

JAPAN

TREATY OF TIENTSIN [TIANJIN], 1871

(Signed at Tientsin, 13th September 1871.)

HAVING examined all the Articles mentioned in the Treaty of Friendship and Trade Regulations concluded between the Empire of Japan and the Empire of China by DATE MUNEKI, Minister of Finance, who had been directed to proceed to China, and having sanctioned their maintenance in force during perpetuity, for the promotion of friendship between both countries, We hereby command it to be notified to all the high authorities of the *fu* and *ken* within the Empire, that they may know and observe in the transactions of business everything necessary for the observance of this Treaty, after the exchange of its ratification.

Signed by SOYESHIMA TANEWOMI, Minister for Foreign Affairs, the 9th day, 3rd month, in the 6th year of MEIJI, and two thousand five hundred and thirty-three years since the accession of GIMMU TENNO.

By Imperial Order,

(Signed) SOYESHIMA TANEWOMI,

Minister for Foreign Affairs

Seal.

THE Empire of China and the Empire of Japan having been on good terms of friendship for a long period of years, now desire by common action to cement their ancient relations and to make the intercourse subsisting between the two countries more close.

To this end, LI, by Imperial appointment Plenipotentiary Minister of the Empire of China for the management of commercial affairs, Senior Guardian of the Heir Apparent, Assistant Grand Secretary, President of the Board of War, Governor General of the province of Chihli, and invested with the first degree of the third order of nobility; and DATE, Minister Plenipotentiary of the Empire of Japan, etc., etc.; each acting in obedience to the decrees of their respective Sovereigns, have conferred together and have agreed to

articles for the reconstruction of relations, to the end that they may be observed with good faith on both sides in perpetuity.

The Articles agreed upon are as follows: —

ARTICLE I.

Relations of amity shall henceforth be maintained in redoubled force between China and Japan, in measure as boundless as the heaven and the earth. In all that regards the territorial possessions of either country the two Governments shall treat each the other with proper courtesy, without the slightest infringement or encroachment on either side, to the end that there may be for evermore peace between them undisturbed.

ARTICLE II.

Friendly intercourse thus existing between the two Governments, it is the duty of each to sympathise with the other, and in the event of any other nation acting unjustly or treating either of the two Powers with contempt, on notice being given [by the one to the other], mutual assistance shall be rendered or mediation offered for the arrangement of the difficulty, in fulfilment of the duty imposed by relations of friendship.

ARTICLE III.

The system of government and the penal enactments of the two Governments being different from each other each shall be allowed to act in entire independence. There shall be no interference offered, nor shall requests for innovations be obtruded. Each shall aid the other in enforcement of the laws, nor shall either allow its subjects to entice the people of the other country to commit acts in violation of the laws.

ARTICLE IV.

It will be competent for either Government to send Plenipotentiary Ministers, with their families and suites, to reside in the capital of the other, either permanently or from time to time. Their travelling expenses as they pass through the country will be defrayed by themselves. In the matter of their hiring ground or buildings to serve as Legations, of the passage of their baggage to and fro, of the conveyance of their correspondence by special couriers, and the like, due assistance shall be rendered on either side.

ARTICLE V.

Although the functionaries of the two Governments have fixed grades, the nature of the offices conferred are different on either side. Officers of equivalent rank will meet and correspond with each other on a footing of equality. When an officer visits a superior, the intercourse between them will be such as is prescribed by the rites of hospitality. For the transaction of public business, the officials of the two countries will address communications to officers of their own rank, who will report in turn to their respective superiors; they will not address the superior officer directly. In visits, cards with the official title of the visitor shall be sent on either side. All officials sent on the part of either Government to the other shall present for inspection a letter bearing an official stamp, in order to guard against false personation.

ARTICLE VI.

In official correspondence, China will use the Chinese language, and Japan will use either the Japanese language accompanied by a Chinese version, or a Chinese version alone, as may be found on her side preferable.

ARTICLE VII.

Friendly intercourse having been established between the two Governments, it will behove them both to appoint certain ports on the seaboard which their merchants will be authorised to frequent for purposes of trade, and to lay down, separately, Regulations of Trade that their respective mercantile communities may abide by in perpetuity.

ARTICLE VIII.

At the ports appointed in the territory of either Government it will be competent for the other to station Consuls for the control of its own merchant community. All suits in which they (the Consul's nationals) are the only parties, the matter in dispute being money or property, it will fall to the Consul to adjudicate according to the law of his own State. In mixed suits, the plaint having been laid before the Consul, he will endeavour in the first instance to prevent litigation by friendly counsel; if this be not possible, he will write officially to the local authority, and in concert with him will fairly try the case and decide it. Where acts of theft or robbery are committed, and where debtors abscond, the local authorities can do no more than search for and apprehend the guilty parties; they shall not be held liable to make compensation.

ARTICLE IX.

At any of the ports appointed at which no Consul shall have been stationed, the control and care of the traders resorting thither shall devolve on the local authorities. In case of the commission of any act of crime, the guilty party shall be apprehended, and the particulars of his offence communicated to the Consul at the nearest port, by whom he shall be tried and punished according to law.

ARTICLE X.

At the ports named in either country the officials and people of the other shall be at liberty to engage natives for service, or as artizans, or to attend to commercial business. The persons so engaged shall be kept in order by the persons so engaging them, who shall not allow them to perpetrate acts of fraud under any pretext; still less shall they give rise to cause of complaint by giving ear to statements advanced from illicit motives. In the case of any offence being committed by any person employed in the manner above mentioned, the local authority shall be at liberty to apprehend and punish the delinquent; the employer shall not favour or protect him.

