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THE CHEFOO CONVENTION.
OFFICIAL TEXT.

Agreement negotiated between Sir Thomas Wade, K. C. B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of China, and Li Minis, Plenipotentiary of His Majesty the Emperor of China, Senior Grand Secretary, Governor-General of the Province of Chih-li, of the 1st rank of the 3rd order of nobility.

The negotiation between the Ministers above named has its origin in a despatch received by Sir Thomas Wade in the Spring of the present year from the Earl of Derby, Principal Secretary of State for Foreign Affairs, dated 1st January 1876. This contained instructions regarding the disposal of three questions: first, a satisfactory settlement of the Yunnan affair; secondly, a faithful fulfilment of engagements of last year respecting intercourse between high officers of the two governments; thirdly, the adoption of a uniform system in satisfaction of the understanding arrived at in the month of September 1875 (8th month of the 1st year of the reign Kuan-sü) on the subject of ratification of conditions of trade. It is to this despatch that Sir Thomas Wade has referred himself in discussion of these questions with the Tsung-li Yamen, further reference to which is here omitted as superfluous. The conditions now agreed between Sir Thomas Wade and the Grand Secretary Li are as follows:—

Section I.—Settlement of the Yunnan Case.

- 1.—A Memorial is to be presented to the Throne, whether by the Tsung-li Yamen or by the Grand Secretary Li is immaterial, in the sense of the Memorandum prepared by Sir Thomas Wade. Before presentation the Chinese text of the Memorial is to be shown to Sir Thomas Wade.
- 2.—The Memorial having been presented to the Throne, and the Imperial Decree in reply received, the Tsung-li Yamen will communicate copies of the Memorial and Imperial Decree to Sir Thomas Wade together with a copy of a letter from the Tsung-li Yamen to the Provincial Governments, instructing them to issue a proclamation that shall embody at length the above Memorial and Decree. Sir Thomas Wade will thereon reply to the effect that for two years to come officers will be sent by the British Minister to different places in the provinces, to see that the proclamation is posted. On application from the British Minister, or the Consul of any port instructed by him to make application, the high officers of the Province will depute competent officers to accompany those so sent to the places which they go to observe.
- 3.—In order to the forming of such regulations as shall be needed for the conduct of the frontier trade between Burma and Yunnan, the Memorial submitting the proposed settlement of the Yunnan affair, will contain a list of places in which an Imperial Decree be issued directing the Governor-General and Governor, who are the British

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1.—In the Tsung-li Yamèn's memorial of the 28th Sept. 1875, the Prince of Kung and the other ministers stated that their object in presenting it, had not been simply the transaction of business in which Chinese and foreigners might be concerned; missions abroad, and the nature of diplomatic intercourse lay equally within their province.

To the prevention of further misunderstanding upon the subject of intercourse and correspondence, the present conditions of both having caused complaints in the capital and in the provinces, it is agreed that the Tsung-li Yamèn shall address a circular to the Legations inviting foreign representatives to consider with them a code of procedure; to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown them when serving abroad in other countries, and as would be shown to Chinese agents serving abroad. The fact that China is about to establish missions and consulates abroad, renders an understanding on these points essential.

The British Treaty of 1858, article 16, lays down that "Chinese subjects who may be guilty of any criminal act towards British subjects, shall be arrested and punished by the Chinese authorities according to the laws of China. British subjects who may commit any crime in China, shall be tried and punished by the Consul or any other public functionary authorised thereto, according to the laws of Great Britain."

Justice shall be equitably and impartially administered on both sides.

The words "functionary authorised thereto," are translated in the Chinese text "British Government."
In order to the fulfilment of its Treaty obligations, the British Government has established a Supreme Court at Shanghai with a special code of rules which it is now about to revise. The Chinese Government has established at Shanghai a Mixed Court; but the officer presiding is either from lack of power, or dread of unpopularity, constantly fails to enforce his judgments.

It is now understood that the Tsung-li Yamèn will write a circular to the Legations, inviting foreign representatives at once to consider with the Tsung-li Yamèn the measures needed for the more effective administration of justice at the ports open to trade.

It is agreed that whenever a crime is committed affecting the person or property of a British subject, whether in the interior or at the open ports, the British Minister shall be free to send officers to the spot, to be present at the investigation.

To the prevention of misunderstanding on this point, Sir Thomas Wade will write a note to the above effect, and the Tsung-li Yamèn will reply, affirming that it is the course of proceeding to be adhered to for the future.

It is further understood that so long as the laws of the two countries differ from each other, it is the principle to guide judicial proceedings in mixed cases.

Government shall send officers to Yunnan, to select a commission of rank equal to their own and to conclude arrangements.

4.—The British Government will be free for five years from the 1st of January next, being the 17th day of the 11th month of the 2nd year of the reign K'ang-su, to station officers at Tali-fu or set some other suitable place in Yunnan, to observe the conditions of the trade; to the end that they may have information upon which to base the regulations of trade when these have to be discussed for the consideration and adjustment of any matter affecting British officers and subjects, these officers will be free to address themselves to the authorities of the province. The opening of the trade may be proceeded by the British Government as it may find best, at any time within the term of five years or upon expiry of the term of five years.

Passports having been obtained last year for a mission from India into Yunnan, it is open to the Viceroy of India to send such mission at any time he may see fit.

5.—The amount of indemnity to be paid on account of the families of the officers and others killed in Yunnan on account of the expenses which the Yunnan case has occasioned, and on account of claims of British merchants arising out of the action of officers of the Chinese Government up to the commencement of the present year, Sir Thomas Wade takes upon himself to fix at two hundred thousand Taels payable on demand.

