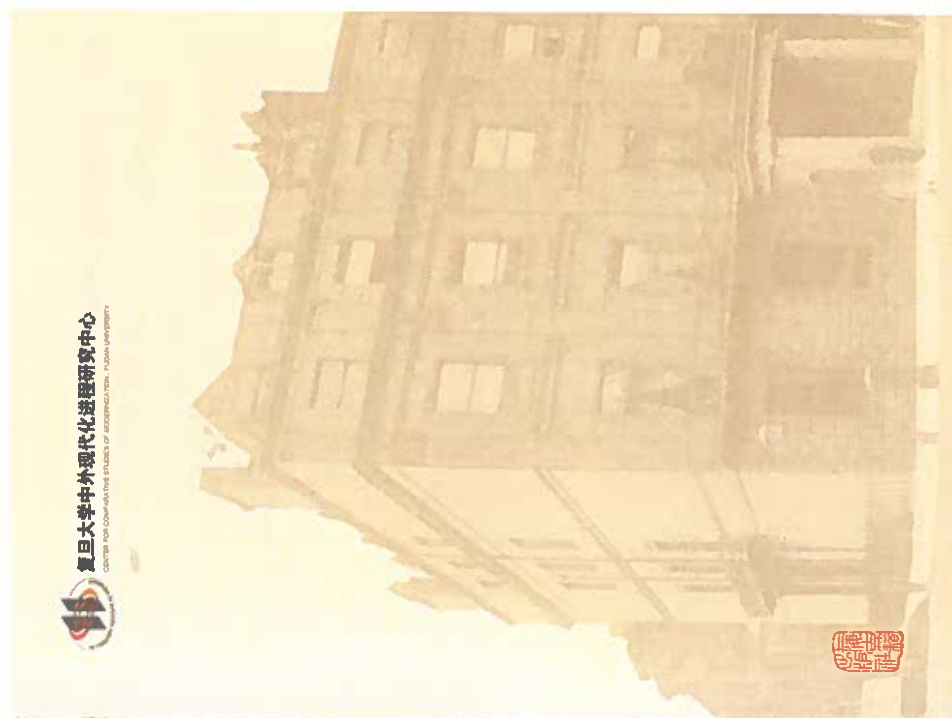


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近代中外交涉史料丛刊

皇甫峥峥 整理

晚清駐英使館照會檔案

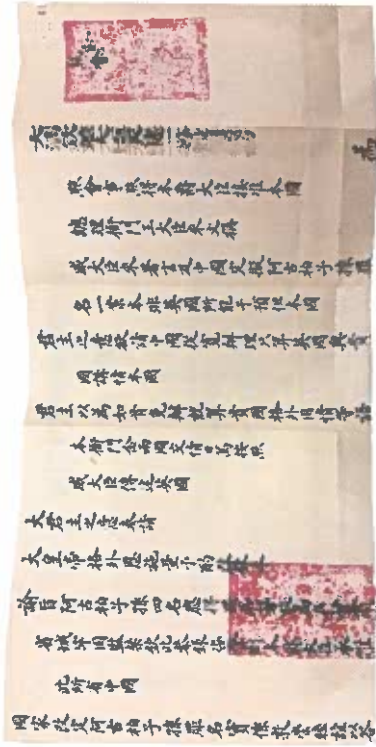




曾纪泽像



罗丰禄像



曾纪泽致沙里斯伯中文照会



曾纪泽照会封面



曾纪泽英文签名

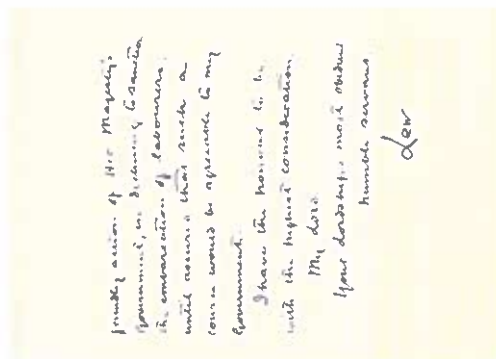
总序

梁启超在20世纪初年撰《中国史叙论》，将乾隆末年至其所处之时代划为近世史，以别于上世史和中世史。此文虽以“中国史叙论”为题，但当日国人对于“史”的理解本来就具有一定的“经世”意味，故不能单纯以现代学科分类下的史学涵盖之。况且，既然时代下延到该文写作当下，则对近世史的描述恐怕也兼具“史论”和“时论”双重意义。任公笔下的近世史，虽然前后不过百来年时间，但却因内外变动甚剧，而不得不专门区分为一个时代。在梁启超看来近世之中国成为了“世界之中国”，而不仅仅局限于中国、亚洲的范围，其原因乃在于这一时代是“中国民族连同全亚洲民族，与西方人交涉竞争之时代”。不过，就当日的情形而论，中国尚处于需要“保国”的困境之中，遑论与列强相争；而面对一盘散沙、逐渐沦胥的亚洲诸国，联合亦无从说起，所谓“连同”与“竞争”大抵只能算作“将来史”的一种愿景而已。由此不难看出，中国之进入近世，重中之重实为“交涉”二字。

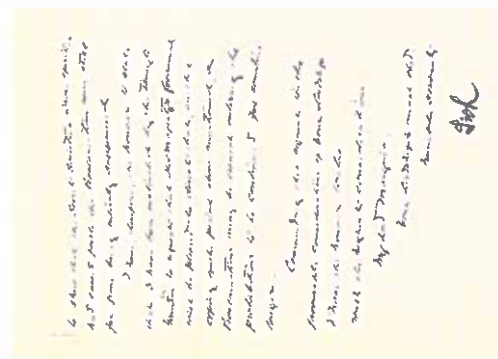
“交涉”一词，古已有之，主要为两造之间产生关系之用语，用以表示牵涉、相关、联系等，继而渐有交往协商的意思。清代以前的文献记载中，鲜有以“交涉”表述两个群体之间的关系者。有清一代，形成多民族一统的大帝国，对境内不同族群、宗教和地域的治理模式更加多元。当不同治理模式下的族群产生纠纷乃至案件，或者有需要沟通处理之事宜时，公文中便会使用“交涉”字眼。比如“旗民交涉”乃是沟通满人与汉人，“蒙民交涉”或“蒙古民人交涉”乃是沟通蒙古八旗与汉人，甚至在不同省份或衙门之间协调办理相关事务时，也使用了这一词汇。乾隆中叶以降，“交涉”一



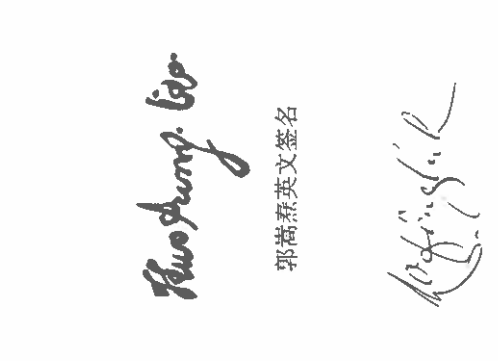
罗丰禄英文照会及签名



薛福成英文照会及签名



郭嵩焘英文签名



薛福成英文照会及签名

上也说明即便是内陆,交涉也被认为是地方急务。新设立的时务学堂由梁启超等人制定章程,课程中有公法一门,此处显然有立《春秋》为万世公法之意。公法门下包括交涉一类,所列书目不仅有《各国交涉公法论》,还有《左氏春秋》等,欲将中西交涉学、术汇通的意图甚为明显。与康梁的经学理念略有不同,唐才常认为没必要因尊《公羊》而以《左传》为刘歆伪作,可将两书分别视为交涉门类中的“公法家言”和“条例约章”,形同纲目。他专门撰写了《交涉疏微》一文,一则“以公法通《春秋》”,此与康梁的汇通努力一致;另外则是大力鼓吹交涉为当今必须深语之道,否则国、民利权将丧失殆尽。在唐才常等人创办的《湘学报》上,共分六个栏目,“交涉之学”即其一,乃为“述陈一切律例、公法、条约、章程,与夫使臣应付之道若何,间附译学,以明交涉之要”。

中国传统学问依托于书籍,近代以来西学的传入亦延续了这一方式,西书书目往往又是新学门径之书。在以新学或东西学为名的书目中,都有“交涉”的一席之地。比如《增版东西学书录》和《译书经眼录》,都设“交涉”门类。两书相似之处在于将“交涉”分为了广义和狭义两个概念,广义者为此一门类总名,其下皆以“首公法、次交涉、次案牍”的顺序展开,由总体而个例,首先是国际法相关内容,其次即狭义交涉,则为两国交往的一些规则惯例,再次是一些具体个案。

除“中外交涉”事宜和“交涉之学”外,还有一个表述值得注意,即关于时间的“中外交涉以来”。这一表述从字面意思上看相对较为模糊,究竟是哪个时间点以来,无人有非常明确的定义。曾国藩曾在处理天津教案时上奏称“中外交涉以来二十余年”,这是以道光末年计。中法战争时,龙湛霖也提及“中外交涉以来二十余年”,又大概是指自总理衙门成立始。薛福成曾以叶名琛被擒为“中外交涉以来一大案”,时间上便早于第二次鸦片战争。世纪之交的1899年,《申报》上曾有文章开篇即言“中外交涉以来五十余年”,则又与曾国藩所述比较接近。以上还是有一定年份指示的,其他但言“中外交

涉以来”者更不计其数。不过尽管字面上比较模糊,但这恰恰可能说明“中外交涉以来”作为一个巨变或者引出议论的时间点,大约是人们共同的认识。即道咸年间,两次鸦片战争及其后的条约框架,使得中国进入了一个不得不面对“中外交涉”的时代。

“交涉”既然作为一个时代的特征,且历史上“中外交涉”事务和“交涉”学又如上所述涵纳甚广,则可以想见其留下的相关资料亦不在少数。对相关资料进行编撰和整理的工作,其实自同治年间即以“筹办夷务”的名义开始。当然《筹办夷务始末》的主要编撰意图在于整理陈案,对下一步外交活动有所借鉴。进入民国后,王彦威父子所编的《清季外交史料》则以“史料”为题名,不再完全立足于“经世”。此外,出使游记、外交案牍等内容,虽未必独立名目,也在各种丛书类书中出现。近数十年来,以《清代外务部中外关系档案史料丛编》、《民国时期外交史料汇编》、《走向世界丛书》(正续编)以及台湾近史所编《教务教案档》、《四国新档》等大量相关主题影印或整理的丛书面世,极大丰富了人们对近代中外交涉历史的了解。不过,需要认识到的是,限于体裁、内容等因,往往有遗珠之憾,很多重要的稿钞、刻印本,仍深藏于各地档案馆、图书馆乃至民间,且有不少大部头影印丛书又让人无处寻觅或望而生畏,继续推进近代中外交涉相关资料的整理、研究工作实在是有必要的,这也是《近代中外交涉史料丛刊》的意义所在。

这套《丛刊》的动议,是在六七年前,由我们一些相关领域的年轻学者发起的,经过对资料的爬梳,拟定了一份大体计划和目录。复旦大学中外现代化进程研究中心的章清教授非常支持和鼓励此事,并决定由中心牵头、出资,来完成这一计划。以此为契机,2016年在复旦大学召开了“近代中国的旅行写作、空间生产与知识转型”学术研讨会,2017年在四川师范大学举办了“绝域輶轩:近代中外交涉与交流”学术研讨会,进一步讨论了相关问题。上海古籍出版社将《丛刊》纳入出版计划,吕瑞锋先生和乔颖丛女士等为此做了大量的工作。由于发起参与整理的研究者大多是研究者,所以大家都认为

应该本着整理一本,深入研究一本的态度,这一态度也可以在每一种资料的研究性前言中得以体现。《丛刊》计划以十种左右为一辑,陆续推出,我们相信这将是一个长期而有意义的历程。

张晓川

整理凡例

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清朝在1876年正式派遣驻外使臣是一场意义重大的变革。

在此以前,清政府与各国外部的交流,主要在中国的各国驻京公使与总理衙门之间进行,或由通商大臣、地方督抚主持,各国使馆的中文翻译官提供中外文之间的翻译工作。清朝的驻外使馆另辟了新的外交地点和交换信息的渠道,即在各国首都,由中国驻外公使直接与外交大臣进行沟通。

本册收录了英国国家档案馆 FO 17 档案号下来自晚清驻英公使馆(Chinese Legation)的照会,覆盖了从使馆自1876年底的创建到1905年的数千封由使馆发出的中英文信件。在这三十年间,主持使馆的钦差大臣有七位:郭嵩焘(1876—1878),曾纪泽(1879—1886),刘瑞芬(1886—1890),薛福成(1890—1894),龚照璠(1894—1897),罗丰禄(1897—1902)和张德彝(1902—1905)。这七位钦差大臣在维也纳公约体系里对应的称号为“公使”,英文全称为 Envoy Extraordinary and Minister Plenipotentiary,简称为 Minister。从这批信件来看,使馆每年发出的照会大约有二十至七十封不等,长短不一,大部分为正式的照会(diplomatic notes),少数为节略(memorandum)、半官方(semi-official or informal correspondence)与私人信函(private correspondence)。由于这些外交文书大多数没有抄送总理衙门形成档案,仅夹杂在英国外务部的国内档(FO 17),以孤本形式存在,因此其对于晚清的外交史独特的价值尚未得到充分关注。笔者2016年在英国国家档案馆搜集论文材料时,零零星星地看到了一些散落在各个 FO 17 号下的

使馆信件,并做了初步的评估和搜集。这里呈现出的是笔者从数百号案卷中,逐页搜索并抄录整理的。

众所周知,英国国家档案馆收藏了丰富的晚清外交档案,特别著名的是保存在 FO 682、FO 931、FO 233 档案号下,总理衙门、南洋通商大臣、各省督抚、海关以及与之来往的英国外交官与英国外务部之间的文书。但这一批史料对于清朝驻外公使所承办的各项外交事宜,往往语焉不详,即使偶尔收录驻外公使的照会,也难以窥其全貌。^①相比之下,本册所收录的晚清驻英使馆照会内容较全,包括许多尚未利用的新史料,可以让学者更加准确、客观地评估驻外使臣是如何在国际外交舞台上履行代表中国的职责,以及使馆外交职能在此三十年之间的演变。

驻英使馆所处理的事件,虽然重要性和复杂性不一,但从职责上来说,基本上符合十九世纪西方的外交惯例。在公使与其随员使用的外交手册《星绍指掌》中,主要提到了以下五项职责。^②第一,管辖,保护本国人民,使其不受欺压虐待。同时也负责给海外华人与申请游历中国内地的英人颁发护照。如发现驻扎国或其殖民地添设与条约不符的法令,使馆有义务照会外部,请其暂停。第二,使馆定期采集信息,广征博引,随时向本国奏报外国事件。第三,出使大臣与外部商议公事,议定条约时须先面商,再交换文书,议妥之后行文至本国查阅画押,最后再递交给外部。《星绍指掌》中提到的第四项职能,即“当两国有不协之处,往往请友国从中调处”,虽然在此期间使用的机会较少,但在 1883—1885 年间的中法

① 见 Immanuel Hsu, "Modern Chinese Diplomatic History: A Guide to Research," *The International History Review*, vol. 1 (1979), pp. 102—120; Dilip K. Basu, "China Documents Abroad: From the Public Record Office in London," *Ch'ing-shih wen-t'i*, vol. 2, no. 8 (1972), pp. 3—30; David Pong, "The Kwangtung Provincial Archives at the Public Record Office of London: A Progress Report," *The Journal of Asian Studies*, vol. 28, no. 1 (1968), pp. 139—143; 倪善道:《明清档案概论》,成都:四川大学出版社,1990 年,第 84—88 页。

② 查尔斯·马顿斯著,联芳、庆常译,傅德元点校:《星绍指掌》,北京:中国政法大学出版社,2006 年,第 73—90 页。

冲突和 1894 年的高升号事件时,驻英公使也积极地发挥了请求第三国调解的作用。^① 1885 年英国发动第三次英缅战争,擒服缅甸国王之后,曾纪泽也曾试图利用国际法的第三方调解原则,向英外务部提出“请中国调停,用其所有之权势,以令缅甸王赔罪于英廷。”^②第五,“事关数国大局者,应由各国简派全权大臣,公同会议”,则主要体现现在清政府在 1899 年与 1907 年参与的两次海牙保合会(Hague Peace Conventions),由于出席会议分别是驻奥、俄公使杨儒与驻荷公使陆徵祥,所以这批驻英照会里并没有涉及这方面的内容。^③

使馆文书的处理流程

清朝派遣驻外公使事属创举,准备的过程极为仓促,因此使馆与国内各部门的配合协调并未进一步到位,再加上总理衙门与地方督抚的多元外交与西方的制度也大不相同,增加了使馆文书流转的复杂性。英国驻华公使威妥玛(Thomas F. Wade)在 1875 年 8 月 16 日(光绪元年七月十六日)给总理衙门的照会中指出:

查本国办理公务,与中国办法颇见相异。在中国,各省督抚大臣等报达之件则上折奏闻,嗣或选派前往外国钦差大臣有报达之件,谅亦如是办法。在本国,则出使钦差大臣等虽品级最大者,均与总理各国事务丞相咨会往来,即由总理各国事务丞相转为入奏,

① 关于驻英使馆与高升号的研究,见区春海:《光绪年间中英“高升”轮索赔案述要》,《历史档案》2019 年第 2 期,第 106—111 页; Douglas Howland, "The Sinking of S.S. Kowshin: International Law, Diplomacy, and the Sino-Japanese War," *Modern Asian Studies*, Vol. 42, No. 4 (2008): 673—703.

