ao should have been avoided. However, his choice of locations for botanizing was clearly built on the network of profit-seeking traders and other British people in China. In this respect the British occupation of Zhoushan (1840–46) also enabled his frequent visits to the island, his "head-quarters" in northern China for two years from November 1843. There he received further aid from "Dr. Maxwell," a military doctor and also a botanical enthusiast who had sketched "all the more striking plants" that he had observed locally.[53]

Fortune's account of missionaries indicates his knowledge of the restrictions on Westerners' movements, as well as the gap between the restrictions on paper and in practice. According to him, Roman Catholic missionaries did not confine themselves to the treaty ports, but penetrated into the interior and "distribute themselves over all the country." Newly arrived Roman Catholic missionaries were "met by some of their brethren or their converts at the port nearest their destination, and secretly conveyed into the interior." Fortune himself often met a bishop of Italian origin who resided in "a little Christian village" a few miles distant from Shanghai. In the village he was "perfectly safe," and, Fortune believed, was "seldom if ever annoyed in any way by the Chinese authorities."[54] Indeed, Catholic Christian communities had continued to arise in both the coastal and inland regions of China in the seventeenth and eighteenth centuries, despite the nationwide proscription of Christianity and deportation of missionaries (except those serving at the royal court in Beijing) to Macao between 1724 and 1844.[55] In 1849 while procuring tea plants in the Wuyi mountains, Fortune thought of Protestant missionaries. Many of them "may not consider it their duty to press beyond the wide field which exists already at the five ports where foreigners reside," he mused. Still, "when China is really opened," the mountains might turn into potentially important stations for Christian missionaries.[56]

Like some of his European predecessors, Fortune had also broken the rules in order to search for plants worth bringing to Britain. In 1844 he headed west from Shanghai to Suzhou

[51] Fortune, *Three Years' Wanderings*, 31–33. For Pottinger's life, see William Broadfoot and James Lunt, "Sir Henry Pottinger," in *Oxford Dictionary of National Biography*, vol. 45, ed. Henry C. G. Matthew and Brian Harrison (Oxford, 2004), 40–41.

[52] Fortune, *Three Years' Wanderings*, 34.

[53] Fortune, *Three Years' Wanderings*, 63, 143.

[54] Fortune, *Three Years' Wanderings*, 194–95.

[55] Nicolas Standaert, ed., *Handbook of Christianity in China*, vol. 1 (Brill, 2001), 316–17, 498–500, 534–75; Rolf G. Tiedemann, ed., *Handbook of Christianity in China*, vol. 2 (Brill, 2010), 115–32.

[56] Fortune, *A Journey to the Tea Countries of China*, 309–10.

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in order to inspect the nursery gardens there. Before his departure he found it difficult to meet with boatmen, because under "very stringent orders" they could not take foreigners beyond a pagoda one or two miles above Shanghai and could not "go up the western branch of the river." He criticized the orders as "a direct infringement on the right which had been secured to us by the treaty of Nanking," though without indicating the rationale. He added, however, that following the intervention of the British consul in Shanghai, "the foreign residents were allowed to go a day's journey into the interior, that is, as far as they could go and come back again in twenty-four hours." Fortune's insistence on adhering to regulations and his assertion of his rights stood in contrast to his own transgression, as he remained in Suzhou and its neighborhood for several days.[57]

The additional regulation that limited the geographic scope of foreigners' presence was not confined to Shanghai.[58] In Xiamen, for example, by 1844 the British consul had notified British residents: "Persons proceeding into the country are limited in distance to one day's journey from the consulate."[59] Such rules affected more than just Fortune; other British subjects also described it. On 23 March 1845 the English missionary George Smith (1815–71) reported that in Shanghai and Ningpo, "missionaries are permitted by the boundary regulations, fixed by arbitration, to go, from either station, as far as they please into the surrounding country, on condition of their returning for the night to the city; i.e. they may go half a day's journey into the interior."[60] Later in the year, on 19 June, Smith joined the Shanghai-based English missionary Walter H. Medhurst's (1796–1857) missionary excursion in the vicinity of Shanghai. They set off about midnight because they wanted to "have as much time as possible" to bring their trip "within a "day's journey," "in accordance with the consular arrangements on the subject of boundaries."[61] In February 1846 when Smith visited Xiamen, he noted the distance foreigners were permitted to move, that is, a day's journey. He even added, "the day is interpreted as commencing with sunrise and ending at sunset." Therefore, to his mind, foreigners were limited to the island of Xiamen, because it took most of a morning to reach the opposite mainland by boat, which might impede them from returning to the city before sunset.[62] However, as historians have revealed, some missionaries were among those who committed violations.[63]

In 1845 Fortune's transgression on his trip from Ningbo to Shanghai alerted both local Chinese authorities and the British consul in Shanghai. According to his account, foreigners were required to take a different but "legal" route from Ningbo to Shanghai, which was less efficient than the one followed by locals. To catch sight of azaleas in bloom in

[57] Fortune, *Three Years' Wanderings*, 251, 261.

[58] Gerald F. De Jong, *The Reformed Church in China, 1842–1951* (William B. Eerdmans Publishing Co., 1992), 46; Elizabeth H. Chang, "Converting Chinese Eyes: Rev. W. H. Medhurst, 'Passing,' and the Victorian Vision of China," in *A Century of Travels in China: Critical Essays on Travel Writing from the 1840s to the 1940s*, ed. Douglas Kerr and Julia Kuehn (Hong Kong University Press, 2007), 28.

[59] Adam W. Elmslie and Henry Gribble, "Government Notification Respecting Regulations Established at Amoy," in *Orders, Ordinances, Rules, and Regulations Concerning the Trade in China*, ed. House of Commons (T. R. Harrison, 1847), 37.

