

FRANCE

CONVENTION OF TIENTSIN [TIANJIN], 1886

(Ratified by France by the Law of 30th November 1888)

The President of the French Republic and His Majesty the Emperor of China, desirous of concluding a Convention, in conformance with the arrangements in Article VI of the Treaty of 9th June 1885, on land trade between Tonkin and the southern provinces of China, and also in consideration of Article X of the same Treaty, which maintains the previous Treaties, Agreements and Conventions between France and China, have named as their Plenipotentiaries, as follows:—

The President of the French Republic, Sir FRANÇOIS GEORGE COGORDAN, Minister Plenipotentiary, Sub-Director of Political Affairs, of the Ministry of Foreign Affairs, Officer of the order of the Legion of honor, Grand Officer of the order of the Italian Crown, etc., etc., etc., special envoy in China,

Assisted by Sir FRANÇOIS EDMOND BRUWAERT, Consul of France, Commander of the order of Gustave Wasa of Sweden, Knight of the order of Leopold of Belgium, etc., etc., etc.;

And for His Majesty the Emperor of China, LI HONGZHANG, Imperial Commissioner, First Grand Secretary of State, Grand honorary Tutor of the Heir Presumptive, Superintendent of Trade of the Northern Ports, Adjoint Director of the Naval Troops, Governor-General of the province of Zhili, belonging to the third rank of nobility, first degree, with the title “Su-i”;

Who, having communicated their full powers, found to be in good and due form, have agreed to the following stipulations:

ARTICLE I

By the terms of Article V of the Treaty of 9 June 1885, the High Contracting Parties agree that the time has come to open two localities to trade, one to the north of Lang-Son and the other above Lao-Kai. China shall establish customs offices there and France will have the option of naming Consuls, who will have all the rights and privileges China grants to the most favored nation.

The work of the commission charged with the delimitation of the two countries not yet being finished at the time of signing of the present Convention, the locality to be opened to commerce to the north of Lang-Son will be chosen and fixed in the course of the present year, on agreement between the Imperial Government and the representative of France at Beijing. As for the locality to be opened above Lao-Kai, it too will be chosen by common agreement following surveying of the frontier between the two countries.

ARTICLE II

The Imperial Government may name Consuls to Hanoi and Haiphong. Chinese Consuls may also be sent later to other large cities of Tonkin, after agreement with the French Government.

These agents shall be treated in the manner, and with the same rights and privileges, as Consuls of the most favored nation established in France. All their official dealings shall be with the French authorities charged with the protectorate.

ARTICLE III

It is agreed, on both sides, that in the localities to which the Consuls are sent, the respective authorities will exert themselves to facilitate the establishment of these agents in honorable housing.

Frenchmen may settle in the localities open to commerce on the Chinese frontier under the conditions anticipated by Articles 7, 10, 11, 12 and others of the Treaty of 27 June 1858.

Annamites will also enjoy the same privileged treatment in these localities.

ARTICLE IV

Chinese shall have the right to possess land, construct buildings, open business establishments and have stores throughout Annam.

For their persons, their families, and their property, protection and security equal to that of subjects of the most favored European nation will prevail and, as with these latter, they shall not be the object of any ill-treatment. Official and private letters, telegrams of Chinese functionaries and traders shall be transmitted without hindrance by the French postal and telegraphic administrations.

Frenchmen shall receive the same treatment from China.

ARTICLE V

Frenchmen, French protégés, or foreigners settled in Tonkin may cross the frontier and go into China, on condition that they carry passports. These passports will be issued by the Chinese authorities on the frontier, at the request of French authorities, who will request them only for honorable persons; they will be turned in upon return and cancelled. When a traveller must cross a locality occupied by aborigines or savages, it will be noted in the passport that there are no Chinese officers in this locality able to offer protection.

Chinese who wish to go from China to Tonkin by land must, in the same manner, bear passports issued by the French authorities at the request of the Chinese authorities, who will seek them only for honorable people.

Passports so issued by one or the other shall serve only as travel passes and will not be considered as certificates of tax exemption for the transport of merchandise.

Chinese authorities on Chinese soil and French authorities in Tonkin shall have the right to arrest persons crossing the frontier without passport and to hand them back over to the respective authorities for necessary trial and punishment.

Chinese living in Annam may return from Tonkin to China on simply obtaining a pass from the Imperial authorities permitting them to cross the frontier

Frenchmen and other persons settled in open localities on the frontier may circulate within an area of 50 *lis* (578 meters to the *li*) around these localities.