② FO 17/1034, folio 39.

③ 这一方面的主要论述,见唐启华:《清末民初中国对“海牙保和会”之参与(1899—1917)》,《政大历史学报》第 23 期,2005 年,第 45—90 页;林孝忠:《从万国公法到公法外交:晚清国际法的传入、诠释与应用》,上海:上海古籍出版社,2010 年,第 288—345 页。

将咨会原文代为进呈;遇事另由总理各国事务丞相会合各朝议大臣,同为核议,随后既有回文寄发,虽由总理各国事务丞相主稿,实系大君主参听股肱大臣定拟意见,即属国家定制。^①

威妥玛指出总理衙门和各省督抚可以各自上奏,遇事缺乏信息整合、多方会商的机制,照此模式,他料到驻外公使与国内中枢的通信机制,也会和地方督抚如出一辙,即使臣可以不通过总理衙门就直接可以直接上奏。而英国外务部实为信息整合的中枢,遇事须会合各部门,主持协调意见,并有代表一国之君定拟意见的最终决定权。相比之下,总理衙门只能算作与使馆、督抚平行的外交机构。^②而总理衙门在回信中,强调“各国国体政令诚有相异,而断不能强同之处,然亦有相异之中,而仍见相同者”,以似是而非、答非所问的方式躲过了威妥玛所指的总理衙门在外交通信体制上的弱点:

中国各省督抚大臣及在京各部院衙门并本衙门,每有陈奏大皇帝事件,或系单衔具奏,或系联衔具奏,或系会同别衙门具奏,当日奉旨依议欽此。其不应发钞者,该衙门亦必将所奉谕旨并原折,行文各该处,钦遵办理,实与各国体制相仿。^③

关于总理衙门与驻外使馆在体制上的平行关系与其弱点,许多学者已经注意到,在此不必重申。在以往研究的基础上,本册的使馆文书主要展现了驻外使馆的双重性,即其跨越两种不同的外交制度与话语体系的信息处理机制。相比起总理衙门和地方督抚主持下的对外交涉来说,使馆能更为果断、自信地利用国际法与条

约体系,为清政府伸张“中国国家”做为主权国应有的权利。

纵观这批文书的处理流程,大致总结出来一些不成文的规律:

第一,使馆可以根据上谕的指令接手外交任务,也可以根据总理衙门、通商大臣、各省督抚的咨文,从这些官员手中接受外交任务。郭嵩焘于1877年到任后立即处理的马嘉里事件的善后事宜,以及与英外务部对于《烟台条约》中有关洋药(即鸦片)缴税抽厘的协商,都属于奉旨行使外交的性质。^①从总理衙门处接收交涉任务,始于1877年郭嵩焘办理的镇江太古趸船一案,总理衙门与英使威妥玛相持不下,经海关总税务司赫德(Robert Hart)的提议(“此案在中国相持,不如告知出使大臣,在英国总理衙门剖辩,较有把握”)之后,转交使馆与英外务部交涉处理。^②

另外,使馆也可以根据地方督抚的咨文,将其与英领事之间因意见冲突而无法解决的案件,向英外务部提出解决请求。此类照会占比重较多的有两种:第一,当中、英民人刑事交涉案件中的原告方为英籍,或英方雇用的他国外籍人员,而英领事一再推托、不肯讯办之时。此种案件的典型,可见于1878年5月郭嵩焘照会福建莆田县怡记行雇工枪毙渔户二命一案和1891年薛福成照会中镇江海关英员梅生(Charles Mason)代哥老会贩运炸药一案。第二,从英殖民地引渡逃犯的案件,由于中英两国并未签有引渡条约,而《天津条约》中关于引渡的条文又过于简略,因此广东、福建官员遇到香港总督不肯交犯时,也会咨文请使臣与英外务部直接交涉,比如1881—1885年间曾纪泽关于从香港引渡广东归善县十三名逃犯的多次照会,履行的便是要求引渡的职责。

除此之外,使馆也承办一些看起来较为琐碎,但与办理洋务及维持地方秩序息息相关的任务。例如北洋水师学员在英国格林威

① Jenny Huang Day, *Qing Travelers to the Far West: Diplomacy and the Information Order in Late Imperial China*, Cambridge, Cambridge University Press, 2018, chapter 4;

Owen Hong-Hin Wong, *A New Profile in Sino-Western Diplomacy: The First Chinese Minister to Great Britain*, Hong Kong, Chung Hwa Book, 1987.

② 《清季外交史料二》卷十三,第249页。

① 王彦威、王亮辑编:《清季外交史料一》卷二,长沙:湖南师范大学出版社,2015年,第33—34页。

② Immanuel Hsi, *China's Entrance into the Family of Nations, The Diplomatic Phase, 1858-1880*, Cambridge, MA: Harvard University Press, pp. 193-194.

③ 《清季外交史料一》卷二,第35—36页。

治皇家海軍學院的學習及派送軍艦練習等，往往是先由駐英使館向英外部照會請求，再由英外部與英國海軍部協商之後，答復公使，公使再與隨學生赴英的肄業監督進行協商辦理。

第二，使臣可以根據自己對外交政策的理解，相機行事。這一類型比較有代表性的多來自郭嵩燾、曾紀澤、薛福成三者任期內。比如郭嵩燾于出使英國前，根據總理衙門的“出使經費”一則里“開總領事及正副領事名目”一條，即奏請設立領事官。郭在出國途中路經新加坡時，拜訪胡璇澤，見其“為其地人民所推服”，斷定“新嘉坡領事非胡璇澤無可充承者”。到達倫敦後先照會英國外部，經過五個月的交涉，得到英政府正式的允許之後，才請旨辦理的。^①又例如郭嵩燾于1877年6月15日向英外相德爾貝(Lord Derby)發送的關於喀什噶爾的照會，起因是他在使館里“日見《新報》稱：印度孟買來信，因阿密爾之請，派沙教充費國駐扎大臣，前赴喀什噶爾”，而隨後在7月22日的信函中所回復的內容，代表也是自己的想法，並未事前收到總理衙門委託。正如他所说：“本大臣關於關外情形，本未能詳知，又無携來中國案卷可以查考，略就所知一二，縷晰言之。”^②

此類使臣自發性的交涉，如果沒有事先與總理衙門、通商大臣、各督撫協調，有可能招致國內官員的抵制。在郭嵩燾、曾紀澤、薛福成的任期內，使館提出的建設性意見較其餘四位使臣為多，其成功與失敗，往往取決於是否事先做好政治輿論上的鋪墊，得到國內官員的支持。郭嵩燾于1877年8月24日通過世爵夏弗斯白里(Earl of Shaftesbury)了解到英國禁煙會的活動後，立即請旨禁煙，並得到“着郭嵩燾與英國官員妥為籌商”的諭旨。總理衙門、南北洋通商大臣、各地督撫是在上諭發出之後才得知此事，對郭嵩燾此舉不以為然。據李鴻章的觀察：“各省籌復，寥寥數語，毫不着力。”他隨後在给郭嵩燾的私信里，具體地指出原因：“若先令

① 《清季外交史料》卷十一，第207—208頁。

② FO 17/768, folio 83.

中土禁種禁食，而外洋販運日廣，是為驅窮，非平恕之道，勢亦有所不行。即如各口洋稅，歲共千余萬，洋藥稅居四分之一，加以內地捐厘約二三百萬，若中外合禁，棄此數百萬尚為有益民生；若我使禁種禁食，而不禁外來，固非政體，亦損國計。”^①

倫敦使館的電報通信初始于郭嵩燾與曾紀澤任期交接時，之後電報便成為了使館與總理衙門通訊傳輸的主要渠道之一。^②1880—1881，曾紀澤在聖彼得堡協商《中俄伊犁條約》期間，與總理衙門隨時保持着電報通訊。^③此後一切大事，都會先以電報方式向總理衙門請示，並同時以海運郵遞的形式寄出比電報更加具體的譯文。由此可知曾紀澤辦理外交的成就與清政府逐漸利用電報通訊緊密相關。曾紀澤在馬格里的密切配合下，將使館的作用發揮極致，尤其在中法戰爭的前期，使館在外交方針政策上隱然有引導總理衙門和國內輿論走向的趨勢。^④

比起1880年之前以海運函件為信息載體的通信方式，此後使館與總理衙門與各督撫的電信通訊，大大提高了使臣在外交上的作用，也增加了中國辦理外交的靈活性，以及消息的準確度和及時性。

第三，使臣可以向總理衙門傳達來自英外部的詢問、請求、情報等，起到內外互通的作用，同時也可以代表總理衙門提出詢問或請求。比如曾紀澤于1879年3月31日接到英外部有關土耳其民人穆哈馬德刊(Mohammad Khan)請求中國叶爾羌官員釋放其妻女的照會，立即通過總理衙門將此請求轉交陝甘總督左宗棠辦理，

① 郭廷以編：《郭嵩燾先生年譜》（下），台北：“中研院”近代史研究所，1971年，第637頁。

② Day, Qing Travelers to the Far West, 166—177; Stephen Halsey, Quest for Power: European Imperialism and the Making of Chinese Statecraft, Cambridge, MA: Harvard University Press, 2015, 第七章。

③ 《曾惠敏公電稿》，北京：全國圖書館文獻縮微印中心，2005年。

④ 关于馬格里在中法戰爭里起到的作用，見Thomas Barnett：《清朝在公館における西洋人スタッフの外交活動に関する考察——清仏戦争時のハリデー・マカートニーの活動を中心に》，《東洋學報》第100卷第3号，第59—93頁。

但同时他也根据自己的判断,对于穆哈马德刊呈词的可疑者“不能不预言之”,告知外相沙里斯伯(Lord Salisbury):“细阅呈词,各节不能遽然全信。”^①1881年10月10日英外相格兰维尔(Lord Granville)告知曾纪泽,英国驻秘鲁公使查出当地民人拐带华民,售与秘鲁北省种户,英方已设法保护中国商民。曾纪泽接到情报后立即通知总理衙门,同时知会新任的驻秘鲁大使郑藻如派员到秘鲁查禁此事。^②

使臣遇事反应常常走在总署之前,他们的意见有时甚至可以左右总署大臣,并非总是处于被动。在马格里的指导下,薛福成任期内对于南洋设领、领事管理权限和中英缅甸划界谈判,均持一面交涉、一面以电信通报的方针,对于把握较大、对中国有利无损的事情,先争取伦敦外务部的同意,然后再向总理衙门取得同意。^③

第四,使馆可以接收在华侨民、华工、华商的申诉,或者风闻有对侵犯华人利益的新闻,可以当即照会外部。本册中收录了许多此类型的照会,例如郭嵩焘在1878年11月接到加拿大维多利亚(Victoria)华人对于苛派华人税银的联名抗议和刘瑞芬1886年12月23日接收中华会馆董事对于黄河清一案的申诉。值得注意的是,对海外华人及其产业的管辖与保护,一般为领事官的职责。但在其在履行职责时,与英国殖民地政府看法不一时,领事官常常需要其上级(即驻英使臣)与外部协商解决。

纵观这二十五年使臣履行的各类职责,虽然比起列强驻华公使来说,办理交涉事宜的直接成效不甚明显,但其活动范围几乎涵盖了当时驻外使臣被赋予的所有权力职责,小至管理水师学员,大至划界条约,事无巨细,并非一味采取“重于观察少于谈判”的消

① FO 17/821, folio 91.

② FO 17/869, folio 97.

③ 关于薛福成出使期间在外交通信方面的创新,见 Day, *Qing Travelers to the Far West*, 第六章。

极态度。^①以往学者常持有这种观点,除了受“东方主义”(orientalism)的影响之外,主要来自以下一些原因:^②使馆和总理衙门之间平行性,以及总署、地方督抚、和驻外使馆多元外交,使得驻外使馆的信息网络较为独立;使馆没有定期将档案全部抄送衙门的惯例,即使咨呈,内容也有所拣选,抄送与英外部来往文件的原稿,也因事而异。^③

与此相关的是,使馆与英外部的通信以英文照会为主、中文照会为辅,这种信息处理文书的方式提高了中国在国际法上的地位。1886年,也就是曾纪泽任内的最后一年,清公使在外交上的权利已是不争的事实,英国的外交界甚至公认伦敦的使馆办理外交比总理衙门还要强硬许多。^④但使馆照会的具体内容和其反应的外交策略多不为国人所知,若单纯地以“从传统到现代的转型”作为框架来评价使馆的作用,常常容易简化历史事件的复杂性。比如本册中曾纪泽和薛福成在越南、中缅交界的问题与法国、英国政府的交涉,均采用了在国际法的语境下重新叙述审视朝贡体制的方式,来抗衡西方国家对于中国周边地区的殖民地位化过程。

同样,单以使臣的出使日记来评价使馆的外交也是不够的。日记的内容偏重观察,少于外交,这和出使日记作为观察、纪录的文书种类的自身特点有关,而非使臣外交活动的所有记录。^⑤即使使馆内的人员,若非直接经手照会,也难以得知交涉事件内

① 严和平:《清季驻外使馆的建立》,台北:私立东吴大学中国学术著作奖励委员会,1975年,第234—238页。

② “东方主义”理论最经典而论述,见爱德华·萨义德:《东方学》,北京:生活·读书·新知三联书店,1999年。

③ 中央研究院近代史研究所的近代史所藏的“总理各国事务衙门档案”中,可以见到部分使馆抄送的档案。

④ Demetrius Charles Boulger, *The Life of Sir Halliday Macartney*, London, John Lane, 1908, p.416.

