

THE FOUNDING OF PEIYANG UNIVERSITY DEPARTMENT  
OF LAW: OXFORD STYLE LEGAL EDUCATION IN CHINA  
(1895-1899)

CHEN Li\*

Table of Contents

I. INTRODUCTION .....	228
II. RECRUITING THE BEST AND BRIGHTEST .....	232
III. LAUNCHING THE FIRST MODERN LAW PROGRAM IN OXFORD STYLE.....	235
IV. CHINA'S FIRST CLASS OF MODERN LAW SCHOOL GRADUATES .....	243

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*Abstract*

*Peiyang University, established in 1895, was the first institute in China to offer modern legal education. Several students who studied law at the department during its first four years, such as the celebrated Chinese jurist Wang Chung Hui and his peers, would go on to seek the advanced legal education in America with the financial support from Chinese government, and earn the honour of being the first Chinese scholars to receive Master of Laws and Doctor of Civil Law degrees. Despite the historical significance of law program's early years, they have been neglected in previous research. This paper strives to shed light on the foundation of Chinese first law school, its faculty, curriculum, pedagogical methods and quality of instruction.*

I. INTRODUCTION

Peiyang University, established in 1895, known as Tientsin University in the West, was the first institute in China to offer modern legal education. As China's first modern university, Peiyang University was a groundbreaking and bold historic venture. Several students who studied law at the department in the first four years of its operation, such as the celebrated Chinese jurist Wang Chung Hui and his peers, would go on to seek advanced legal education in America with the financial support from Chinese government, and earn the honour of being the first Chinese scholars to receive Master of Laws and Doctor of Civil Law degrees. Despite its historical significance, the first four years of the law program's existence has been neglected in previous research. Therefore, little is known regarding the law school faculty, curriculum, pedagogical methods and quality of instruction. On the 95th anniversary of Tianjian University's celebration in 1990, in order to publish an official history of the university, a group of university historians conducted an extensive research of various archives. Unfortunately, they did not find any material capable of shedding light on the incipient years of the law department's operation, as the original school archival records were entirely destroyed during the Boxer Rebellion in 1900.<sup>1</sup> Therefore, the University has no records regarding students' admission and the date on which classes officially started in 1895.

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<sup>1</sup> TIANJIN DAXUE XIAOSHI BIANJISHI (天津大学校史编辑室), BEIYANG DAXUE - TIANJIN DAXUE XIAOSHI DIYIJUAN (北洋大学-天津大学校史 第一卷) [THE HISTORY OF PEIYANG UNIVERSITY - TIENTSIN UNIVERSITY VOLUME I], 15 (1990).

There is a serious gap in information related to the origin and initial development of China's first modern legal education. The first few graduates of the law department subsequently made a profound impact on pushing forward China's educational, legal and diplomatic modernization agenda. These precedent setters also became the first few Chinese students to earn various levels of law degree in the US. Therefore, it is essential to reconstruct this crucial chapter of history.

Since its establishment, Peiyang University faced skepticism regarding its legitimacy as an institution that would provide adequate career preparation for its students. Its creation was promoted by Sheng Xuanhai, a high-ranking government official of those days, and it came under the patronage of Wang Wenshao, a powerful Northern Minister and Viceroy of Zhili Province. Sheng Xuanhai sent a proposal to establish this new institution to Wang Wenshao on September 19, 1895. Wang endorsed the plan and memorialized the Throne on September 30, 1895. His Majesty, by an imperial edict issued on October 2, 1895, authorized the opening of the University on the lines proposed by Sheng.<sup>2</sup> It appears that the promoters of the University were confident that his Majesty would sanction the project, and thus the first news regarding the foundation of the University came much earlier than the imperial edict. The project was announced on September 13, 1895.<sup>3</sup> *The Hong Kong Telegraph* reprinted news from the *Peking and Tientsin Times* regarding the foundation of this modern University on September 17, 1895.<sup>4</sup> It reported that at its inception, Peiyang University would be under the control of two Chinese Directors and one foreign President. The two Chinese Directors, Wu Tingfang and Cai Shaoji, were not strangers to progressive foreign education; they both had spent years in England and America. Wu was the first Chinese who studied law in England from 1874-1877, and afterwards qualified as an English Barrister in January 1877. Cai was among the first contingent of Chinese youth dispatched by the Chinese Government to be educated in America in 1872. He completed secondary schooling at Hartford Public High School and attended Yale College for three years before being recalled by the Chinese Government in 1881. Charles Daniel Tenney, a former missionary and educator, was named the first President of Peiyang. Born in Boston, Massachusetts on June 29, 1857, he was one of four children of Daniel Tenney, a Presbyterian minister, who studied classical course at Dartmouth College and received theological training at Lane Seminary, Cincinnati. Tenney was a founder of the Western College and Seminary for Women at

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<sup>2</sup> *Id.* at 15-16.

<sup>3</sup> *The Tientsin University*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Sep. 20, 1895, at 477.

