

RUSSIA

ADDITIONAL TREATY OF PEKING [BEIJING], 1860

After carefully examining existing treaties between Russia and China, His Majesty the Emperor and Autocrat of All the Russias, and His Majesty the Bogdo-Khan of the Ta-Tsing Empire, who want to tighten the bonds of friendship between the Empires, develop commerce, and avoid misunderstandings, have decided to add some Additional Articles. To this effect they have named as their Plenipotentiaries:

For the Empire of Russia, Major-General NICOLAS IGNATIEFF, of His Majesty's household, and knight of several orders;

For the Ta-Tsing Empire, Prince KUNG, first-class prince, by name I-HSIN.

These plenipotentiaries, after exchanging credentials, decided this:

ARTICLE I

To confirm and clarify Article I of the Treaty signed at the City of Aigun on May 16, 1858 (eighth year of Hsien Feng, 21st day of the Fourth Moon)—and following up on Article IX of the Treaty signed on June 1 of the same year (3rd day of the Fifth Moon) in the City of Tianjin—it is established that:

Henceforward, the western [eastern?] frontier between the two Empires, beginning where the Shilka and Argun Rivers join, will go down the Amur River to the point at which it joins the Ussuri River. Lands on the left bank (to the north) of the Amur river belong to Russia. And lands on the right bank (to the south) belong to China. Further on, from the confluence of the river Ussuri as far as Lake Hinkay, the borderline, from the point where the Son Gatcha River emerges, cuts across Lake Hinkay and goes over towards the Belenho River (or the Tour). From the mouth of this river, it follows the crest of the mountains as far as the mouth of the River Hooptoo, and from there to the mountains situated between the River Khoon Choon and the sea, as far as the Tumen Kiang River. Along this line, too, lands to the east are Russia's, and lands to the west are China's. The borderline rests on the River Tumen Kiang, twenty Chinese versts, or *li*, above its emptying into the sea.

Further, carrying out the same Article IX, the map drawn up is confirmed, and on this map, for greater clarity, the border will be indicated by a red line and inscribed in Russian letters. This map is signed by the Plenipotentiaries of the two Empires, and sealed by them.

If areas among those mentioned should have Chinese settlers settled on them, the Russian government promises to leave them there, and to allow them, as in the past, to hunt and fish.

Once border indicators have been built, the borderline itself shall remain unchanged for ever.

ARTICLE II

The borderline to the west, undetermined up to now, now follows the line of the mountains, the courses of the great rivers, and the existing layout of the Chinese checkpoints. From the last beacon, Shabindabaga, built in 1728 (Sixth Year of Yung-cheng), after the Treaty of Kiakhta, the line will now go southward to Lake Dsai-Sang, and from there to the mountains situated south of Lake Issy-Kul, called the Tengri Chan Mountains, or the Alato of the Kirghiz. Another name for these mountains is the Tianshan Nana Lou, the southern branch of the Celestial Mountains. From there the line goes right to the Khokand Possessions.

ARTICLE III

Henceforward, all border problems will be settled by rules in Articles I and II of this Treaty. To place border markers, to the east, from Lake Hinkay to the River Tumen Kiang, and to the west from the Shabindabaga beacon to the Khokand Possessions, the Russian and Chinese governments will name officers in charge. To inspect the eastern frontiers, these men shall come together at the joining-point of the Ussuri in April next, Eleventh Year of Hsien-feng, 3rd Moon. To inspect the western frontier the meeting will be held at Tarbagatay, with the date to be fixed later.

On the basis of Articles I and II of this Treaty, the officers in charge will draw up maps and descriptions of the line in four copies, two in Russian, two in Chinese or Manchu. These maps and texts go to the Russian government. Two similar copies go to the Chinese. They must keep them on file, both Empires.

For this handing-over of maps and texts, a protocol will be set up, approved by signatures and seals of the officers in charge—the protocol being an Addition to this Treaty.

ARTICLE IV

Along all of the border established by this Treaty, Article I, a free and open trade is accepted by both states, without collection of duties. Local border officers must give a special protection to this trade and to its traders.

We also reconfirm hereby the rules of trade that are in Article II of the Treaty of Aigun.

ARTICLE V

As well as the trade that goes on at Kiakhta, Russian traders will retain their old right to go from Kiakhta to Beijing for commercial purposes. On the road, they are to be allowed to trade at Urga and Kalgan. They are not obliged to set up a big market to do so. The Russian government will place a Consul at Urga, or a *lingshiguan*. He will be accompanied by a small group of aides and will build a house at Russian expense. The Governors of Urga will negotiate with the Russians: a piece of land for the house, the size the house may have, the pastures it may use.

Chinese traders are also authorized to go into Russia to trade, if they wish to do so.

Russian merchants can travel in China for commerce at all times. However, no more than 200 of them may gather in any one place. Also, they must have credentials from Russian border officials, showing the caravan chief's name, the number of men in the caravan, and the destination. During their travels, these traders may buy and sell what they want. Costs of travel rest upon them.