⑤ 有关于出使日记的主要论著,见尹德祥:《东海与西海之间》,北京:北京大学出版社,2009年;岡本隆司、菊田惠子、青山治世:《出使日記の時代:清末の中國と外交》,名古屋:名古屋大学出版会,2009年。

情。如张德彝在《五述奇》中写道,即使在使馆内部,外交信息的流通也受到公使与其亲信不同程度的垄断,并不是所有的随员都可以通过出使得到外交上的历练。

查各国换驻公使,原为查访风俗,事体情形,以便保护人民,办理交涉事件。是不准公使使须通晓一切,而随员人等,尤当历练,随时见闻。故各国公使署,凡来往文件,无不置诸公案,听众观看,以便知晓各事情形,如何办法。余自乙丑东随使外洋,于今五次矣,所知者唯一国之风俗民情,所有两国交涉事件,茫然不知,二十年来虚受国恩,每一思知,惭愧无地。^①

总而言之,使馆照会与出使日记、总理衙门档案和使臣个人的文牍相辅相成,填补了晚清外交史料一块不小的空缺,对于我们研究清朝使臣如何积极的运用国际法来争取中国应有的权利,有着不可替代的作用。

英文为主,中文为辅的照会形成过程

使馆人员之中,英文参赞马格里(Halliday Macartney)的重要性不可低估。马格里(1833—1906),字清臣,苏格兰人,原为英军军医,曾协助李鸿章办金陵机器局,1876年随郭嵩焘出使英国,在随后的近三十年里辅佐七位使臣办理使馆几乎所有的大小事务。马格里与各任使臣的亲疏,与使馆的外交成效息息相关,从使馆建立至其退休(即1876—1905年),马格里与曾纪泽默契最深,其次为薛福成,再次为郭嵩焘,而与刘瑞芬、龚照璠两人只能说是勉强配合。在罗丰禄、张德彝任期内渐渐退出日常事务的管理,只是在个别较难处理的事件上提供顾问服务。

① 张德彝:《五述奇》,长沙:岳麓书社,2016年,第68页。

使馆的大部分照会采用了以英文为主、同文馆学生翻译的中文照会为辅的形式。每封英文照会相对应的中文翻译,虽由外部存录在案,用铅笔标上了接收的时间,用胶水黏在英文照会之后,但中文在交涉过程中作用不大,起到的主要是存档与使臣的备忘作用。更为重要的是在照会形成之前,使馆人员与英外部以口头沟通达成的共识。薛福成说:“欲与争辩,则平日之联络布置,尤不可不慎,譬之关弓者,必和其干,调其丝,引矢一发,毅力虽劲,不至弧折弦绝者,审固于先事也。”^①在FO 17的档案与使臣的日记里,都常常有相应的会客记录。纵观这批照会的形成过程,使臣与外部间就敏感、棘手的外交事件,几乎都选择了先会面,再以备忘录或照会达成、巩固共识的方式。这些平日里的联络布置,特别是马格里与外部副部长间试探性的访问,使得使馆与英外部即便是在1900的义和团与联军占领期间,也没有“弧折弦绝”的情况。

对于照会这一文书的特殊性、重要性和形成过程,薛福成也颇有心得。在《出使公牍》得前言中,他把洋文照会的重要性列与诸文书之首,认为照会为一切实外交公牍之纲领:

大臣出使,有洋文照会者,盖以此国使臣告彼国外部大臣之辞,亦即两国相告之辞也。执笔者宜审机势,晰情伪,研条约,谳公法,得其款则人为我诎,失其款则我诎于人,是非与(于)此明,利害于此形,强弱于此分,实握使事最要之纲领。使事既有端绪,然后述其梗概而奏之、而咨之礼之,意有未达,则再为书以引伸(申)之,胥是物也。故凡治出使公牍者,以洋文照会为就就,而诸体之公牍,皆由此生焉。^②

而具体如何通过英文照会来争取中国的权利,薛福成认为,使臣对于时势的判断,对于国际法、条约的通晓,对于轻重缓急的判

① 薛福成:《出使公牍》,传经楼校本,1897年,第1B—2A页。

② 薛福成:《出使公牍》,第1A页。

断也相当重要：

自我中国通使东西洋诸大邦，所以咨政俗、联邦交、保权利者，颇获无形之益。然使职难称之故，盖由中国风气初开，昔日达官，不晓外务，动为西人所欺。西人狃于积习，辄以不敢施之西洋诸国者施之中国。为使臣者，遂不能不与之争。争之稍缓，彼必漠视而不理，其病中于畏事。争之过亢，彼必借端以相尤，其迹疑于生事。迹来当事，愿生事者较少，而习畏事者较多，故失之刚者常少，而失之柔者常多。^①

使馆双语的文书的形成方式，各位使臣的处理方式不尽相同。在此书收录的照会中，可以略窥其大致的演变。第一任使臣郭嵩焘任期内的前几封英文照会，似由使臣的中文稿逐字逐句翻译成英文的，此后两三个月内，英文一跃成为书写照会第一语言，英文照会的内容，也比中文更加翔实具体。与之相对应，则是马格里在使馆外交逐渐趋于主导地位。郭嵩焘在光绪三年二月十二日（1877/3/26）的日记中曾抱怨：

·夏弗斯白里商禁鸦片烟一节，开示马格里应答之词，并告知德在初：或马格里言语稍有偏差，即行纠正。诤是日马格里编造无数言语，而所开示之词，竟无一语及之。德在初、凤夔九不独不能纠正，相距十日之久，隐秘不言，至是见新闻报乃始知之。^②

马格里于使馆事务的垄断，在郭嵩焘私下认为“使人茫然不解其心意之所属”，但郭的下任曾纪泽却与马格里形成了默契，日记中几乎每日都有清臣来一坐”“与清臣久谈”“携清臣外出”等语。“曾侯”（Marquis Tseng）与马格里的声音便逐渐融为一体，难以辨

认谁的意见更占优势。同时马格里在伦敦 Regent's Park 的住宅，也在给外部的清单中列入办公的地点，与使馆所在 49 Portland Pl. 同样享有免输房税的待遇。当英外部 1885 年准备取消此待遇之时，受到了曾纪泽的严词抗议，认为马格里既为中国使馆人员，便拥有使馆人员之权利。^①

对比中英文照会的内容与写法，即可知使馆在外交上的“双面性”来自于公使和马格里的配合。马格里虽并非外交官出身，但在使馆多年的历练，使其成为通晓国际法理论和实践的外交专家，在代表中国的利益的同时，与英外部既有合作也有对立。1899 年，马格里在给好友的信中坦言：

有些人指责我在英国政府面前为中国虚张声势。在我看来，中国的弱势并不是秘密，如果我隐瞒了这个事实，把弱者装饰成强者，那么我的确做错了。但是我从未这样做过。我到伦敦以来，一直以来竭尽全力要帮助公使达到的目标，是让中国在外交上达到“文明国家”的标准，并且让英国对待中国，以对待其他大国一样尊重来对待她。^②

使馆的照会以马格里的英文照会为主，更加有利于将清朝呈现为与各国平等的“主权国家”。本册中收录的几乎所有的英文照会均运用了当时西方官廷的一套话语体系，称外相为“My Lord”，并以谦卑的“I have the honour to be, with the highest consideration, My Lord, Your Lordship's most humble obedient servant”做为结语，称英政府为“Her Majesty's Government”，而相对应的清廷则为“The Imperial Government”或者“His Majesty's Government”。条约赋予中国的权利，和西方平等国家之间外交体系是使馆最好的武器，在商订条约、设领、保护华人、引渡逃犯等等

① FO 17/990, folio 90-93.

② Boulger, *The Life of Sir Halliday Macartney*, p.482.

① 薛福成：《出使公牍》，第 1B—2A 页。

② 郭嵩焘：《伦敦与巴黎日记》，长沙：岳麓书社，1984 年，第 142 页。

事务的照会中,使馆皆采取对条约字斟句酌、严格恪守万国公法の方針,对于一切中国在国际法上应有的权利,寸步不让。在这些由马格里执笔的英文照会里,中国在国际上的平等地位是如何被阐述的,笔者在此不作细论。读者如果有兴趣的话,可以将收录的英文照会与翻译成的中文比较着阅读,体会其中的不同。

中文照会多数是马格里所写英文照会的翻译。在罗丰禄上任之前,除了曾纪泽之外,使臣不谙英文,与马格里口头沟通之后,往往需要将其写成的英文照会辗转回译成中文一次,方能确认英文的意思正确无误。回译形成的中文照会,薛福成有如下的体会:

中西文法截然不同,洋文照会,本用西洋文理,一经译为华文,已难尽依其旧,数人译之,往往意同而语不尽同。辄为斟酌字句,以畅译者之意。然读之仍觉艰涩诘屈,微有聱牙意象,此则洋文通病也。^①

而薛福成在日记中,也提到中西文法不同而导致中文照会的晦涩难懂:

十三日记 马参赞呈送英文照会稿,余属张听帆译汉文阅之,其立言颇中肯綮。唯中西文法往往不同者,中国文尚简明,而彼则必须烦复,且多前后倒置之句法,否则阅者转茫然不解。兹特录之,虽其文法已多经译者删润,亦稍见外洋公牍之体。^②

由此可见,本册所收录的中文照会,由于其成文的目的在于作为英文的副本,读者群仅限于使臣与使馆的工作人员,所以并没有经过文辞的修饰。

1894年薛福成卸任,接任的龚照璠身体欠佳,缺少外交经验,

其被选拔为使臣主要是因为李鸿章的关系,因此与总理衙门之间的隔阂较深,使馆的日常事务常由马格里包办。马格里在一封给英外郎副部长 Francis Bertie 的密信里称刘瑞芬、龚照璠两人为“某些督抚的傀儡”,“数次拖延执行来自总理衙门的指示,以便向自己的庇护人的请示”。他坦言自己希望下届使臣可以是“有能力又为清帝国所信任的人”。^①由于龚照璠对外交事务的疏忽,从这一时期起,双语照会的数量减少,多数的英文照会没有经过回译成中文,便直接送至外部,使馆办理的外交事务骤减。而通晓英文的罗丰禄于1896年接任之后,代替了马格里处理使馆绝大部分的事务,也许因为自信英文娴熟,欲与前任数届公使树立形象上的反差,便没有恢复双语照会的传统。^②因此,这里收录的大部分从1896年之后的照会都只有英文。

曾纪泽、薛福成两人任期内,与马格里的紧密合作成就显著,在处理中英之间的外交摩擦时,对于国际法的运用和外交语言的运作,比起总理衙门的章京来说,显得娴熟、精准、游刃有余。与之相反的是,在刘瑞芬、龚照璠、罗丰禄的任期内,使馆的业绩平庸,起到的作用仅仅为在外务部和国内的各衙门之间搭建信息桥梁的作用。从本书中的照会中可以看到,刘瑞芬任期内,使臣的绝大部分时间用在北洋水师的培训规划上,相比起前任曾纪泽的积极外交,刘、龚在外交政策上之消极避事,无疑与其身后的李鸿章的利益有关。当然,使臣及其随员在刘瑞芬、龚照璠任下也并非无所事事,马格里也可以公使的口吻撰写照会,以维护中国政府以及海外华民的利益。从信函的归类上来看,还是可以看出使臣与马格里大致的各自分工。就刘瑞芬任期下的照会来说,超过半数的信函与北洋海军的进修、采购、雇用教习有关,这一类照会一般来说外交性极弱,文字也趋于模式化,从笔迹来看,此类信件主要是由使

① FO 17/1286, folio 230-231.

② 关于罗丰禄的外交能力与英文水平,见 Boulger, *The Life of Sir Halliday Macartney*, pp.473-474.

① 薛福成:《出使英法比四国日记》,长沙:岳麓书社,1985年,第575—576页。

② 薛福成:《出使英法比四国日记》,第152—153页。

馆内的中文翻译官而非由马格里撰写的。

驻英公使馆与中英引渡案件

提到驻英使馆在刑事上的责任,一般人都会联想到1896年孙中山在伦敦公使被“绑架”事件。不为人知的是使馆在从1880年之后,在跨国逃犯的问题上,一直监督英国恪守条约,督促其履行向中国遣返罪犯的职责,其引渡的大部分逃犯并非政治犯。而当普通引渡方式行不通时,西方国家也常用域外绑架(即extraterritorial abduction)的方式,以欺诈、强行方式遣返逃犯,因此驻英使馆对于孙中山的拘留,并不能完全归结于“东方专制主义”。^①本册的照会里收录了一批驻英使馆为跨国界逃犯问题与英外部落论的照会,为学者重新审视孙中山的被绑架事件的意义提供了新的史料。

更值得注意的是,西方各国之间通行的引渡原则,在19世纪经历了巨大的变革。德国著名的法理学家拉萨奥本海(Lassa Oppenheim)在其国际法著作中提到,17世纪,西方国家间的引渡主要是用在各种政治逃犯(political fugitives)和宗教异端分子(heretics),18世纪才逐渐使用在一般性的“常规罪犯”身上。19世纪上叶,铁路、航运业的发展,使得跨国逃犯数量剧增,各国之间因此认识到签署引渡条约、加强国际间对于刑事案件合作的重要性。同时,在法国大革命与美国独立运动的自由民主思潮的影响下,各国逐渐将“政治犯”排除在可引渡罪行之外。^②并非所有的西方国家对于政治犯可引渡性的排除(political offence exception)都绝对服从,同时“政治犯”和“常规罪犯”(例如谋杀、纵火之类的

① 见 Sun Yat-sen, *Kidnapped in London: Being the Story of My Capture by, Detention at, and Release From, the Chinese Legation*, London: Simpkin, Marshall, Hamilton, Kent and Company, 1897, p.97.

② Lassa Oppenheim, *International Law*, Longmans, 1905, pp.388-400.

暴力行为)之间的区分,也常常难以断定。执行引渡的最终决定权,并非是非司法机构,而是行政机构,即一国的中央政府。

在这一历史背景下,驻英使馆对于引渡案件的交涉,便赋有了深刻的政治意义,其中比较棘手的类型之一,是有关在内地犯罪后逃往香港的罪犯的引渡问题。中英早在1843年签署的《五口通商附粘善后条款》里,对于逃犯的引渡,有以下的协议:

倘有不法华民,因犯法逃在香港,或潜往英国官船、货船避匿者,一经英官查出,即应交与华官按法处治。倘华官或探闻在先,或查出形迹可疑,而英官尚未查出,则华官当为照会英官,以便访问严拿,若已经罪人供认,或查有证据知其入实系犯罪逃匿者,英官必即交出,断无异言。其英国水手、兵丁或别项英人,不论本国、属国、黑、白之类,无论何故,倘有逃至中国地方藏匿者,华官亦必严行捉拿监禁,交给近地英官收办,均不可庇护隐匿,有乖和好。^①

1858年中英签署的《天津条约》中的第二十一款,重申了英方向中方引渡逃犯的义务。

第二十一款一、中国民人因犯法逃在香港或潜往英国船中者,中国官照会英国官,访查严拿,查明实系罪犯交出。通商各口倘有中国犯罪民人潜匿英国船中房屋,一经中国官员照会领事官,即行交出,不得隐匿袒庇。

值得注意的是,虽然两份条约中都明确规定了英国政府向清政府引渡的义务,但对于何种行为属于“不法”,量刑的轻重,如何使犯人认供,以及引渡的具体过程,中西法律差异颇大,对于“政治犯”的定义,及“政治犯”引渡与否的问题,也未提到。这些遗漏

① 王铁崖编:《中外旧约章汇编》第一册,北京:生活·读书·新知三联书店,第36页。

的原因,与其说是中英代表对引渡法的无知,不如说其反映的是国际法自身的发展变迁的过程,以及各地方在具体实践中的分歧。正如英国法理学家、曾任香港首席按察司的碧葛(Francis Taylor Piggott)在其引渡法的著作中写道:“引渡是一个政治问题,因为与相关的法律是由立法机关制定的成文法和条约组成的。”《天津条约》中有关引渡一段的种种遗漏和语焉不详,恰恰为中英两国政府在两广、福建一带,以治安为名打压各种游离于灰色地带的地下组织,扫清了法律障碍,提供了行政上的便利。

鸦片战争之后,香港政府为了维持社会稳定,采取了对清政府的引渡要求积极配合的方针。据港督包令(John Bowring)统计,1849—1857年间,香港政府向中国交出了234名逃犯。据香港政府蓝皮书中统计,1849—1866年间,共有665名逃犯在香港以“海盜”名义受审,其中约400名被引渡回国。^①《天津条约》签订以后,中英罪犯的引渡程序,主要有以下几个步骤:一、中国地方官经查访,确认逃犯在香港之后,禀报当地督抚,请其向广州领事官提交并附上相关证据。二、广州领事官照会香港当局,请求协拿犯人。三、如香港司法机构检验证据,认为存在犯罪的相当理由之后,即由香港总督发出通缉令,逮捕犯罪嫌疑人,同时经广州领事官“通知督抚,派人押解犯人回国审讯。”^②至于中方的逮捕请求是否有政治动机,香港政府一般不予过问。从引渡案件来看,清政府与香港殖民地政府在治理社会、捉拿逃犯、维系地方稳定等方面,其根本利益是一致的。^③

1860年代中期,香港的殖民地政府的引渡政策遭到香港本地

① Ivan Lee, "British Extradition Practice in Early Colonial Hong Kong," p.97.