<sup>4</sup> *Tientsin University*, *The Hong Kong Telegraph*, Sep. 17, 1895, at 2.

Oxford, Ohio, and organized six churches in his life.<sup>5</sup> Charles Daniel Tenney took his Bachelor of Arts degree at Dartmouth College in 1878, then studied at Oberlin Theological Seminary (Oberlin College) from 1881-82, where he gained a Bachelor of Divinity degree in 1882.<sup>6</sup> He was ordained by the Congregational Council of Oberlin on June 25, 1882 and was immediately sent to China with a few fellow students to spread the gospel in Taiyuan, Shanxi province under the auspices of the American Board of Commissioners for Foreign Missions.<sup>7</sup> After two years of missionary work, he dissociated himself from the mission and organized the Anglo-Chinese School in Tientsin offering tuition to sons of Chinese gentlemen of high rank<sup>8</sup> from autumn 1886 to 1895.<sup>9</sup> The stated purpose of his private school was to prepare young men to “act as efficient interpreters, and to engage in foreign trade, in the railway service and in the various industry in China that required a knowledge of English.”<sup>10</sup> Furthermore, Li Hongzhang, the famed viceroy, regularly visited the school and before long became favorably impressed with the substance and methods of education pursued by western nations as reflected by this school. Li had no hesitation in engaging Tenney as a private tutor for his own children. As a result, for several years Tenney was a private tutor to Viceroy Li’s sons and a persona grata to this most prominent Chinese mandarin.<sup>11</sup> From early March 1894 to the end of June 1896, he also held vice consulship at American Consulate in Tianjian.<sup>12</sup> We can discern Tenney’s vision of this new institution and the rationale for making English the sole language of instruction at the first Chinese Government University by reviewing his paper titled “English Education in China”. He read it during the third session of missionary conference at Beidaihe, Hebei on August 18, 1899. As noted by the organizers of this conference:

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<sup>5</sup> Daniel Tenney, *Deaths of the Day*, L.A. HERALD, Oct. 5, 1902.

<sup>6</sup> OBERLIN COLLEGE, QUINQUENNIAL CATALOGUE OF OBERLIN COLLEGE 172 (1900).

<sup>7</sup> GENERAL COUNCIL OF THE CONGREGATIONAL AND CHRISTIAN CHURCHES OF THE UNITED STATES, THE YEAR BOOK OF THE CONGREGATIONAL CHRISTIAN CHURCHES OF THE UNITED STATES OF AMERICA 69 (1930).

<sup>8</sup> *Progress of the Kingdom: The World Around, A New Chinese University*, CONGREGATIONALIST, Dec. 19, 1895, at 989.

<sup>9</sup> U.S., REGISTER OF THE DEPARTMENT OF STATE 143 (1918).

<sup>10</sup> *Education in China*, S.D. UNION, Sep. 7, 1896, at 2.

<sup>11</sup> Li Ching-Mei, the second son (of Li Hongzhang), took a prominent part in the banquet arrangements, replying for his father in excellent English. [This gentleman is a pupil of Mr. C.D. Tenney and reflects infinite credit both on his teacher and himself by his excellent address and bearing. He is very popular with the foreign community here and occasionally translates for his father on unofficial occasions.] *Miscellaneous: The Winter at Tientsin*, NORTH CHINA HERALD AND SUPREME COURT & CONSULAR GAZETTE, Mar. 25, 1892, at 392.

<sup>12</sup> 26 Zhongguo Pinglun Yuekan (中國評論(月刊)) [The China Monthly Review] 165 (1923).

He (Tenney) said that the prejudice in the minds of many missionaries against the teaching of English was mistaken. For it was to be great benefit of themselves and their work, that the best educated men and those friendly to Christianity should occupy position of influence and power in the Government, and these would, in the near future, be the English-speaking, well-educated men who are now students. Further, the best results of scientific knowledge and attainment cannot be successfully imparted in the Chinese language, hence the necessity of English in order to prepare proper educator and reformers.<sup>13</sup>

At the announcement of the University's foundation, not everyone rallied to support this monumental endeavor. The conservative literati were very skeptical about this new enterprise's prospect: "the whole thing will end in addle from the simple fact that no career will be opened in due course to the men of foreign education. Their non-participation in the honours of native scholarship and office will work disastrously."<sup>14</sup> Some of the foreign communities in China harbored grave doubts about the project's viability and expressed their puzzlement over the use of the western notion of "university" for this fledgling institution. The *North China Herald* ran a rather long editorial in November at the opening of the school to reflect these common thoughts:

Mr. Tenney and his able coadjutors, foreign and Chinese, are but planting the root of bitterness unless they can secure the prospect of careers for their students; and careers in China without the outward and visible marks of scholarship in the shape of degrees, ranks, and honors are a delusion and a snare. Our urgent advice to all concerned in this new venture is, in season and out of season to try and secure for the institution either a share of the Provincial literary honors, or aim at an Imperial decree, conferring new titles on graduates, such titles to bear a preferential claim for office and employment. These once secured, modern science, art, and culture will become "common or garden" plants throughout the Empire and like every influx of new thought into a nation will burst the old bottles within half a century. We, however, do not think this will be done; it is far too sensible and thorough-going to have any chance. We are a little puzzled at the title. A university as

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<sup>13</sup> Peitaiho, *Missionary Conference at Rocky Point*, , NORTH CHINA HERALD AND SUPREME COURT & CONSULAR GAZETTE, Sep. 4, 1899, at 485.