[60] George Smith, "Reports, by Mr. Smith, on Hong Kong, and China Generally," *The Missionary Register* 33 (1845): 481–87, at 486. Cf. Li Xingyuan et al., "Liangjiang Zongdu Li Xingyuan Deng Zoubao Xian Zi Xu Guangjin Zhaohui Yingshi Yihou Bude Renyi Paiyuan Laisheng Shensu Zhe (10 April 1848)," in *Yapian Zhanzheng Dang'an Shiliao*, vol. 7, ed. Zhongguo Diyi Lishi Dang'anguan (Tianjin Guji Chubanshe, 1992), 852–53.

[61] George Smith, *A Narrative of an Exploratory Visit to Each of the Consular Cities of China, and to the Islands of Hong Kong and Chusan, in Behalf of the Church Missionary Society, in the Years 1844, 1845, 1846* (Seeley, Burnside, & Seeley, etc., 1847), 144–45.

[62] Smith, *A Narrative*, 485.

[63] Chris White, *Sacred Webs: The Social Lives and Networks of Minnan Protestants, 1840s–1920s* (Brill, 2017), 38–40; Sebastian Eicher, "Beyond Shanghai: The Inland Activities of the London Missionary Society from 1843 to 1860 according to Wang Tao's Diaries," *Monumenta Serica* 70, no. 2 (2022): 423–55.

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Shanghai, Fortune determined to "go by the interdicted route, and take my chance of consequences." After landing at Zhapu, Zhejiang province, he attempted in vain to hire a boatman to proceed to Shanghai. Thus, he reluctantly turned to a local official for help; he was advised by this official as well as by another of the highest rank in the city to have escorts guide him to the destination, but refused their advice. He refused because he feared punishment by the British consul upon his arrival in Shanghai, as any escort could serve as a whistleblower who could testify to his transgression.[64] The two officials did not insist. Coincidentally, a boatman appeared, willing to help him. According to Fortune, the officials still sent an officer to report his presence in Zhapu to the local intendant in Shanghai. Therefore, not long after Fortune reached Shanghai, he received a letter from the British consul, requesting an explanation regarding a note of inquiry from the intendant. The note led Fortune to understand that the "good old" intendant did not intend to pursue the matter. In his reply to the letter, "upon the principle that no man is bound to criminate himself," Fortune denied the veracity of the description of his travel in the note, which put an end to the consular investigation.[65] According to Fa-ti Fan, this episode suggests Fortune was not immune to deploying an "orientalist representation" in order to justify the self-serving actions of British naturalists.[66]

The two officials sent the messenger to Shanghai probably because they feared being held accountable. After all, Fortune's presence in Zhapu and his meeting with them had been confirmed by eyewitnesses. In fact, the whereabouts of Fortune and others from abroad often aroused the vigilance of local commoners, authorities, and even the emperor, all of whom could raise concerns about the enforcement of international treaties. In late April 1845, when Walter H. Medhurst was traveling in Jiangxi province, his guide showed concern about the possible exposure of Medhurst's foreign identity, as "he would thus have been convicted of bringing a foreigner into the country: and the result would have been his imprisonment and ruin."[67] His reaction was not unfounded. In 1846 a French missionary and his Chinese companion were arrested near Jingxing, Zhili province, and were interrogated by the magistrate of Jingxing, provincial administration commissioner, and prefectural magistrate of Baoding. Ultimately, the viceroy of Zhili province sent the Chinese man back to his place of origin in Shanxi, under covert investigation, and the missionary to the French consul in Guangzhou through the viceroy of Guangdong and Guangxi.[68] On 22 November 1847, after learning about another French missionary who had proselytized outside the five treaty ports, the Daoguang emperor (1782–1850) instructed the viceroy of Guangdong and Guangxi to persuade him to obey treaty regulations and not to go to the interior.[69] As similar violations continued, the emperor further ordered the viceroy on 30

[64] Fortune, *Three Years' Wanderings*, 347–56. Speaking accurately, it is not the Treaty of Nanking but its later supplement, the foregoing Supplementary Treaty of the Bogue (1843), that mentions seizing British transgressors and handing them over to the British consul. See Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 392.

[65] Fortune, *Three Years' Wanderings*, 361–63.

[66] Fan, *British Naturalists in Qing China*, 86.

[67] Walter H. Medhurst, *A Glance at the Interior of China, Obtained During a Journey Through the Silk and Green Tea Districts, Taken in 1845* (Mission Press, 1849), 170.

[68] Nergingge, "Zhili Zongdu Chen Nergingge Guizou Wei Panhuo Folanxi Chuan Tianzhujiao Yiren Zisong Liangguang Zongdu Chen Zhuoban Gongzhe Mizou (2 November 1846)"; Daoguang, "Junji Dachen Miji Xieban Daxueshi Liangguang Zongdu Qi (5 November 1846)," in *Qing Zhong Qian Qi Xiyang Tianzhujiao Zaihua Huodong Dang'an Shiliao*, vol. 4, ed. Zhongguo Diyi Lishi Dang'anguan (Zhonghua Shuju, 2003), 1327–30; Keying and Huang Entong, "Liangjiang Zongdu Qiying Deng Zou Wei Weiyuan Jiang Chuanjiao Faren Mu Ruose Jiejiao Fa Lingshiguan Chashou Guanshu Zhe (24 February 1847)," in *Yapian Zhanzheng Dang'an Shiliao*, vol. 7, 765–66.

[69] Daoguang, "Junji Dachen Ziji Xieban Daxueshi Liangguang Zongdu Qi (22 November 1847)," in *Jiaqing Daoguang Liangchao Shangyu Dang*, vol. 52, ed. Zhongguo Diyi Lishi Dang'anguan (Guangxi Shifan Daxue Chubanshe, 2000), 382.