② Ordinance No. 2 of 1850, "An Ordinance to provide for the more effective carrying out of the Treaties between Great Britain and China in so far as relates to Chinese subjects within HK (20th March, 1850)." *The Ordinances of Hong Kong*. London, George E. Eyre and William Spottiswoode, 1866, pp.70-71.

③ 关于香港早期的司法历史,见 Christopher Munn, *Anglo-China: Chinese People and British Rule in Hong Kong, 1841-1880*, Richmond, Curzon Press, 2001.

和英国舆论的强烈谴责,这与清政府追缴太平天国的余党有直接的关系。1865年的“森王”事件(英文中称为 Mo Wang case)成为改变引渡政策的导火索。森王侯裕田,本名侯管胜,漳州人,太平后期将领,在天京失陷后逃入香港,以经商名义向漳州太平余部运送军火粮饷。^①1865年,两广总督瑞麟、广东巡抚郭嵩焘将侯成功引渡回国,第二日侯被凌迟处死。

森王被处死的报道一出,西方舆论哗然。^②当初广东政府为了不打草惊蛇,假称森王早在1863年于苏州身亡,要求引渡的是一名叫 Ho-Yu-Teen(即侯裕田)的海盗。香港总督将计就计,以海盜身份提交了侯裕田。依据当时国际上不引渡政治犯的惯例,香港媒体加倍谴责中国政府滥杀无辜,用刑手段残忍。香港政府迫于政治压力,不得不紧缩引渡政策,从此之后,“政治犯”不再属于引渡范围内,并且香港政府要求中国督抚在请求引渡罪犯的同时,交付一份保证犯人不受酷刑(即凌迟)惩罚的文书。郭嵩焘虽然对于森王引渡成功之事颇为自得,可对其造成的政治影响多有遗憾,以为“此后香港捕盗门径,永以杜塞矣”。^③所幸从香港方面来说,拒绝与清政府合作引渡罪犯,对于本地的治安和司法亦多造成不便,非长久之计。于是,何种案件符合引渡的条件,港方如何接受清政府的引渡要求,如何确保犯人不会被施用酷刑,等等问题,均需要多方权衡。

驻英使馆是在森王案之后,中英政府之间就引渡事件达成新共识的桥梁。公使可以根据上谕,从总理衙门或者地方督抚手中接收较为棘手的重大的引渡案件,当然也可以直接介入某些案件的办理。公使在引渡案件中的主要作用在于监督香港殖民政府根据条约按约履行引渡义务。

在本册的照会中收录的引渡案件主要有1881—1885年间的

① 罗尔纲:《太平天国史》,北京:中华书局,2000年,第2216页。

② *Overland Trade Report*, May 30, 1865; *Daily News*, August 8, 1865.

③ 郭嵩焘:《郭嵩焘奏稿》,长沙:岳麓书社,1983年,第368页。

广东归善县十三人犯案,1884年黄金鞍、陈阿杰逃往香港一案,和1886年福建海盜张野、张阿知隐匿香港一案。另外也有中方接受英方引渡请求的案例,比如厦门地方官拿获1881年在槟榔屿行凶后逃往厦门的谢拱照,此案经过使馆的协调后,由新加坡总督在檳榔屿处提取卷宗,交付给闽浙总督,在中国审理。另外还有马格里、罗丰禄等在1896—1898年期间有关通缉孙中山、康有为、梁启超向英外部提出的是否可以使用引渡法的询问。由于绝大多数的口头询问没有形成正式的文书,在本册内只有一两封照会里提到。

从这些引渡的照会里可以看出,驻英公使对于国际法通行的引渡原则有较深的见解,其与英外部辩论的要点,在于香港政府是否可以有条约之外制造各种理由,以此拒绝向中国引渡犯人。在广东归善县案中,杨、白、毛、金等十三人在杀毙杨家三口之后,隐匿香港。香港法官(Hong Kong Magistrate)审案后,认为犯罪证据符合引渡条件,而香港总督则以十三人已入教,并获得天主教教主雷孟第的担保为理由,将犯人全部释放。曾纪泽于马格里在1884年12月8日与1885年6月3日的两次照会长文中,对于香港总督拒绝交犯的决定进行了精彩的辩驳。这两封照会体现了使馆人员对国际刑法的深刻了解,也对香港殖民政府的刑法体制中的不合理处,进行了透彻的谴责。

曾纪泽在辩论中引用的法律依据,不仅仅是中英1858年签署的《天津条约》和香港法例,也包括了英国不久之前,即1870年与1873年,与各国签署的《交犯条约》(Extradition Acts)。使馆与英外部对于此案甚为重视,双方都多次咨询法律顾问,最终英国检查总长(Law Officers of the Crown)认为《交犯条约》只用于“文明国家”之间,并不适用于香港与中国之间的引渡,以此拒绝了中方的要求,言外之意是中国并不属于文明国家,不能在国际法上和西方国家平等视之。此决定反映的是19世纪西方国家对非西方文化和政治体制的普遍偏见与歧视,其结果导致广东地方官无法正法执法,民情怨愤,在一定程度上破坏了本地的秩序。

曾纪泽在1884年12月8日的照会中,针对西方国家对于中国刑事律的偏见,做了如下的阐述:

所谓仁慈之道者,本乎人心之向善。而人心向善之说亦随时为转移,世间之事,固有今日视为无碍于仁慈之道,而明日视为有碍于仁慈之道者。观夫西洋教化最深之国,亦曾有刑律与中国刑律略同者,当行律之时,未尝谓为不合仁慈之道,直至近来各国视之,始以为当日刑律有碍于仁慈之道。至于大辟之刑,西洋各国仍谓不可缺少,将来如有一日西洋憎恶大辟之行,则其时视大辟之刑亦与现今之时视中国律内某条之刑无以少异。然而中国虽有各条刑律,究竟用之其难其慎,故于条约之外肯出保文,并不照本国之律以用刑也。^①

曾纪泽认为,何为“仁慈之道”,并不是一成不变的绝对理念,而是与时俱进,不断处于变化中的。西方各国也曾有与中国类似的刑律,只是在近年来才开始“以为当日刑律有碍于仁慈之道”。既然香港法官经过审案,认为证据符合交犯的条件,并且中国政府已经作出了对提交的犯人“不照本国之律以用刑”的保证,而英国外务部也曾经同意交犯,最终却以一与案件无关的教主的“证词”,将犯人无罪释放。^②英国政府的做法无疑违背了法律的公正性。

曾纪泽、刘瑞芬两届公使在外交上的反差,可以从各自在对待引渡逃犯的态度看出。1884年8月16日,曾纪泽在给应外务部长格兰维尔的照会中写道:

本爵大臣叠奉本国国家之谕,深愿与贵国安定章程,似宜及早议办,以免日后交犯之事再有耽延。按现在香港应交之犯如此之

① FO 17/967, folio 87.

② CO 129/224, folio 260.

难,而广东各处理刑官员见死者亲属禀诉催办,民情怨愤,竟致无从措手。中外交涉之事,亦因此有所未合也。^①

本册中收录的《中英引渡条约》英文草案(Treaty between Her Majesty and the Emperor of China for the Mutual Surrender of Criminals),即为马格里受曾纪泽委托,与外部就此达成的初步成果。从马格里与英外部协商的稿件中,可以得知此“引渡条约”是根据英国与西班牙1878年签署的“引渡条约”的版本上,经过多次双方修改达成的初步共识。^②当曾纪泽于1886年回国之后,谈判即被搁置。当1887年10月10日,英外部询问刘瑞芬是否可以继续进行谈判,刘即回复“需向总理衙门询问,再行告知”,但实际上并没有任何行动,此谈判因此作罢。^③从现有的档案文件中,很难判断刘瑞芬是否为此事请示了总理衙门。公使个人的意向、精力及其代表的国内利益,对其办理外交的积极程度有限制性的作用。

义和团期间的使馆通讯

本册收录的义和团期间的照会,从另外一个侧面体现了使馆在清廷外交的危难时期起到了通信作用。1900年使馆主要的负责人是罗丰祿,这位由海军出身并通晓多国语言的外交官,虽然有着多年使馆随员的经历,但因其并非正途,在清朝体制内的政治根基单薄,主要的支持者是李鸿章。马格里在接到罗丰祿任命的当天,即向总理衙门提交了辞呈,其原因便是因为罗丰祿精湛的英文与其外交能力,大大降低了马格里对于使馆作用的关键性。在罗丰祿的强烈要求下,马格里收回辞呈,但从此之后对使馆一切事务

① 此封照会的中文收录在 FO 17/967, folio 57; 英文收录在 FO 17/1079, folio 211-213.

② FO 17/1630, folio 1-24.

③ 此封照会的中文收录在 FO 17/1052, folio 1052, folio 128; 英文收录在 FO 17/1630, folio 125-126.

“尽量只接收最低限度上的责任”。^①因此使馆在庚子拳乱里担当的外交重任,很大程度上反映了使馆自身的成熟化及其独立运行的能力。

值得注意的是,使馆在义和团运动的前后,一直与英外部保持着多项事件的交涉和礼仪上的友善往来,比如就高升号事件邀请第三方仲裁的谈判,清政府请求英国在智利、厄瓜多尔等处的使馆代理保护华人的职责,以及代表总理衙门邀请各国公使出席光绪皇帝生日宴会等礼节性的照会。从使馆照会的视角来审视庚子拳乱,可以使我们看到公使与反对拳乱的地方督抚势力的结合,使其外交文书中所代表的“中国”与保守派所掌控的清廷有着相当的反差。相比起各国驻京公使在庚子年对中国妖魔化的形象构造,使馆照会中展现的中国政府理性的一面,正如戴海斌所说:“事变前后,驻外公使的外交作用明显提升,可以说驻使有此绝大表现者前所未有。”正是因为使馆外交,中国在冲突中始终没有与各国政府决裂。驻外公使与国内各地势力的联合,使之“在政治立场上与北京政府保持一定距离,而更接近于开明的地方大员”。^②使馆传递的信息,在很大程度上也反映了这些地方督抚的立场。

本册中所收录的庚子年间的使馆文书有以下三个特点:

第一,驻英公使在以往例行的照会模式上,稍作变通,从1900年6月起开始直接翻译从地方大员处(即刘坤一、张之洞、李鸿章、盛宣怀等)接收的电报,送达英外部,而并不如以往传递总理衙门咨文的内容那样,用公使的语气写成照会的形式。如罗丰祿在1900年6月26日写给英首相沙里斯伯的照会里,开头即直截了当地说明,下文便是湖广总督张之洞于6月23日清晨六时向他发出的电报。除了递交翻译之外,公使对电报的内容一般不做书面的评论,但经常出入外部面谈。

① Boulger, *The Life of Sir Halliday Macartney*, p. 473.

② 戴海斌:《中国外交近代转型的节点:简论庚子事变前后若干外交问题(1900—1901)》,《社会科学战线》2011年第12期,第25页。

这以后的一年多里,公使发给外部的信件多半采取了直接翻译国内电报的形式,并且每封信都注明了中国发报与伦敦接报的具体时间,使得外部较为及时地掌握事态的变化。使馆直接翻译电报,而并不采用照会的格式,其原因之一是国内请求递交电报的地方督抚与英外部不在同一个外交级别上。一般来说,督抚的任何外交需要,应该是通过总理衙门,或者其下属道台与各国在中国地方的领事来进行。虽然督抚没有直接给英外部发送照会的特权,可是如果他们给驻外使馆发送的电报,被公使直接作为友善的情报送达给外务部,则并不违背外交惯例。因此这一批庚子、辛丑年间的来自地方督抚的外交信件,收件人表面上是驻英公使,而实际上都是直接翻译成英文之后,迅速递交给外部的。这种特别的通信方式一直持续到《辛丑条约》签订之后。

第二,驻英使馆在其翻译来自中国的电报、信件成英文时,通常会根据自己的立场,在不改变原文大意的基礎上,对英文加以修饰润色,加重对拳乱的谴责,强调对各国损失的歉意,以助其立即停战的请求。比如上文提到的罗丰祿在6月26日传递的张之洞发来的电报里,我们可以看到中英文在感情色彩上有明显的差别:^①

中 文	英 文
北方会匪逆旨滋事,各国人口物业致遭损害,京内京外数百里华商华民财产焚毁亿万,至戕杀日本使馆随员	The rebels in the Northern provinces, called by the name of "Boxers," have, in defiance of the Imperial Decree, overrun and devastated a large tract of country in the vicinity of Peking, taking the lives of many persons, natives as well as foreigners of various nationalities, including a member of the Japanese Legation at Peking.

① 此照会的中文收录在 FO 17/1435, folio 85;英文收录在 FO 17/1435, folio 82-84.

(续表)

中 文	英 文
乃各官办理不善之故,实非朝廷意料所及	The present lamentable state of affairs, which the Imperial Government deplore as a national calamity, is doubtless attributable to the culpable negligence of the provincial authorities who surely could never have foreseen the large proportions which the Boxer movement was fated to take, otherwise they would have suppressed it in the commencement.
今各省督抚并未奉有开战谕旨,可见朝廷并无失和之意。	The intentions of the Imperial Government are entirely pacific and in favour of friendly relations with the Treaty Powers. This is shewn by the absence of any instructions to the provincial authorities to take measures with a view to defence.
若天津再有战事,则南方必将牵动,事机危迫,务祈迅飭施行。	The situation, then, being so critical, I would impress on you the necessity of your exerting yourself to the utmost in order to induce Great Britain to be forbearing, and not to press matters unduly in the North.
各省督府意见相同,亦即有电达各国外部矣。以上各节,请罗星使即刻转商外部。感禱。	The provincial authorities of the Central provinces all agree with me as to the extreme desirability of these recommendations being attended to, and join me in requesting you to bring to the notice of the Foreign Secretary all the considerations I have given expression to in this telegram.

上文对比可见,张之洞的电报原文语气尚属婉转,在中国政府的责任和朝廷对义和拳的态度问题上,以“各官办理不善”和“并无失和之意”含糊地一笔带过。而罗丰祿的使馆人员翻译出的英文中,更加强烈地表现了发电者对于拳乱毫无保留的憎恨,对于官员疏忽职责的愤慨和对于中外关系恢复和平的渴望,使得使

馆在感情上明显靠近了英国政府的立场。

第三,使馆与各国外部通信的及时通信,在一定程度上缓解了各国驻华领事、军队和中国政府的冲突,避免了各国在华军事力量无限制地扩大。例如湖广总督张之洞在6月19日通过罗丰禄发给英首相兼外相沙里斯伯的电报中写到,英国汉口领事宣称接到外部的指令,表示英国政府已经准备对南方省份必须进行必要的军事保护。对此张之洞有如下的表示:

The Viceroy tenders his grateful acknowledgements to Lord Salisbury for his friendly offer, and will gladly avail himself of it in case of need. He, however, is persuaded that he and his Colleagues the Viceroy of Nanking, with whom he has been in communication on the subject, will be more than able to cope with the "Boxers," or any other elements of disorder who, contrary to his expectations, may attempt to disturb the peace and tranquility of the Yangtze provinces.

