

## Colonial cleansing: Laws for a summer resort in China

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### ABSTRACT

In the leased territory of Weihaiwei, China (1898–1930), public health and related laws played an important part in the local British government's effort to create and maintain a summer resort for European visitors. These laws ensured that the territory was clean, restful and safe from dangers to health, such as noxious fumes, rabies, infectious diseases and tainted food. Buildings in the town areas had to meet minimum standards of construction, ventilation, and sanitation; and the layout of streets, the location of factory buildings and building plans were subject to control. Beyond the physical environment, further cultural transformations were effected as European habits and tastes came to determine conceptions of space, time and leisure. Through express provision or uneven enforcement, public health laws helped to heighten the differences between the town areas in which visitors were expected to stay and the less regulated rural areas of the territory. This too, served to enhance the reputation of Weihaiwei as a summer destination because it offered familiar and modern comforts as well as the opportunity to observe a more authentic China a short distance away. Given the degree of intrusion into the lives of the local population that was authorized by the public health laws, a study of these laws also provides clues as to the conflict or convergence between the interests of the foreign British administration and those of the Chinese residing in the territory.

*More than ever before foreigners, resident in the commercial centres of the Far East, see the necessity of seeking holiday resorts each year where they can breathe pure air away from the congestion of the Asiatic cities. In fact it has come to be recognised as imperative to the preservation of health.*

*By a happy hazard Providence has placed at their disposal an ideal health resort in WEIHAIWEI, situate at a few hours journey from a number of the business cities, so that commercial men can enjoy the full benefits of a first-class sanatorium, and still be within easy reach of the business world.*

*In Weihaiwei there is the best of accommodation, where invalids will find quiet, idlers the best pure air, pleasure-seekers and sportsmen the best recreation. At the Queen's Hotel are excellent, large and cool rooms, well furnished, first-class attendance, and the best cuisine the market can afford.*

*Such are the unique advantages offered by the QUEEN'S HOTEL, WEIHAIWEI Ltd.  
(Advertisement for Queen's Hotel, undated.)*

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## INTRODUCTION

Under British administration, during the period 1898–1930, Weihaiwei<sup>1</sup> was cleansed. Then, ‘cleansing’ denoted little more than cleaning. When used today, ‘cleansing’ instantly brings to mind other aspects of colonial history. Although Weihaiwei was not, in the strict, legal sense, a colony, it can and should for some purposes be regarded as a colony because of the way in which its internal affairs were wholly administered by an imperial power. In Weihaiwei, as in other overseas territories, sanitation was an important component of the changes brought by British rule. This was all the more critical when it became apparent that the territory’s prospects rested on its reputation as a summer resort. It was necessary both for the territory to be clean and free from infectious diseases and for it to present an order and appearance that satisfied the aesthetic expectations of Europeans. Those parts of the territory frequented by visitors had to be pleasing to the European eye, nose and ear. There is also a moral element to which the control of prostitution and gambling, for instance, would be relevant.

Only the first two dimensions of cleansing – the sanitary and the aesthetic – are examined in this article. In particular, this article looks at a hitherto overlooked segment of law common in the British colonial rulebook, that involving public health and related laws. This is in contrast to the treatment of subjects such as contagious diseases, health improvements, the introduction of western medicine, and the relationship between colonialism and medicine, all of which have come under the historian’s gaze. In the case of the British-leased territory of Weihaiwei, there is a particular reason to pay attention to public health laws because of the role of such laws in creating and maintaining Weihaiwei’s reputation as a place fit for visitors.

Weihaiwei was not unique among British territories in possessing public health laws but these laws helped fashion what was, in the end, the very character of the territory as a summer resort, a character that lasted well beyond the period of British administration. In so doing, such laws are a specific example of what Sally Engle Merry has referred to as the ‘culturally productive role of colonial legal systems’.<sup>2</sup>

On the face of it, public health and related laws—comprising building safety, nuisance, proto- or early environmental, food safety, and sanitation laws—look innocuous. However, in relation to the early colonial period in Hong Kong, we know that to study the prosecution of minor offences in the lowest level court (many of them nuisances) is to understand the relationship between the British and the local population from an unrivalled vantage point.<sup>3</sup> As a point of interaction and possible conflict, its significance is greater in a situation where the native population has yet to make use of the newly introduced courts for litigation or probate, or to adopt business forms and legal instruments such as western-style contracts.

For readers unfamiliar with the history of Weihaiwei, the territory, measuring 288 square miles in total, was leased to Great Britain under the terms of the Peking Convention in 1898.<sup>4</sup> The leased territory comprised the island of Liukung and that part of the mainland from the arched coast to a distance of 10 miles in the interior, beyond which there was a 10 mile wide buffer zone. Much of the mainland area consisted of rural areas in which fewer than 150,000 Chinese lived in single-surname villages.<sup>5</sup> There, arable land was scarce, a situation that led to numerous disputes.

Indeed, settling disputes between villagers and sometimes between entire villages was one of the priorities of the British administration which fulfilled it through its district officer-cum-magistrate with the help of a relatively small police force. In contrast, there was less litigation in the town areas partly because the Chinese therein, involved more so in business, had other fora for their disputes. If, in the

<sup>1</sup>Apart from ‘Weihaiwei’, place names are given in their contemporary spellings. Official records are those of The National Archives (TNA): Public Record Office (PRO), United Kingdom. The following abbreviations have been used: GN for Government Notification; *WHWGG* for *Weihaiwei Government Gazette*; SSC for Secretary of State for the Colonies; *NCH* for *North China Herald and Consular Gazette*. All Weihaiwei ordinances referred to in this chapter may be found in CO 844/1.

<sup>2</sup>Sally Engle Merry, ‘Law and Colonialism’, *Law & Society Review* 25.4 (1991), 889–922, at 890–891, 893.

<sup>3</sup>This is the main argument made by Munn in studying the magistrate’s courts in Hong Kong during the earliest years of British rule: Christopher Munn, ‘Scratching with a Rattan: William Caine and the Hong Kong Magistracy, 1841–1844’, (1995) *Hong Kong Law Journal* 213–238.

<sup>4</sup>The Convention between Great Britain and China Respecting Wei-hai Wei, signed on 1 July 1898, Parliamentary Paper, Treaty Series, no. 14 (1898).

<sup>5</sup>Census figures show the total population including foreigners to have been 147,133 in 1911, and 154,663 in 1921. For sources and a discussion of the population see Carol G.S. Tan, *British Rule in China: Law and Justice in Weihaiwei 1898–1930* (London, Wildy, Simmonds and Hill, 2008), 14–17.

countryside in Weihaiwei, litigation was one of the main contact points between the colonial authority and the Chinese, in the urban areas, the main interaction was through public health and related laws.

