

BRITAIN

SUPPLEMENTARY TREATY SIGNED BY THEIR EXCELLENCIES SIR HENRY  
POTTINGER AND KI YING RESPECTIVELY, ON THE PART OF THE  
SOVEREIGNS OF GREAT BRITAIN AND CHINA, AT THE BOGUE, 8TH  
OCTOBER 1843.\*

WHEREAS a Treaty of perpetual Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of China was concluded at Nanking and signed on board Her said Majesty's ship *Cornwallis* on the 29th day of August A.D. 1842, corresponding with the Chinese date of the 24th day of the 7th month of the 22nd year of TAOU KWANG; of which said Treaty of perpetual Peace and Friendship the Ratifications, under the respective Seals and Signs Manual of the Queen of Great Britain, &c., and the Emperor of China, were duly exchanged at Hong Kong on the 26th day of June A.D. 1843 corresponding with the Chinese date, the 29th day of the Fifth month, in the 23rd year of TAOU KWANG; And WHEREAS in the said Treaty it was provided (amongst other things), that the five Ports of Canton, Fuchowfoo, Amoy, Ningpo and Shanghai should be thrown open for the resort and residence of British Merchants, and that a fair and regular Tariff of Export and Import Duties and other Dues should be established at such Ports; And WHEREAS, various other matters of detail connected with, and bearing relation to, the said Treaty of perpetual Peace and Friendship have been since under the mutual discussion and consideration of the Plenipotentiary and accredited Commissioners of the High contracting Parties, and the said Tariff and other Details having been now fully examined into, adjusted and agreed upon, it has been determined to arrange and record them in the form of a Supplementary Treaty of Articles, which Articles shall be held to be as binding, and of the same efficacy as though they had been inserted in the original Treaty of perpetual Peace and Friendship.

ARTICLE I.

The Tariff of Export and Import Duties which is hereunto attached, — under the Seals and Signatures of the respective Plenipotentiary and Commissioners — shall henceforward be in force at the five Ports of Canton, Fuchowfoo, Amoy, Ningpo, and Shanghai.

ARTICLE II.

The General Regulations of Trade which are hereunto attached, — under the Seals and Signatures of the respective Plenipotentiary and Commissioners, — shall henceforward be in force at the five aforementioned Ports.

## ARTICLE III.

All penalties enforced or confiscations made under the III clause of the said General Regulations of Trade shall belong, and be appropriated, to the Public Service of the Government of China.

## ARTICLE IV.

After the five Ports of Canton, Fuchow, Amoy, Ningpo and Shanghai shall be thrown open, English Merchants shall be allowed to trade only at those Five Ports. Neither shall they repair to any other Ports or Places, nor will the Chinese people at any other Ports or Places, be permitted to trade with them. If English Merchant Vessels shall, in contravention of this Agreement, and of a Proclamation of the same purport to be issued by the British Plenipotentiary, repair to any other Ports or Places, the Chinese Government Officers shall be at liberty to seize and confiscate both Vessels and Cargoes, and should Chinese People be discovered clandestinely dealing with English Merchants at any other Ports or Places, they shall be punished by the Chinese Government in such manner as the Law may direct.

## ARTICLE V.

The IV clause of the General Regulations of Trade, on the subject of Commercial Dealings and Debts between English and Chinese Merchants is to be clearly understood to be applicable to both Parties.

## ARTICLE VI.

It is agreed, that English Merchants and others residing at or resorting to the Five Ports to be opened shall not go into the surrounding Country beyond certain short distances to be named by the local Authorities, in concert with the British Consul, and on no pretence for purposes of traffic. Seamen and persons belonging to the ships shall only be allowed to land under authority and rules which will be fixed by the Consul, in communication with the local officers and should any persons whatever infringe the stipulations of this Article and wander away into the Country, they shall be seized and handed over to the British Consul for suitable punishment.