ARTICLE XI.

Whereas it is the duty of the subjects of either Power residing at the ports declared open in either country to live on friendly terms with the native inhabitants, it is provided that they shall not be allowed to wear arms; infraction of this rule will be punishable by a

fine, accompanied by the confiscation of the arms. Residents as aforesaid shall attend peaceably to their own avocations, and whether residing permanently or for the time being at a port, they shall submit to the authority of their Consul. They shall not be allowed to adopt the costume of the country in which they may reside, nor to obtain local registration and compete at the literary examinations, lest disorder and confusion be produced.

ARTICLE XII.

If any subject of either Power, having violated the law of his own country, secrete himself in any official building, merchant vessel, or warehouse of the other State, or escape to any place in the territory of the other, on official application being made by the authority of the State of which such offender is a subject to the authority of the other, the latter shall immediately take steps for the arrest of the offender, without show of favour. Whilst in custody he shall be provided with food and clothing, and shall not be subjected to ill-usage.

ARTICLE XIII.

If any subject of either Power connect himself at any of the open ports with lawless offenders for purposes of robbery or other wrongdoing, or if any work his way into the interior and commit acts of incendiarism, murder, or robbery, active measures for his apprehension shall be taken by the proper authority, and notice shall at the same time be given without delay to the Consul of the offender's nationality. Any offender who shall venture with weapons of a murderous nature to resist capture may be slain in the act without further consequences, but the circumstances which have led to his life being thus taken shall be investigated at an inquest which will be held by the Consul and the local authority together. In the event of the occurrence taking place in the interior, so far from the port that the Consul cannot arrive in time for the inquest, the local authority shall communicate a report of the facts of the case to the Consul.

When arrested and brought up for trial, the offender, if at a port, shall be tried by the local authority and the Consul together; in the interior, he shall be tried and dealt with by the local authority, who will officially communicate the facts of the case to the Consul.

If subjects of either Power shall assemble to the number of ten or more to foment disorder and commit excesses in the dominions of the other, or shall induce subjects of the other therein to conspire with them for the doing of injury to the other Power, the authorities of the latter shall be free at once to arrest them. If at a port, their Consul shall be informed, in order that he may take part in their trial; if in the interior, the local authority shall duly try them, and shall officially communicate particulars to the Consul. In either case capital punishment shall be inflicted at the scene of the commission of the offence.

ARTICLE XIV.

Vessels of war of either Power shall be at liberty to frequent the ports of the other for the protection of the subjects of their own country, but they shall in no case enter ports not declared open by Treaty, nor rivers, lakes, and streams in the interior. Any vessels infringing this rule shall be placed under embargo and fined. This stipulation shall not, however, apply to vessels driven into port by stress of weather.

ARTICLE XV.

If either State of the two should be involved in war with any other Power, measures for the defence of the coast being thereby entailed, on notice being given, trade shall be suspended for the time being, together with the entry and departure of ships, lest injury befall them. Japanese subjects ordinarily established in the appointed ports of China, or being in the seas adjoining China, and Chinese subjects ordinarily established at the open ports of Japan, or being in the seas adjoining thereunto, shall not be permitted to engage in collisions with subjects of a hostile Power, or to attack and plunder them.

ARTICLE XVI.

No Consul of either Power shall be allowed to trade or to act as Consul for a Power not in Treaty relations with the other. In the case of any Consul so acting as to render himself generally unacceptable, on substantial proof to this effect being produced, it shall be competent for the Government interested to communicate officially with the Minister Plenipotentiary, who, when he shall have ascertained the truth, shall remove the Consul, in order that the friendly relations of the two Governments may not suffer detriment through the misconduct of a single individual.

ARTICLE XVII.

The flags carried by the vessels of either country are of a fixed design. If a vessel of either, having falsely assumed the colours of the other, shall do that which is contrary to law, the vessel and goods shall be confiscated; and if it appear that the false colours were given by an official, he shall be denounced and removed from his post.

The subjects of either country shall be at liberty to purchase the books of the other, if desirous of studying its literature.

ARTICLE XVIII.

The foregoing Articles are agreed to by the two Contracting Powers in order to the prevention of misunderstanding, to the end that perfect confidence and improved relations may subsist between them. In testimony whereof the Ministers Plenipotentiary of the two Contracting Powers do now accordingly sign and affix their seals hereto. So soon as the Present Treaty shall have been ratified by their respective Sovereigns, and ratified copies of it exchanged, it shall be printed and published, and circulated throughout the dominions of either Power, for the information of the subjects of both countries, to the end that there may be a good understanding between them for evermore.

Dated the 29th day of the 7th moon of the 10th year of T'UNG CHIH, corresponding to the 29th day of the 7th month in the 4th year of MEIJI.

[L.S.] (Signed) LI HUNG-CHANG.

[L.S.] (Signed) DATE MUNEKI.

NOTE.

THE Japanese and Chinese versions of the Treaty differ from one another in the Preamble, in Articles I, VI, and XV, and in the Conclusion. The discrepancies referred to were introduced purposely by the two Contracting Parties, and are declared in an official memorandum in Chinese attached to Japan's copy of the Chinese version. The discrepancies consist merely in the fact that in the Japanese version, Japan and the Japanese negotiator are named first, whereas in the Chinese version, precedence in the text is given to China and the Chinese negotiator. In Article VI, the terms used for "China" and "Japan" are slightly different in the two versions.