As is to be expected of a territory under British jurisdiction, law played an important, though not straightforward, part in the changes that the territory experienced as a result of the arrival of the British. In theory, there was a sharp break with the preceding legality, in that the territory was given a completely new legal framework, even if it was one that applied pre-existing law to a considerable extent. As we shall see, and in line with what is now understood of other colonial situations, the legal transformation initiated by the British authorities in Weihaiwei was incomplete.

The degree of intrusion effected through the law was not even nearly uniform across the territory. In two-thirds of the mainland area, one magistrate (and in some years there was no magistrate), his staff and about thirty policemen represented the totality of the authority of the government. Traditional Chinese law and institutions at the village level were maintained and co-opted as extensions of state apparatus. There were no resources for ambitious social and economic transformation projects. As a result, villagers were left to carry on their lives with little interference from British authority.

Chinese dwellings and villages in the countryside, in terms of their layout, sanitation and so forth, were rarely of interest to the British administration. It was in the town areas, including Liukung Island, that the enforcement of public health laws amounted to considerable intrusion and interference in the day-to-day lives of the Chinese. Indeed, these laws are good examples of laws which were applied and enforced disproportionately in the areas of the territory in which visitors were expected to reside. Moreover, public health and related laws, together with government decisions, by their substantive provisions and their scope, helped to constitute the town of Port Edward. This development of the urban area was simultaneously a process of sharpening the contrast between town and countryside.

### THE EVOLUTION OF A EUROPEAN RESORT

Weihaiwei's passage towards being a summer resort can be traced to the fairly limited reasons for seeking the lease 'to provide Great Britain with a suitable naval harbour in North China, and for the better protection of British commerce in the neighbouring seas'.<sup>6</sup> The unexpressed motivations were also limited. These were principally to gain a foothold in the north of China in case of a break-up of that country. There was no positive purpose for seeking the lease of the territory, only the reason of not wishing to be left out of the 'scramble for concessions' that marked the relationship between western powers and China at the end of the 19th century.

Once the lease had been obtained, the British government gave assurances to the German government that no railway would be built to link Weihaiwei with the interior of Shandong province, a province considered to be within Germany's sphere of influence at the time. This and other factors diminished the territory's prospects in trade and investment, try as some individuals did to give the territory a different future. As hopes for commercial success evaporated, Weihaiwei's development as a summer destination assumed greater importance.

The Royal Navy's early decision to use it as a sanatorium helped to secure the territory's reputation as a place offering relief from the hardships of a posting in China. The use of Weihaiwei as a sanatorium was a conclusion that the Admiralty reached having run out of funds to re-fortify the port of Weihaiwei. It had, after all, been the base of the Chinese navy up to the time of its defeat by Japan in the Sino-Japanese War of 1894–5. Following the Treaty of Shimonoseki, Japan had occupied Weihaiwei, vacating the territory in time for the British to occupy it in 1898.

Not much is known of the territory under Japanese occupation except that a large number of Japanese troops were stationed there and that Japanese merchants and traders were probably encouraged by the fact of occupation to explore opportunities for business. The descriptions of the port area on the mainland and Liukung Island mentioned below do not suggest that the Japanese had instituted any grand urban renewal projects.

The Royal Navy made its decision to use Weihaiwei as the summer resting place for its China Squadron and the War Office followed suit by using the territory as a place where various regiments could find rest and relaxation. Next came European visitors. Before the end of the first decade of the twentieth century, those who had originally wanted more from the territory had become resigned to its fate as a summer resort. Particularly at the time when Russian forces were leaving Port Arthur in 1905 following the Russo-Japanese War, rumours of the British vacating Weihaiwei abounded. In

<sup>6</sup>The Convention between Great Britain and China Respecting Wei-hai Wei, signed on 1 July 1898, Parliamentary Paper, Treaty Series, no. 14 (1898).

London, the territory's prospects were scrutinised, and not for the first time C.P. Lucas, a confidant of Lockhart, the commissioner in Weihaiwei, wrote with exasperation:

*The place has been ridiculed as a second or third rate watering-place. Suppose it was no more! Suppose it had no good harbour! Even then, from its conspicuous healthiness, its good sanitation and its sulphur springs, it would be worth keeping as a sanatorium for the many Englishmen in the Far East, naval, military, civilians, merchants, missionaries. [...] why should it be a subject for ridicule that in the Far East we have a place which is thoroughly healthy for Englishmen?*<sup>7</sup>

Many of the Weihaiwei government's efforts were aimed at creating an attractive environment for European visitors, which involved maintaining its reputation as a healthy place. Liukung Island, on which there was one Chinese village and some shops, preceded the mainland area in being tidied and sanitised. British control was first extended to the island, the base of the Royal Navy, and men from the Royal Engineers began the work of sprucing it up soon after they arrived. Similar efforts on the mainland—to the southwest of the island—followed a little later.

According to a visiting missionary, the main town of Mat'ou (lit. pier) was 'not a pleasing village', being 'dirty, smelly, and disreputable' having 'only one long, straggling street, without interest or beauty of any kind, inhabited mainly by sampan men'.<sup>8</sup> Within a few months, another visitor detected 'signs of the speedy coming of that order and smart appearance that mark out the British possessions all the way East'.<sup>9</sup> By late 1899, a newly established municipal council had achieved sanitary improvements to the town; hawkers and stall keepers were restricted to particular areas, an unsanitary abattoir had been closed, and some houses demolished to widen and pave the main streets which soon, if not already, were to bear British names.<sup>10</sup>

The presence of troops of the 1st Chinese Regiment, quartered at Mat'ou since the regiment was raised in early 1899<sup>11</sup> contributed to the need for these improvements. In 1902, the transformation of Mat'ou, by this time renamed Port Edward, continued, with repair or demolition orders issued by the commissioner to Chinese owners of 'shanty' dwellings and 'hovels' close to the market.<sup>12</sup> Works to create a bund, well laid out streets, adequate drainage and ample recreational facilities for visitors, were all underway.

By the autumn of 1903, trees had been planted along the bund and yet more decrepit dwellings had been rebuilt. In 1905, after a delay of many months, a luxurious, bathhouse opened, replacing less salubrious buildings that pre-dated the British lease.<sup>13</sup> Lockhart, Weihaiwei's first and longest serving civilian commissioner had himself commissioned the plans for the building and prescribed its Japanese design.<sup>14</sup> Samples of the spring water had been sent to the Hong Kong Government analyst who reported that the water contained 'substances of high remedial value'<sup>15</sup>; good as an 'an alterative' or for 'rheumatic complaints'.<sup>16</sup>

Aside from taking the waters, holidaymakers could play golf on links laid by prisoners, indulge in a game of tennis or badminton, or bathe in the sea. For children, there was boating or picnics on the beach, sometimes hosted by the commissioner. There were also newly planted tree-lined avenues and frequently mended surfaces (again using prison labour<sup>17</sup>), as well as public gardens in which to take a turn. The more adventurous could venture into the interior to watch colourful fêtes or local rituals. Licensed rickshaws, whose fares were strictly prescribed by the government, provided local transport while sampans and ferries made regular crossings between the island and Port Edward.