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November to request that consuls of different countries at all the treaty ports prevent their people from crossing the port boundaries.[70]

With the enforcement of the passport system, during his last expedition to China, Fortune became one of the earliest passport applicants. On his fifth botanical expedition to China, while waiting in Tianjin for permission to travel by land to Beijing, Fortune received a passport, written in Chinese and English, dated 16 September 1861, numbered 53, and valid for one year, from Frederick W. A. Wright-Bruce (1814–1867), envoy-extraordinary and minister-plenipotentiary to the emperor of Qing China. Given that "the passport system in China is something new," he had the English portion of his passport transcribed. The transcript indicated that the passport allowed him free travel in China on condition of "his not visiting the cities or towns occupied by the insurgents."[71] With the passport he set out the next day. Unexpectedly, however, he passed through the gate of the capital without his passport being checked after one of the guards learned that he was an Englishman heading to the British legation. While roaming the mountains near Beijing, he was visited by some inquisitive local officials who "did not even ask for a sight of my passport."[72] This time Fortune's compliance with the rule contrasted with the lax enforcement of the passport system.[73]

This laxness and inconsistency meant that not all travelers felt the need to take the obligations associated with their passports seriously. The British consul in Guangzhou reported to Frederick W. A. Wright-Bruce on 23 December 1862 that two English travelers had recently obtained passports from him but had then ignored his warning against proceeding to disturbed districts. As a result they were robbed and had to return to Guangzhou under the protection of the Chinese authorities. One of the travelers, the consul wrote, in consequence, "had forfeited his right to have one [passport]"; the consul further maintained that "I should suspend the issue to him of any further passport until I heard from your excellency."[74]

Plants and Regulations

The treaty-based regulatory framework lacked explicit provisions on plant collection, but personal and official information from Robert Fortune and other authors demonstrates how cross-border transmissions of plants were understood and managed in late Qing China. In the early nineteenth century, the nursery gardens near Guangzhou had developed into a hub for trading plants to both Chinese and Westerners.[75] In 1844 Fortune had visited the celebrated nursery gardens where "plants are cultivated for sale" and where "a great number

[70] Daoguang, "Junji Dachen Ziji Xieban Daxueshi Liangguang Zongdu Qi (30 November 1847)," in *Jiaqing Daoguang Liangchao Shangyu Dang*, vol. 52, 399.

[71] Fortune, *Yedo and Peking*, 344–45. Frederick W. A. Wright-Bruce (1814–1867) was the foregoing British envoy involved in the Qing policy that rejected the use of the passport for trade purposes. At that time, he held positions as envoy-extraordinary and minister-plenipotentiary to the Qing emperor, and chief superintendent of British trade in China; see George C. Boase and Henry C. G. Matthew, "Sir Frederick William Adolphus Wright-Bruce," in *Oxford Dictionary of National Biography*, vol. 8, ed. Henry C. G. Matthew and Brian Harrison (Oxford, 2004), 295–96.

[72] Fortune, *Yedo and Peking*, 351, 385.

[73] For other nineteenth-century British accounts of passports used in China, see, for example, George Fleming, *Travels on Horseback in Mantchu Tartary: Being a Summer's Ride Beyond the Great Wall of China* (Huest and Blackett, 1863), 8–10; John Scarth, *British Policy in China: Neutral War and Warlike Peace! (Supplement)* (Edmonston and Douglas, 1861), 9, 11–12; Nicholas B. Dennys, *Notes for Tourists in the North of China* (A. Shortrede & Co., 1866), 9, 18–19, iv.

[74] Foreign Office, *Papers Relating to the Affairs of China* (Harrison and Sons, 1864), 135–36.

[75] Hazel Le Rougetel, "The Fa Tee Nurseries of South China," *Garden History* 10, no. 1 (1982): 70–73; Yuen Lai Winnie Chan, "Nineteenth-Century Canton Gardens and the East-West Plant Trade," in *Qing Encounters: Artistic Exchanges Between China and the West*, ed. Petra Ten-Doesschate Chu and Ning Ding (Getty Research Institute, 2015), 115–17.

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of those fine plants were first procured which now decorate our gardens in England."[76] During his second expedition (1848–51), Fortune visited the nursery gardens to obtain first-hand information about the preparation and packaging of "those seeds which are usually sold to foreigners to be sent home to friends in Europe and America." In one of the nursery gardens, Fortune saw "a great number of small porcelain bottles, such as I had often seen in London with seeds from China." The owner of the garden told Fortune that he put the seeds he gathered from different plants into different such bottles, and then "pack the whole into a little box, ready for being shipped to Europe or America."[77] Neither Fortune nor other authors mentioned official suppression or prohibition of this international trade in Chinese garden plants. Similarly, plant collecting activities took place from time to time in China, though sometimes this was officially discouraged due to concerns not related to plants themselves. In 1879 it was reported that the Swiss-born Russian physician and botanist Johann Albert von Regel (1845–1908) led a small party to investigate the flora around the Chinese headquarters at Chikho. His passport "described the expedition as being purely scientific." He also argued that the expedition's aim was "exclusively botanical." Nevertheless, the Chinese general stopped his party halfway and forced them back to the Kulja frontier in Xinjiang, probably due to concerns about border security.[78]

In the last decade or so of the Qing dynasty, plant collecting continued under the protection of the passport system. In early 1900 the English plant collector Ernest H. Wilson (1876–1930) obtained a passport in Hankou, explicitly stating his purpose of travel as follows: to go to Hubei, Shaanxi, Sichuan, and some places near Tibet, such as Dartsedo, to collect and investigate various kinds of curious flowers, trees, vegetables, and rice seedlings. The passport required the local authorities of the places he would pass through to provide him with care and protection.[79] On 20 July of the same year, the British consulate in Yichang, Hubei province, issued a document to a Chinese assistant Wilson had hired, assuring him that if anyone hindered or bullied him or others engaged in collecting flowers and plants, the consul would request that the local authorities investigate and punish them.[80] Obviously the Qing government did not regard plant collecting as something that ought to be banned or strictly supervised for the sake of national interests; indeed, it legitimized botanizing as part of leisure travel. This can be attributed to differing modes of plant exploration in China and Europe. Although both China and Europe possessed rich knowledge of plants, according to Georges Métailié, from the sixteenth and seventeenth centuries, the natural world transformed into an open space for constant discovery of new species and their properties in the European intellectual tradition. In the Chinese intellectual tradition, plant knowledge remained, however, largely confined to the domains of *materia medica*, diet, and ornamentation.[81] The first Chinese book on modern European botany,

[76] Fortune, *Three Years' Wanderings*, 152.

