

*UNITED STATES*

ADDITIONAL ARTICLES TO THE TREATY BETWEEN THE UNITED STATES OF  
AMERICA AND THE TA-TSING EMPIRE OF THE 18TH JUNE 1858

ANDREW JOHNSON, President of the United States of America, to all and singular who shall see these presents, greeting!

Know ye, that whereas additional Articles to the Treaty of peace, amity, and commerce between the United States of America and the Ta-Tsing Empire (China) of the 18th of June 1858 were concluded and signed at Washington by their respective Plenipotentiaries on the 28th day of July 1868, the English version of which additional Articles is, word for word, as follows: —

WHEREAS since the conclusion of the Treaty between the United States of America and the Ta-Tsing Empire (China) of the 18th of June 1858, circumstances have arisen showing the necessity of additional Articles thereto, the President of the United States and the August Sovereign of the Ta-Tsing Empire have named for their Plenipotentiaries, to wit: the President of the United States of America, WILLIAM H. SEWARD, Secretary of State; and His Majesty the Emperor of China, ANSON BURLINGAME, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and CHIH-KANG and SUN-CHIA-KU, of the second Chinese rank, associated High Envoys and Ministers of His said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following Articles: —

ARTICLE I.

His Majesty the Emperor of China being of the opinion that in making concessions to the citizens or subjects of Foreign powers of the privilege of residing on certain tracts of land or resorting to certain waters of that Empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said lands and water, hereby agrees that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters; and the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party, or their property, with which they may be at war on any such tract of land or waters of the said Empire. But nothing in this Article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property.

It is further agreed that if any right or interest in any tract of land in China has been or hereafter shall be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as the right may have been expressly relinquished by Treaty.

## ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby be best promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by Treaty shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly, but not in a manner or spirit incompatible with the Treaty stipulations of the parties.

## ARTICLE III.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall employ the same privileges and immunities as those which are enjoyed by public law and Treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

## ARTICLE IV.

The 29th Article of the Treaty of the 18th of June 1858 having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

## ARTICLE V.

The United States of America and the Emperor of China cordially recognise the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other, for the purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other Foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other Foreign country, without their free and voluntary consent respectively.

## ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favoured nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favoured nation. But nothing herein contained shall be held to confer naturalisations upon citizens of the United States in China, nor upon the subjects of China in the United States.



And whereas the Senate of the United States, by resolution, two-thirds of the Senators present concurring therein, has advised and consented to the ratification of the said additional Articles:

Now, therefore, I, ANDREW JOHNSON, President of the United States of America, having seen and considered the said additional Articles, do, in pursuance of the aforesaid advice and consent of the Senate, by these presents accept, ratify, and confirm the same and every clause and part thereof.

In faith whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, this nineteenth day of October in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

(Signed)      ANDREW JOHNSON.

By the President:

(Signed) WILLIAM H. SEWARD,

*Secretary of State.*