## ARTICLE VII.

The Treaty of perpetual Peace and Friendship provides for British Subjects and their Families residing at the Cities and Towns of Canton, Fuchow, Amoy, Ningpo and Shanghai without molestation or restraint. It is accordingly determined, that ground and houses; the rent or price of which is to be fairly and equitable arranged for, according to the rates prevailing amongst the people, without exaction on either side; shall be set apart by the local Officers, in communication with the Consul, and the number of houses built or rented, will be reported annually to the said local Officers by the Consul for the information of their respective Viceroys and Governors, but the number cannot be limited, seeing that it will be greater or less, according to the resort of Merchants.

## ARTICLE VIII.

The Emperor of China having been graciously pleased to grant to all foreign Countries whose Subjects, or Citizens, have hitherto traded at Canton the privilege of resorting for purposes of Trade to the other four Ports of Fuchow, Amoy, Ningpo and Shanghai, on the same terms as the English, it is further agreed, that should the Emperor hereafter, from any cause whatever, be pleased to grant additional privileges or immunities to any of the Subjects or Citizens of such Foreign Countries, the same privileges and immunities will be extended to and enjoyed by British Subjects; but it is to be understood that demands or requests are not, on this plea, to be unnecessarily brought forward.

## ARTICLE IX.

If lawless Natives of China, having committed crimes, or Offences, against their own Government, shall flee to Hong Kong or to the English Ships of War or English Merchant Ships for refuge; they shall, if discovered by the English Officers, be handed over at once to the Chinese Officers for trial and punishment; or if, before such discovery be made by the English Officers, it should be ascertained, or suspected, by the Officers of the Government of China whither such criminals and Offenders have fled, a communication shall be made to the proper English Officer, in order that the said criminals and Offenders may be rigidly searched for, seized, and, on proof or admission, of their guilt, delivered up. In like manner, if any Soldier or Sailor or any other person, — whatever his Caste or Country, — who is a Subject of the Crown of England, shall from any cause, or on any pretence, desert, fly, or escape into the Chinese Territory, such Soldier, or Sailor, or other person, shall be apprehended and confined by the Chinese Authorities, and sent to the nearest British Consular, or other Government Officer. In neither case shall concealment or refuge be afforded.

## ARTICLE X.

At each of the five Ports to be opened to British Merchants, one English Cruiser will be stationed to enforce good order and discipline amongst the Crews of Merchant Shipping, and to support the necessary authority of the Consul over British Subjects. The Crew of such Ship of War will be carefully restrained by the Officer commanding the Vessel, and they will be subject to all the rules regarding going on shore and straying into the Country, that are already laid down for the Crews of Merchant Vessels. Whenever it may be necessary to relieve such Ships of War by another, intimation of that intention will be communicated by the Consul, or by the British Superintendent of Trade where circumstances will permit, — to the local Chinese Authorities, lest the appearance of an additional Ship should excite misgivings amongst the people; and the Chinese Cruisers are to Offer no hindrance to such relieving Ship, nor is she to be considered liable to any Port Charges or other Rules laid down in the General Regulations of Trade, seeing that British Ships of War never trade in any shape.

## ARTICLE XI.

The Posts of Chusan and Koolangsoo will be withdrawn, as provided for in the Treaty of perpetual Peace and Friendship, the moment all the monies stipulated for in that

Treaty shall be paid, and the British Plenipotentiary distinctly and voluntarily agrees that all Dwelling Houses, Store Houses, Barracks, and other Buildings that the British Troops or people may have occupied or intermediately built, or repaired, shall be handed over, on the evacuation of the Posts, exactly as they stand, to the Chinese Authorities, so as to prevent any pretence for delay, or the slightest occasion for discussion, or dispute, on those points.