[77] Fortune, *A Journey to the Tea Countries of China*, 130–31.

[78] Anonymous, "Botanical News," *Journal of Botany, British and Foreign*, new series, 8 (1879): 319–20, at 320.

[79] Travel Permit Issued in Hupeh Province, 1900, Ernest Henry Wilson Papers, Series W.XI, Box 18 (oversize), Folder 3, Archives of the Arnold Arboretum of Harvard University, Cambridge, MA (hereafter Arnold Arboretum Archives).

[80] Travel Document Issued for a Chinese Assistant in Ichang, 1900, Ernest Henry Wilson Papers, Series W.XI, Box 18 (oversize), Folder 5, Arnold Arboretum Archives.

[81] Georges Métailié, "Concepts of Nature in Traditional Chinese Materia Medica and Botany (Sixteenth to Seventeenth Century)," in *Concepts of Nature: A Chinese-European Cross-Cultural Perspective*, ed. Hans Ulrich Vogel and Günter Dux (Brill, 2010), 345–67. According to an 1837 critical article in the first Chinese periodical established in China, the Chinese neglected all flora not utilized as medicinal substances, and no domestic publication offered a general outline of the animal kingdom. See Anonymous, "Bencao Mu," *Dongxi Yang Kao Meiyue Tongji Zhuan* no. 2 (1837): 23–24. For traditional Chinese perceptions and representations of nature, see, for example, Wenhui Hou, "Reflections on Chinese Traditional Ideas of Nature," *Environmental History* 2, no. 4 (1997): 482–93; Mark Elvin, *The*

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which presented new ways of knowing and exploring the botanical world, only appeared in 1858.[82]

Much of Western naturalists' efforts targeted native wild species that were rarely or never commercialized, and as these exerted no substantial influence on Chinese material or economic life, they seldom garnered the attention of the waning Qing government. Furthermore, specimens that had been collected typically represented only a fraction of any single species and thus did not lead to species extinction. The reaction of the local intendant in Jiading, Sichuan province, in his conversation with the English naturalist Antwerp E. Pratt (1852–1924) exemplifies cultural differences in understanding and exploring nature. Pratt had made botanical and zoological collections in China between 1887 and 1890. While in Jiading, the local intendant visited Pratt concerning a rumor about his intention to use "an infernal machine" to destroy the city. Pratt assured him that "my object was only the collecting of objects interesting to naturalists, such as birds, butterflies, &c." However, the local intendant "could not or would not understand, and asked what good could they be, and what was I [i.e., Pratt] going to do with them." However, he seemed somewhat satisfied after Pratt further clarified: "I had a passport for the province and intended to go to Wa-shan for the purpose, when after I had made such collections as I could, they would be sent home to people who were greatly interested in such things, and who would highly appreciate them."[83]

The Qing government mindset that allowed Westerners to pursue botanical exploration in China also facilitated European animal hunting activities. In 1847 a British traveler, who had shot birds in Lianjiang, Fujian province, alarmed the local authorities and the emperor when he crossed the boundaries of the treaty port where he was clearly not shooting birds.[84] The British framed hunting as part of travel in the interior, as revealed in British Consul Walter H. Medhurst's 1876 negotiation with Qing authorities regarding the issuance of passports for hunting inland. However, Medhurst's request for approval of those passports to go hunting inland was rejected by Qing China's Office of Foreign Affairs. The Office considered hunting and travel as two separate activities, and insisted that there was no mention of hunting in the Treaty of Tientsin.[85] Nevertheless, hunting activities did not cease, as hunters could pose as travelers and hunting in the wild was difficult to regulate effectively.[86] In 1907 the Qing government established new regulations on the importation of guns and bullets, and revised them the next year. Both versions permitted foreigners to import or bring with them samples of military guns and bullets as well as a limited number of guns and bullets to be used for self-defense and hunting.[87] In February 1908, the Office of Foreign Affairs granted an American naturalist in Yichang permission to carry and use his shotgun and four thousand bullets when traveling in West China in order to procure feathers of

Retreat of the Elephants: An Environmental History of China (Yale, 2004), 321–68; Lu Di, "'Bowu' Guannian Zai Wanqing Shiqi De Bianqian," *Qingshi Luncong* no. 2 (2019): 164–97.

[82] Alexander Williamson et al., *Zhiwu Xue* (London Mission Press, 1858); Georges Métailié, *Science and Civilisation in China*, vol. 6, part 4, trans. Janet Lloyd (Cambridge, 2015), 12.

[83] Antwerp E. Pratt, *To the Snows of Tibet Through China* (Longmans, Green, and Co., 1892), 106.

[84] Daoguang, "Junji Dachen Ziji Xieban Daxueshi Liangguang Zongdu Qi (30 November 1847)," in *Jiaqing Daoguang Liangchao Shangyu Dang*, vol. 52, 399. Geographically speaking, the treaty port should be Fuzhou.

[85] Zongli Yamen, "Yangren Ru Neidi Youlie Tiaoyue Jiwei Zaiming Wude Qianhun (5 February 1876)," in *Tongshang Zhangcheng Cheng'an Huibian*, vol. 20, ed. Li Hongzhang (Guang Baisong Zhai, 1886), 21–22.

