

Are Chinese Colonials?

COMMENTING upon the alleged illegal search of the home of Mr. Kumabe by the police of the International Settlement, *The China Press* has recently published a leading article of exceptional merit and value. In it is raised an issue, pithy and of moment, and we are tempted to quote it in full as follows:

"The indignation voiced by the local Japanese residents against the alleged illegal search of the home of Mr. Kumabe, a Japanese subject, by the police of the International Settlement and the French Concession appears well-founded.

Though one may not go so far as to agree with the Japanese press that the so-called "raid" was "an insult to the empire", the forced entry into a home without warrant is clearly in contravention of law in any civilized state.

The Shanghai Municipal Council is now investigating into this case, and satisfactory settlement may be reached without a serious rupture of the good feelings between the Council and the Japanese community.

In the meantime the French municipal police was reported to have explained that "the raid was a mistake because of a change of numbers on East Yalu Road. Consequently, they had thought Mr. Kumabe's house was a Chinese residence."

This explanation, we hope, is not true. A man's home is his castle. Whether it is occupied by a Chinese or any other person, its sanctity cannot be violated by unwarranted search. A Chinese citizen in the International Settlement or in the French Concession is subject to the jurisdiction of Chinese courts, and Chinese law specifically forbids the search of private residences except by the due process of law.

For the self-same reason we cannot subscribe to the Japanese contention that the "raid" was illegal because the house searched happened to be the residence of an extra-territorial national. While the police officers have frequently abused their authority, with apparent impunity, by unjustifiable entry into Chinese homes, the absence of protests from ignorant Chinese does not clothe their abuse with a shred of legality. This point may be well borne in mind by all officers of law including the Japanese.

With these sentiments, we agree implicitly. The status of Chinese citizens in the International Settlement and the French Concession, it may be noted, is well defined; they are not to be classed either as colonials or as people of a subject race, hence they are entitled to all the rights enjoyed by the other nationals. For the police of the International Settlement to excuse themselves on the ground that they thought Mr. Kumabe's house was a Chinese residence, is therefore most insulting; for by implication, the statement is almost equivalent to saying that the Chinese are not to be treated on the same basis as the Europeans and the Americans, or the Japanese.

It may be noted further that cases similar to the one mentioned have occurred before. For example, in 1916, a claim was brought in the British Supreme Court in Shanghai by one Kum Soo against one Shibbeth. The evidence in the case shows that Shibbeth, who was then working for an Opium Combine and was commissioned by the latter to search for "illegitimate" opium, had forced entry into Kum Soo's home with the aid of two policemen, and discovered opium there, which was alleged to have been bought through illegitimate channels. The plaintiff, however, denied the charge that the opium had been bought illegitimately, and furthermore asserted that as his father was born in British territory,

he was himself therefore a British subject, entitled to the protection of British authorities. The Judge in the case, in his charge to the jury, especially remarked upon the fact that the search warrant was issued by the Mixed Court under the assumption that Kum Soo was a Chinese citizen; and he stressed the point also that if an incident like that were allowed to pass, any one would be able to avoid liability for damage on unlawful entry into British domiciles on the plea that he was acting on a warrant issued by a Chinese Court. The jury, consequently, brought a heavy verdict against the defendant of 20,000 taels; and for a time afterwards, there was even talk of bringing action not only against the Municipal Police, but also the Chinese Magistrate, who had issued the warrant.

The moral to be drawn from these cases is plain, namely the Chinese in the foreign settlements of Shanghai are discriminated against, purely because they are Chinese. It is true, in the case of Kum Soo, the search warrant was provided for, though it was issued by the Mixed Court, which admittedly had no right to exercise jurisdiction over foreign nationals; but the very fact that such heavy damages were assessed by the British Court distinctly shows that the jury was prejudiced for no other reason than that they were anxious to protect the British Court against what they considered to be wilful encroachment upon its prerogative. Had the warrant been issued by the French Court under the wrong impression that the person in question was an Annamese, for instance, we may be quite sure that the jury would not have turned in such a drastic verdict against the defendant.

Discrimination against the Chinese in the foreign-controlled areas in Shanghai takes, however, other forms than what we have described. To mention another flagrant instance, no Chinese is allowed admittance to the recreational grounds of the race course to view games. Again, in many buildings owned by foreigners, separate toilets are provided for the foreigners themselves and the "natives". As sometimes happens also, Chinese on entering a foreign building are told to use only the servant's lift.

In a way, of course, we ourselves are partly to blame for the prevalence of such arrogance among foreigners in Shanghai, for many of us never trouble ourselves to fight and stand for our rights. Many of us would subject ourselves to humiliations almost willingly, as if we really did not mind them at all.

As the Chinese saying goes, one must have abused oneself first before others could abuse him. Therefore, if we do not wish to be treated as colonials, the thing for us to do is not to treat ourselves as such in the first place. This is a homely truth, but it is also a truth which cannot be over-emphasized. Instead of putting the blame entirely upon others, we have to blame ourselves at least partly. For unless we do so, we need hardly expect that the foreigner's attitude toward us will change.