<sup>7</sup>Confidential Memorandum, C.P. Lucas, 7 June 1904, Eastern No. 86, Weihaiwei, CO 882/6/17.

<sup>8</sup>This quotation is taken from Atwell, 20, where the following source is cited: Reverend Roland Allen, 'Weihaiwei,' *North China and Shantung Mission Quarterly Paper: Land of Sinim* 6.4 (Jan 1899), 66.

<sup>9</sup>Y, "A Visit to Weihaiwei," *NCH*, vol. LXIII, no. 1675, 11 Sept. 1899, 531.

<sup>10</sup>*NCH*, vol. LXIII, no. 1671, 14 Aug. 1899, 326.

<sup>11</sup>Memorandum, Col. J.F. Lewis, 9 March 1900, written at the request of the Colonial Office, CO 521/1, 342. This regiment grew to as large as 1200 men but was disbanded in 1906.

<sup>12</sup>CO 873/38.

<sup>13</sup>See various minutes in CO 873/16.

<sup>14</sup>Minute, Griffin, 29 Dec 1902, CO 873/24. Griffin was the Foreman of Works.

<sup>15</sup>Frank Browne, Hong Kong Government Analyst, 9 Sept 1902, forwarded by the Governor of Hong Kong to Lockhart, 10 Sept 1902, CO 873/24.

<sup>16</sup>Governor of Hong Kong to Lockhart, 10 Sept 1902, CO 873/24, reporting the view of the Principal Civil Medical Officer.

<sup>17</sup>The territory's prison was located on the island and thus conveniently located for many of the construction and maintenance works carried out by the government.

The once-barren hills of the territory that had given the impression of Weihaiwei as ‘a colder Aden’<sup>18</sup> became greener as a result of government forestry projects.<sup>19</sup> Prisoners planted nearly a quarter of a million fir seedlings and a thousand acacia trees on the island in 1915.<sup>20</sup> Enterprising residents such as Herbert Beer, the headmaster and proprietor of Weihaiwei School, a residential school for European boys, invested in holiday bungalows. The Weihaiwei Land and Building Company also owned a number of bungalows situated in Narcissus and Half Moon bays on the mainland. Hotel accommodation meeting the European standards of the day was likewise available on the island and at Port Edward.<sup>21</sup> The Queen’s Hotel, whose advertisement appears in the epigraph above, had as many as eighty rooms. The result was the creation of a modest but charming summer destination seen as being particularly ideal for family holidays.<sup>22</sup>

As the territory never prospered through trade and investment, the number of Europeans and other non-Chinese permanent residents remained small throughout the period of the lease. The impression from both official and private sources is of a fairly dull place, which came alive in the summer months. The social life of its European residents revolved around what could, from March onwards, be regular rounds of badminton, tennis (in some cases on privately owned hard courts enclosed by netting), golf, hunting, shooting (rifle practice could be carried out on the larger verandas), football and cricket.

Indoors, there were amusements to be had, including bridge, whist or mah-jong, listening to the gramophone and, for the men alone, Masonic lodge gatherings and billiards at the club. How to pass time pleasantly was the challenge new arrivals faced. Letters and newspapers formed a lifeline and wives spent hours writing letters or eagerly devouring every morsel of news from newspapers arriving by steamer. Even in the mid 1920s, travel between the island and the mainland was not easy so that some avoided it all winter.<sup>23</sup>

It was thus the summer visitors who effected an annual revival of the otherwise limited social scene. Even if Dora Wedlock, an outgoing, young, navy wife, was keen to impress her friends at home, underlying the cheerful reports of her life in Weihaiwei were hints that this was so despite the place and contrary to expectations. Tellingly, on the 21st of March 1925, she wrote that the first of Weihaiwei’s ‘“Swallows” (Visitors)’ – ‘Captain and Mrs Stevenson, from Shanghai’ – had arrived. ‘Soon they will be coming up in droves: then our gay times start’, she continued.<sup>24</sup>

The population statistics certainly bear this out. In the 1921 census, including naval personnel, there were 177 European residents. Between May and September that year, 580 European adults and 76 child holidaymakers arrived.<sup>25</sup> A few local industries flourished by tapping into the demand from visitors. While residents such as Dora Wedlock planned on buying cloisonné from Peking, visitors to Weihaiwei bought locally crafted ceramic teapots inlaid with tin alloy, carved wooden boats, or lace. At least three photographic businesses established themselves in Weihaiwei and offered visitors the chance to purchase postcards and other pictorial souvenirs.<sup>26</sup>

Visitors were an important reason for the public works programme carried out by the government and it is not at all surprising that the annual reports of the Medical Officer (‘MO’) for the territory, written to be read in England, frequently reported the absence or near absence of infectious disease in both European and Chinese populations.<sup>27</sup> Drawing attention to the territory’s reputation as a health-enhancing place was a regular feature of their reports: ‘The medical profession in Shanghai

<sup>18</sup>Report on Weihaiwei and its future administration, Swettenham to Colonial Office, 26 July 1900, CO 521/1.

<sup>19</sup>See Zhang Jianguo and Zhang Junyong, *Weihaiwei Under British Rule* (Jinan, Shandong Pictorial Publishing House, 2006); transl. Alec Hill and Ma Xianghong, 176, first published as 张建国和张俊勇, 来字旗下的威海 (Jinan, Shandong Pictorial Publishing House, 2003), which mentions a forestry project after 1914. In fact there had also been earlier efforts, one of which took place in 1907: Gibbons, Forestry Report, 17 Jan 1908, CO 873/265.

<sup>20</sup>Annual report on the Police on Liukungtao, Crawley, 18 Jan 1916, CO 873/458.

<sup>21</sup>These establishments were later the subject of the *Foreign Hotel and Lodging House Ordinance 1916*, Ord. 4 of 1916.

<sup>22</sup>Some sailors and soldiers reported fewer attractions for them. See Arnold Wright and H.A. Cartwright, eds, *Twentieth-century Impressions of Hong Kong, Shanghai and Other Treaty Ports of China* (London, Lloyd’s Greater Britain Publishing Company, 1908), 773–774, quoted in Frances Wood, *No Dogs and Not Many Chinese* (London, John Murray, 1998), 109–110.

<sup>23</sup>See Wedlock letters, various dates from 18 Feb 1925 to 23 April 1925, SOAS Special Collections, MS 380564/24–30.

<sup>24</sup>Dora Wedlock to ‘Helen’, Overcliffe, Liukungdao, 21 March 1925, MS 380564/27.

<sup>25</sup>Medical Report for 1921, Muat, Senior MO, CO 873/654.

<sup>26</sup>Zhang and Zhang, 2006, 172–180.