[86] For example, see Anonymous, "Deer-Stalking in China and Sporting Notes," *The China Review* 5, no. 4 (1877): 217–24; Anonymous, "Deer-Stalking in China and Sporting Notes," *The China Review* 5, no. 5 (1877): 286–95; Henling Thomas Wade, ed., *With Boat and Gun in the Yangtze Valley* (Shanghai Mercury, 1895).

[87] Shuiwuchu, "Xinding Qiangzhi Zidan Jinkou Zhangcheng (1907)"; "Gaiding Junhuo Jinkou Zhangcheng (1908)," in *Daqing Xin Faling*, vol. 3, ed. Shanghai Shangwu Yinshuguan Bianyisuo (Shangwu Yinshuguan, 2011), 739–44.

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various birds to make specimens for research.[88] Ernest H. Wilson also obtained a special passport in Yichang in the same year, which permitted him to carry four shotguns and four thousand bullets during his trips to the provinces of Western China to collect specimens of animals and plants.[89] Given the involvement of firearms and ammunition, animal hunting posed a latent threat to the Qing government's rule and was thus subjected to relatively strict management; this stands in contrast to the Qing government's lax regulation of plant collecting.

Although lacking the same enthusiasm as Western naturalists for exploring the plant world, at least some Qing officials were not ignorant of the importance of the few kinds of plants, such as tea, which contributed significantly to the national economy through international trade. Sometimes plants became part of the means officials, and even the emperor, utilized to guard the country. Fortune once relayed hearsay that during the Opium War, the emperor of China had suggested his people stop the English from acquiring tea and rhubarb. For, without them, the emperor maintained, the English could not survive for any length of time.[90] In practice this did not result in a wartime interruption in the Sino-British trade in tea and rhubarb.[91] Nor did it hinder Fortune from procuring large quantities of tea seeds and plants.[92] This was because Fortune's Chinese assistants shared the work of collecting, and he disguised himself as a local, wearing Chinese dress and a ponytail. While in the Wuyi mountains, Fortune had spent two nights at a Daoist temple. The old Daoist with whom he stayed did not discover that he was a foreigner. Fortune's servant fabricated his identity as "a mandarin from Tartary." Consequently, when another old Daoist visited Fortune, presumably to show his respect, he even "fell upon his knees and kow-towed or prostrated himself several times" before Fortune "in the most abject manner." Before Fortune left the temple, the former Daoist, who had accepted a small present from him, also gave him some young tea plants from the Daoist's own tea plantations.[93] The concealment of Fortune's foreign identity helped to eliminate the obstacles to his procurement of tea seeds and plants that centered around fear of, or hostility toward, Westerners.

The success of Fortune in the outbound transfer of tea seeds and plants reveals that the Qing government's oversight of Westerners' export of Chinese plants was lax, at least during the period when he was active in China. During his first botanical mission (1843–45) in China, Fortune had already frequented some tea districts in Guangdong, Fujian, and Zhejiang provinces.[94] On his second to fourth expeditions to China, tea moved to the center of his attention. Notably, his second and third expeditions took place during the longer history of the British tea industry in India, which dates back to the discovery of local tea by the Bruce brothers, Robert and Charles, in Upper Assam in the early nineteenth century. By the 1830s there were Chinese workers cultivating tea in Assam. In 1834 William Bentinck (1774–1839), the British governor general of India, appointed a Tea Committee for the purpose of developing the commercial cultivation and manufacture of tea in India. Soon the

[88] Waiwu Bu, "Fa Yichang Guandao Dian: Wei Mei Boshi Youli Zhongguo Xunhuo Niaomao Yingzhun Daiyun Qiangdan Shi (29 February 1908)," in *Qingdai Junjichu Dianbaodang Huibian*, vol. 34, ed. Zhongguo Diyi Lishi Dang'anguan (Zhongguo Renmin Daxue Chubanshe, 2005), 314–15.

[89] Travel Permit Issued for Ernest H. Wilson, Ichang, 1908, Ernest Henry Wilson Papers, Series W.XI, Box 18 (oversize), Folder 8, Arnold Arboretum Archives.

[90] Fortune, *Three Years' Wanderings*, 377. The hearsay was not groundless: see Chang Che-Chia, "Origins of a Misunderstanding: The Qianlong Emperor's Embargo on Rhubarb Exports to Russia, the Scenario and Its Consequences," *Asian Medicine* 1, no. 2 (2005): 335–54; Lin Rizhang, "Lun Qingdai Dahuang Zhiyi Guannian Dazhan Qianghua De Yuanyin," *Fujian Shifan Daxue Xuebao (Zhexue Shehui Kexue Ban)* no. 1 (2006): 120–33.

[91] Anonymous, "British East India and China Trade," *The Hunt's Merchants' Magazine and Commercial Review* 8 (1843): 249–57, at 252.

[92] Fortune, *A Journey to the Tea Countries of China*, 98, 150, 243, 246, 353.

[93] Fortune, *A Journey to the Tea Countries of China*, 20–22, 244–46.

[94] Fortune, *Three Years' Wanderings*, 166–67, 174, 197–224, 376–82.