<sup>14</sup> *The Tientsin University*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Sep. 20, 1895, at 477.

we take it, is a seat of liberal learning qualified by charter to confer degrees. We hope the new institution will have this qualification, but until it has it seems to us that High School or Polytechnic would have been a better name.<sup>15</sup>

Francis Lister Hawks Pott, an accomplished American Episcopal missionary in China and then President of the mission affiliated St John's College in Shanghai, wrote an editorial for his College publication "the St John's Echo" in November 1895. He spoke well of the newly founded university at Tientsin and its American President, but echoed some commonly expressed thoughts typified in the above editorial, and expressed the view that every pupil had to be paid to attend because they had no career when they finished their education.<sup>16</sup>

## II. RECRUITING THE BEST AND BRIGHTEST

At the time of Peiyang University's establishment, modern secondary school barely existed in China, because the Chinese Imperial Examination System fundamentally differed from the modern Chinese education system. In laborious and prolonged preparation for civil service examinations, students generally received classical education through private tuition at home. Literary accomplishment was the only hallmark of intellectual ability and the prime credential for eminence in law, engineering, public administration. The imperial examination was the exclusive road to government appointment, worldly success and fame.

In order to provide enough students for the Collegiate Program, the University also set up a Preparatory Department with a four-year course that prepared students for entering the Collegiate Department. The Collegiate Department was organized as a four-year training course, which covered four broad scientific fields, with students at liberty to specialize in one of the following majors: law, mining, civil engineering and mechanical engineering. Charles Tenney, the architect of Peiyang University, crafted a plan to recruit expert foreign professors to teach all scientific courses, with assistance from Chinese professors and teachers of foreign education. On September 13, 1895, a Chinese newspaper reported that three classes of different levels of the Preparatory Department and the first year in the Collegiate Department would be filled in fall of 1895 by entrance examination held by President Tenney in Tientsin, Shanghai and Hong Kong. The preparatory school aimed to enroll ninety students, thirty for each grade with the first year of college being capped at

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<sup>15</sup> *Id.* at 724.

<sup>16</sup> *Readings for the Week*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Nov. 29, 1895, at 887.

thirty as well. The entrance examination for the first year of college was comprised of English, arithmetic, algebra, and plain geometry.<sup>17</sup>

In October 1895, Tenney wrote to President William Gay Ballantine of Oberlin College to inform him of his exciting educational project in China and his search for inaugural teaching faculty. He informed President Ballantine that his intention was to primarily have Chinese staff with an English education on the Faculty, with the University appointing five foreign professors to teach physics and chemistry; civil engineering and graphics; mechanical engineering; geology and mining; and law. Oliver Clifford, who was an Oberlin graduate and had also undertaken graduate studies at Cornell, was appointed to the professorship of Physics and Chemistry. He would journey to China from San Francisco on November 30. In the meantime, Tenney had arranged to send \$1500 to Clifford instructing him to purchase the teaching apparatus to carry with him to Tianjin. The four remaining professors would be appointed at a later date. In Tenney's letter to President Ballantine, he wrote: "Altho[sic] the Chinese are so proverbially slow, yet there is an element of impatience about them also. When they have decided, they want something done at once. So I have undertaken at once, and also the first year class of the College, to number thirty. I shall select the students by holding examination at Tientsin, Shanghai and Hong Kong." Adding that he had an ambition to send the best and brightest future graduates abroad for further education: "A part of our plan is to send the graduates of highest rank to foreign countries for post-graduate study. We also contemplate establishing many preparatory schools in different parts of the country."<sup>18</sup>

Clifford was born on February 4, 1870 in Wadsworth, Ohio. He received his undergraduate education at Oberlin College, where Tenney received his theological training. Clifford received his Bachelor of Arts degree in 1893 and subsequently studied electrical engineering at Cornell University for one year.<sup>19</sup> He served as Professor of Physics and Chemistry in Tianjin from November 1895 to 1898, and then Professor of Physics and Mathematics from 1898 to July 1900.<sup>20</sup> Edwin Griggs Adams, the second professor recruited by Tenney, arrived in Tientsin in 1897. Adams was born in Lansingburgh, New York, on August 23, 1879. He received preparatory education at Troy Academy in New York and graduated with a civil engineering degree from Rensselaer Polytechnic Institute

<sup>17</sup> *Tientsin: The University*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Sep. 27, 1895, at 528.

