

*Additional Articles to the Treaty between the United States and China, of
June 18, 1858.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 28, 1868.

A PROCLAMATION.

WHEREAS certain additional articles to the treaty now in force between the United States of America and the Ta-Tsing Empire, signed at Tientsin the 18th day of June, 1858, were concluded and signed by their plenipotentiaries at Washington, on the 28th day of July, 1868, which additional articles are, word for word, as follows: Preamble.

*Additional Articles to the Treaty between the United States of America and
the Ta-Tsing Empire of the 18th of June, 1858.*

WHEREAS, since the conclusion of the treaty between the United States of America and the Ta-Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the august sovereign of the Ta-Tsing Empire, have named for their plenipotentiaries, to wit: the President of the United States of America, William H. Seward, Secretary of State, and his Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated high envoys and ministers of his said Majesty, and the said plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles: Contracting parties.
Vol. xii. p. 1023.

ARTICLE I. His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property. It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty. No grant of the privilege of residence in China, &c., to give the right to attack citizens of the United States, within, &c.

The United States agree to abstain from certain attacks;

may resist attacks.

Grant of lands for purposes of trade, not to deprive China of jurisdiction over such places.

ARTICLE II. The United States of America and his Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may Privileges and immunities of trade and navigation.

not have been stipulated for by treaty, shall be subject to the discretion of the Chinese government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

Chinese consuls at ports of the United States.

ARTICLE III. The Emperor of China shall have the right to appoint consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the consuls of Great Britain and Russia, or either of them.

Liberty of conscience. Vol. xii. p. 1029.

ARTICLE IV. The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China, of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

Cemeteries.

Expatriation and emigration.

ARTICLE V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent respectively.

Removal of citizens from their country against their will made a penal offence.

Privileges of most favored nation;

ARTICLE VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

not to confer naturalization.

Schools, &c.

ARTICLE VII. Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the government of China, and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

The right to intervene in internal improvements in China disavowed.

ARTICLE VIII. The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand, his Majesty, the Emperor of China, reserves to himself the right

to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter his imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the empire, and shall make application to the United States or any other western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese government, and will recommend to other nations an equal compliance with such application, the Chinese government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

Engineers for
works of internal
improvement.

In faith whereof, the respective plenipotentiaries have signed this treaty and thereto affixed the seals of their arms. Execution.

Done at Washington the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.]

WILLIAM H. SEWARD.

[SEAL.]

ANSON BURLINGAME.

CHIH-KANG.

SUN CHIA-KU.

* And whereas the said additional articles have been duly ratified on both parts, and the respective ratifications of the same have been exchanged. Ratification.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said additional articles to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof. Proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of February, in the year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.