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Committee secretary, George J. Gordon, was dispatched to China to acquire information about Chinese tea, procure tea seeds and plants, and bring in Chinese cultivators. Through Gordon's efforts, a large supply of tea seeds and fruits from China reached India in 1835. The first batch of Assamese tea was shipped to London in 1838.[95] Gordon's accomplishment, which occurred before the opening of China's treaty ports and Fortune's first arrival in China, was also directly contingent upon the Qing government's negligent inspection of Gordon's exports from China. Technically, Fortune's success in transplanting tea rested in part on his pioneering use of the Wardian case, a closed glazed container invented, tested, and promoted since 1829, which greatly improved the survival rate of living plants during long-distance sea transportation.[96] The geographical landscape of tea plant growth and production was thus reconfigured, commensurate with the way in which the Wardian case facilitated shifts in the global geographical distribution of other flora.[97]

Fortune's trips to the tea-producing areas, remote from treaty ports, were legally impermissible as per the treaty regulations.[98] Yet his disguise had helped ensure a smooth journey for him from Shanghai to Huizhou and other places to procure tea seeds and plants in 1848. He knew that several foreigners exposed their foreign identity because of their English dress during their inland trips to the silk districts. The boatmen who took them there were "severely punished by the Chinese authorities." After shipping his collections of tea seeds and plants from Hong Kong to Calcutta around the end of 1849, Fortune embarked on three new tasks: to recruit "some first-rate tea manufacturers" for the tea plantations in India; to procure "a supply of the implements" used for tea manufacture; and to secure another large quantity of tea plants. On 16 February 1851, Fortune and his collections of tea seeds and plants, together with eight Chinese tea manufacturers and an assortment of implements, left Shanghai for Calcutta, arriving on 15 March.[99] However, Fortune's recruiting of Chinese tea manufacturers and transporting them to India breached the domestic law of Qing China of the time, and could not be justified by the treaties between Britain and China. Historians have revealed that the Qing government had long been hostile to, prejudiced against, or wary of overseas Chinese forces and emigration without official permission, mainly due to concerns about regime stability. Nevertheless, the government's ban on emigration abroad, lifted as late as 1893, did not prevent large numbers of its people from willingly or unwillingly stowing away on vessels bound for overseas destinations.[100] For Britain, the employment of Chinese laborers across its empire was legitimized in 1860. According to the Sino-British Convention of Peking (signed 24 October 1860), upon the ratification of the Sino-British Treaty of Tientsin (ratified also on 24 October 1860), Chinese people would have "perfect liberty" to work under contract with British subjects in "the British colonies or other parts beyond sea."[101]

[95] Charles A. Bruce, *An Account of the Manufacture of the Black Tea, as Now Practised at Suddeya in Upper Assam, by the Chinamen Sent Thither for That Purpose* (G.H. Huttmann, Bengal Military Orphan Press, 1838), 6–9; William Bentinck et al., *Copy of Papers Received from India Relating to the Measures Adopted for Introducing the Cultivation of the Tea Plant within the British Possessions in India* (Her Majesty's Stationery Office, 1839), 5–18, 42, 46–47, 98–107; Erika Rappaport, *A Thirst for Empire: How Tea Shaped the Modern World* (Princeton, 2017), 99–104; Andrew B. Liu, *Tea War: A History of Capitalism in China and India* (Yale, 2020), 37, 89–97.

[96] Luke Keogh, *The Wardian Case: How a Simple Box Moved Plants and Changed the World* (Chicago, 2020), 86–94.

[97] Elizabeth Hope Chang, *Novel Cultivations: Plants in British Literature of the Global Nineteenth Century* (Virginia, 2019), 31.

[98] Ferguson, *Robert Fortune—Plant Hunter*, 85.

[99] Fortune, *A Journey to the Tea Countries of China*, 20–22, 315–16, 340, 353–57.

[100] Liu Tongxun et al., *Daqing Lüli*, ed. Zheng Qin and Tian Tao (Kexue Chubanshe, [1740] 1994), 277–83; Yen Ching-Hwang, *Coolies and Mandarins: China's Protection of Overseas Chinese during the Late Ch'ing Period (1851–1911)* (Singapore, 1985), 19–31, 72–98; Shelly Chan, *Diaspora's Homeland: Modern China in the Age of Global Migration* (Duke, 2018), 17–47.

[101] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 432; Lu Wendi et al., eds., *Huagong Chuguo Shiliao Huibian*, vol. 1 (Zhonghua Shuju, 1985), 1–13.

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Over four decades later, the Emigration Convention, signed between Britain and China on 13 May 1904, provided further specific regulations on the employment and management of Chinese emigrant workers.[102] Historian Sarah Rose points out that an official in Calcutta had reminded Fortune of the Chinese authorities' jealous overseeing of attempts to export tea plants, as well as difficulties that would thwart or delay any endeavor to procure good tea makers.[103] Despite the unfavorable legal environment, the Chinese manufacturers themselves apparently saw working in India as a good, if not better, option to earn their living. According to Fortune's account, when the boat set off, "the emigrants on board, and their friends on shore, with clasped hands, bowed to each other many, many times, and the good wishes for each other's health and happiness were not few, nor apparently insincere."[104]

The British played an instrumental role in legitimizing the export of tea seeds. On 8 June 1863, the Irishman Robert Hart (1835–1911), inspector general of Qing China's Imperial Maritime Customs, visited Qing China's Office of Foreign Affairs in Beijing. One of the topics of Hart's conversation with the officers concerned the British firm Dent & Co. The firm's request to export tea seeds from Fuzhou was refused by the local authorities who feared potential economic loss as a consequence of foreigners' cultivation of tea. Hart suggested that tea seeds, not on the list of prohibited goods for trade and not named in the tariff, ought to be allowed for export, and its exporters ought to pay a duty of 5 percent *ad valorem*. Moreover, Hart added, tea cultivation in Assam had been increasing in the past decade, but China's export of tea had also increased yearly.[105] Soon, on 10 June, the Office of Foreign Affairs ordered the local authorities in Fuzhou to approve the export of tea seeds, which would be subject to the duty Hart suggested.[106]

Hart's statement about the absence of tea seeds from the tariff was correct. The tariffs of 1843 and 1858 for China's foreign trade listed a wide range of plant and other natural products for export, such as aniseed, cassia, China root, rhubarb, soy, tea, and turmeric.[107] While the tariffs did not list tea seeds, they nonetheless demonstrate that such natural products were officially sanctioned items within China's export economy. However, tea was so central to the Qing economy that it commanded a disproportionately large share of exports. In 1867, for example, the value of tea alone accounted for 58.30 percent of total export value.[108] This context likely prompted Hart to provide further information about China's tea exports; his information was largely consistent with the fluctuating, but overall growing, trend in tea export volume at both the regional (Fuzhou) and national levels between 1856 and 1863.[109] It was only from the end of the nineteenth century that the export of Chinese tea began to decline significantly as it was replaced with Indian tea.[110] Yet the commercialization on a legal basis of China's tea seeds in the international market dealt a further blow to the

[102] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 643–51.