<sup>18</sup> W.G. Ballantine, *China: Waking Up In China*, THE INDEPENDENT, Nov. 14, 1895, at 16.

<sup>19</sup> THE CORNELL UNIVERSITY REGISTER 209 (1893).

<sup>20</sup> CATALOGUE OF THE UNIVERSITY OF PENNSYLVANIA 1901-1902 433 (1902).

in 1891. He was firstly engaged by Bridge Engineering with Pennsylvania Steel Co., and Union Bridge Co., in Pennsylvania from 1891-1897. He then travelled to China and worked as Professor of Civil Engineering at Peiyang University until 1900.<sup>21</sup>

Tenney faced a redoubtable task of finding students with adequate preparation for entrance to the Collegiate Department. His best hope was to enroll from a very small pool of students who had undergone a number of years of schooling at mission schools in Tianjin, Shanghai or secondary schools in Hong Kong. Tenney commenced his recruitment drive in the name of Zhong Xi Shu Yuan or Anglo-Chinese College in Chinese and Tientsin University in English. On September 18, 1895, his recruitment notice appeared in *Shenbao*, a popular and well-known Chinese broadsheet. It described the purpose of the new institution, the curriculum design, and future opportunities for selected graduates to receive further education abroad at government expense, and good government career prospect for excellent graduates. Tenney concluded by inviting interested candidates to present themselves for the admission examination at the Anglo Chinese College in Shanghai on September 29. A letter written to his father in America dated September 20, 1895 gives us a glimpse into Tenney's enrollment activities:

You see from the date of this letter that I am on the seas. I left Tientsin this morning for Shanghai and Hong Kong on the university business. I am to stop for a few days in Shanghai to examine some students, and then go to Hong Kong for the same purpose. I shall enjoy the change exceedingly. For I have been cooped up in Tientsin now for many years. My new position is likely to make me quite a traveller, for I shall frequently have to make trips to different parts of the empire as new schools are established.<sup>22</sup>

In Shanghai, he held examinations on September 29; over ninety students signed up for the entrance exam. Tenney accepted roughly fifty students for various grades of classes. After his selection in Shanghai, he departed for Hong Kong probably on October 3.<sup>23</sup> Several sources indicate that in Hong Kong, Tenney recruited Wang Chung Hui, Wang Chung Yu, Lee Ying Nan, Chang Yu Chuan, Wang Chien Tsu, and Hu Tung Chao for the inaugural class of the Collegiate Department. All were students at Queen's College, Hong Kong, the first public secondary school founded in Hong Kong by

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<sup>21</sup> DELTA PHI, DELTA PHI CATALOGUE 1827-1907 401 (1907).

<sup>22</sup> *Education in China*, THE S.D. UNION, Sep. 7, 1896, at 2.

<sup>23</sup> *Readings For The Week*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Oct 4, 1895, at 551.



the British colonial government. They had studied there for various lengths of time.<sup>24</sup> Tenney also accepted Lu Yao Ting, Chien Shu Fen, Hsueh Sung Ying to the collegiate department, although no information exists about what schools these students attended beforehand except Chien who attended Lingnan College in Guangzhou. If they were not recruited from Hong Kong, in all likelihood they would have been recruited in Tianjin or Shanghai. Wang Chung Hui and Chang Yu Chuan, the first two Chinese students who gained advanced law degrees abroad, were among the Hong Kong recruits. The new recruits left on a steamer with Tenney on October 14, 1895 for Tianjin. Tenney would collect students who were admitted on his last recruitment exercise in Shanghai en route to Tianjin to formally launch his ground-breaking institution. Communication was susceptible to substantial delay in those days, so he put out a notice in *Shenbao* for three consecutive days starting October 15, 1895. It announced his date of departure from Hong Kong to Shanghai, and requested students admitted in Shanghai to bring their luggage with them and convene at Bao Yuan Xiang (a firm under control of Sheng Xuanhuai) on October 20 for onward voyage to Tianjin at the university's expense.

Wang Chung Yu provided a snapshot of the first recruitment exercises:

Sixteen years before the first year of Chinese Republic (1895), Peiyang University conducted a selection examination in Hong Kong; the examination venue was at Tung Wah Hospital. There were about a thousand students who took part in the examination; Chung Yu brought younger brother Chung Hui to compete in the selection examination. Chung Yu undeservedly (in the sense of typical Chinese modesty) came top of the list and Chung Hui came the second. We took the top two spots by chance; it became the talk of the town.<sup>25</sup>

### III. LAUNCHING THE FIRST MODERN LAW PROGRAM IN OXFORD STYLE

The admitted students arrived in Tianjin at the end of October and it seems that some work had started at the beginning of November 1895, as Professor Clifford, the first foreign professor engaged to teach the class, indicated that his appointment was scheduled to start in November.<sup>26</sup> When the students arrived, the building and equipment had already been in order. However, reportedly because

<sup>24</sup> See TSING HUA COLLEGE, WHO'S WHO OF AMERICAN RETURNED STUDENTS (1917).