ARTICLE VI

Goods imported into the localities open to commerce on the frontier of China by French merchants and French protégés, may, after the payment of duties, be transported to the interior markets of China under the conditions fixed by the seventh rule annexed to the Treaty of 27 June 1858 and by the general regulations of the Maritime Customs at the import transit points.

As soon as foreign goods are imported to these localities, a declaration must be made at the customs on their nature and quantity, as well as the name of the person accompanying them. The customs will verify this and collect duties according to the general Tariff of the Chinese Maritime Customs, reduced by one-fifth. Articles not listed in the Tariff shall be subject to a duty of 5% *ad valorem*. Only after the payment of the duty may goods leave the store for shipment or sale.

A merchant who wishes to send foreign goods to the interior must make a new customs declaration and pay, without reduction, the transit duty set down in the general regulations of the Chinese Maritime Customs.

Upon this payment, the customs will issue a transit pass permitting the porters to go to the locality designated in the pass to dispose of the said goods.

In such situations, no further collection will be made when passing internal barriers or likin offices.

Goods for which transit passes have not been sought are liable for all barrier and likin fees imposed on native products in the interior of the country.

ARTICLE VII

Goods bought by French and French protégés on the interior markets of China may be brought to the open localities on the frontier, to be exported from there to Tonkin, under the conditions set by the 7th regulation annexed to the Treaty of 27 June 1858 on the transit of export goods.

When Chinese goods arrive in these localities to be exported, a declaration must be made at customs as to their nature and quantity, and the name of the person accompanying them.

The customs will carry out a verification.

Those goods which have been purchased in the interior by a merchant carrying a transit pass and on which the likin and barrier taxes have not been paid, shall first pay the transit duty set down in the Tariff of the Chinese Maritime Customs.

Next they shall pay the export duty at the general Tariff rate, minus a third. Articles not named in the Tariff will be liable to a duty of 5% *ad valorem*.

After the taxes have been discharged, the goods may freely leave and be shipped out beyond the frontier.

A merchant who, having bought goods in the interior, and is not carrying a transit pass, must pay, upon passing the collection offices, the barrier and likin taxes; receipts must then be given him. Upon his arrival at the customs, he will be exempt from the payment of transit duties upon showing these receipts.

French merchants and French protégés importing or exporting goods through the customs offices on the frontier of Yunnan and Guangxi, and Chinese merchants importing or exporting goods to or from Tonkin shall not have to pay any toll taxes on their wagons or draft animals. On navigable waterways which straddle the frontier, boats may on either side be subjected to tonnage duties, in accordance with the regulations of the Maritime Customs of the two countries.

With respect to this Article and the preceding one, it is understood between the High Contracting Parties that, if a new Customs Tariff should be established by common accord between China and a third power for the trade by land on the southwest frontiers of the Chinese Empire, it will apply to France.

ARTICLE VIII

Foreign goods which, having not been sold, within thirty-six months after having had import duty paid at one of the Chinese frontier customs, in being re-shipped back through the other frontier customs, will be examined at the first customs and, if their packages remain intact and nothing has been disturbed or changed, will receive a certificate of exemption in the amount originally paid. The bearer of the certificate will hand it over at the other frontier customs to be exempted from the new duty he would have to pay. The customs may also give out value bonds good for three years for full payment later on at the same office. But money will never be refunded.

If these same goods are re-shipped to one of the open ports of China, they shall, in accordance with the general rules of the Chinese Maritime Customs, be subject to the import taxes, without being able to make use of these certificates or bonds of the frontier customs. Nor will it be possible to offer there, in payment of duties, the receipts provided by the frontier customs at the time of first payment. As for transit duties, paid once, they are never, in accordance with the regulations applicable in the open ports, the occasion for the issuing of bonds or certificates of exemption.

ARTICLE IX

Chinese goods, which, after having had the transit and export duties paid at one of the offices on the frontier, are to be re-shipped through the other frontier customs to be sold, will not be subject, on their arrival at this second customs, to the payment of more than a half of the already-paid export duty, for entitlement to the right of reimportation. These goods may then, in accordance with the regulations established in the open ports, be transported to the interior by foreign merchants.

If these Chinese goods are transported to one of the open ports of China, they will be treated like foreign goods and must pay a full new import duty, in accordance with the General Tariff of the Maritime Customs.

These goods shall be allowed to pay the transit duty to get into the interior. Chinese goods imported from a seaport in China to a port in Annam, in order to be transported to the land frontier and back into Chinese territory, shall be treated as foreign goods and must pay local import duty. These goods will be allowed to pay the transit duty to get into the interior.