[103] Rose, *For All the Tea in China*, 192.

[104] Fortune, *A Journey to the Tea Countries of China*, 354.

[105] Robert Hart, *Entering China's Service: Robert Hart's Journals, 1854–1863*, eds Katherine F. Bruner et al. (Council on East Asian Studies, Harvard University, 1986), 268.

[106] Zongli Yamen, "Yingshang Fu Neidi Goumai Chazi Chuyang Zhao Zhibai Chouwu Li Zhengshui (10 June 1863)," in *Tongshang Zhangcheng Cheng'an Huibian*, vol. 6, ed. Li Hongzhang (Guang Baisong Zhai, 1886), 34.

[107] Order of the Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States*, 359–60, 440–43. The plant products listed in the tariffs could be used for medicinal, dietary, and other purposes. For the medicinal substances traded between late Qing China and Britain, see Di Lu, "The Imperial Maritime Customs and Sino-British Exchange of Materia Medica, 1850s–1900s," *Historical Research* 95, no. 269 (2022): 370–98.

[108] Order of the Inspector General of Customs, *Returns of Trade at the Ports in China Open by Treaty to Foreign Trade, for the Year 1867* (The Imperial Maritime Customs Press, 1868), vii.

[109] Order of the Inspector General of Customs, *Reports on the Trade at the Ports in China Open by Treaty to Foreign Trade, for the Year 1865* (The Imperial Maritime Customs Press, 1866), 53, 58; Chen Ciyu, *Jindai Zhongguo Chaye Zhi Fazhan* (Zhongguo Renmin Daxue Chubanshe, 2013), 83–84, 176–236.

[110] Liu, *Tea War*, 2, 35.

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country's monopoly on tea production. Theoretically Hart's suggestion would also apply to tea plants and many other products that were neither prohibited from international trade nor named in the tariff. In about 1865 the Scottish merchant John Dodd (1838–1907), agent for Dent & Co. in Taiwan, imported "slips of the tea plant" from Xiamen, contributing to tea cultivation and the British tea business in northern Taiwan.[111]

The profound impact of Qing China's altered policy on tea seeds and plants extended beyond the British, providing useful context for the larger global practices of botanizing. In the regional metropolis of Hankou, the first Russian tea factory appeared in 1863. Large quantities of Chinese tea plants had been imported into the Caucasus in the late nineteenth century, which drove tea production within the Russian Empire.[112] Particularly, in 1893 Liu Junzhou (1870–1939) and some other Chinese tea manufacturers, bringing with them purchased tea seeds and plants, voyaged to the Batumi region (in present-day Georgia) to develop tea plantations at the invitation of the Russian businessman Konstantin Semënovich Popov (1850–1919). The plantations laid the foundation of the tea industry in Georgia today.[113] Several disputes that linked the Russian consul in Hankou with Zhang Zhidong (1837–1909), viceroy of Hunan and Hubei provinces, expose how the Office of Foreign Affairs' instruction on the export of tea seeds was invoked as the legal basis for related international trade.

On 12 July 1893, the Russian consul in Hankou requested the superintendent of customs in Hankou to issue a passport for a Russian merchant to purchase tea plants in three places in Hubei and Hunan provinces. The superintendent, referring to the case of Dent & Co. in 1863, deemed that this Russian case should be treated equally, and thus reported his idea to Zhang Zhidong. Upon Zhang's approval, he proceeded to assist in the issuance of the passport and related documents. Thereafter, however, on 18 August, 31 August, and 12 September, the Russian consul sent three letters to the superintendent regarding some of the villagers of Tongshan, Hubei. They had extorted a high price for the tea plants purchased by the Russian merchant, prevented him from shipping them to Hankou, and finally caused the death of the tea plants due to desiccation as well as the negligence of the Tongshan local authorities. In addition, on 12 September, the Russian consul again communicated with the superintendent regarding a recent incident of alleged robbery in Niejiashi, Hunan, on 5 September: more than a hundred villagers destroyed over two hundred boxes containing more than seven hundred tea plants ready to be shipped to Hankou by the same Russian merchant, and threw the boxes and tea plants into the river.

After learning about the two cases, on 18 September Zhang issued orders for them to be promptly and thoroughly investigated. To aid the investigators, Zhang alluded to the Office of Foreign Affairs' previous consent for foreign merchants' purchase and export of tea plants, and claimed that this policy had been followed in different provinces for a long

[111] John Dodd, "Formosa," *The Scottish Geographical Magazine* 11, no. 11 (1895): 553–70, at 569; James W. Davidson, *The Island of Formosa, Past and Present* (Macmillan & Co., 1903), 178, 373, 403.

[112] For the history of tea trade between Russia and China, see Konstantin Abramovich Popov, *O Chae i ego prigotovlenii russkimi v Kitae* (I. N. Kushnerev, 1870), 22–25; Stuart Thompstone, "Russia's Tea Traders: A Neglected Segment of a Still Neglected Entrepreneurial Class," *Renaissance and Modern Studies* 24, no. 1 (1980): 131–63; Martha Avery, *The Tea Road: China and Russia Meet across the Steppe* (China Intercontinental Press, 2003); Chinyun Lee, "From Kiachta to Vladivostok: Russian Merchants and the Tea Trade," *Region* 3, no. 2 (2014): 195–218; Liu Zaiqi, *Hubei Yu Zhong'e Wanli Chadao* (Renmin Chubanshe, 2018).