<sup>25</sup> Tianjin Daxue Xiaoshi Bianjishi, *supra* note 1, at 29.

<sup>26</sup> According to the Calendar of the Imperial Tientsin University for the year 1897 received by one editor of the Nature Magazine, he noted that "The University was established towards the end of 1895." NATURE, November 17, 1898, at 70.

of the conservative force opposite to Western ideas and education, the university was not formally launched till January 1896. The conservative forces opposite to modern education were a recurring theme in the late Qing dynasty. If the progressive elements had not prevailed, it would have not been possible for the launch of the first modern university in China and subsequent sending of Chinese government scholars abroad. At its commencement, Professors Tenney and Clifford were the only two foreign teachers, assisted by some Chinese scholars who had been educated in the West.<sup>27</sup> By January 1896, students were already preoccupied with their course of study, as reported by one newsman who saw the students at drill and at play, “the latter [was] a unique sight in a Chinese school.”<sup>28</sup> It is also noted in the same news that Tenney had introduced American sports into the school curriculum: “Mr. Tenney is fitting up a gymnasium and has imported footballs; he gives every sign that the *corpus sanum* is not be neglected in the struggle for the *mens sana*.”<sup>29</sup> As a logical outgrowth, in May 1899, the University held its first athletic meeting. According to the program, it issued in April about the athletic meeting, “a comprehensive program on the usual lines-perhaps with an overdue proportion of the comic element (egg-and spoon, sack, arithmetical races) but this is pardonable.” In a bid to ratchet up competition, the University also extended an invitation to the Naval College to join them in the sports competition.<sup>30</sup>

An article dated December 30 and published on January 17, 1896, concerning the Young Men’s Christian Association movement in Tianjin, describes Tientsin University in its first few months of operation under the Presidency of Tenney as follows:

Mr. Tenney himself went south to select the pupils for this college, all of whom are English-speaking, and a large proportion are from mission schools, probably all are from schools of high moral tone, such as the public schools of Hong Kong. This at once added about 100 to the number of English-speaking Chinese students to those already here in the other schools.<sup>31</sup>

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<sup>27</sup> *Educational Work of Two Oberlin Men in China*, THE ENTERPRISE, Mar. 24, 1897, at 4.

<sup>28</sup> *Tientsin University*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Jan. 10, 1896, at 45.

<sup>29</sup> *Id.*

<sup>30</sup> *Chinese Athletes*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, May 1, 1899, at 766.

<sup>31</sup> *Tientsin: The Y.M.C.A.*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Jan. 17, 1896, at 84.

The University celebrated the closing of its first year's operations with diverse exercises on January 27, 1896.<sup>32</sup> This event was also reported by *The Peking and Tientsin Times* of January 30, and was attended by the Director General of the university as well as the representative of the Viceroy. Students had already been examined on their first year and the results of their examination were publicly announced. Visiting Chinese officials checked the examination papers and those who came off best were awarded prizes. Tenney organized a military drill to demonstrate the good discipline and physical training of his students. The university attached great importance to the physical education of its students. Visitors were brought to the gymnasium, which was a novelty in Chinese education. They were able to watch the students competing for the athletic prize. It was unusual to combine physical education with scholarly training in China. Consequently, Chinese officials were somewhat astonished at the sight of such a display. There was a widespread belief that, "According to the conservative idea of this land, such physical exercises are ill-befitting the dignity of the student." Athletic training became part of the Peiyang curriculum at the initiative of Professor Clifford. He did this to rectify misconceptions about the value of athletic training.<sup>33</sup> In the second year of the school's operation, Tenney expanded the student pool to attract students from the Central Provinces during the recruitment, in order "to balance the decided Southern bias of the senior classes and first admissions". By June 1896, less than a year after its foundation, there were 150 young students in residence.<sup>34</sup>

The only surviving documentary evidence concerning the operation of China's first Bachelor of Laws program is Wang Chung Hui's graduation diploma. Wang matriculated as a member of the inaugural class of the Collegiate Department and satisfactorily completed his undergraduate degree at the end of 1899. In February 1900, he became the first Chinese to be awarded a modern university law degree in China. His precise course of study was detailed on his diploma, so accordingly we know all the courses he completed, although his actual grades were not disclosed. Wang undertook the following courses as part of his LL.B degree.

#### *A. Non-Law Courses*

English	Geometry	Trigonometry	Chemistry
Physiology	Astronomy	Political Economy	Physics

<sup>32</sup> NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Feb. 19, 1897, at 278.

<sup>33</sup> *Educational Work of Two Oberlin Men in China*, THE ENTERPRISE, Mar. 24, 1897, at 4.

<sup>34</sup> *Tientsin: Educational Change*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Jun. 12, 1896, at 929.