#### ARTICLE XII.

A fair and regular Tariff of Duties and other dues having now been established, it is to be hoped, that the system of Smuggling which has heretofore been carried on between English and Chinese Merchants, — in many cases with the open connivance and collusion of the Chinese Custom House Officers, — will entirely cease, and the most peremptory Proclamation to all English Merchants has been already issued on this subject by the British Plenipotentiary, who will also instruct the different Consuls to strictly watch over and carefully scrutinize the conduct of all persons, being British Subjects, trading under his superintendence. In any positive instance of Smuggling transactions coming to the Consul's knowledge, he will instantly apprise the Chinese Authorities of the fact, and they will proceed to seize and confiscate all goods, — whatever their value or nature, — that may have been so smuggled, and will also be at liberty, if they see fit, to prohibit the Ship from which the smuggled goods were landed from trading further, and to send her away as soon as her accounts are adjusted and paid. The Chinese Government Officers will, at the same time, adopt whatever measures they may think fit with regard to the Chinese Merchants and Custom House Officers who may be discovered to be concerned in Smuggling.

#### ARTICLE XIII.

All persons, whether Natives of China, or otherwise, who may wish to convey Goods from any one of the five Ports of Canton, Fuchowfoo, Amoy, Ningpo and Shanghai to Hong Kong for sale or consumption, shall be at full and perfect liberty to do so on paying the duties on such Goods and obtaining a Pass or Port Clearance from the Chinese Customs House at one of the said Ports. Should Natives of China wish to repair to Hong Kong to purchase Goods, they shall have free and full permission to do so, and should they require a Chinese Vessel to carry away their purchases, they must obtain a Pass or Port Clearance for her at the Custom House of the Port whence the Vessel may sail for Hong Kong. It is further settled, that in all cases these Passes are to be returned to the Officers of the Chinese Government, as soon as the trip for which they may be granted shall be completed.

#### ARTICLE XIV.

An English Officer will be appointed at Hong Kong one part of whose duty will be to examine the registers and Passes of all Chinese Vessels that may repair to that Port to buy or sell Goods, and should such Officer at any time find that any Chinese Merchant Vessel has not a Pass or Register from one of the five Ports, she is to be considered as an unauthorised or smuggling Vessel, and is not to be allowed to trade, whilst a report of the circumstance is to be made to the Chinese Authorities. By this arrangement it is to be hoped, that piracy and illegal traffic will be effectually prevented.

## ARTICLE XV.

Should Natives of China who may repair to Hong Kong to trade, incur debts there, the recovery of such debts must be arranged for, by the English Courts of Justice on the spot, but if the Chinese Debtor shall abscond and be known to have property real or personal within the Chinese Territory, the rule laid down in the IV Clause of the General Regulations for Trade shall be applied to the case, and it will be the duty of the Chinese Authorities, on application by, and in concert with, the British consuls, to do their utmost to see justice done between the parties. — On the same principle, should a British Merchant incur debts at any of the five Ports and fly to Hong Kong, the British Authorities will, on receiving an application from the Chinese Government Officers accompanied by statements and full proofs of the debts, institute an investigation into the claims, and, when established, oblige the defaulter, or debtor, to settle them to the utmost of his means.

## ARTICLE XVI.

It is agreed, that the Custom House Officers at the five Ports shall make a monthly return to Canton of the Passes granted to Vessels proceeding to Hong Kong, together with the nature of their Cargoes, and a copy of these Returns will be embodied in one Return and communicated once a month to the proper English Officer at Hong Kong. The said English Officer will, on his part, make a similar Return or communication to the Chinese Authorities at Canton showing the names of Chinese Vessels arrived at Hong Kong or departed from that Port, with the nature of their cargoes, and the Canton Authorities will apprise the Custom Houses at the five Ports in order that by these arrangements and precautions all clandestine and illegal trade under the cover of Passes may be averted.

## ARTICLE XVII,

Or Additional Article relating to British Small Craft.