Both he and the Viceroy of Nanking have at their disposal very sufficient, well equipped and well disciplined Forces, on which they can implicitly depend; and these they will so dispose and employ as to give the fullest measure of protection to all residing with their respective jurisdictions, whether natives or foreigners and of whatever religion.

Under these circumstances, the Viceroy would deprecate any obstructive demonstration of British Naval force on the Yangtze, as being calculated rather to make difficulties for the Chinese Authorities, than to aid them in maintaining tranquility and good order in the riverine provinces.^①

张之洞首先对表示英国政府的援助表示感谢,但同时表示自

① FO 17/1435, folio 75.

己与两江总督拥有的兵力和弹药足够应付义和拳,并对中外人士给予必要的保护。也明确说明了英国军舰在长江流域不必要的军事示威,不仅于事无补,而且恰恰是“专门给中国政府添乱,使恢复长江流域的平静变得更加困难”。英首相沙里斯伯接受了使馆的请求,立即以电报的方式给英国海军高级军官发出训令,使其暂缓入江。

通过使馆在1900—1901年给外部的过百封信件里,可以看到使馆在递送何项诏令、何种电报有极大的决定权,偏向了地方开明派所代表的中国政府,对于各国在中国的教士、外交人员和贸易利益,不留余力地保护,而对于强硬派的言语,一致不予发送,甚至连宣战诏书也只字未提。当然,比起列强在中国的外交、军事力量而言,使馆可以起到的作用较弱,英国外务部也并非常常会听从公使的请求,制约本国在中国的影响力,战争最后不可避免地发生了。但总体来说,使馆作为各国的外部与中国国内势力的主要连接点,使得中国在和义和团事件之中,始终在国际上树立起一面独立的主权国家的旗帜,在慈禧太后、光绪皇帝逃亡西安,总理衙门束手无策之时,代表国家的是地方大员利用使馆提供的外交渠道,果断地向各国做出必要的担保、妥协。从此也可以看到,在和义和团期间,使馆照会中的“中国国家”,对应的不再是满清皇朝,而是地方掌管经济、军事力量的督抚,以及其属下的以汉人为主的官僚体系。“中国国家”与“清朝”概念上的分离,在此次外交危机中凸显出来。

总结

本册中收录的照会,对中国近代外交史研究的主要意义,可以用以下三点来总结。

第一,研究使馆的理论框架值得进一步探讨。使馆的中、英员之间的合作,与使馆的双语照会,在很多程度上赋予其功能上独特

的“双面性”。使馆在清朝官僚体系中的地位,与其和英国外务部之间形成的通信网络是相辅相成的,如果只看到公使的日记和给总理衙门的咨文,却没有同时看到使馆如何在国际上发挥作用,得到的结论是不完整的。当我们研究一些较有争议的事件,比如曾纪泽对于中法战争、缅甸进贡的外交方针,或者梁照璠拘留孙中山事件,如果没有相应地参考使馆几十年来外交的具体背景,很容易以中国官员落后、保守、不通公法等过于简单、片面的概念来诠释。

第二,使馆的通信史,也是一个尚待重视的研究外交史的角度。从这个角度下探讨的问题,包括使馆如何建立其信息网络,整合来自不同角度的情报,在国际法的框架下诠释这些信息,与其如何在给总理衙门和国内官员的咨文中以中文惯有的形式表达这些信息,两者的表述有何微妙不同,等等。本文前半部分根据照会的来源,总结了使馆接手事务的几个不同的渠道,但照会里所反映的只是官方的信息体制,对于使馆收集来自小道信息、报馆、情报人员的各个方面,往往语焉不详。使馆、总理衙门、地方督抚、海关监督与列强驻华使臣之间的博弈,以及使馆的电报通信对于以往外交模式的冲击,也是值得进一步研究的课题。在许多重大的外交事件上,使馆是如何与国内、国外的多种势力,或配合、或竞争,来使中国达成与西方平等地位之目的?

第三,使馆代表的“中国”在不同语境下的不同含义,以及这些含义是如何演变的,尚未得到很好的诠释。使馆的照会中,常用“清廷”“中国”“中朝”“华廷”“中国国家”“China”“The Imperial Government”等各种中英词汇来表达中国的政体,根据交涉事件的不同,含义也时有不同,它们有时对应的是具体的国内的中央与地方的势力,但往往指的是中国作为世界各国中与西方平等之国的抽象的法律概念,换句话说,使馆的设立,在一定程度上意味着不论中国国内运行的是何种政体、谁与握权,在国际法上对应的中国的概念与其对应的权利与义务,并不需要随之改变。使馆在许多国内政治的动荡期间,在各国的首都继续履行着代表中国国家

的职责,其逐渐训练有素的外交人员,与逐渐完善的外交信息体系,给予了中国从晚清到北洋时期必要的延续性。从这个角度来说,“中国”这一概念是如何在国土之外的法律空间被赋予意义的,也是值得研究的一个课题。

本册整理说明

一、1896年之前,照会多以双语形式发出,但由于英外部档案分类的原因,部分信件的中文或英文本有遗失或夹杂在不同档案号的情况。虽然编者经多次寻觅、查询,找到了大部分照会的中英文,仍难以揽其全部,不完整处请读者见谅。1896年之后,使馆发出的大部分照会只有英文,没有中文。

二、照会中偶尔有同一封信的中西历日期并非完全一致的情况,原因是中文与英文照会不是同日而写,中文照会时间一般晚一二日。

三、英文照会中对于人名、地名拼写,以及英文文法与现代用法不一,或前后不一致之处;编者除对明显讹误加以修改,原则上仍保持原貌,尽量不作更正。中文照会中地名、人名的旧译也一仍旧貌。

四、对于中文照会原文有明显错误的地方,以〔〕表示增字,以()表示改字,以□表示阙字及不能以辨认之字。英文照会中的阙词及辨认不清之词以__表示。

五、部分照会的中文和英文档案号归属不同,凡此类档案,整理时列出两个档案号,中间加一逗号以示区分。

六、照会中的中、西历日期原标注于文档左下角或右上角,现统一标注到标题下,为避繁冗,文中相应删去。英文照会除标注日期外也多标注“Chinese Legation”名称及所在地址,整理时此信息一并也删去。

七、全书以照会所撰的西历时间为编排顺序,故有中历纪年

虽同一年但归属不同年份者。同一西历年内的照会同样以撰写的时间先后为序。

八、英国国家档案馆的 FO 17 档案号下,只收录了 1905 年年底之前的档案。1906 年以后的外交文件采取了不同的存档方式,因此 1906—1911 年部分尚待查找整理。本册只收录了 1876—1905 之间的照会。

九、英外部发往使馆的照会与回函的部分底稿夹杂在使馆照会的档案中,本册不予收录,有需要的读者可根据文中收录的 FO 17 的档案号在英国国家档案馆(The National Archives)中查找到。

1877(光緒三年)

郭嵩焘、刘锡鸿致德尔夫

E/C 2-12-9 光緒二年十二月初九日 1/22/1877

FO 17/768

Translation:

Note from the Chinese Envoys Kuo Sung-tao and Liu Si-hung to The Earl of Derby.

Dated 9th day of the 12th moon of the 2nd year of the Reign Kwang Sü.

The Ministers, whose cards are enclosed, arrived at their temporary abode in the capital of Your Lordship's honorable country at Eight o'clock last evening. Their first thought is to hasten to place themselves under Your Lordship's command, and, as is duty bound, they request Your Lordship to consider at what hour you will be at leisure, and to inform them, that they may go to pay their respects to Your Lordship. Their joy at [the fulfilment of] what they have so earnestly hoped for, will then be incapable of expression.

They present their respectful compliments to Your Lordship.

径启者:

本大臣等现于昨晚八点钟行抵贵京邸寓,急思趋聆雅教。应请贵爵大臣酌示,何时得暇,以凭诣见,不胜欣盼。专此,敬颂台祺。

名另具。

郭嵩焘致德爾貝

E/C 2-12-11 光緒二十年十二月十一日 1/24/1877

FO 17/768

My Lord,

I have the honor to inform Your Lordship that I and His Excellency Liu, the Vice Envoy, received the Decree of His Imperial Majesty the Emperor of China to the effect that last year at Momein in the Province of Yun-nan the case of Interpreter Margary's murder took place; that Sir Thomas Wade, the Minister of Great Britain negotiated with His Excellency Li, His Imperial Majesty's Envoy, Ta-Hieh-She (Grand Secretary of State), the Governor General of the province Che-Le, an Earl of the first grade at Chefoo and settled the question satisfactorily, and that His Imperial Majesty felt exceedingly regretful at the said event.

I, having received His Majesty's credentials, proceeded to your country to express the feelings of His Majesty. I was also appointed by His Majesty as Resident Envoy at St. James's and arrived in London on the 8th day of the 12th month of the 2nd year of Kwang-Siü (that is January 21st 1877).

I have now the honor to request Your Lordship to memorialize the Throne of these subjects and beg Her Majesty to appoint the day of our presentation to Her Majesty in order to deliver respectfully the Credentials of His Majesty the Emperor of China.

I renew to Your Lordship the assurance of my most distinguished consideration.

(Signed) Koh-Sung-Tao

Envoy of His Imperial Majesty the Emperor of China and Acting

Senior Vice President of the Board of Ceremonies

大清國欽差大臣署理禮部左堂郭，為照會事：

照得本大臣及副使劉，奉本國大皇帝命，因上年云南蠻允地方有戕斃馬翻譯官一案，經貴國欽差大臣威與本國欽差大臣大學士直隸總督一等伯李在烟台會議妥結。本國大皇帝于此案深加惋惜。本大臣敬奉國書，前詣貴國陳達此意，并飭即作為公使在貴國都城駐扎。茲于中國光緒二十年十二月初八日即西歷一千八百七十七年正月二十一日行抵倫敦，相應照會貴大臣，即懇據情奏請覲見之期，以凭敬謹呈遞國書。須至照會者。

右照會大英總理各國事務伯爵丞相德。

Translation of a Letter from the Emperor of China to the Queen of England, the text of which was communicated to Her Majesty's Minister at Peking by the Prince of Kung.

His Majesty the Emperor of the Ta Tsing Empire greets Her Majesty The Queen of England and Empress of India having succeeded to Our vast Estate by the Decree of Heaven, Our desire, is ever the maintenance unbroken of peaceful relations with friendly states.

In the first moon of the first year of the Reign Kuang Sü (February 1875), Margary, an interpreter of Your Majesty's Government, while proceeding with a passport from Burma to Yün Nan, was murdered upon the frontier; Colonel Browne who was accompanying him being attacked, and his farther advance obstructed. Li Han-chang, Governor General of Hu Kuang, was specially commissioned by Us to proceed to Yün Nan to make enquiry and take action in a spirit of equity, and a Decree was issued by Us commanding the Governors General and Governors of the central and all other provinces to circulate authorities respectively

subject to them that whenever persons bearing passports should enter their jurisdictions, they were duly to act as the treaties require.

Li Han-chang having completed his enquiry and having presented a report requesting that the tussü (major) Li Chen-kuo, and others, should be severely punished, in the sixth moon of the second year (August 1876), We specially commissioned Li Hung-chang, Grand Secretary of the Wen Hua Tien, Governor General of the Province of Chih Li, and Po (Earl) of the First Class, to proceed with full powers to Yen t'ai (Chefoo) in the Province of Shan Tung, to consider with Wei T'o-ma (Thomas Wade), Your Majesty's Minister, by what means the case above referred to might be closed.

Li Hung-Chang reporting that in the opinion of Your Majesty's Minister Thomas Wade, it is better to secure the future than to inflict punishment for the past, We have signified Our pleasure that in accordance with what has been requested, Li Chen-kuo and the rest be graciously excused the penalties to which they were liable. We have further by decree repeated Our commands to the provincial governments to pay the most careful attention to the decree issued last year, whereby they were enjoined to afford the protection required by the treaties. We have at the same time instructed the Yamên of Foreign Affairs to draft a proclamation and to forward it to the provincial governments, who are obediently to give effect thereto: to the end that there may be peace between native and foreigners.

The death of Margary, however, as he was crossing the borders of Yün Nan under passport, is not only of melancholy interest in that a life was lost, Peaceful relations were jeopardized by it. Our regret is profound, and in proof of Our sincere desire for peace, We have specially selected Kuo Sung-tao, an Acting Vice President of the Board of Ceremonies, and one of the Ministers of the Yamên of

Foreign Affairs, to proceed as Our Envoy to Your Majesty's country to make known in Our stead Our friendly sentiments.

Kuo Sung-tao is known to Us for his experience and devotedness, his amiability and intelligence. He is well versed in the conduct of foreign affairs, We earnestly hope that full confidence will be reposed in him; that so the friendly relations [of our states] may continue for evermore to improve, and the increasing advantages of peace be shared by both; a result which We assume will not fail to be profoundly gratifying.

Kuang-Sü 2nd year, 9th moon, 17th day

Chinese Envoys' proposed address to the Queen

Translation of a draft submitted, to Sir Thomas Wade for his opinion

22nd January 1877

Kuo Sung-tao and, Liu Si-hung, by Imperial appointment envoys of His Majesty the Emperor of China, having had the honor to receive into their hands a Letter, present it to Her Majesty the Queen of England and Empress of India.

The Interpreter Margary having been murdered last year at Manuyue, on the borders of the province of Yun Nan, orders were forthwith sent to the Governor of Yun Nan to make investigation and to report. Li Han-chang, Governor General of Hu Kwang, was subsequently commissioned by His Majesty to repair with haste to Yun Nan and to associate himself with [his colleagues] in the proceedings. The tussu (Major) Li Chen-kuo was at the same time arrested and brought to trial. Later still His Majesty commissioned Li Hung-chang, Grand Secretary of the Province of Chih Li, to hasten to Yen T'ai (Chefoo) to confer with Your Majesty's Minister Thomas Wade as to the steps to be taken. Thomas Wade having

requested, on the ground that forgiveness of the past would be security for the future, that no further action should be taken against any of the parties accused, His Majesty the Emperor of China, regretting exceedingly [what has occurred], has specially commissioned the envoys to come to Your Majesty's country to make known to you His sentiments, and has instructed them to station themselves permanently therein as His Ministers, to the end that there may be communication diplomatically between the two Governments, and the development of friendly feeling to endure for evermore.

The Envoys respectfully bearing in mind the considerate and merciful character of Her Majesty the Queen and Empress, Her repute for philanthropy and goodness which sheds lustre far and near, feel assured that She will sympathise with His Majesty the Emperor in his desire that friendship may endure a myriad years, His good wishes for an increase of the blessings of peace. The Envoys presenting the Letter that contains those expressions of regret to which they have had the honour to be commissioned by His Majesty to give utterance, do reverently submit it to Her Majesty for perusal. They at the same time declare the object of their mission. [All this in evidence of good faith, and [a desire] to consolidate relations.

郭嵩焘致德尔夫

E 2-12-21 光绪二年十二月二十一日 2/3/1877

FO 17/768

The Chinese Minister presents his compliments to the Earl of Derby, and begs to inform His Lordship that on the 1st instant, a man named Donovan, was brought before the Magistrate of the Marlborough Street Police Court, and sanctioned to two months imprisonment with hard labour; for assaulting whilst in a drunken

fit, one of the servants of the Chinese Legation. The Chinese Minister, seeing that the Servant was in no way injured, and being perfectly convinced that the assault was entirely the result of the state in which Donovan was at the time, cannot but consider the sentence awarded a very heavy one. The Chinese Minister would therefore be much pleased if it was possible to mitigate or remit it, and would be extremely obliged if the Earl of Derby would move the proper authorities in this sense.