<sup>27</sup>For one of many examples see Medical Report for 1905 written by Brogden, Acting Colonial Surgeon, 6 March 1906, CO 874/208, which opened with the following: ‘The point of most interest to record regarding the general health is the complete immunity from epidemic and endemic diseases enjoyed by the residents both European and Native’.

and elsewhere are largely sending their wives and families here for the summer'; 'they are also recommending their patients to come here for convalescence', claimed the MO in 1908.<sup>28</sup> The longevity of the native Chinese population and even the health of its prisoners were offered as proof of how healthy a place Weihaiwei was. It is clear that, for European residents, local businesses and officials, the holiday season was important. It is also clear that the authority of the British administration and the use of law were implicated.

### LAWS FOR A SUMMER RESORT

In this section, we turn to some of the more important laws that contributed to the making of a holiday destination including those directed towards cleanliness, sanitation, nuisance control or disease control.

#### The Public Health and Buildings Ordinance, 1903

The centrepiece of the laws relating to public health and one of the earliest pieces of legislation in Weihaiwei was the *Public Health and Buildings Ordinance, 1903* ('PHBO').<sup>29</sup> Delayed by the commissioner's lack of familiarity with the process of passing laws, this ordinance is likely to have reflected the prior practice of the government in relation to nuisances, poor housing and insanitary conditions.<sup>30</sup>

The *PHBO* empowered the commissioner to make, amend and revoke byelaws on a number of matters including the entry and inspection of buildings and curtilages, drains, subsoil drainage, privies and urinals in private homes, public latrines, refuse and sewage, water supply, food, and sources of food such as dairies, bakeries, abattoirs and 'food-preserving establishments', as well as laundries. Byelaws could also be made for the licensing of lodging houses, breweries, factories<sup>31</sup> and places of recreation as well as for the regulation of noxious or offensive trades, businesses or manufacture. In essence, overcrowding, unsanitary conditions, poor construction, insufficient ventilation, poor drainage and damp in buildings and streets, food safety, contagious diseases and sanitary conditions could all be controlled by means of the *PHBO*.

The ordinance also contained particular sections with more detailed provisions relevant to 'common lodging-houses', 'public washermen', factories and workshops, abattoirs, markets and cemeteries. Particular trades such as hawking, the selling of fish by boatmen, and the sale of staples had to comply with other sections of the ordinance. A section of more general application dealt with adulterated or tainted food sold for human or animal consumption.

Of central importance to the ordinance was the list of situations deemed to be nuisances liable to abatement orders. Specific nuisances such as 'stagnant water', 'rat-holes or rat-runs' and smoke from chimneys were specifically enumerated. Action against many other irritations could be taken under the ordinance through other clauses which referred to 'any premises which are in such a dirty or in such an insanitary condition as to be dangerous and prejudicial to health' or 'any street or road', 'nullah, ditch, gutter', 'sewer, privy, urinal' so foul as to be 'noxious, noisome, or unhealthy'. In case these provisions were insufficient, there was a catch-all subsection whereby '[a]ny act, omission, or thing which is, or may be, dangerous to life, or injurious to health or property' was deemed a nuisance.

The infrastructure for the implementation and enforcement of the ordinance consisted of the MOs and sanitary inspectors working alongside the magistrates and the commissioner. The MOs had powers to examine persons or animals suspected of carrying infectious diseases or premises falling foul of the ordinance. Sanitary Inspectors had powers to enter and inspect premises and either an inspector or the MO could bring a prosecution for breaches. To ensure the effectiveness of the personnel, obstructing, molesting or hindering the work of the sanitary officer was made an offence under the *PHBO*.

Since the administration of Weihaiwei was small, it is not surprising that, for many years, one or more (four was the most the territory had) of the territory's European Police Inspectors were

<sup>28</sup>Hickin, Annual Review of the Year [1907], CO 873/265.

<sup>29</sup>Ord. 3 of 1903.

<sup>30</sup>Commissioner Lockhart had earlier tried to pass a *Peace and Good Order Ordinance*, which would have given the commissioner broad powers to make regulations for public health by executive order rather than through drafting specific ordinances. See Tan, *Supra*, n.6, 108–111.

<sup>31</sup>Some zoning was later introduced so that no factories could be set up except in a designated manufacturing area: *Manufacturing Areas Ordinance, 1920*, Ord. 6 of 1920.

appointed Sanitary Inspectors. It was probably only in the 1920s that somebody who was not also concurrently a police inspector was appointed as Sanitary Inspector. The MOs could then concentrate more on medical issues and the treatment of illnesses at the hospitals while the sanitary inspector inspected houses, dairies, cattle and abattoirs, and took action against nuisances.

Byelaws or regulations—referred to generically as sanitary regulations—which were ‘as binding and valid as if they had been contained in the Ordinance’<sup>32</sup> were issued a number of times. These regulations were usually issued for specific activities encompassed by the *PHBO* (e.g. regulations concerning fish tanks, pig sties or the dairy). In 1921, indicating something of their frequent use, a set of consolidated regulations was issued.<sup>33</sup> Where building regulations were concerned, none were issued to supplement the skeletal provisions in the ordinance until 1917.<sup>34</sup> These regulations, eight in all, regulated the foundations for buildings; the distance of buildings from the public thoroughfares; buildings which protruded further than the general line; the height of buildings; the construction of chimneys and wooden structures; earth closets; and buildings that were in a dangerous state.

Only some of these regulations consisted of detailed prescriptions while others could be permitted by the commissioner. The height restrictions were not absolute, having more to do with the distance to be maintained between adjacent buildings.<sup>35</sup> Most of these regulations would have had little relevance to village housing; even those that applied would probably not have been enforced because of the limited resources of the government. Earlier in 1911, the commissioner had issued a notification of the geographical areas for which a plan or drawing for any building or works required the commissioner’s approval.<sup>36</sup> These areas included the island; the coastal area between Half Moon and Narcissus bays (these being the two bays in which holiday bungalows were located); Port Edward and its immediate neighbourhood; and one other area close to Government House. Except for those villages situated in the environs of Port Edward, Chinese villages<sup>37</sup> were expressly excluded. The areas in which a plan or drawing was required were thus precisely the areas in which visitors stayed.

### Infectious diseases

The territory having gained a reputation as a healthy place, the authorities were anxious to prevent the spread of infectious diseases, especially plague and small-pox. Section 51 of the *PHBO* already empowered the magistrate to order the removal to a hospital of ‘[a]ny person suffering from bubonic plague, cholera, small-pox, or any other contagious or infectious disease’ and who was ‘without proper lodging or accommodation’, or living in an overcrowded house or on board a ship or boat. This section was supplemented, with a view to having greater control over ships arriving in the port, by the *Quarantine Ordinance*,<sup>38</sup> also passed in 1903 and regulations made under it.