### B. Law Courses

Regulations of Trade Charter	International Law
General Jurisprudence	Commercial Law
Roman Law	Pleadings in Civil Actions
English Contract Law	English Constitutional Law
English Criminal Law	Law of Real Property
Shipping Law	Procedure of the Court

At first glance, it is intriguing to observe that a University organized in line with the American model<sup>35</sup> had in fact developed its law curriculum based on the English jurisprudence. This course of study considerably differed from a typical law degree curriculum at American law schools in the late 19th century. This departure can be partially explained by the identity and educational background of the first Professor of Law, James Bromley Eames.

The *North China Herald* provided the first reference of the appointment of the inaugural Professor of Law at the University. In June 1898, it reported that President Tenney had engaged a young English Barrister, Mr. James Bromley Eames, a graduate of Oxford University with a Bachelor degree of Civil Law and a Master of Arts, as the Professor of Law at Tientsin University.<sup>36</sup> Now, it became clear that Wang Chung Hui received his entire legal education from an English don, and that his initial legal education in China only lasted one and half years, spread over three standard terms. Initially, Wang studied non-law courses for two and a half years, as the other undergraduate students did, before specializing in law. A small number of students from the 30-student inaugural class selected law as their concentration; other evidence suggests that Hsueh Sung Ying and Chang Yu Chuan also studied law. Eames taught all the law courses in the first couple of years of the law school's operation by himself. Wang Chung Hui and his peers received instruction in non-law subjects from Tenney and Clifford. It is also likely that, when Adams joined in 1897, he might have taught Wang for the non-law subjects listed above.

In order to help explain the connection between Peiyang's first law curriculum and legal education at Oxford, this section will discuss the courses of study that Eames pursued at Oxford in detail. Eames studied the Final Honour School of Jurisprudence, which was an undergraduate degree in law and a graduate law degree (Bachelor of Civil Law) at Oxford. He was required to study the following courses for the respective programs:

<sup>35</sup> *Progress of the Kingdom: The World Around, a New Chinese University*, CONGREGATIONALIST, Dec. 19, 1895, at 989.

<sup>36</sup> *North China Herald & Supreme Court & Consular Gazette*, Jun. 13, 1898, at 1010.

*A. The Final Honour School of Jurisprudence Curriculum*<sup>37</sup>

General Jurisprudence	The Law of Real Property
Roman Law	The Law of the Constitution
Contract Law	History of English Law
The Law of Succession, Testamentary and Intestate	International Law

*B. Bachelor of Civil Law Curriculum*<sup>38</sup>

Jurisprudence	Torts
Roman Law	Criminal Law
Real and Personal Property	The Procedure of the High Court
Contracts	Equity
International Law(Private) or	The Law of Neutrality

James Bromley Eames was born in Bath on December 8, 1872. After completing his preparatory studies at Bath Grammar School at the age of 19, he was admitted by Worcester College, Oxford and matriculated in October 1891 on an exhibition (scholarship). At that time, despite some recent changes, the Faculty of Law still held its traditional status as a superior faculty at Oxford, because the examinations and degrees in law were open only to those who had previously taken a degree in Arts. Those who successfully completed the legal studies would receive a Bachelor degree of Civil Law (graduate degree) and a Doctor of Civil Law. Additionally, law had also recently been treated as part of general education at Oxford. After the constitution of the Final Honour School of Jurisprudence in 1877<sup>39</sup> and the offering of law subjects in the Pass School, law had become one of the subjects of study and examination was open to candidates for a first undergraduate degree.<sup>40</sup> Among the students who met the requirements and could afford the time and payments, there were numerous instances of students postponing their studies in law until they achieved Honours at another Final School. Those students took the Honour School of Jurisprudence as a second Honour School or as a preparation for the Examination for the Bachelor Degree of Civil Law.<sup>41</sup> Eames followed this well-trodden

<sup>37</sup> THE EXAMINATION STATUTES REVISED TO JUNE 18, *in* TOGETHER WITH THE REGULATIONS OF THE BOARDS OF STUDIES AND BOARD OF FACULTIES FOR THE ACADEMICAL YEAR 1895-1896 80-82 (1895).

<sup>38</sup> *Id.* at 198. As to BCL degree, every candidate was also required to take up one special subject in Roman Law and one special subject in English Law, to be selected by himself out of a list of subjects prescribed by the Board of the Faculty of Law.

<sup>39</sup> A. W. BRAIN SIMPSON, REFLECTIONS ON THE CONCEPT OF LAW 19 (2011).

<sup>40</sup> UNIVERSITY OF OXFORD, THE STUDENT'S HANDBOOK TO THE UNIVERSITY AND COLLEGES OF OXFORD 192-93 (1906).

