

## When Intelligence Made a Difference

— 19TH CENTURY —

### The British Tea Heist Industrial Intelligence, Circa 1847

by Joel Wickwire

The world of intellectual property law today is rife with lawsuits. Apple alone seems to have been in a whirlwind of cases involving intellectual property, both foreign and domestic, since its inception. In fact, the movie “Pirates of Silicon Valley” tells the story of how Bill Gates infiltrated Apple Computers, learned of their innovative operating system, and then rebranded it as Windows under Microsoft. An equally audacious effort to infiltrate an industry is documented by Robert Fortune in his 1847 book called *Three Years’ Wanderings in The Northern Provinces of China*. However, unlike Apple Computers, Fortune was literally attacked by pirates.



China Sea Port With “Junk Ships”

Fortune’s first book, and his follow-up text, *A Journey to the Tea Countries of China*, tells his story of traveling deep to the inner parts of China for the purpose of learning about methods of tea cultivation and obtaining specimens to be returned to Great Britain and her colonies. To avoid detection, Fortune often disguised himself in traditional Chinese dress<sup>1</sup> and rode in a “sedan-chair” carried by “chair-bearers” over great distances.<sup>2</sup> This all sounds a very elaborate, but

as Sarah Rose notes in her book, *For All the Tea in China: Espionage, Empire and the Secret Formula for the World’s Favorite Drink*, Fortune was no ordinary character. Rose describes him as a “Scottish gardener, botanist, plant hunter – and industrial spy.”<sup>3</sup>

In any case, this Victorian gentleman was unquestionably a man of botany. He was born in Kelloe, Berwickshire, Scotland and started his work in botany at



Traditional Dress

the Edinburgh Botanical Garden before moving to the Royal Horticultural Society’s garden in Chiswick.<sup>4</sup> This was an exciting time for botany in Great Britain, in the years preceding Fortune’s travels, David Douglas, a fellow member of the Royal Botanist Society, made three trips to the New World, where he left

his namesake upon an evergreen tree of the Pacific Northwest, the Douglas Fir. However, it was Fortune who may be singlehandedly responsible for the commercial success of tea in the western world and for jumpstarting the Assam industry in India via its British colonists.

Fortune employed quite unconventional methods, not only for diverting suspicions associated with being a foreigner in China, but also in collecting seeds and leaves of plants to be sent abroad. In this adventure, his “chairmen” were his allies, a source of frustration, but also a vulnerability. Fortune recalls a chairman that refused to continue on for the duration of the trip. This led to a brawl between the chairmen in a crowded square. Fortune recounts the event in the following passage: “The situation in which I was now placed was rather critical, and far from an enviable one. Had it been known that a foreigner was in the very heart of the city of Hang-chow-foo, a mob would have soon collected, and the consequences might have been serious.”<sup>5</sup>

Fortune was not one to avoid danger in his efforts to obtain what he thought would be a prize specimen. At one point, he spied an exceptional specimen of a funeral cypress off in the distance. As his party neared, they noticed it was located within a garden

1. Robert Fortune, *A Journal to the Tea Countries of China Including Sung-Lo and the Bohea Hills with a Short Notice of the East India Company’s Tea Plantations in the Himalaya Mountains*, (London: John Murray, 1852), p. 22. <https://archive.org/details/ajourneytoteaco00unkn-goog/page/n14/mode/2up>.

2. Fortune, p. 38-39.

3. Rose, Sarah, *For All the Tea in China: Espionage, Empire and Secret Formula for the World’s Favorite Drink*. About the Book. <https://www.goodreads.com/book/show/3081255-for-all-the-tea-in-china>.

4. <https://www.britannica.com/biography/Robert-Fortune>.

5. Fortune, p. 38

protected by high walls. The only way to reach the tree was to enter through a “a little cottage” which he noted rather confidently, that he and his companion did “with all the coolness of Chinamen.”<sup>6</sup> It was not always just collecting the specimens and observing methods of cultivation that were the challenge though. He also has to transport these exotic goods.

