

COMMERCIAL RELATIONS AND JUDICIAL PROCEDURE

*Treaty signed at Peking November 17, 1880, supplementing treaties of
July 3, 1844,¹ and June 18, 1858,² as modified and supplemented
Senate advice and consent to ratification May 5, 1881*

Ratified by the President of the United States May 9, 1881

Ratified by China July 11, 1881

Ratifications exchanged at Peking July 19, 1881

Entered into force July 19, 1881

Proclaimed by the President of the United States October 5, 1881

*All provisions continued in force by treaty of October 8, 1903, "except
in so far as they are modified by the present Treaty or other treaties
to which the United States is a party"³*

Superseded November 30, 1948, by treaty of November 4, 1946⁴

22 Stat. 828; Treaty Series 50

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing treaties between the two governments, have named as their commissioners plenipotentiary, that is to say:

The President of the United States, James B. Angell of Michigan, John F. Swift of California, and William Henry Trescot of South Carolina;

His Imperial Majesty, the Emperor of China, Pao Chün, a member of His Imperial Majesty's privy council and superintendent of the board of civil office, and Li Hungtsao, a member of His Imperial Majesty's privy council, who have agreed upon and concluded the following additional articles:

ARTICLE I

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still further to promote such relations between the citizens and subjects of the two powers, mutually agree

¹ TS 45, *ante*, p. 647.

² TS 46, *ante*, p. 659.

³ TS 430, *post*, p. 704 (art. XVII).

⁴ TIAS 1871, *post*, p. 761.

to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

ARTICLE II

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

ARTICLE III

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States; or upon the produce, manufacturers or merchandise imported in the same from the United States; or from any foreign country; or upon the produce, manufactures, or merchandise exported in the same to the United States or to any foreign country; or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States; or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

ARTICLE IV

When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine, and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese, being three originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking this seventeenth day of November, in the year of our Lord, 1880, Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL		[SEAL]
JOHN F. SWIFT		[SEAL]
WM. HENRY TRESBOT		[SEAL]
PAO CHÜN	[ideographic signature]	[SEAL]
LI HUNGSAO	[ideographic signature]	[SEAL]