<sup>41</sup> *Id.* at 194.

path and set out to study mathematics during his initial years. He completed the First Public Examination and Final Examination in the Honour School of Mathematics with first class honours in June 1893 and June 1895 respectively. By that time, he had already been in his fourth year of study as an undergraduate. After that he spent only one year to study law prior to his Final Examination in Jurisprudence. The University regulations prescribed a time limit for taking the final examination in the second Honour school as follows: "or if he obtains Honours in his first Final School at the end of his fourth year, one year."<sup>42</sup> Eames took the Final Examination in Jurisprudence in June 1896 and gained third class Honours. Both the Honour School of Jurisprudence and the BCL examination were sometimes taken after only a single year's study of law, but it was more common for students to take two years to complete them.<sup>43</sup> Eames also spent another year reading for the BCL degree.

For his legal studies, Eames attended lectures organized by the Faculty of Law as well as small group tutorials at his own college. At the Faculty, he was taught by some of the most eminent English jurists: Regius Professor of Civil Law Henry Goudy; Vinerian Professor of English Law Albert Venn Dicey; Reader of English Law Thomas Aleigh; Chichele Professor of International Law and Diplomacy Thomas Erskine; and Corpus Professor of Jurisprudence Sir Frederick Pollock.<sup>44</sup> At Worcester College, he received tutorials from Law Fellow Henry Allison Pottinger. Eames applied for his Bachelor Degree of Arts in 1895, and his Master of Arts as well as Bachelor Degree of Civil Law in 1898; these were awarded to him on August 6, 1895, and April 28, 1898, respectively.

In the meantime, Eames focused on qualifying as a Barrister-at-Law. He applied and gained admission to the Middle Temple on November 23, 1894, as a student member<sup>45</sup> while he was still a mathematics student at Oxford University. Eames had a strong academic interest in law and took his legal studies very seriously, as evidenced by his attempt to take the most difficult option available in the bar examination. After nine terms at Middle Temple, he attempted to take the honours examination in the Trinity Term in 1897. The honours examination was intended for the most intellectually curious and capable students who wanted to compete for the prestigious studentship at examinations organized by the Council of Legal Education. A candidate had to pass four examinations to achieve an honour certificate. Eames did not make it

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<sup>42</sup> *Id.* at 151.

<sup>43</sup> *Id.* at 194.

<sup>44</sup> UNIVERSITY OF OXFORD, OXFORD UNIVERSITY CALENDAR 27 (1895).

<sup>45</sup> MIDDLE TEMPLE AND H. A. C. STURGESS, REGISTER OF ADMISSIONS TO THE HONOURABLE SOCIETY OF THE MIDDLE TEMPLE, FROM THE FIFTEEN CENTURY TO THE YEAR 1944 703 (1949).

the first time, scoring insufficient marks.<sup>46</sup> His individual subject and combined marks were sufficient for him to obtain a Pass Certificate in lieu.<sup>47</sup> This Certificate already entitled him to be called to the Bar as a Barrister upon fulfilling other simple formalities. However, he was not satisfied with his performance and therefore set his mind on trying it again the following year. In the Hilary Term, 1898, he offered himself to the honours examination again.

On this occasion, he rendered a very impressive performance and achieved much better marks.<sup>48</sup> Eames was called to the Bar on May 4, 1898.<sup>49</sup> His appointment as law professor at Peiyang University was finalized well before his graduation from Oxford BCL degree and preceded his call to the Bar. At the time of his call to the Bar in May 1898, *The Times* announcement already printed his appointment as Professor of Law at Imperial University, Tientsin. Now, armed with sterling legal qualifications, he set off for China on the steamer *Verona* in late May from London and arrived in Tianjin on June 20, 1898, to take up his appointment as the first Professor of Law at Peiyang University.<sup>50</sup>

After meeting with President Tenney and discussing the teaching logistics, Eames began designing the first law curriculum for the university. It is conceivable that he desired to model it upon his own legal education in England. He therefore replicated the type of legal education offered at Oxford and Council of Legal Education in England. Consequently, various branches of English law were taught to the inaugural class at Peiyang University and the curriculum bore a striking resemblance to the one conducted at Oxford. Eames brought the law materials he acquired from his own legal studies in England and used them as the teaching materials for a small group of path-breaking law students in China. On the basis of this evidence, it would appear that formal law teaching at Peiyang University only got off the ground in July of 1898, and the first small cohort of law students only received formal legal instruction for one and half years as part of the initial LL.B degree program in China.

Eames worked with a few American professors to give instructions to Chinese students and he was the only non-American faculty member. Other faculty members taught non-law subjects to students. According to the Peiyang University Calendar for the year 1897, received by a foreign journal editor, the editor noted that there were four Americans at the Faculty: Charles Daniel Tenney and three others, whose fields were largely science and engineering.

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<sup>46</sup> Council of Legal Education, *Examinations Performance Record (1897-1903) No.5* (unpublished manuscript) (on file with author).

<sup>47</sup> Council of Legal Education, *THE TIMES*, Jun 16, 1897, at 10.

<sup>48</sup> *Id.*

<sup>49</sup> *Calls To The Bar*, *THE TIMES*, May 05, 1898, at 7.

<sup>50</sup> *Arrived*, *NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE*, Jun. 20, 1898, at 1090.