郭嵩焘致德尔夫

E 3-1-7 光绪三年正月初七日 2/19/1877

FO 17/768

The Chinese Minister presents his compliments to the Earl of Derby, and begs to ask whether it would be convenient for His Lordship to receive him at the Foreign Office tomorrow afternoon at half past two o'clock, and if not, when the Earl of Derby would honour him with an interview.

郭嵩焘致德尔夫

E/C 3-1-12 光绪三年正月十二日 2/24/1877

FO 17/768

In consequence of the extensive commercial transactions carried on between China and Singapore, as well as because of the great number of Chinese subjects of China resident there and in other parts of Her Majesty's Straits Settlements, the Chinese Government has for sometime had under its consideration the subject of the appointment of Consular Agents to look after Chinese interests in those parts, and having now come to a determination on this subject, the Chinese

Minister begs to ask whether it would be agreeable to Her Majesty's Secretary of State for Foreign Affairs to receive as the first Consular Representative of China at Singapore, Mr. Hu Hsuen-tshih, a gentleman who has been long resident there, and who is believed, by the Chinese Minister, to be much esteemed by men of all classes, official and civilian, native and foreign.

Should this selection meet the approval of the Earl of Derby, the Chinese minister on learning this, will forward to his Government the name of Mr. Hu Hsien-Tsuh in order that he may be appointed.

大清国钦差大臣署礼部左堂郭,为照会事:

照得南洋新嘉坡各处地方,中国商民贸易繁盛,流寓至十余万人,自应照章设立领事。该处绅士胡璇泽,素称公正,能了事,拟即派为领事。附近槟榔屿等处地方,亦应体察情形,查明办理。由本大臣具奏请旨,一切查照各国事例施行。相应照会贵爵,可否委派胡璇泽充当新加坡领事之处,即烦核复,以凭转飭遵办。须至照会者。

右照会大英钦命外部衙门伯爵丞相德。

郭嵩焘致德尔贝

E 3-4-2 光绪三年四月初二日 5/14/1877

FO 17/768

My Lord,

I have the honour to inform Your Lordship, that the Officers referred to in the despatch which Your Lordship was so kind as to address to me on the 12th March, have now arrived. These Officers have already, under the Superintendence of Offices of His Majesty's Navy, in schools, as well as on board of a training ship, going through a course of instruction, and made considerable advances

towards obtaining a Knowledge of gunnery, navigation, and the other branches usually included in a Naval Education, and the object of the Chinese Government in sending them thither, is that they may still further improve themselves by a study of these subjects.

Her Majesty's Navy appreciating such exceptionally favourable opportunities for this purpose, I shall feel exceedingly obliged to Your Lordship, if you will have the goodness to communicate with the proper Authorities, with a view to these officers being received on board of some of His Majesty's ships, or admitted into one of the Naval educational establishments, such as the Academy at Greenwich, or the training ship "Excellent" at Portsmouth.

I should add that the two Directors placed as the head of the Mission, viz Mr. Li Feng-pao, an Officer of the third rank, and Mr. Prosper Giquel, late Director of the Imperial Arsenal at Foochow, have accompanied these Offices, and in the event of Your Lordship being pleased to accord to my request, I shall with Your Lordship's permission, do myself the honour of presenting them to you, with a view to their affording any further information that may be required, or their being put in communication with any officer who may be appointed to arrange the details of this business.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

C 3-4-26 光绪三年四月二十六日 6/6/1877

FO 17/768

大清国钦差大臣署理礼部左堂郭,为咨会事:

照得本大臣准本国总理各国事务衙门咨称,具奏镇江关岸有太古

行趸船一只,在该关所准之地停泊,嗣因于该处不便,经理船厅飭令趸船移泊。该行不遵,复由常镇道移会贵国领事馆,飭令移泊。领事官未经照飭,又曾转稟贵国驻京大臣核示,亦未照飭。应由本大臣咨请贵衙门,按照中国官所指办理,飭令该船移泊等因。为此咨会贵伯爵,即请转飭太古行,将趸船遵照移泊,深为公便。须至咨者。

右咨大英欽命总理各国事务衙门伯爵承相德。

郭嵩焘致德尔夫

E/C 3-5-5 光绪三年五月初五日 6/15/1877

FO 17/768

My Lord,

I have the honour to inform your Lordship that I recently observed in the newspapers intelligence from Bombay, India, to the effect that, at the request of the Ameer, Mr. Shaw has been appointed British Resident at, and ordered to proceed to Kashgar. This appointment must have emanated from the Viceroy of India; and is, as I suspect, inconsistent with the law of nations. Kashgar was originally Chinese territory, and had a duly appointed Governor. At the time when internal rebellion raged in China, and funds to meet war expenses fell short, the Ameer took the opportunity to seize the territory causing, beyond the barrier, for more than ten years uninterrupted commotion, and great suffering to the people. Of late years, however, the rebellion has been suppressed, and China is about to re-establish order and control in the region beyond the barrier. Kashgar is one of the regions of which Chinese ought indisputably to regain possession, and nothing has been made known to the effect that the establishment of an (independent) relation has been consented to.

China is now sending an army with a view to the recovery of this territory, and yet England appoints a special Resident. It thus appears

that England intends to give help to the establishment of a separate nation, a proceeding at variance with the object of the military operations of China. I suspect and fear that the Viceroy of India has taken for granted, on the strength of the Ameer's communication, that Kashgar is the designation of an established nation, the appointment of Residents to which is a matter of indifference. I assert, however, that Kashgar is the designation of a territory originally belonging to the Chinese Empire, temporarily seized by the Ameer, of which China, is with justice, about to regain possession. It is, thus, not without reason that China has taken up arms; nevertheless your country delegates a Resident thither. Such a proceeding would seem to be beneath the national character. The Ameer, belonging originally to the Kokand (浩罕) tribe has not the shadow of a right to make his encroachment upon Chinese territory a pretext (for the establishment of a separate nation). As the consequences involved are of great importance, I can not refrain from bringing the matter to your Lordship's notice. I have therefore the honour to beg your Lordship to communicate with the Viceroy of India, to the end that His Excellency may reconsider his action, and withdraw such a title as that of Resident of Kashgar.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

大清国钦差大臣署理礼部左堂郭,为咨会事:

照得本大臣日来见新报称:印度孟买来信,因阿密尔之请,派沙赦充贵国驻扎大臣,前赴喀什噶尔等因。自系出节制印度大臣之意,本大臣于此窃疑与万国公法微有不合。查喀什噶尔本中国辖地,设立办事大臣。前因中国内乱,兵饷匮乏之时,阿密尔乘势攫取其地,遂使关外十余年扰乱无已,百姓深受残害。近年内乱既平,中国方谋经理

关外诸地,喀什噶尔应在中国收复之列,并无允准自立一国明文。现在中国正当用兵规复,而贵国特派大臣驻扎,则似意在帮同立国,与中国用兵之意适相违左。本大臣心甚疑惑,恐节制印度大臣但凭阿密尔文移,据喀什噶尔为所立国之名,遣使驻扎,无相妨碍。

本大臣以为,喀什噶尔本属中国地名,为阿密尔占距一时,中国例应收复,并非无故构兵。而贵国遣使驻扎,体制亦觉稍替。阿密尔本属浩罕部落,尤不应以占侵中国地方,借据为名。此等关系实亦重大,不得不一陈论。相应咨请贵伯爵,转照节制印度大臣,再加斟酌,收回驻扎喀什噶尔名目,深为公便。须至咨者。

右咨大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德爾貝

E 3-5-15 光緒三年五月十五日 6/25/1877

FO 17/768

My Lord,

I have just received from Mr. Li Fung-pao and Mr. Giquel, Directors of the Chinese Educational Mission an official note which is as follows:

"The Directors of the Chinese Educational Mission beg to present their respects to His Excellency the Minister for China — and — being about to proceed to Portsmouth, want to ask that he would do them the favour of obtaining Her Majesty's Government's permission for them and their twelve pupils to visit:

1. The Dockyard at Portsmouth and its dependencies.
2. The Ships in harbor and among them the 'Excellent.'
3. The Forts protecting Portsmouth and its harbor."

I have the honour to beg your Lordship to write to the Lords Commissioners of the Admiralty and request their Lordships to issue a passport which I may hand to the Directors of the Chinese

Educational Mission.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

郭嵩焘致德爾貝

E 3-5-20 光緒三年五月二十日 6/30/1877

FO 17/768

My Lord,

I have the honour to acknowledge the receipt of your Lordship's letter of the 14th June, from which I learn, with satisfaction, that the case of the Chinkiang Hulk is being considered by Her Majesty's Government; and I trust that Her Majesty's Government will see fit to issue instructions so that effect may be given to the wishes of the Chinese Authorities in this matter.

I beg further to ask your Lordship whether it will be convenient for your Lordship to grant me an interview next Friday, the 6th July, at 2 o'clock, and to add that, in case my request be acceded to I shall go to the Foreign Office accompanied by a Chinese Interpreter.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

郭嵩焘致德爾貝

E/C 3-6-2 光緒三年六月初二日 7/12/1877

FO 17/853, FO 17/768

My Lord,

I have the honour to acknowledge receipt of your Lordship's

dispatch of the 7th instant, in which your Lordship states that Her Majesty's Government are desirous to use their good offices to bring about an honourable and lasting settlement of the differences which gave rise to the war between China and Kashgar; and in which, furthermore, your Lordship proposes three conditions with this end in view.

For your Lordship's kind desire to put a stop to the war and re-establish tranquility among the people, I beg to offer my most hearty thanks. Whilst doing so, however, I cannot refrain from drawing your Lordship's attention to the circumstances which brought about the war.

The western dominions of the Chinese Empire are divided into eight cities lying to the east and west of these dominions. Each of these cities has jurisdiction over other cities and military posts, the total number of which reaches several thousands, not including those situated to the east of Turfan (吐鲁番). Yakoo Khan, the self-styled Ameer, availed himself of the time when China's hands were full to occupy these cities, and China cannot but endeavor to regain them. In my former dispatch I spoke of this in detail, and I have now received your Lordship's opinion as to the manner in which a settlement might be effected.

In reference to your Lordship's propositions I think it necessary to make my representations still more clear. The wording of the first condition is very plain. That the Ameer should be left in complete control of the country which he now holds is language to which I must protest. The eastern and western portions of the western dominion of China are some four or five thousand Li (1 Li = 1/3 English mile) in extent. The four eastern cities join to the north Urumtsi (乌鲁木齐) and to the south Tibet. These four cities are in

fact the gates of China. I understand (out of them) Ku-Che (库车) lies very near to Urumtsi (乌鲁木齐) and (another) Ho-tien (和阗) is adjacent to Tibet. Should a line of demarcation be made at these cities it would be of no importance to the Ameer, but if China regain them her communications with the western territories can be maintained. The Ameer must therefore give them back before a settlement can be talked of.

With regard to the definitive demarcation spoken of in the second condition, it remains with the commander of the Chinese forces, Grand Secretary of State Tso, to consider the circumstances and make a treaty with the Ameer accordingly, regarding as the first and most important step towards such a treaty the settlement of the line of demarcation. The Ameer, availing himself of disturbances in China, took possession of a territory of several thousand li in extent. Such possession was unlawful, and he must consent to deliver up those places, which are of real consequence to China, when, having done so, the Grand Secretary of State will be able to deal with the matter. This is unquestionably the right principle of action.

With regard to the rendering of mutual assistance set forth in the third condition, I must make the following remarks. Firstly, in the regions lying to the north and south of T'ien Shan (天山), there have been disturbances for over ten years, and certain portions were occupied by the Ameer. In others, also, there were local disturbances, and in these the insurgents were generally Mahometans. As the Ameer is willing to submit and to lay down arms and to agree to a definitive line of demarcation, the Mahometan insurgents of the northern regions ought to be similarly pacified, in order to put an end to the war. These insurgents, rebelling under the Ameer's name, the Ameer must be forced to disperse them, so that at one and the same

time peace may be restored and further disturbances prevented. Secondly, as the submission of the Ameer depends upon the guaranteeing representation of Her Majesty's Government China would wish on her part to reciprocate the good feeling, in order to the establishment of lasting and mutual peace. Sir Thomas Wade last year whilst in Peking frequently spoke on this subject, but the Chinese Government were averse to his proposals. How can I, therefore, rest assured that the Government would now listen to them? Nevertheless it is my sincere desire that Her Majesty's Government should take the responsibility that the Ameer would not again cherish rebellious designs, so that the frontier of China might hereafter enjoy tranquility, and be without fear of molestation. According to my views, negotiations for peace might, perhaps, be entered into, and a stop put to the war, if, by such a course, an assurance of responsibility from the British Government should be obtained. Thus the third proposed condition should be divided into two.

As I am not thoroughly acquainted with the condition in which matters stand outside the barrier, and have not brought with me records from China to which to refer, I am obliged to make use of the general knowledge which I possess, and to speak in detail of those circumstances only with which I am conversant. I cannot but reciprocate your Lordship's kindness, receive your Lordship's opinions, and, in return, give expression to mine. I beg your Lordship to take these into consideration, and favour me with an answer, so that I may report to the Chinese Government thereon. It will remain, however, with the Chinese Government to determine whether these shall be acted upon or not.

I have the honour to be, with the highest consideration, My Lord,

Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

大清钦差大臣署理礼部左堂郭,为照复事:

接准七月初七日贵伯爵来文,内称中国与喀什噶尔交兵,应需调停之处,帮助立成光采久远之局,并据开示章程三条。本大臣深感贵伯爵息兵安民之盛心,然中国与喀什噶尔构兵情节,有不能不为伯爵一言之者。

查中国西域地方,有东、西、八城之分,每城所辖城堡,共计不下数十百处,吐鲁番以东不在其内。雅古刊自称阿密尔,乘中国多事之时,占距各城,其势不能不图收复。本大臣前次照会言之已详。兹承贵伯爵示悉调停之意,本大臣尚有应须明白申言者。

第一条,所言极为明晓,而其中有云阿密尔所据之国,可以全归管属。本大臣直不能为此言。西域东、西两部,地方五六千里,而东西城北通乌鲁木齐,南连前后藏,尤为中国必不可少之关键。窃计库车逼近乌鲁木齐,和闐毗连西藏,必应于此划分疆界。阿密尔得之不足为要害,中国收复此地,西路声气始能相通,应由阿密尔交还各城,始有可议和之端。

第二条,划清界限,应由督兵大臣左中荣审度情形,与阿密尔立约,以先定疆界为第一要义。阿密尔乘中国扰乱,踞有数千里之地,自属得之分外,而于中国实有关系地方,必先允准退还,左中堂始有办法。此一定不移之理也。

第三条,彼此相助。本大臣于此有应分别言之者。其一,天山南北两路扰乱已十余年,有由阿密尔占踞,亦有由本处叛乱,然大率皆回教也。阿密尔既愿输诚息兵,划清疆界,其北路叛回亦应一例招抚,以息兵端。此等大抵借阿密尔为名,必应责成解散,庶几一举而干戈可息,免致仍留后累。其二,阿密尔所归依,全恃贵国为之保护。中国亦愿领贵国盛意,以图永远相安。威公使去岁在京师屡言及此,中国国家未尝接允,本大臣何敢自信能邀朝廷允

准? 而此心实愿得贵国国家担承, 庶使阿密尔不致复生异心, 中国所有边界, 嗣后亦可图保全, 无虞侵扰。是以据本大臣之意, 情可议和息兵, 以图得贵国一语之担承。此所示第三条尚应分作两款声绪者也。

本大臣于关外情形, 本未能详知, 又无携来中国案卷可以查考, 略就所知一二缕晰言之。亦感贵伯爵盛心, 不得不按照来指, 叙述鄙见, 转烦斟酌示复, 以凭据以奏闻中国国家, 应否准行, 听候处办。为此照复贵伯爵, 查照示复施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德爾貝

E/C 3-6-2 光緒三年六月初二日 7/12/1877

FO 17/825, FO 17/768

My Lord,

I beg to acknowledge receipt of your Lordship's dispatch in which your Lordship says that an opportunity has just been afforded by the visit to England of an Envoy from the Ameer of Kashgar to bring about a settlement of the difference (between China and Kashgar) and in which your Lordship also proposes three conditions with this end in view.