Various small Vessels belonging to the English Nation, called Schooners, Cutters, Lorchas &c. &c., have not hitherto been chargeable with Tonnage Dues. It is now agreed in relation to this class of Vessels which ply between Hong Kong and the City, and the City and Macao, that if they only carry passengers, letters and baggage, they shall as heretofore pay no tonnage Dues; but if these small craft carry any dutiable articles, no matter how small the quantity may be, they ought, in principle, to pay their full tonnage dues. But this class of small craft are not like the large Ships which are engaged in Foreign Trade; they are constantly coming and going, they make several trips a month, and are not like Foreign Ships which, on entering the Port, cast anchor at Whampoa. If we were to place them on the same footing as the large Foreign Ships the charge would fall unequally, therefore, after this the smallest of these craft shall be rated at 75 Tons, and the largest not to exceed 150 Tons; whenever they enter the Port (or leave the Port with Cargo) they shall pay tonnage dues at the rate of one mace per Ton Register. If not so large as 75 Tons, they shall still be considered and charged as of 75 Tons; and if they exceed 150 Tons they shall be considered as large Foreign Ships, and like them, charged tonnage dues at the rate of five mace per Register Ton. Fuchow, and the other Ports having none of this kind of intercourse, and

none of this kind of small craft, it would be unnecessary to make any arrangements as regards them.

The following are the Rules by which they are to be regulated.

1st. Every British Schooner, Cutter, Lorch, &c. shall have a Sailing Letter or Register in Chinese and English, under the Seal and signature of the Chief Superintendent of Trade, describing her appearance, burthen, &c. &c.

2nd. Every Schooner, Lorch, and such Vessel, shall report herself, as large Vessels are required to do, at the Bocca Tigris, and when she carries cargo she shall also report herself at Whampoa, and shall, on reaching Canton, deliver up her Sailing Letter or Register, to the British Consul who will obtain permission from the Hopo for her to discharge her Cargo, which she is not to do without such permission, under the forfeiture of the Penalties laid down in the III Clause of the General Regulations of Trade.

3rd. When the inward cargo is discharged and an outward one (if intended) taken on board, and the duties on both arranged and paid, the Consul will restore the Register or Sailing Letter, and allow the Vessel to depart.

This Supplementary Treaty; to be attached to the Original Treaty of Peace; consisting of 16 Articles, and one Additional Article, relating to small Vessels, is now written out, forming, with its accompaniments, four pamphlets, and is formally signed and sealed by Their Excellencies the British Plenipotentiary and the Chinese Imperial Commissioner, who, in the first instance, take two copies each and exchange them, that their provisions may be immediately carried into effect. At the same time, each of these High Functionaries having taken his two copies, shall duly memorialise the Sovereign of his Nation; but the two Countries are differently situated as respects distance, so that the Will of the one Sovereign can be known sooner than the Will of the other. It is now therefore agreed that on receiving the Gracious assent of the Emperor in the vermilion pencil, the Imperial Commissioner will deliver the very document containing it, into the hands of His Excellency HWANG, Judge of Canton, who will proceed (to such place as the Plenipotentiary may appoint) and deliver it to the English Plenipotentiary, to have and to hold. Afterwards the Sign Manual of the Sovereign of England having been received at Hong Kong, likewise Graciously assenting to and confirming the Treaty, the English Plenipotentiary will despatch a specially appointed Officer to Canton, who will deliver the copy containing the Royal Sign Manual to His Excellency HWANG, who will forward it to the Imperial Commissioner, as a rule and a guide to both Nations for ever, and as a solemn confirmation of our Peace and Friendship.

A most important Supplementary Treaty.

Signed and Sealed at Hoomun Chai on the Eighth day of October 1843,  
corresponding with the Chinese date of the fifteenth day of the Eighth moon of the 23rd  
year of Taou Kwang.

(SIGNED) HENRY POTTINGER.

L.S.,  
H.B.M.'s  
Plenipotentiary

(SIGNED) KI YING (IN TARTAR).

L.S.,  
H.E. the Imperial  
Commissioner

\* This treaty was abrogated by Article I of the Treaty of Tianjin [1858], into which treaty many of its provisions were incorporated.