Quarantine regulations appended in a schedule to the ordinance defined infectious and contagious disease as cholera, choleraic diarrhoea, smallpox, typhus fever, yellow fever, bubonic plague, and ‘any such epidemic disease as the Health Officer may consider to imperil the safety of the passengers or crew’.<sup>39</sup> Of note is the singling out of Chinese passenger ships in a section implying that they may be in such a condition as to require special treatment. Section 12 gave the health officer the power to detain any such vessel and its passenger or passengers to check ‘the introduction of any infections or contagious disease’ where the vessel is in a ‘filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants or otherwise’. This provision also applied to passengers on board who were found in a filthy state. Action was taken under the ordinance in 1911 when there was a serious outbreak of smallpox in Chefoo. In addition to other measures, Chefoo, and

<sup>32</sup>*PHBO*, s. 3.

<sup>33</sup>Sanitary Regulations, Amended and Consolidated up to date: 27 May 1921, GN 28 of 1921, *WHWGG* 14.19, CO 744/1.

<sup>34</sup>Building Regulations, 26 July 1917, GN 33 of 1917, *WHWGG* 10.23, CO 744/1.

<sup>35</sup>In general, the brevity of the laws dealing with standards of building construction and related matters stood in stark contrast to the Hong Kong ordinance of the same name and same year which had the regulation of standards of housing, particularly overcrowded Chinese dwellings—seen as the root cause of disease—as its main concern. I am grateful to Yu Xiuling for allowing me to read her draft essay on the genesis of the *Public Health and Buildings Ordinance*, 1903, Ord. 1 of 1903, Hong Kong.

<sup>36</sup>GN 22 of 1911, 19 Oct 1911, *WHWGG* 4.19, CO 744/1. This notification was done pursuant to *PHBO*, s. 59.

<sup>37</sup>There were over 300 villages in the territory, perhaps as many as over 350: see Reginald F. Johnston, ‘Weihaiwei’, *Journal of the Royal Central Asian Society*, 18.2 (1931), 182.

<sup>38</sup>Ord. 2 of 1903.

<sup>39</sup>Section 1. *Quarantine Ordinance*, 1903, Ord. 2 of 1903.

also Dalny, were declared to be ports or places where an infectious or contagious disease ‘prevailed’ under Regulation 1. This meant that vessels arriving from these two places could not disembark persons or goods on board until they had been certified by the MO. Over the next two decades, Hong Kong was declared a contagious place at least three times, Shanghai at least four, and Canton, Tsingtau and Antung at least once. As mentioned later, smallpox vaccination was the subject of preventive medical campaigns but vaccination was not made compulsory. The fear of smallpox can also be seen in the government’s vigilance over the territory’s dairies.

### Bad milk

The question as to the quality and supply of milk was, of course, of greater importance to the European community than to the natives. As already mentioned, dairies came within the purview of the *PHBO*, giving the MO wide inspection and reporting powers. Supervised by the MO, sanitary inspectors visited dairies regularly to check on the premises, employees and the dairy herds. Milk supplied was also analysed and compared with milk in England. The penalty upon summary conviction before a district magistrate for allowing infected persons to milk animals, handle milk containers, assist in the conduct of the dairy or reside therein was a fine of up to \$100 (*PHBO*, s. 50).

Action was taken against dairy operators, sometimes resulting in a prosecution or suspension of their operations. With a slight change to lower the upper limit of one of the penalties and with the addition of definitional sections for ‘dairy’, ‘dairyman’, ‘infectious disease’ and ‘medical officer’, sections 48 through to 50 of the *PHBO* were reproduced verbatim in the *Infected Milk Ordinance, 1906*.<sup>40</sup> It is unclear why a separate ordinance was thought necessary<sup>41</sup> but events in the preceding year may have influenced the decision to pass such a law. In February 1905, the sanitary inspector was required to increase the frequency of his inspection visits and the testing of milk.<sup>42</sup> In the following month, one of the dairies on the island was closed for a time after an employee who had been in charge of grazing the cattle had returned to work before recovering fully from smallpox. The actions of the police and the MO resulted in the disinfection of the dairy, the destruction of clothing and bedding and the loss of two milkings.<sup>43</sup>

Much later, in 1920, a byelaw was issued that contained more prescriptive regulations for dairies. No person was to sleep in a dairy, and dairies were not to be used for domestic purposes. Also, no animal was to be kept in any room used as a dairy. Other regulations also prescribed the necessary standards of ventilation, lighting and drainage, and lime washing of walls and ceilings every January and July. Yet more rules prohibited dung heaps from being less than a hundred feet away from dairy buildings, required windows to be fly-proofed and made mandatory the use of boilers for sterilising milk bottles. Above all, the approval of the MO was necessary before any building or part was used as a dairy and an annual registration of dairies was to have taken place in January at the police station.<sup>44</sup>

### Mad dogs

With other animals such as ponies, mules and horses in use in the territory, the spread of rabies was a concern. *The Dogs Ordinance, 1904*,<sup>45</sup> like the *PHBO*, was amongst Weihaiwei’s first ordinances and, in fact, represented legislating in proper form the substance of a magisterial order that had been issued and enforced earlier.<sup>46</sup> *The Dogs Ordinance* provided for compulsory licensing of dogs at \$1 per dog in the districts notified by the commissioner—for the most part including Liukung Island, Port Edward and villages adjacent to Port Edward—except for watch dogs guarding agricultural fields in outlying areas.

Penalties consisted of fines of up to \$100, in default of which imprisonment of up to six months, with or without hard labour, could be imposed. In 1905, one of the magistrates suggested that it should be mandatory for a dog to be muzzled in the Port Edward area. It is not clear from the records if this was ever the subject of a byelaw.<sup>47</sup> The suggestion arose after the pony of one of the Chinese Regiment officers had been bitten by a rabid bitch.<sup>48</sup>

<sup>40</sup>Ord. 6 of 1906.

<sup>41</sup>No explanation accompanied the sending of the ordinance to the Colonial Office.

<sup>42</sup>See various minutes, CO 873/171.

<sup>43</sup>The dairy owner was reported to have been in tears contemplating his losses. See various minutes in CO 873/167.

<sup>44</sup>Byelaw, 21 Jan 1920, GN 19 of 1920.

<sup>45</sup>Ord. 2 of 1904.

<sup>46</sup>Enc. 2 to Lockhart to SSC, 18 Jan 1904, CO 521/6.

<sup>47</sup>Johnston, Minute, 8 June 1905, CO 873/186.

<sup>48</sup>Full facts of what occurred appear in CO 873/186.