Your Lordship's dispatch, repeating what Sir T. Wade said on the subject, states that Sir T. Wade had in an unofficial conversation with me spoken of the acceptability (of the terms) by the Peking authorities. Against this I must protest.

Sir T. Wade has often spoken of the question of Kashgar, but I must maintain that if such an idea (the idea of an settlement) originates with your Lordship, the British Government ought to accept the responsibility of it and the Ameer ought to deliver back to

China all cities of consequence (which he has taken possession of). I would then be in a position to enter into discussion thereupon, but I did by no means predict that the Chinese Government would give its consent to such a settlement.

I beg to lay before your Lordship in another despatch written in answer to that of your Lordship, the four conditions which I discussed with Sir T. Wade. If the British Government is desirous of putting an end to the war and of bringing about a settlement between China and Kashgar, I must beg your Lordship to accept the (above mentioned) responsibility. I shall then be able to report to the Chinese Government. If the case were in accordance with Sir T. Wade's statement then I, being appointed Chinese Minister at a foreign court, could not think of privately settling such a question, which depends entirely upon the consideration and decision of the Chinese Government and cannot be interfered with by me.

I have the honour to be, with the highest consideration, My Lord, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

德伯爷台启:

径启者: ①

昨准贵伯爵照会, 内称: 适有喀什噶尔之公使前来贵国, 有求和之见, 拟有章程三条。其中叙述威公使之言, 谓与本大臣私谈, 北京可以允准。此语不能不致辩。威公使于喀什噶尔一事, 屡次言及本大臣, 谓果出贵伯爵之意, 由贵国国家担承, 须由阿密尔缴还中国关系各城, 始可据以立言。并无先料中国国家允准之说。

兹另备照复一通, 申明与威公使商议四条情形。如果贵国为

① 中文照会信封注: "Kuo Tsjen: no date, semi-official note. Kashgar."

中国与喀什噶尔调停,以息兵端,应请由贵伯爵担承,本大臣始能据以人奏。若如威公使之言,本大臣奉使在外,万无私行议和之理。一切由中国国家权衡,亦非本大臣所能与闻也。合并函达此意,即请日安。

郭嵩焘顿首

郭嵩焘致德尔夫贝

E/C 3-6-4 光绪三年六月初四日 7/14/1877

FO 17/768

My Lord,

In the second month of the present Chinese year (March-April, 1877) Chow Fu-Shun, a Chinese merchant, and Ho-Chu-Tsai, his assistant, sent in a petition stating that on the 19th day of the 10th month of the 1st year of the reign of the Emperor Kuang-hsü, they were authorized to transport 500 yin (引) numbering 4,000 packages of Huai salt (淮盐) and had engaged a junk from a certain Chang-wan-ho for its conveyance. The junk was moored at a place called Shih-tze-shan (狮子山) in the district of Peng-tse (彭泽). During the night a steamer, "Tunsin" (惇信), belonging to the Chinese Navigation Company (太古行) ran into the junk, sank her immediately and caused the death of two sailors by drowning. At the time the matter was reported to the district magistrate of P'eng-tse, who entered into an investigation of the circumstances, made a drawing of the scene of the accident, and reported thereon to his superiors. The salt Commissioner, Governor General of the Two Kiang, Shên, instructed the Taotai of Shanghai, to communicate on the subject with the Consul (British) at Shanghai. The Supreme Court at Shanghai was also appealed to, the plaintiffs were summoned to appear for examination and a verdict was returned to

the effect that the Steamer "Tunsin" should pay damages. The plaintiffs were also re-examined with the view to assessment of the value of the salt junk. The owners of the Steamer "Tunsin," however, gave notice of an appeal home, and did not carry out the provisions of the verdict. The case has, in consequence, been suspended for more than two years, and every measure has been tried with a view to evade the penalty. The Chinese merchants have, therefore, appealed to me, asking me to place the case before the Chuan-pu (Admiralty Registry) to ascertain whether the master of the steamer "Tunsin" has or has not appealed, and beg me further to use my endeavors to quickly bring about a reconsideration of the case, that the master of the "Tunsin" may be ordered, without delay, to hand over the amount of damage to the plaintiffs and thus to put an end to the case, and prevent further trouble.

On the 23rd day of the second month of the present year (6th April 1877), I had the honour of mentioning the matter to your Lordship in person, and it was further my intention to have address a despatch at the same time to your Lordship, to request an investigation and a settlement. At the same time, however, Mr. Macartney, misled by the representation of Tan-wen (Mr. Drummond) informed me that the case had already been settled, and that the indemnity would be immediately handed over to the claimants. Nevertheless considering that such a recourse was hard to belief, I communicated with and made enquiries of the Taotai of Shanghai. In reply he informs me that as yet there is no intelligence of the amount of damage having been paid.

As the master of the Steamer "Tunsin" declared his intention of appealing home, the case must have been submitted to Somerset House. I accordingly have the honor to beg your Lordship to

investigate the case, at your Lordship's earliest convenience, and send me a reply. I would further request your Lordship to communicate to me the time when the said master's appeals were received, and also the nature of the verdict, in order that I may be able to inform the said Chinese merchant Chow-Fu-shun of it for his instruction.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

大清钦差大臣署理礼部左堂郭,为照会事:

本年二月内,据华商周复顺、帮商何楚材稟称:光绪元年十月十九日,领运淮盐五百引计四千包,雇张万和红船装运,湾泊彭泽县狮子山地方,夜被太古洋行倥信轮船冲碎,立时船、盐尽没,并溺毙水手二名。当控彭泽县勘验明确,绘图通禀,蒙督盐宪两江总督部堂沈札飭上海道,照会上海领事并稟控。

贵国上海按察司衙门奉传质讯,断令敦信轮船赔偿,并经复讯数次,估值盐船实价。詎倥信轮船声言回本国上控,不遵断结。事阅两年之久,展转拖延,稟求本大臣咨明贵国船部,查该倥信船主是否控告,并请咨催核复,飭倥信船主迅缴赔偿,给领完案,以省拖累等情。据此当于二月二十三日即西历四月初六日面达贵伯爵,本拟即日另备照会查办,维时马格里误听坦文之言,谓事已了结,赔款即可给领。本大臣当以传说之言殊难凭信,复经函询上海道。复称尚无赔偿消息。

查倥信船主既称回本国上控,自系在梭末耳色得衙门呈控,应请贵伯爵讯赐查明见复,并查该船主于何时具控,如何批飭办理,一并示知,以凭转飭该华商周复顺等遵照。为此照会贵伯爵,请烦查明示复施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德尔贝

E 3-6-9 光绪三年六月初九日 7/19/1877

FO 17/768

My Lord,

I had the honour to receive your Lordship's letter informing me of the day appointed by the Lords Commissioners of the Admiralty for the pupils sent by the Chinese Government to go to the college at Portsmouth and forwarded at once your Lordship's letter to Paris for the instruction of Mr. Li and Mr. Giquel, Directors of the Chinese Educational Mission. It was stated in the former communication received through your Lordship that there were, among the pupils, three students who were permitted to enter into the Navy. I do not know when they should present themselves on board and consequently have to beg your Lordship to request the Lords of Admiralty to fit a day and inform me of it in order that I may issue instructions to the said Directors.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

E/C 3-6-21 光绪三年六月二十一日 7/31/1877

FO 17/768

My Lord,

I had the honour to receive your Lordship's replies to my despatches and beg to express to your Lordship my thanks for them. Your Lordship informed me that it was decided that a list of the names of the three officers that were to go on board (men of

war) had to be written and made known and that by the end of this month they were to embark and proceed on a cruiser. I at once despatched hastily a communication to Paris to acquaint Mr. Li and Mr. Giquel, Directors of the Chinese Educational Mission with the matter.

I have just received their reply stating that owing to their visit at the present time to Coulaurs (科鲁苏), it is impossible for them at once to attend to the affairs of embarkation and that they have now first to send in a list of the names of three officers, Liu Puch'an, Lin Tai Tseng and Chiang Chou ying, who were formerly educated for many years on board the vessels of the Foochow Navy and have been promoted to the posts of Foo-sze (major) and Shou Pay (captain) and how they ought to be posted to vessels so as to increase their experience, I have to act in accordance with your Lordship's despatch and shall wait for communication as to further arrangements next month.

I have also the honour to send to your Lordship with this a list of the names (of those officers) on a separate sheet of paper.

径启者：

叠奉复文，感谢无已。承示议准上兵船三名，应开具名单，并于月底上船出巡。当即飞函法京，告知李、日两监督。顷始得其回信，以现往科鲁苏地方游看，势难赶月底料理上船事宜，先将名单开上。计划步蟾、林泰曾、蒋超英三人，皆曾在福州水师船学习有年，并保有都司、守备官职。应如何上船以资历练之处，当依照来文，俟下月在行听候办理也。此请日安。

计开上名单另纸一件。

郭嵩焘顿首

China Office Memorandum to the Admiralty for sailing orders		101
Character of the vessel and Officer	Rank	Remarks
1. The vessel is a small gunboat	1. Lieut. Col. R. L. Colclough	1. The vessel is a small gunboat
2. The vessel is a small gunboat	2. Lieut. Col. R. L. Colclough	2. The vessel is a small gunboat
3. The vessel is a small gunboat	3. Lieut. Col. R. L. Colclough	3. The vessel is a small gunboat
4. The vessel is a small gunboat	4. Lieut. Col. R. L. Colclough	4. The vessel is a small gunboat
5. The vessel is a small gunboat	5. Lieut. Col. R. L. Colclough	5. The vessel is a small gunboat
6. The vessel is a small gunboat	6. Lieut. Col. R. L. Colclough	6. The vessel is a small gunboat
7. The vessel is a small gunboat	7. Lieut. Col. R. L. Colclough	7. The vessel is a small gunboat
8. The vessel is a small gunboat	8. Lieut. Col. R. L. Colclough	8. The vessel is a small gunboat
9. The vessel is a small gunboat	9. Lieut. Col. R. L. Colclough	9. The vessel is a small gunboat
10. The vessel is a small gunboat	10. Lieut. Col. R. L. Colclough	10. The vessel is a small gunboat

郭嵩焘致德尔贝

E 3-7-5 光绪三年七月初五日 8/13/1877

FO 17/768

The Chinese Minister presents his Compliments to the earl of Derby, and being desirous of inspecting the Fortifications at Chatham, he will feel greatly obliged to His Lordship if he will kindly issue instructions for his being afforded the necessary facilities for doing so.

In the event of the Earl of Derby being pleased to accede to this request, and if not inconvenient to the Chatham Authorities, the Minister would visit the works on Friday next.

郭嵩焘致德尔贝

E 3-7-12 光绪三年七月十二日 8/20/1877

FO 17/768

My Lord,

I had the honour to receive your Lordship's despatch of the 17th of August, informing me that your Lordship had received a letter from the Lords Commissioners of the Admiralty to the effect that directions had been given for Liu Puch'an and Lin Tai-tsêng to be received, temporarily on board, H. M. S. Minotaur, Black Prince, and Defence respectively, and Chiang Chow-ying would be received on board the "Defence."

On perusing your Lordship's despatch, I felt greatly indebted, wrote instantly to Mr. Li and Mr. Giquel, Directors of the Mission, instructing them to act in haste accordingly so as not to be behind the appointed days; and trust that both the Directors shall be able to make arrangements for the officers to go on board the ships.

I have the honour to be, with the highest consideration, My Lord

Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

E 3-7-13 光绪三年七月十三日 8/21/1877

FO 17/768

My Lord,

I had the honour to be informed by your Lordship of the days appointed for Liu-pu-ch'an and two other officers to join the ships and be trained, and have written to your Lordship to express my thanks.

As regards those six student officers, who, your Lordship informed me some time ago, were to be sent to Greenwich School, I have received a list of nine men from Mr. Li Feng-pao and Mr. Giquel, Directors of the Educational Mission, who request me to forward it to the Admiralty and expect that the officers may be chosen according to the order of precedence in the list and be sent to the school. I have also to request your Lordship to acquaint me with the day so that I may instruct the Directors to send the said officers thither to be educated, and beg to offer to your Lordship my best thanks.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

C 3-7-16 光绪三年七月十六日 8/24/1877

FO 17/768

大清钦差大臣署理兵部左堂郭,为照会事:

照得本大臣前因贵国世爵夏弗斯百里等来劝中国禁吸鸦片

烟,当经据情奏请中国国家设法禁止官民吸食。钦奉上谕:自鸦片烟贩入中国,貽害无穷,现闻西洋设立公会,劝禁栽种、贩运,实为善举。即着郭嵩焘与英国官员妥为筹商等因。

查中国吸食鸦片烟,原有例禁,自未开禁以前,人民久经吸食。迨咸丰九年开禁,听从贩运,每年税收不过两百万两。税则本轻,又加偷漏,缘以前私贩早成惯例。是以各关税务司于稽查鸦片烟一项尤极烦难,而中国人民吸食日多,近年栽种罂粟亦日广,其势不能不由中国自行禁止栽种、吸食。据本大臣之意揣之,中国办理得法,必可徐图禁绝。

相应照会贵伯爵,应请转商印度各部,渐次改种五谷,庶冀鸦片烟贩运日少,以存两国和好、相与保护人民之至意。为此照会贵伯爵,请烦查照转商办理施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德尔夫贝

C 3-8-8 光绪三年八月初八日 9/14/1877

FO 17/768

大清钦差大臣署理兵部左堂郭,为照会事:

前准贵伯爵七月二十四日复文,以蒙收阅镇江趸船集案二本。本大臣深望贵伯爵查明该案情形,即行见复,踞今日久,盼望实深。节次准总理衙门来文,内开接准两江总督部堂文,称趸船一案应请催令该船迅速移泊。所以本大臣再行备文,于贵伯爵查照。

查本大臣月前面晤威大臣谈论此节,威大臣之意,以为中国总税务司曾请律师剖断,律师之意与中国之见不同。本大臣细加查考,并无其事。近今始得贵国著名律师之言,本大臣深觉其公允,应将令本集案及与律师问答各一本送阅,贵伯爵可于此见律师之意与中国国家之见正同。盖完结此案,全照各国自保河道之权,并非用万国公法及各种不同之私法。总理衙门通融暂行发给准单,原恃本大臣奉商贵伯爵,转飭驻京署理钦差大臣不必固执成见,帮助商人,令其不移。本大臣深知贵伯爵考明各情后,可使皆知中国

毫无过为之情,而贵国自有一准公平和好之见。此案一经完结,冀望以后交接各情,更资妥善而免争持。相应照会贵伯爵查考各情及律师所引公律,迅速核议见复施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德尔夫贝

E 3-8-19 光绪三年八月十九日 9/25/1877

FO 17/768

My Lord,

I had the honour to receive your Lordship's despatch of the 20th September informing me that your Lordship received from the Lords Commissioners of the Admiralty a further communication stating that the 27th instant was fixed as the day for the preliminary examination of the Chinese officers about to join the Royal Naval College at Greenwich. On receiving your Lordship's despatch, I at once instructed Mr. Li and Mr. Giquel, Directors of the Educational Mission, to order the said officers to be ready for examination on the appointed day.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔夫贝

E 3-8-27 光绪三年八月二十七日 10/3/1877

FO 17/768

My Lord,

Through the Kindness of Your Lordship, and the Lords Commissioners of the Admiralty, nine of the twelve Chinese Officers brought to England by the Directors of the Chinese Educational

郭嵩焘致德爾貝

E 3-9-17 光緒三年九月十七日 10/23/1877

FO 17/768

My Lord,

Being understood that Her Majesty's men of war of the Channel Squadron will soon set out for Spain the directors of the Chinese Educational Mission are anxious to know whether they may be admitted to pay the sum of £ 270 for the monthly expenditure, from November 1877 to April 1878, of the three Chinese officers who are now on board of Her Majesty's Ships Minotaur, Black Prince, and Defence at the rate of £ 15 per month for each officer to the Accountant-general of Her Majesty's Navy so that the said officers may be enabled to get their monthly expenditure from the paymasters of their respective ships and they would also be most happy to know that whether they may in future act in a similar manner, that is to say they may always pay the money six months in advance to the Accountant-general of Her Majesty's Navy towards the expenditure for the three Chinese Officers in Her Majesty's service.