6.—When the case is closed, an Imperial letter will be written expressing regret for what has occurred in Yunnan. The Mission bearing the Imperial letter will proceed to England immediately. Sir Thomas Wade is to be informed of the constitution of this mission for the information of his Government. The text of the Imperial letter is also to be communicated to Sir Thomas Wade by the Tsung-li Yamèn.

Section II.—Official Intercourse.

Under this heading are included the conditions of intercourse between high officers in the capital and the provinces, and between Consular officers and Chinese officials.

Freight companies by a steamer, may not be landed by them for sale.

And at all such points except in the case of imports accompanied by a transit-duty certificate, or exports similarly certificated, which will be severally passed free of duty on exhibition of such certificates; *lekin* will be levied on all goods whatever by the native authorities. Foreign merchants will not be authorised to reside or open houses of business or warehouses at the places enumerated as ports of call.

At all ports open to trade, whether by earlier or later agreement, at which a settlement area has been previously defined, it will be the duty of the British Consul, in concert with his colleagues, the Consuls of other Powers, to come to an understanding with the local authorities regarding the definition of the foreign settlement area.

3.—On Opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports. British merchants, when Opium is brought into port, will be obliged to have it taken in charge of by the Customs and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it and the purchaser the *lekin*, in order to the prevention of evasion of duty. The amount of *lekin* to be collected will be decided by the different provincial Governments according to the circumstances of each.

4.—The Chinese Government agrees that transit duty certificates shall be framed under one rule at all ports, no difference being made in the conditions set forth therein; and that, so far as imports are concerned, the nationality of the person possessing and carrying these is immaterial. Native produce from an inland centre to a port of shipment, if *bona fide* intended for shipment to a foreign port, may be by treaty certificated by the British subject interested and exempted by payment of the half-duty from all charges demanded upon it. If produce be not the property of a British subject or is being carried to a port not for exportation, it is not entitled to the exemption that would be secured to it by the exhibition of a transit duty certificate.

The British Master is prepared to agree with the Chinese Government upon rules that will secure the Chinese Government against abuse of the privilege as affecting produce.

The words 'nei-ti,' inland, in the close of article 7 of the rules appended to the tariff regarding carriage of imports inland and of native produce purchased abroad, apply as much to places on the sea coasts and shores, as to places in the interior not open to trade; the Chinese Government having the right to make arrangements for the prevention of abuses thereof.

5.—Article 45 of the Treaty of 1858 prescribes limits to the term within which claims may be claimed upon duty-paid imports. The British Master agrees to a term of three years, after the expiry of which

the official of the plaintiff nationality, merely attending to watch the proceedings in the interests of justice. If the officer so attending be dissatisfied with the proceedings, it will be in his power to protest against them in detail. The law administered will be the law of the nationality of the officers trying the case. This is the meaning of the words "Hui-tai" denoting combined action in judicial proceedings, in article 16 of the Treaty of Tientsin, and this is the course to be respectively followed by the officers of either nationality.

Section III.—Trade.

1.—With the reference to the area within which according to the treaties in force, *lekin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his Government to allow the ground reclaimed by foreigners (the so-called concessions) at the different ports to be regarded as the area of exemption from *lekin*, and the Government of China will thereupon allow Ichang, in the province of Hupeh, Wuhu in Anhui, Weichow in Chekiang and Pei-hai (Pak-hoe) in Kwangtung to be added to the number of ports open to trade, and become consular stations. The British Government will further be free to send officers to reside at Chungking to watch the conditions of British trade in Szu-chuen. British merchants will not be allowed to reside at Chungking, or to open establishments or warehouses there so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration.

It is further proposed as a measure of compromise that certain points on the shore of the Great River, namely, Lu-tung and An-ching in the province of An-hui; Hsueh-kow in Kiangse; Wu-hsueh, Lu-chi kow, and Sha-shih in Hu-kwang, these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorised to land or ship goods, steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods; but in all instances by means of native boats only and subject to the regulations in force affecting native trade.

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6.—The foregoing stipulations that certain ports are to be opened to foreign trade and that landing and shipping of goods at six places on the Great River is to be sanctioned, shall be given effect to within six months after receipt of the Imperial decree approving the memorial of the Grand Secretary Li.

The date for giving effect to the stipulations affecting exemption of imports from *lekin* taxation within the foreign settlements, and the collection of *lekin* upon opium by the Customs Inspectorate at the same time as the tariff duty upon it, will be fixed as soon as the British Government has arrived at an understanding on the subject with other foreign governments.

7.—The Government of Hongkong having long complained of the interference of the Canton Customs Revenue Cruisers with the junk trade of that Colony, the Chinese Government agrees to the appointment of a Commission to consist of British Consul, an officer of the Hongkong Government and a Chinese official of equal rank, in order to the establishment of some system that shall enable the Chinese Government to protect its revenue without prejudice to the interests of the Colony.

Separate Article.

Her Majesty's Government having it in contemplation to send a Mission of exploration next year by way of Peking through Kansuh and Kokonoor, or by way of Szechuen, to Thibet and thence to India, the Tsung-yamen, having due regard to the circumstances, will, when the time arrives, issue the necessary passports, and will address letters to the high provincial authorities and to the Resident in Thibet. If the Mission should not be sent by these routes, but should be proceeding from the Indian frontier to Thibet, the Tsung-yamen, on receipt of a communication to the above effect from the British Minister, will write to the Chinese Resident in Thibet, and the Resident, with due regard to the circumstances, will send officers to take due care of the mission, and passports for the mission will be issued by the Tsung-yamen, that its passage be not obstructed.

Done at Chefoo, in the Province of Shantung, on the 13th day of September 1876.