

PROTECTION OF COMMERCIAL RIGHTS IN CHINA

Exchange of notes at Tokyo December 20 and 26, 1899

Entered into force December 26, 1899

*Became obsolete May 20, 1943*¹

Department of State files

The American Minister to the Minister of Foreign Affairs

No. 176

TOKYO, *December 20, 1899*

SIR:

Referring to our recent conversation, in which I informed Your Excellency that I have received telegraphic information from my Government that, on the 13th ultimo, there had been mailed to me a communication for the information of Your Excellency's Government, containing the representations of the United States in respect to their commercial interests in China, as presented in notes to Russia, Germany and Great Britain, which information Your Excellency had expressed a desire to obtain, I have the honor to inform Your Excellency that I have now received the communication desired, which I am instructed to submit to Your Excellency's Government and which reads as follows:

"This (the United States) Government, animated with a sincere desire to insure to the commerce and industry of the United States and of all other nations perfect equality of treatment within the limits of the Chinese Empire for their trade and navigation, especially within the so-called 'spheres of influence or interest' claimed by certain European Powers in China, has deemed the present an opportune moment to make representations in this direction to Germany, Great Britain and Russia.

"To obtain the object it has in view and to remove possible causes of international irritation and reestablish confidence so essential to commerce, it has seemed to this Government highly desirable that the various Powers claiming 'spheres of interest or influence' in China should give formal assurances that:

"1st. They will in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory they may have in China.

¹ Date on which the United States relinquished extraterritorial rights in China pursuant to treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

“2d. The Chinese treaty tariff of the time being shall apply to all merchandize landed or shipped to all such ports as are within said ‘sphere of interest’ (unless they be free ports), no matter to what nationality it may belong, and that duties so leviabie shall be collected by the Chinese Government.

“3rd. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such ‘sphere’ than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled or operated within its ‘sphere’ on merchandize belonging to citizens or subjects of other nationalities transported through such ‘sphere’ than shall be levied on similar merchandize belonging to their own nationals transported over equal distances.

“The policy pursued by His Imperial German Majesty in declaring Tsing-tao (Kiao-Chao) a free port, and in aiding the Chinese Government in establishing there a custom-house, and the Ukase of His Imperial Russian Majesty of August 11th last in erecting a free port at Dalny (Ta-lien-wan) are thought to be proof that these Powers are not disposed to view unfavorably the proposition to recognize that they contemplate nothing which will interfere in any way with the enjoyment by the commerce of all nations of the rights and privileges guaranteed to them by existing treaties by China.

“Repeated assurances from the British Government of its fixed policy to maintain throughout China freedom of trade for the whole world, insure, it is believed, the ready assent of that Power to our proposals. It is no less confidently believed that the commercial interests of Japan would be greatly served by the above mentioned declarations which harmonize with the assurance conveyed to this Government at various times by His Imperial Japanese Majesty’s Diplomatic Representative at this capital.

“You are therefore instructed to submit to His Imperial Japanese Majesty’s Government the above considerations and to invite their early attention to them and to express the earnest hope of your Government that they will accept them and aid in securing their acceptance by the other interested Powers.”

Hoping to receive a favorable response from Your Excellency’s Government, I avail myself of the occasion to extend to Your Excellency the assurances of my highest consideration.

A. E. BUCK

His Excellency

Viscount AOKI SUZO,

His Imperial Japanese Majesty’s

Minister for Foreign Affairs.

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS

TOKIO, *the 26th day, the 12th month*

of the 32nd year of Meiji

MONSIEUR LE MINISTRE,

I have the honor to acknowledge the receipt of the note No. 176 of the 20th instant, in which pursuing the instructions of the United States Government Your Excellency was so good as to communicate to the Imperial Government the representations of the United States as presented in notes to Russia, Germany and Great Britain on the subject of commercial interests of the United States in China.

I have the happy duty of assuring Your Excellency that the Imperial Government will have no hesitation to give their assent to so just and fair a proposal of the United States provided that all the other powers concerned shall accept the same.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

VISCOUNT AOKI SIUZO
Minister for Foreign Affairs

His Excellency

A. E. BUCK,

*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.*