I should therefore request your Lordship to communicate with the Lords Commissioners of the admiralty on the above subject and the directors will have to act accordingly as soon as I am placed in possession of the instructions from the Admiralty through your Lordship.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德爾貝

E 3-9-23 光緒三年九月二十三日 10/29/1877

FO 17/768

My Lord,

I have the honour to acknowledge the receipt of your Lordship's reply of the 20th instant, from which I learn that your Lordship had the goodness to communicate with the Lords Commissioners of the Admiralty in regard to the three additional Chinese student-officers, that their Lordships have consented to the appointment of Wang Kien Shoon to Her Majesty's ship "Bellerophon" at Bermuda and that of Kiang Mou Tze and Lin Ying Khe to Her Majesty's ship "Agincourt" at Besika Bay, that the expenses of the passengers should be defrayed by themselves, and that no cabins can be granted to them on board the ships named and it must be determined by the Captains of the Vessels in what rooms they ought to mess.

I beg now to state to your Lordship that the above arrangements are deemed to be evident proofs of the kindness and friendship which Her Majesty's Government has towards China, and I have therefore to solicit your Lordship's acceptance of my thanks. On receiving your Lordship's despatch, I immediately sent instructions to the Directors of the Educational Mission, who have caused the three officers' outfits to be prepared, and who now expect to be informed of the day of the said officers' embarkation.

I have further the honor to bring to your Lordship's notice that the three officers Liu-pu-ch'an, Lin-tai-tsêng, and Chiang-chow-ying, who rank with Sub-Lieutenants, were treated with such special kindness as to be permitted by the Lords Commissioners of the Admiralty to mess in the Ward Room. I beg leave therefore to request the Lords Commissioners of the Admiralty through your Lordship to

grant the same privileges to the three Chinese officers now about to join the ships, or it must be subject to the determination of the Captains.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

C 3-9-28 光緒三年九月二十八日 11/3/1877
FO 17/768

大清钦差大臣署理兵部左堂郭,为照会事:

照得九月二十日接准贵伯爵来文,称镇江趸船一案,立即核议等因。本大臣深望贵伯爵持平核议,庶免彼此争持。距今日久,尚未接准议复。诚恐本国国家责备本大臣,以为在此数月,未能完结,何以自解。譬如贵国公使在中国移请总理衙门商办此等案件,若耽延多月,必至盛气相凌,以为诧异。所以本大臣不得不备文催请,相应照会贵伯爵,即烦查照前文,迅速核议见复,盼望实深。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德尔贝

E/C 3-10-6 光緒三年十月初六日 11/10/1877
FO 17/768

My Lord,

I have the honour to inform your Lordship that in the second month of the present Chinese year (March 1877) I memorialized the throne requesting that supplementary Credentials should be issued on behalf of the Assistant Minister, stating his name, rank, and titles.

And now I have just received from the Tsung-li Yamên (Foreign Office) a despatch informing me that an Imperial Decree had been received, appointing him to represent His Majesty as Minister at the Court of Berlin, and ordering further the issue of the Credentials accrediting and appointing me to be the Resident at this Court.

The Assistant Minister Liu will proceed to Germany in a few days. In regard to the Credentials which I have now received, I beg to request that your Lordship will have the goodness to take Her Majesty's pleasure as to when I could have the honour of an Audience in order to present my Credentials, a copy of which I now enclose for your Lordship's perusal.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,
(Signed) Kuo Sung-tao

大清钦差大臣署理兵部左堂郭,为照会事:

窃照本大臣于本年二月间奏请补颁副使衔名国书。顷间承准总理衙门来咨,钦奉上谕:刘副使已改派德国公使,并颁给本大臣驻扎贵国国书一封。刘副使即于日内前赴德国,所有本大臣领到国书,应请据情奏明,示定覲见呈递日期。兹将国书一通照录送阅。为此照会贵伯爵,请烦查照示复施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

国书:

大清国大皇帝问大英国大君主五印度大后帝好。朕前因贵国翻译官马嘉理被戕,深为惋惜,特简署礼部左侍郎郭嵩焘前赴贵国代达衷曲。兹据该侍郎奏称,行抵贵国,优与接待。朕甚慰之,因念该侍郎忠诚夙著,现已授为兵部左侍郎,即命驻贵国都城,为钦差出使大臣,并特撰国书寄交该侍郎面陈,以表真心和好之据。该侍郎于辩理交涉事件,必能悉臻妥协,务望推诚相信,长敦和好,

共享升平，谅必同深庆幸焉。

郭嵩焘致德尔夫贝

E 3-10-16 光绪三年十月十六日 11/20/1877

FO 17/768

My Lord,

I have the honour to acknowledge the receipt of your Lordship's letters of the 9th and 13th instant, informing me that the Chinese Naval officers Wang Kien Shoon should proceed to Halifax by the packet of the 11th December, and there report himself to the Naval Storekeeper of Her Majesty's Dockyard, who will take a passage for him to Bermuda.

I have communicated the above arrangement to the Directors of the Mission and requested them to act in accordance. I beg to thank your Lordship for the trouble it has incurred in this matter.

The Directors of the Mission now desire to be permitted to deposit, as in the case of the three officers admitted into the channel fleet, into the Admiralty's Accountant's Department a sum of £ 270, equivalent to six months' allowance for the three officers Wang Kien Shoon, Kiang Mon Tze and Lin Ying Khe at the rate of £ 15 per month for each. This allowance should be issued monthly by the Paymasters of the "Bellerophon" and "Agincourt" from the 1st February next. I venture to ask your Lordship to make a communication to that effect to the Lords Commissioners of the Admiralty and let me know of the time when the above measure can be carried into effect.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔夫贝

C 3-?-?-? 日期不详(约光绪三年十月内)

FO 17/768

径启者：

太古趸船一案，经迭次照会贵伯爵，亦恃贵国律法公恕持平，是以甚愿将一切案由详细上达，而从未一指陈其事理，以相烦渎。日前，与威公使辩论此案。据威公使言，中国与西商交涉事宜，唯能按照条约办理，不得援引西洋律法，闻之甚为惊异，不能不一缕晰言之。

查中国律法较各国为严，是以南京初定通商条约，即议定洋商财产、词讼一归领事经理，不由中国地方官管辖。因之每遇案件，两国律法宽严迥异，不能持平，彼此均有难言之隐。各国驻京公使但责中国以按例惩办，而中国所有律法无一能行之通商口岸，又未知各国律法应如何办理。遇事据条约为言，中国即一切不得过问，所以通商愈久而情意愈隔，其源实在于此。

本大臣前在总理衙门，尝论中外交接以求通情意为先，又实见贵国国家办事均有条理，尤愿奉使贵国，亲睹其政教风俗之盛，闻威公使此言未免使此心失望。盖通商条约所载，仅通商一节事理而已，其余交涉繁多，概未列入通商条约。如中国应行管辖地方及江河道路，原属自有之权利，若因条约载及洋商财产，词讼由领事官经理，遂并中国管辖之江河道路概置不论，而一准洋商财产论之。则此条约之一言，举一切交接事宜皆得平空援引，随事争持，而尽弃中国自有之权利，想亦贵国所必不肯出此者也。

中国待洋商实较本地商民加厚数倍，如镇江趸船，经理船厅及工部局查明有碍驳岸，令其暂行移泊，经历一年之久，领事官概置不答，始由总税务司回明总理衙门，檄令镇江关停止趸船准单。旋经领事官申陈，驻京公使专据条约为言，务保全洋商财产，于是仍发给准单，而飭本大臣照会贵伯爵核议。亦知贵国办

事公平,御前律例大臣持议向无偏倚,又恃本大臣奉使贵国,一切情意足以上达,以求折服该商之心,不愿因此小事致与驻京公使意见参差。

本大臣窃计,镇江驳岸应如何修理之法,亦须趸船暂行移泊,乃能估工。现在镇江河口之东为华生吨、旗昌等洋行趸船停泊之地,太古趸船或上或下移泊一时,尚非甚难。而中国管辖之河道,应有估工修理之责,自应准照各国船务章程办理。又,同治七年定立《引水章程》第十款内载:凡遇船只停泊,按照理船厅所指之处,如有不遵,暂停发单等语。此项《引水章程》,亦各国领事、商人所共见。是此次停止太古趸船准单,实系依照《引水章程》办理,尤不得专据保全洋商财产之一言,置大端关系于不问。

本大臣深知律例大臣必能按照律法核议,唯据威公使言,中国不能援引各国律法。诚恐此言一经传播,或至据以为信,则中国律法既不能行,各国通行律法又不得援引,中国实亦无自处之道。本大臣于此实怀焦急之私,不能不据情一言,统希裁夺。此请台安。

郭嵩焘顿首

郭嵩焘致德爾貝

C 3-10-23 光緒三十年十月二十三日 11/27/1877

FO 17/768

大清欽差大臣署理兵部左堂郭,为照会事:

前准贵伯爵本月十九日来文,欣悉镇江趸船一案集本,已蒙转交御前律师之手,想诸律师持平核议,定然早为陈明。本大臣叠次照会文件,未经论及营造者,以事理而论,中国于此应有自主之权,因在中国彼此争执,本大臣亦难自信,于是延请贵国著名营造司秉公查论,并将印成集案二本,转交贺克朔阿伯乃希查核。盖两位精通江河道路,持论必能透澈,故将所答印成一本送阅。足见所论趸船移泊,核与中国官宪意见相同。相应照会贵伯爵,请烦查照,迅赐议复施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德爾貝

C 3-10-29 光緒三十年十月二十九日 12/3/1877

FO 17/768

大清欽差大臣署理兵部左堂郭,为照复事:

十一月二十九日,准贵伯爵照会,内称惋惜云南之案可以作为全结等语。本大臣不胜欣幸。窃查十一月十五日日本大臣面晤贵伯爵,以前次呈递国书,奉大君主面谕,当即有书回复大皇帝。本大臣当将此语奏明本国。九月内接到本国总理衙门询及前语,本大臣亦知复书出自大君主之意,非本大臣所能催请。即威公使所定《烟台条约》,踞今一年有余,尚未议准。本大臣亦断不能过问,是以前未经照录本国总理衙门来文,照会贵伯爵。唯于往晤时,以私意询问,亦缘奉到本国总理衙门来文以历三月,必须问明回报。

兹承贵伯爵勤勤见示之意,俱已领悉,即照来文咨复本国总理衙门,查照合行照复,并将日前所见新报略为申论,并送核议。即烦贵伯爵查照施行。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

郭嵩焘致德爾貝

C 3-10-29 光緒三十年十月二十九日 12/3/1877

FO 17/768

径启者:

近见新报,总教师及世爵议绅有《论烟台条约》一书,又有《商会议驳条约》一书,持论各异,贵伯爵自有权衡,非本大臣所敢与闻。然本大臣奉使贵国,专为陈谢烟台议结一案,是于此节切实切己关系之一事,亦不敢不一略陈所见。

查商会所以怀疑者,以《天津条约》并未载有厘金一项,遂谓

《烟台条约》增出名目。不知中国厘金本非正课，原属筹办军饷一时权宜之计。所以各处厘金专在中国商民抽收，而洋商运货到各口岸，仅一纳子口税，各关卡并不查问。将来军务告竣，中国商民厘金亦应逐渐议撤。《烟台条约》先免租界厘金，每年中国厘金已短收数十万两，何以反谓中国增加税项。

至于鸦片烟土一项，税则本轻，厘金仍应照旧抽收。威公使议准税、厘并征，亦因租界厘局裁撤鸦片烟土一项，不能不归税务司并征。向来厘金皆与正税相准，一切照旧办理，略无出入。商会于此既多怀疑端，则威大臣所定《烟台条约》第二段、第三端，原在昭雪滇案之外或一切照旧办理。于通商事宜概无庸更改，则所议添开四口，及起卸货物六口均应一并停免，中国亦无不乐从，否则据此为疑，未免有失。威公使会议条约之本旨，多愧不能通知语言，无由面述此意，用并以一书陈达。此请台安。

郭嵩焘顿首

郭嵩焘致德尔夫

E/C.3-11-6 光绪三十年十一月初六日 12/10/1877
FO 17/768

Kuo Ta-jên presents his compliments to Lord Derby and has the honor to acknowledge the receipt of his Lordship's letter of the 8th instant informing him that on Wednesday the 12th instant he is to present his Credentials at Windsor Castle.

Kuo Ta-jên has the honour further to add that on Wednesday he will repair to the Sitting Room of Paddington Railway Station and prepare to proceed to the Castle. With regard to the departure and return of the special train, Kuo Ta-jên will act according to the further information which his Lordship will send him.

径复者：

本月初八日接奉贵伯爵来函，十二日礼拜三在温色尔行宫呈递国书，并已领悉届期当赴柏林登轮车客厅听候。所有往来时刻，当谨候来示照行。专此奉复，即请台安。

郭嵩焘顿首

郭嵩焘致德尔夫

E/C.3-11-6 光绪三十年十一月初六日 12/10/1877
FO 17/768

My Lord,

I have the honour to acknowledge the receipt of your Lordship's despatch of the 7th instant acquainting me that, respecting the case of the Chinese Salt Junk sunk by the Steamer "Tunsin" of the Navigation Company, your lordship has received a report on the said case from the acting British Consul at Shanghai, dated the 27th of September, to the effect that the amount of compensation which was awarded by Her Majesty's Supreme Court at Shanghai to the Plaintiffs has already been paid to them.

I have the honour to add that very recently I have received from Shanghai Taotai a report on the same case, the statement given in which is the same as that given in the report from the acting Consul. I avail myself of this opportunity to thank your Lordship for the settlement of the case and to renew to your Lordship the assurance of my most distinguished consideration.

(Signed) Kuo Sung-tao

大清钦差大臣兵部左堂郭，为照复事：

本月初八日，准贵伯爵照会，太古行悖信轮船撞沉盐船一案，据上海署领事二月二十七日稟复，经上海按察司所定数目，业已赔

偿等因。本大臣日内接据上海道来禀,所述情节亦正相同,不胜感激之至。相应照复贵伯爵,请烦查照可也。须至照会者。

右照会大英钦命总理各国事务衙门伯爵丞相德。

1878(光绪四年)

郭嵩焘致德尔贝

E 3-11-29 光绪三年十一月二十九日 1/2/1878
FO 17/768

My Lord,

I had the honour on the 23rd July last to receive a despatch from your Lordship in reply to mine relative to the appointment of a Chinese Consul at Singapore. Upon the receipt of your Lordship's despatch I memorialized the throne.

The Tsungli Yamén have now, after deliberation, selected and appointed Ho-ah-kay (Ho-hsian-taê), one of the literati, to fill the newly established post of Consul of Singapore.

Besides making his appointment known to Ho-ah-kay, it is my duty to inform your Lordship of it.

I have the honour to be, with the highest consideration, My Lord Marquis, Your Lordship's most obedient humble servant,

(Signed) Kuo Sung-tao

郭嵩焘致德尔贝

E/C 3-11-29 光绪三年十一月二十九日 1/2/1878
FO 17/794

My Lord,

I had the honour, on the 23rd July last, to receive a despatch from