ARTICLE VI

As a tryout, trade is opened at Kashgar on the same basis as at Ili and Tarbagatay. At Kashgar, the Chinese cede a lot big enough to hold a warehouse and all associated buildings, such as dwellings, stockrooms, church, and also a lot for a cemetery, and pastures as well, as at Ili and Tarbagatay. Orders will immediately be given to the governor of Kashgar to work out these concessions.

The Chinese government, however, does not take responsibility for thefts from Russian trading at Kashgar, if the thefts are by people from outside the Chinese border points.

ARTICLE VII

In areas assigned to trade, Russians in China, and also Chinese in Russia, may practice trade in full freedom. They will be free of vexations from local officials. They may come and go freely in the markets, shops merchants' houses, and they may sell and buy things both retail and wholesale. They may pay money, or barter. They may deliver on credit, and receive credit, as confidence occasions.

The length of their stay is not defined. They may stay as long as they wish.

ARTICLE VIII

Russian merchants in China and Chinese merchants in Russia are placed under the special protection of the two governments. To oversee these traders and to avoid misunderstandings that could arise between them and the people of the country, Russia is called on to name Consuls at Kashgar and Urga, on the same basis as at Ili and Tarbagatay. The Chinese government may also name Consuls in the capital and cities of the Russian Empire.

These Consuls will be lodged in houses built by their own governments. But they may also rent lodgings from residents of the host country.

In their relations with local authorities, Consuls of the two powers observe a complete equality, in keeping with Article II of the Treaty of Tianjin. All matters concerning traders of the two Empires are examined by them, face to face, and crimes and offences will be judged, as in Article VII of Tianjin, by their own Empire's law.

Litigation and conflicts of all kinds cropping up among traders over trade matters will be settled by the traders themselves, through arbitrators chosen among them; consuls and local authorities should merely cooperate in friendly settlement of things, not taking these litigations upon themselves.

In trading areas, traders of each Empire may make deals with each other, undertaking in writing to order or deliver merchandise, rent shops, houses, etc., and submitting them for legal sanction by the local people and the Consuls. If written promises are not carried out, the consul and the local authorities take measures to bring the parties to exact compliance.

Legal action not concerning commerce, lawsuits and complaints, etc., will be judged by mutual agreement by the consul and the local chief, and delinquents will be punished by their own country's laws.

In the case of a Russian subject's hiding out among the Chinese, or his flight into the interior of the country, the local authorities, as soon as they have word from the Russian Consul, act to hunt down the fugitive, and as soon as they catch him, they hand him over to the Russian consulate. The same method applies for a Chinese hiding out among the Russians, or deep in Russia.

In the case of serious crimes like murder, brigandage with injuries, attempts on lives, arson: after investigation, if the criminal is Russian, he will be sent to Russia to be dealt with by his laws, and if he is Chinese, he will be punished by authorities of the place where his crime was committed, or if the laws of the state so direct, he will be sent to another city or another province to receive his punishment.

In any crime, whatever its gravity, the Consul and the local chief can act only in regard to a guilty party belonging to their country. Neither has the right to incarcerate, or to judge, in isolation; and certainly not to punish a non-subject of his Government.

ARTICLE IX

The expansion of commercial relations between people of the two Powers, and the newly-fixed borders, render old rules in the Treaty of Nerchinsk and Kiakhta inapplicable, and the same goes for their appended Conventions. Relations between border authorities, and rules for settling border problems, no longer suit the times. Hence these new rules:

Henceforward, as well as the relations existing on the eastern frontier, at Urga and Kiakhta, between the Governor of Kiakhta and the authorities of Urga; and on the western frontier, between the Governor-General of Western Siberia and the Administration of Ili, there will also be relations over the border between the Military Governors of the the Province of Amur and of the maritime province, and the *Tsiang-kiun*, or commanders-in-chief of Hay Luong Kiang and of Kirin; and between the Border Officer of Kiakhta, and the dzargou-chay (or *Pou-yuoan*), as defined in Article VIII of the present Treaty.

As stated in Article II of the Treaty of Tientsin, the military governors and commanders-in-chief (or *tsiang-kuin*) named above, must observe a perfect sense of equality in their dealings, and are obliged to limit their dealings to matters where their offices are directly involved.

If something is of particular importance, the Governor-General of Western Siberia is allowed to take up written communication with the *kiun-ki-chou* or Supreme Council, or with the Court of Foreign Relations, the *Li Fan-youen*, in the role of chief authority in border matters.

ARTICLE X

In investigating and settling border crimes, however small or big, border chiefs will obey the rules in Article VIII of this Treaty. As for investigation of acts by subjects of either Empire, and as for their punishment, they will take place as stated in Article VII of the Treaty of Tientsin, according to the guilty person's country's laws.

In cases of crossing, hiding, or livestock rustling, on the border, local authorities will send men to search as soon as they are informed, and the guardhouse has an indication of the trail. Livestock recovered will be immediately restored to owners, and if some are missing, the restitution will be done as defined by the laws. But in such a case, the indemnity paid should not be raised to several times the value of the missing animals (as it was in former practice).