In 1907, rabies was again the subject of discussion. Reginald Johnston, then one of the two magistrates, informed the commissioner of some cases of rabies in a coastal village frequented by junks. He related how, on a recent overnight visit to the area, his tent and one of his dogs had been attacked by a mad dog. The headman of the village had admitted knowing of a few similar cases but Johnston believed the number of cases to be much larger and not confined to this village. He had left one of his men to make further inquiries, including inquiries into another statement that the headman had made, namely, that cattle and pigs that had died of rabies were either eaten by the owners or sold to others as food without revealing the cause of death. He thought such selling of meat should be made an offence. Johnston proposed a draft proclamation in Chinese that called the attention of the people to the danger of rabies and made it compulsory for headmen to report cases instantly. It was also to include instructions to burn carcasses of animals suspected of having died of rabies,<sup>49</sup> a suggestion with which the MO concurred.

The question of dog licensing and concern over rabies arose again ten years later. A government notification in 1917 informed the public of how to obtain a dog licence and reminded them that dogs without a metal licence badge were liable to be destroyed by the police.<sup>50</sup> A few years later, in 1922, the government again issued regulations but, this time, required owners of dogs to report cases of rabies or suspected rabies. Its three most important sections defined ‘owner’ to include any ‘person in charge or apparently in charge of a dog where the real owner is not in the territory or cannot readily be discovered’, made the licensing of dogs mandatory and provided for the penalties resulting from contravention of the provisions of the ordinance. Until further notice all dogs in public places had to be muzzled or on a leash, on pain of seizure by the police. Realising the impossibility of enforcing this everywhere, the regulations were expressly stated to be in force only in the Port Edward district.<sup>51</sup> Not long after, residents and visitors were reminded of the key sections of the *Dogs Ordinance* in a government notification which further provided that dog licences had to be obtained within one week of arrival in the territory and that shooting was being carried out every week in an effort to eradicate rabies.<sup>52</sup> This notification was issued in mid-May, by which time the visitor season would have been in full swing.

The regulations published in 1922 were replaced by more stringent ones in 1925. These extended the area of enforcement to anywhere within a mile of Port Edward. Dog owners were told that unmuzzled dogs risked being shot at sight, not merely seized.<sup>53</sup> In the year before jurisdiction over Weihaiwei was returned to China, the commissioner re-published the regulations of 1922, explaining that several persons had been bitten by a rabid dog in mid-November and that, as a result, the regulations of 1922 would be enforced strictly.<sup>54</sup> In so re-publishing these regulations, the tighter regulations of 1925 appear to have been overlooked. The various sets of regulations have been described here in some detail to show that the concern over rabies came to be reflected in the law and that these laws were confined in their application to the town areas.

### European sports

It would appear that shooting wild birds or game—pheasant, partridge, duck, geese, crane, quail and swan amongst them—was a pastime from the early days of the lease. In 1899, a magisterial order had prohibited the shooting of certain wild birds during a close season. Some species, though recovering later, were thought to have come close to extinction in 1902. The magisterial order was probably posted up from time to time in the years following 1899 until it was replaced by the *Wild Birds and Game Preservation Ordinance, 1907*.<sup>55</sup> The magistrate, Walter, had been told of game being sold to naval visitors. In his minute, he suggested that notices should be posted every February to remind everyone of the penalty of up to \$50 for shooting during the close season, ‘in the interest

<sup>49</sup>Johnston, 27 Aug 1907 and draft proclamation in Chinese, CO 873/252.

<sup>50</sup>16 June 1917, GN 29 of 1917, *WHWGG* 10.19, CO 744/1.

<sup>51</sup>Regulation, 15 Feb 1922, GN 3 of 1922, *WHWGG* 15.3, CO 744/1.

<sup>52</sup>18 May 1922, GN 16 of 1922, *WHWGG* 15.13, CO 744/1.

<sup>53</sup>26 Feb 1925, GN 3 of 1925, *WHWGG*, 18.5, CO 744/1.

<sup>54</sup>19 Dec 1929, GN 35 of 1929, *WHWGG*, 22. 29, CO 744/3.

<sup>55</sup>Ord. 3 of 1907, amended by the *Wild Birds and Game Amendment Ordinance, 1913*, Ord. 7 of 1913, to enlarge the list of protected species, to prohibit selling of game, and to add a penalty for shooting protected species during the closed season. The 1907 ordinance was replaced by a new ordinance in 1914, probably only to bring together the earlier ordinance and regulations issued under it.

of the few sportsmen here and also for the reason to protect birds and rabbits and hares against the timeless vagaries of dilettante Chinese trappers’.

The commissioner, already with some experience of turning magisterial orders that were without ‘legal sanction’ into ordinances, suggested an ordinance.<sup>56</sup> A number of keen ‘sportsmen’ in the territory conveyed to the government their views on the species deserving of protection and dates for the close season. These same ‘sportsmen’ helped finalise the ordinance and the regulations that were issued at the same time. The ordinance made it an offence to shoot wild birds and game without a licence whilst the regulations included a prohibition against trapping game.<sup>57</sup>

*The Wild Birds and Game Preservation Ordinance* very likely did ensure the protection of some birds and game but it was also, without doubt, one of the more blatant examples of legislation intended to secure the recreational interests of Europeans to the detriment of the interests of others. By introducing a licensing system, the law transformed wild birds and game from being a source of food and income for local people to being the object of a sport that was the preserve of those who could afford the licence fee.

### Chinese pleasures

A number of laws might be said to have been directed at creating an orderly and peaceful environment. A minor example is the *Advertisements Ordinance, 1911*,<sup>58</sup> which prohibited the posting or exhibition of any notice or advertisement without the commissioner’s permission. Permission could be refused whenever he considered that the notice would be ‘prejudicial to peace or good order or would disfigure the natural beauty of a landscape’.<sup>59</sup>

Other examples of such laws are too numerous to discuss here but a few choice examples of laws or regulations and their origins will show the tensions and conflicts of interest that existed amongst the different communities in Weihaiwei.

Liukung Island possessed a permanent performance stage, the image of which, usually complete with a crowd of people in front of it, was sent around the world on postcards. It was (and still is) so sited as to give the audience a view of the sea. It was close to the naval canteen and the office of the Eastern Extension Australasia & China Telegraph Company one of whose employees, Laing, complained of the ‘inconvenience caused us by the crashing noises from the Chinese theatre’ and of how the ‘noise from the drums and cymbals’ made it ‘almost impossible to work the telephone’. He asked that the theatre be relocated to another place. He added that ‘the crowd entirely blocks up the road to the Club, leading East and West’.<sup>60</sup>

The secretary to the government explained to the commissioner that the Chinese usually applied for permission to hold their theatricals and that they held them on average three times a year. No other complaints had ever been received, and he criticised Laing for moving into these premises knowing it was near the theatre. Walter went on to say that ‘the Chinese theatre is a picturesque feature of the island and their performances afford amusement to Europeans (e.g., sailors and children) as well as natives’.<sup>61</sup>

Laing was told that the Chinese theatre could only be moved with compensation from the telegraph company. Walter was later to say that he personally did not consider the theatre to be a nuisance, particularly when their performances were few and far between, and that there was no reasonable ground to deprive the Chinese population of ‘one of the few harmless entertainments which they possess’. In the end, the system of voluntarily seeking permission turned into a formal permit system to which could be attached conditions such the duration of each performance. There was no specialised law until many years later when the *Places of Public Entertainment Licensing Ordinance, 1920*<sup>62</sup> was introduced, section 3 of which made it unlawful to keep ‘a theatre, music hall, circus, fair, dancing saloon, cinematograph exhibition or other place of public entertainment without a licence’.