[113] Galina Romanovna Naumova and Olga Alexandrovna Sirotina, "'Popovy K. i S. Brat'ja'. Tovarišestvo Čajnoj Torgovli i Skladov. (Ob Informacionnyh Vozmožnostjah Predstavitel'skih Materialov)," *Industrializacija v Rossii* no. 9 (2000): 34–43; George van Driem, *The Tale of Tea: A Comprehensive History of Tea from Prehistoric Times to the Present Day* (Brill, 2019), 737–39; Liu Zerong, *A Decade in Sino-Soviet Diplomacy: The Diaries of Liu Zerong, 1940–49*, trans. Leonella Liu et al., ed. David Brophy (Palgrave Macmillan, 2023), 2–3.

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time.[114] His orders served as official recognition of China's tea plants as a commodity in international trade. The intense opposition of the villagers, who were not presented with relevant official documents, stemmed from their fear of losing their livelihoods, which presumably rested heavily on tea, as a result of the export of tea plants overseas.[115]

Conclusion

At the beginning of the twentieth century China seemed to be a huge and mysterious garden that Western naturalists were keen to explore rather than conserve. Aside from natural history and commerce, changing international relations between China and the West were another major factor that drove the process of exploration and exploitation of resources. Through its treaties with China, especially those signed and ratified between 1842 and 1860, the British expanded their commercial interests in unprecedented ways and widened the geographic space available for botanical exploration. Meanwhile, the treaties became the primary reference for the Qing government to manage British naturalists in China. As travelers, they were subject to the treaty regulations that empowered the British to extend their presence from Guangzhou to the treaty ports, and then into the interior. On paper, however, the treaties provided for trade, missionary work, and movement, among other things, but none explicitly addressed plant collecting. In practice, plant collecting itself remained unregulated by the Qing government, either officially acquiesced to or authorized via the passport system. With the implementation of the Sino-British Treaty of Tientsin (1858), British naturalists could make botanical expeditions in the vague name of travel for pleasure; however, they were required to apply beforehand for travel passports from both British consuls and the local authorities. The extent to which British naturalists, such as Robert Fortune, conformed to the regulation of travel serves as a clear and concrete benchmark for appraising the legitimacy of their botanizing in late Qing China.

The Qing government, at large, disregarded specimens collected by British naturalists in a non-commercial, or at least nominally non-commercial, manner. Moreover, seeds or seedlings of economically significant Chinese plants, such as tea, were collected and shipped out of China in ways that did not draw the attention of Qing authorities. The successful transport of tea seeds and plants to India, due to the efforts of George J. Gordon and Fortune, also demonstrates the Qing government's lax inspection of the outbound flow of Chinese plants, even such economically important plants as tea. Although the Qing government possessed a certain degree of agency in handling British affairs in China, the 1863 legitimation of tea seed export represents a landmark in the expanding foreign presence across late Qing China's territory, economy, and natural world. This facilitated the introduction of a vital Chinese economic plant, in living form, to the British Empire and beyond, concurrently integrating its commercial acquisition into the framework of international trade regulation.

Many biologists today argue that nature should not be subject to national boundaries or historically specific treaty regulations. Yet the ownership of nature continues to be regulated by national legislation and international law. The International Plant Protection Convention, adopted in 1951, and most recently amended in 1997, for example, involves inspection of imported plants and plant products with the aim of plant pest control on

[114] Zhang Zhidong, "Zha Tongshan Xian Jiang Eshang Caiban Chashu Bei Xiangmin Zuoba Kenzu Qingxing Bingfu (18 September 1893)"; "Zha Li Qian Chaban Hunan Linxiang Xianmin Huiqi Eshang Chashu An (18 September 1893)," in *Zhang Zhidong Quanji*, vol. 5, ed. Zhao Dexin (Wuhan Chubanshe, 2008), 432–34. Zhang's knowledge of the Office of Foreign Affairs' approval of the export of tea plants might have derived from the superintendent's account of the 1863 case of Dent & Co.. However, that case only involved tea seeds, not tea plants.

[115] Zhang Zhidong, "Pi Yuezhou Fu Deng Huibing Cha Nieshi Minren Huiqi Chashu Xiang Yi'an Shizai Qingxing (9 October 1893)," in *Zhang Zhidong Quanji*, vol. 7, ed. Zhao Dexin (Wuhan Chubanshe, 2008), 163.

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a global scale.[116] The Convention on Biological Diversity, adopted in 1992, both addresses the containment of invasive alien species and recognizes "the sovereign rights of States over their natural resources," asserting that "the authority to determine access to genetic resources rests with the national governments and is subject to national legislation."[117]

The bioprospecting practices in which British botanists engaged on the ground in China during the nineteenth century were thus part of much longer histories and trajectories of the transboundary movement of plants that took place within dynamic legal frameworks. Robert Fortune's botanical expeditions in China illustrate both licit adherence to regulations and instances of illicit actions, suggesting that the act of plant collecting itself cannot be classified as either unlawful or imperialist, given its ambiguous status within both Chinese state legislation and international law. The interactions between British naturalists and Chinese botanical specimens thus help us to understand the contested role that plants, and by extension other non-human actors, have played in debates surrounding the limits of sovereignty over nature in an increasingly globalized world.

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[116] Food and Agriculture Organization of the United Nations, *Multilateral Trade Negotiations on Agriculture: A Resource Manual*, vol. 3 (Food and Agriculture Organization of the United Nations, 2000), 59–86.

[117] Secretariat for the Convention on Biological Diversity, *Convention on Biological Diversity: Text and Annexes* (Secretariat for the Convention on Biological Diversity, 2011), 8, 11.

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