In the early-to-mid 1800s, one reason valuable plants like tea were not more widespread around



the world was because they were rather fragile due to their short lives and thus dif-

ficult to transport. The method employed by Fortune to address this problem was to use Ward’s cases (or Wardian containers). A Ward’s case is type of enclosed terrarium that can protect plant life. It is said that Dr. Nathaniel Bagshaw Ward invented the first in 1829 to protect his specimens from pollution, as he described in his text *On the Growth of Plants in Closely Glazed Cases*.<sup>7</sup> However, Fortune needed them to protect his seeds for safe travel aboard ships.

In 1849 he experimented with these cases to find the best environment for his short-lived tea seeds to be transported. The cases themselves were made of iron bars and were always transported on the highest spot on the poop deck.<sup>8</sup> The method used to create the ideal conditions within the Ward’s cases went as follows: “Having procured some mulberry-plants from the district where the best Chinese silk is produced, I planted them in a Ward’s case in the usual way, and watered them well. In two or three days, when the soil was sufficiently dry, a large quantity of tea-seeds were scattered over its surface, and covered with earth about half an inch deep. The whole was now sprinkled with water and fastened down with a few crossbars to keep the earth in place. The case was then screwed down in the usual way and made tight as possible.”<sup>9</sup> These cases were then sent to British Colonies through Calcutta, India, which some consider to be the start of the now prominent Assam tea industry.<sup>10</sup>

As mentioned at the fore of this article, Fortune was literally attacked by pirates. After finishing “botanical research” in Foo-chow-foo Fortune had to catch a ride on a Chinese junk,<sup>11</sup> a type of ship with a large sail still in use in the ports of China.<sup>12</sup> The crew had warned him of the threat of pirates but he was skeptical, however, after being explained that the pirates only take hostage of those who have money or someone who might pay a ransom, he spotted them between 200 and 300 yards away, “putting her helm down.”<sup>13</sup> At 20-30 yards and after having been fired upon, Fortune coordinated the crew to lie down at the timing of the next shots. The crew followed his command and after saving the lives of the entirety of his crew he stood and faced the pirates’ ship and “raked their decks fore and aft, with shot and ball from my double-barreled gun...Had a thunder-bolt fallen among them, they could not have been more surprised. Doubtless, many were wounded, and probably some killed.”<sup>14</sup>

Today, there is sale of tea from the Great Britain to China, perhaps reflecting the long road the tea industry has taken since these early days.<sup>15</sup> With increased consumption of coffee worldwide, the number of cups of tea consumed per person in England is down and the industry’s consumption is shifting back to its producing regions. Even with this seemingly polar reversal estimates are that the industry stands to grow by \$12.6 billion between 2018 and 2023.<sup>16</sup> However, unlike in the distant past, new methods of tracking and retaining the origin-identity of a product like the Geographical Indication (GI) Indicator will probably limit new significant aspects of the industry from being misappropriated in the way that Fortune so effectively did in the mid-1800s.<sup>17</sup>

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6. Fortune, p. 80.

7. [https://en.wikipedia.org/wiki/Wardian\\_case](https://en.wikipedia.org/wiki/Wardian_case).

8. Fortune, *Three Years’ Wanderings in The Northern Provinces of China*, place 3580. See: <https://archive.org/details/threeyearswanderooftoft/page/n8/mode/2up>. The poop deck was the elevated rear deck on a sailing ship.

9. Fortune p. 356

10. 1852 links Darjeeling (India as British territory) to Fortune’s second book – <https://www.wipo.int/ipadvantage/en/details.jsp?id=2540>. Also see – <https://encyclopedia.thefreedictionary.com/Wardian+case>.

11. *Three Years*, place 4112.

12. <https://exploration.marinersmuseum.org/watercraft/junk-ship/>.

13. *Three Years*, place 4112.

14. *Three Years*, place 4205.

15. <https://worldteanews.com/tea-industry-news-and-features/british-tea-sales-booming-in-china>.

16. <https://worldteanews.com/market-trends-data-and-insights/market-research-reflects-and-predicts-growth>.

17. GI Indicator of product from origin - <https://www.mondaq.com/india/Intellectual-Property/785150/Case-Study-Tea-Board-Of-India-vs-ITC-Ltd>.