When an individual flees across the border, as soon as it is known, measures are undertaken to track down the escapee. The fugitive is handed over to the border guards with all his possessions as soon as caught. The investigations of his reasons for fleeing and the judging of the case itself are done by local officials of the subject's own country in the locality closest to the border. During his time beyond his borders, from arrest to deportation, the man in flight will be properly fed, and if necessary, clothed. The guard who accompanies him will treat him with humanity, and not commit arbitrary acts against him. The same rule applies to men in flight who have not been signalled for arrest.

ARTICLE XI

Written communications between the highest officers of the borders are carried on via the nearest officers to the borders. Letters to and from both Empires are handed to them, and they give receipts for each one.

The Governor-General of Western Siberia and the Governor of Kiakhta send their dispatches to the officer of the border at Kiakhta, and he passes them on to the *zar-gouchay* (or *pou-youen*). The Governors of Urga send theirs to the *zar-gouchay*, who passes them on to the border officer at Kiakhta.

The Military Governor of the Province of Amur sends his dispatches by the Assistant or *fou dou toun* to the Commander-in-Chief (*tsiang-kuin*) in the town of Aigun, and through him, also, the Commanders-in-Chief of Heilongjiang and Jilin transmit their messages to the Military Governor of the Province of Amur.

The military governor of the maritime province, and the Commander-in-Chief of Jilin, communicate through chiefs of border posts on the Rivers Ussuri and Khoun-Choun.

Correspondence between the Governor-General of Western Siberia and the Upper Officers or Commander-in-Chief of Ili goes through the Consul of Russia in Ili, Kuldja.

If a matter is of extreme importance and requires verbal explanations, the upper officers of the borders of both Empires can send their dispatches with Russian couriers enjoying their confidence.

ARTICLE XII

As stipulated in Article XI of the Treaty of Tianjin, the deliveries of letters and parcels for official purposes from Kiakhta to Beijing and back again, will be on the following schedule: letters, once a month from each point; parcels, once every two months from Kiakhta, and once every three months from Beijing.

Letter deliveries should arrive at their destination 20 days later at the most, parcels in 40 days at the most.

Each trip, the parcel delivery should have no more than 20 cases, the cases weighing no more than 120 Chinese *jin*, or pounds, or four pouds, each.

Letter deliveries should be sent the day they are received; if there are delays there will be inquiry and punishment.

The courier who accompanies the letter and parcel post must report to the Russian Consulate in Urga, hand over letters and articles for people in that city, and accept the letters and parcels these people wish to send.

When the parcel post leaves, its cases must have packing slips with them, called *tsin-tan*. From Kiakhta these slips, bearing a seal, should be addressed to the Governor of Urga. From Beijing the slips placed in the wagon with the cases must also have a seal and must be addressed to the Court of Foreign Relations, or *Li Fan-youen*.

These slips explain clearly the date of sending, the number of cases, and the total weight. The weight of *each* case is inscribed on its exterior, in Russian figures, with a translation into Chinese or Mongol weights.

If Russian traders want to set up their own postal service for letters or stock in trade, they may. This will lighten the financial burden on the state. They must, however, receive approval from local authorities to do so.

ARTICLE XIII

Regular letters from the Foreign Affairs Ministry of Russia to the Supreme Council, or *Junjichu*, of the Ta-Tsing Empire, and letters from the governor-General of Western Siberia to the same council, or to the Foreign Relations Court, are sent by the post, but are not tied to the departure dates of the postal wagons. In urgent cases, a Russian courier may carry them.

While Russian envoys are sojourning in Beijing, important and urgent dispatches may be sent, similarly, by a Russian courier.

These special Russian couriers must not be held up anywhere along their route, by anyone.

The special couriers must also, absolutely, be Russians.

The sending of such a courier will be announced 24 hours before, in Kiakhta by the *zar-gouchay*'s man, and by the Russian Mission in Beijing.

ARTICLE XIV

If with time some of the rules regarding land trade turn out to be inconvenient for one party or the other, the governor-General of Western Siberia may negotiate with the border authorities of the Ta-Tsing Empire to add conventions to the Treaty, as long as they're in the spirit of the original.

Article XII of the Treaty of Tianjin is hereby confirmed and may not be altered.

ARTICLE XV

Having agreed on all the above, the Plenipotentiaries of Russia and China have signed with their hand and sealed with their seal two copies of the Russian text of the Treaty, and two copies of its Chinese translation. They have reciprocally handed a copy to each other.

These articles have legal force from the day of their being exchanged by the Plenipotentiaries of the two Empires.

It is as if they were inserted word for word in the Treaty of Tianjin, and they must be faithfully observed.

Each Empire's sovereign will ratify the Treaty, and then it will be proclaimed in each State to inform and guide all concerned.

Concluded and Signed in the capital city of Beijing on November 2/14 1860 of the Christian era, Sixth Year of Alexander II's Reign, Second day of the Tenth Moon of the 10th Year of Xian-Feng.

NICOLAS IGNATIEFF
KONG