The rationale for the design of Peiyang University's law curriculum was also connected with Eames' legal practice in Tianjin. His legal practice, conducted on the sidelines of his teaching appointment, eventually influenced his brilliant student Wang Chung Hui to follow his footsteps and seek barrister training at his Professor's Inn after completing his advanced legal education in America. After settling in Tianjin, Eames set up a flourishing legal practice, appearing before the British Consular Court. His first client was China Merchant's Steam Navigation Co., a renowned Chinese government owned business entity, which was under control of Sheng Xuanhuai, the promoter and patron of Peiyang University. The company retained Eames to act as counsel in a case against Taku Tug and Lighter Co., Limited, an English company carrying on the business of lighter men at Tianjin. On September 27, 1898, Eames appeared before William Richard Carles, HBM's Consul, and John H. Osborne, Assessor, neither of whom had any formal legal training. This was a case of great importance to the shipping community. His opposing counsel was Francis Ellis of Messrs Browett and Ellis of Shanghai. The lawsuit was initiated to recover damages done to tribute rice, received by the defendant's lighters from the plaintiff's ships at Taku to be conveyed up the Peiho to Tianjin.<sup>51</sup>

The case transcripts reveal Eames' thorough legal training and a firm grasp of legal knowledge obtained through his Oxford education and training at the Bar. It would be likely that he had made use of his litigation experience in order to train his budding law students at the University. Eames taught two procedural courses at the University; his fond affection for niceties of procedure was evident in his court appearance. We can learn how he taught his procedural courses by looking at the way he applied these rules during litigation. When the opposing counsel tried to introduce local custom as a defense in the Taku Tug and Lighter Co case, Eames immediately interposed and objected to any such evidence being admitted on procedural grounds: "if custom were to be pleaded it should have been specially set out in the written answer, and such a defense could not be introduced now."<sup>52</sup> When his learned friend attempted to contradict him on this procedural point, Eames read from Odgers on Pleading (2nd Ed. p.72) as authority for his assertion: "Where either party relies on any custom of the country or of the trade as enlarging or restricting the rights given him by the ordinary law of the land or a written contract, such custom must be specially pleaded with all necessary detail." On this firm ground, he asked that all evidence admitted as to the custom of the port to show that the ship and lighter were one, shall be

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<sup>51</sup> *H.B.M.'s Consular Court for Tientsin*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Oct. 16, 1899, at 782.

<sup>52</sup> *Id.* at 783.



excluded.<sup>53</sup> Eames also showed his skillful mastery of litigation tactics through cross-examination. It is conceivable that he would have integrated these legal tactics into his instruction.

This precedent-setting case had implications for several legal issues relating to the shipping law, especially with regard to the law of common carriers. Eames believed that shipping law would be of tremendous practical relevance to the study of law at a Chinese university, and as a result he offered a shipping law course to his students at the university. Eames's impressive English legal qualifications and prominence in the foreign community naturally attracted the media's attention.

#### IV. CHINA'S FIRST CLASS OF MODERN LAW SCHOOL GRADUATES

The first class of the Collegiate Department graduated with Bachelor degrees in four respective concentrations at the end of 1899 (at the end of 25th year of the reign of Guangxu). The diploma was conferred by the Chinese government in February 1900. We know that Wang Chung Hui and Hsueh Sung Ying successfully completed their LL.B Degree program and presented this credential to the University of California for admission.<sup>54</sup> This institution began with the presumption that the Chinese Government would sponsor a select group of graduates to receive additional years of further education abroad. Immediately after the diploma conferral, the University planned to follow through on the original plan. On February 21, 1900, it was reported that Tenney would handpick eight students who were the first products of the educational enterprise, and take this small contingent to obtain admission to the United States' universities.<sup>55</sup> However, this ambitious scheme was shelved due to the dramatic escalation of the boxer uprising, a violent anti-foreign and anti-Christian movement in China. The disturbance only ended when an eight-nation military alliance sent in a formidable force to lift the siege of Beijing and thrashed the Chinese military. The campus of Peiyang University was reduced to ashes during this turbulence, and many students were thus scattered all over. This incident concluded with China's signing of a humiliating punitive Boxer Protocol on September 7, 1901.

When the national turmoil subsided and the university gradually came back to operation, the scheme of sending Peiyang graduates abroad for advanced education was immediately reinstated on the agenda. Students sent under this scheme made historic achievements

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<sup>53</sup> *Id.* at 783-84.

<sup>54</sup> Wang Chun Hui & Hsueh Sung Ying, *Wang Chung Hui and Hsueh Sung Ying's Academic Records at the University of California at Berkeley* (unpublished manuscript) (on file with author).

<sup>55</sup> *Tientsin, An Educational Mission*, NORTH CHINA HERALD & SUPREME COURT & CONSULAR GAZETTE, Feb. 21, 1900, at 306.

at Yale Law School, it will need another full-length article to tell their extraordinary accomplishments.