The Government Secretary, Walter, may have championed the right of the Chinese to enjoy their theatre performances but, when he was himself disturbed, he was only too ready to take action

<sup>56</sup>Lockhart, 2 Aug 1907, CO 873/251. The phrase ‘legal sanction’ was used in the explanatory note that accompanied the ordinance when it was submitted to the Colonial Office: Lockhart to SSC, 7 Aug, 1907, CO 873/251.

<sup>57</sup>Draft regulations in CO 873/251. Only a draft of the regulations survive.

<sup>58</sup>*Advertisements Ordinance, 1911*, Ord. 1 of 1911 sec 1.

<sup>59</sup>*Id.*, sec. 3.

<sup>60</sup>Laing, 26 June 1903, CO 873/76.

<sup>61</sup>Walter, 2 July 1903, CO 873/76.

<sup>62</sup>Ord. 7 of 1920.

against those responsible. His lack of sleep apparent, he once complained that he had been awoken at 4 a.m. by ‘the sound of gongs being beaten on various junks interspersed with the firing of crackers’. The noise, he complained, ‘was prodigious and the nuisance stupendous’. He promptly had the ‘nocturnal revellers’ summoned by the police inspector. By 10 a.m., they had been fined in his court for committing a nuisance. Walter proposed issuing a notice that such activities were permitted only between 8 a.m. and 9 p.m.<sup>63</sup> Lockhart agreed to the notice but ordered the remission of the fines since such activities had previously been allowed and, furthermore, no warning had first been issued.

Fines imposed for creaking wheelbarrows had undoubtedly captured the imagination of the Chinese in the Port Edward area. The annual report of the secretary to the government for 1904 told how a local conjuror had made his audience laugh with a reference to the fine of \$1 for a squeaking wheelbarrow. In the preceding year, it had been Lockhart who asked for the ‘nuisance’ of squeaking wheelbarrows to be stopped.<sup>64</sup> Within a few days, Walter reported that he had dealt with four cases.<sup>65</sup> These examples show that the decision to ban particular nuisances reflected the views of individual officials and what happened to have disturbed them. Another aspect, more pertinent to the present discussion is that the interests of visitors to the territory were invoked by Walter—in complaining about the noise from harbour, he said that ‘Probably everyone at the hotel was aroused’.

### LOCAL REACTION AND RESISTANCE TO THE PUBLIC HEALTH LAWS

A comprehensive survey of public health and all other laws in Weihaiwei that contributed to European tourism would require much greater space. Nonetheless, what we have seen above, when combined with court statistics, shows that the laws and regulations discussed brought local Chinese people face to face with the colonial law enforcement agencies. Each year, there were prosecutions for breaches of sanitary regulations and nuisances and a small number of cases of selling or producing infected milk or food. It is also clear that, whether through legal process or executive order, owners of dilapidated houses were ordered to repair or rebuild, albeit with the receipt of compensation from the government.

Furthermore, sanitary and medical reports show that, despite initial reluctance on the part of some government officers, Chinese homes were inspected by the sanitary inspectors. Yet, it is difficult to find evidence of protest, dissent or bad feeling amongst the Chinese population over these inspections and other action brought under the laws discussed. For example, there is no direct evidence of anything similar to the persistent resentment and resistance to colonial wildlife management programmes which, in effect, regulated African men’s hunting practices in the Transkei.<sup>66</sup> Neither was there in Weihaiwei the medicalisation of power to regulate the bodies of the colonial subject as has, for example, been described in relation to American colonialism in the Philippines.<sup>67</sup> A discussion of the Chinese reaction must begin with a consideration of the available sources.

Of the surviving records, British official records, incomplete as they are, predominate; Chinese sources are conspicuously absent. The result is that the unmediated voices of those ruled are rendered inaudible. Chinese people featured in the records, in contrast to the Europeans, as an undifferentiated mass of ‘the natives’, who were usually assumed to be villagers with few pleasures in life except for opera and fire crackers. This observation is, of course, a reflection of the colonial relationship between Europeans and the Chinese, a relationship that had implications for law-making and enforcement.

One notable example emerging from what has been discussed earlier is that while interested Europeans were ‘sportsmen’ who appreciated the pleasures of shooting wild birds or game, the Chinese could only be ‘dilettantes’. So compared and so characterised as a sport (as opposed to a way of making a living), it followed that the needs of the former took precedence over the later. Another observation is that the administrators adopted a paternalistic and patronising attitude towards the Chinese. This can be seen in the episode concerning the noise from junks in the harbour in which the magistrate reported his own words in the following terms:

<sup>63</sup>Walter, 20 Aug 1906.

<sup>64</sup>Lockhart, Minute to the Secretary to the Government, 10 June 1903, CO 873/71.

<sup>65</sup>Walter, Minute addressed to the commissioner, 15 June 1903.

<sup>66</sup>Jacob Tropp, ‘Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa,’ *Journal of African History* 43.3 2002, 451–472.

<sup>67</sup>See for instance Warwick Anderson, ‘Excremental Colonialism: Public Health and the Poetics of Pollution,’ *Critical Inquiry* 21.3, Spring 1995, 640–669, for a study of American colonialism in the Philippines.

*I pointed out to the junk people that the government had no intention of prohibiting the beating of gongs on high-days and holidays and when the moon is eaten up or similar unique occasions but I also explained that there was a limit even to the best of good things... [and] that it was specially important for the Magistrate to have his rest undisturbed as he was occupied all day in trying to settle their quarrels.<sup>68</sup>*

The construction of his listeners as the subjects of paternalism whose indulgences had to be rationed may have come from the magistrate's desire to replicate the father–mother figure of the Chinese district magistrate. The condescension, however, arises from the gulf between colonial master and subject peoples. When not referred to en masse or in paternalistic terms, Chinese people were usually referred to by way of an essentialising adjective so that they were 'litigious villagers', 'inveterate gamblers' or 'suicidal women'.

The relative absence of the Chinese from the official records on matters pertaining to public health laws may also be a result of the actual absence of Chinese people from the urban areas of the territory, a situation which was secured first by executive measures,<sup>69</sup> then by law.<sup>70</sup> Soon after an interim authority was in place, the War Office bought much of the land on the island.<sup>71</sup> With fewer natives owning land on the island, Chinese people were asked to leave. Exceptions were made for the elderly, shopkeepers and those connected with navy or military supplies.

Chinese who resided on the mainland would also have crossed over to the island daily to work. Without the exclusion of the Chinese from the island, considerable conflicts of interest might have arisen over the enforcement of the *PHBO*, through which the voices of the local inhabitants might have been recorded.<sup>72</sup> This segregation cannot, however, provide a complete answer since there was no similar racial exclusion on the mainland. There is, furthermore, no suggestion that the Chinese population in Mat'ou, estimated to be around 1,500 in 1900, shrank as a result of the arrival of the British.<sup>73</sup>

On balance, it is not likely that widespread opposition from the local population would have gone unrecorded or, if recorded, lost. The local inhabitants of Weihaiwei were accustomed to petitioning the government if they felt that their interests were harmed. A lack of protest would sit well with what we know of the British period there, i.e. if only for reasons of pragmatism, the government of Weihaiwei was careful not to legislate where they foresaw resistance. The British administration in Weihaiwei was small and lacked the capacity to enforce laws in the face of mass resistance. The public health arena itself, in the refusal to make smallpox vaccination mandatory, provides an example of the sensitivity of the authorities to local views. It is also worth recalling that, as a British overseas territory, Weihaiwei was not the context for grand imperial projects, in the pursuit of which harsh, unpopular, laws may have been felt to be necessary. It was also an administration that was sympathetic to the Chinese, even if this was through an Orientalised knowledge of them. With this in mind, we might conclude that Weihaiwei was simply not a context in which cleansing was carried out without regard to local views.

## CONCLUSION

Two key themes have been explored in this article. The first is the role of law in the creation and maintenance of the summer resort at Weihaiwei. It is apparent that public health, building and quarantine laws contributed towards the basic conditions for a holiday resort of order, cleanliness, fresh air, restfulness and freedom from infectious diseases. Dairy and other food safety laws ensured that visitors had safe supplies of fish, meat and milk.

Yet other laws, such as the regulation of rickshaw fares, the licensing of boats or the control of advertisements, helped to make the place attractive to visitors. Less apparent but no less significant

<sup>68</sup>Walter, 20 Aug 1906, CO 873/231.

<sup>69</sup>At a ceremony on 24 May 1898, in anticipation of the signing of the Peking Convention, Captain King-Hall, R.N., is reported as having read out a short declaration in which he held the 'principal inhabitants of Liukungtau' responsible for ensuring that from that date, 'no new inhabitants would be allowed on the island, nor anyone permitted to rent any building or place, or reside in the village ... without the permission of the officer in command', *China Mail*, 6 June 1898, 3.

<sup>70</sup>*Liu Kung Tao (Exclusion of Natives) Ordinance, 1919*, Ord. 2 of 1919.

<sup>71</sup>Johnston recalled in 1931 that approximately £30,000 in total had been paid to property and land owners on the island: Johnston, 1931, 180.

<sup>72</sup>A greater number of cases of breach of sanitary regulations was recorded for the island.

<sup>73</sup>The population of Port Edward was estimated to have grown to about 20,000 in the last few years of the lease: Johnston, 1931, 182.

was the law that excluded Chinese from residing on Liukung Island. Navy 'needs', rather than tourism, was the immediate motive for this measure but the effect was to form, together with the coastal area of the mainland a European enclave which made up the holiday area.

Also less apparent in effect were the laws such as the dog licensing, building control and quarantine laws which, through their scope or through uneven enforcement, caused tighter controls to be exercised in the Port Edward area than in the more rural areas of the territory. Such laws thus facilitated the emergence of safe, regulated, town areas, which were recognisably different from the rural areas.

The result, perhaps unintended, was that Weihaiwei became the perfect tourist combination of European comfort and 'exotic' interest. Visitors could enjoy the pleasing environment afforded by the urban areas with occasional forays inland to experience the more 'authentic' China.

In thinking about the 'culturally productive' effects of colonial law, there were yet other fundamental transformations that occurred as a consequence of turning Weihaiwei into something akin to a Victorian seaside town and which should not be overlooked. For example, the dairy laws and the legal zoning of areas for manufacturing activities altered the use of space, segregating activities into different special use spaces. Dairies and laundries were turned into purely production spaces that were not to be put to other uses such as accommodation for employees. Dairies had to be isolated from pollutants such as dung heaps.

'Day' and 'night' and the conditions and activities that those concepts implied in the European mind were imposed on the territory through laws or action against noise. Celebrating with firecrackers in the port area late at night was not acceptable; shooting wild birds during the day in the countryside was. These laws introduced a culture in which conceptions of time, space, work, and leisure underwent change.

The second theme explored is that of public health laws as an important interface and site of potential conflict between the Chinese population and the foreign authority of the British administration. The very breadth of these laws suggests impact and interference in the lives of the Chinese, especially those in the urban areas. One plausible explanation for the lack of opposition is that the Chinese dwelling in the urban areas and thereby most affected derived benefits from tourism and, by extension, from the laws that helped to make Weihaiwei a pleasant holiday resort. Despite their presence being distorted in the archival sources, the collaboration of the Chinese in the tourism project is visible.

Contractors to whom public works contracts were given, licensed laundrymen, dairymen, rickshaw pullers, sampan men, night soil removers, abattoir operators and others pepper the records. Furthermore, many Chinese would have found employment in the hotels and bungalows or worked for the victualling or other businesses that catered to tourists. Official reports for the years during the First World War suggest that Chinese businesses suffered considerably from the absence of the naval fleet.

Although the business history of the Chinese in Weihaiwei for this period is as yet unwritten, it may be said that, if Chinese on the island and in Port Edward were subjected to the discipline of the sanitary laws against their wishes, their share in the benefits of tourism is likely to have tempered their opposition. As far as the general populace in the town areas was concerned, the example of smallpox vaccination yields yet one further piece of evidence.

At the time when the government was starting its vaccination campaign, those in Port Edward and neighbouring villages were told that 'it will be to their own material advantage, as visitors from Shanghai will be much more likely to visit Weihaiwei in the summer if there is no danger from smallpox'.<sup>74</sup> This invocation of the visitors from Shanghai shows the extent to which most people, at least those in Port Edward, shared an interest in the maintenance of Weihaiwei's reputation as a summer resort. As a meeting point, Weihaiwei's public health laws demonstrate less conflict than a convergence of interests between a colonial administration and its local population.

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<sup>74</sup>Johnston, 9 March 1905, CO 873/167. The number of people coming forward to be vaccinated grew year by year. For instance, 3859 people were vaccinated in 1907, 6373 were vaccinated in 1914. These statistics are reported in CO 873/242 and CO 873/390 respectively. For a study of local opposition to vaccination see Nadav Davidovitch and Zalman Greenberg, 'Public Health, Culture, and Colonial Medicine: Smallpox, Variolation in Palestine during the British Mandate,' *Public Health Reports* 122.3, May–June 2007, 398–406.