ARTICLE X

The declarations to Chinese customs must be made within thirty-six hours of arrival of the goods, under penalty of a fine of 50 taels for each day of delay, this fine not to exceed 200 taels. An inaccurate declaration of the quantity of goods, if it is proven to be an attempt to escape the payment of duties, will result for the merchant in the confiscation of the goods. Goods which, not bearing the permit of the Chief of Customs, are clandestinely brought in by roundabout ways, unwrapped or sold, or which are the object of intentional smuggling, will be confiscated in their entirety. Any false declaration or scheme to fool the customs on the quality, actual origin, or real destination of goods invoking the benefits of transit passes, shall occasion confiscation of the goods. These penalties will be imposed according to the conditions and procedures set by the regulations of 31 May 1868. In all cases where confiscation is declared, the merchant can free his goods by means of payment of a sum equal to their value, duly determined by agreement with the Chinese authorities. The Chinese authorities will have full freedom to decide on the measures to be taken in China, the length of the frontier, to prevent smuggling.

Goods descending or making their way up navigable rivers on board French, Annamese or Chinese boats, shall not have to be off-loaded at the frontier, unless it appears that there is fraud or a divergence between the state of the cargo and the manifest declaration. The customs may simply send agents to board the said boats for an inspection.

ARTICLE XI

Products of Chinese origin brought into Tonkin via the land frontier shall pay the import duty of the Franco-Annamese Tariff. They need pay no export duty upon leaving Tonkin. The Imperial Government will be notified when France establishes a new Tariff in Tonkin. If excise or consumption taxes or taxes to protect certain articles produced indigenously are established in Tonkin, similar Chinese products must submit, upon importation, to equivalent taxes.

ARTICLE XII

Chinese goods which are transported across Tonkin from one of the two customs frontiers to the other, or to an Annamese port, to be exported into China, will be subject to a specific transit duty not to exceed 2% of the value. Where they leave Chinese territory, these goods must be taken note of by the French frontier customs authority, which will specify the nature, quantity and destination in certificates of original destination to be

produced whenever required by French authorities in the course of their crossing of Tonkin, as well as in the port where they are transhipped.

In order to guarantee the French-Annamese customs against all possible fraud, these Chinese products must pay the import duty upon their entry into Tonkin. A guard will accompany them up to their exit, whether at a transshipment port or at the land frontier, and the sums paid by the owner of the goods, less the transit duties, will be returned at this point, if it is appropriate, in exchange for the receipt issued by the Tonkin customs.

All false declarations or schemes intended to fool the French administration as to the quality, quantity, actual origin or real destination of these goods invoking the enjoyment of special treatment applicable to Chinese goods crossing Tonkin in transit, shall bring confiscation of the goods. In all cases where confiscation has been pronounced, the merchant may free his goods by paying a sum equivalent to its value, duly determined by agreement with the French authorities.

The same rules and transit tax shall be applicable in Annam to Chinese goods sent from a Chinese port to an Annamese port to get from there to the Chinese frontier customs by crossing Tonkin.

ARTICLE XIII

The following article will be checked by Chinese customs upon entry and exit:— bars of gold and silver, foreign currency, flour, corn flour, sago, biscuits, preserved meat and vegetables, cheese, butter, candy, foreign clothing, jewelery, silver plate, perfume, all types of soap, charcoal, firewood, foreign candles big and small, tobacco, wine, beer, spirits, household goods, ship's fittings, personal luggage, paper, weavings, cutlery, pharmaceuticals, foreign medications, and glassware. If truly of foreign origin and destined for the use of foreign personnel, and if in modest quantity, a certificate of exemption from duties will be issued, permitting free passage to the frontier. If these articles are omitted from the declaration, or from the formalities for a certificate of exemption, their secret entry renders them liable to a fine just the same as if they were smuggled goods.

With the exception of gold, silver, money and baggage, which remain free of duty, the abovementioned articles destined for the personal use of foreigners and imported in moderate quantity, will pay a duty of 2 1/2% of the value when they are transported into the Chinese interior.

The French-Annamese customs on the frontier will collect no customs duty, coming in or going out of Tonkin, either on the following objects for personal use carried by Chinese— money, luggage, clothing, women's hair ornaments, papers, brushes, Chinese ink, furniture and food— nor on the products which the Consuls of China in Tonkin have sent in for their personal consumption.

ARTICLE XIV

The High Contracting Parties agree to ban the commerce and transport of opium from whatever source through the land frontier between Tonkin on the one side, and Yunnan, Guangxi and Guangdong on the other.

ARTICLE XV

The export of rice and grains will be banned in China. The importation of these items will be free of duty. It will be forbidden to import into China:

Gunpowder, projectiles, guns and cannon, saltpeter, sulfur, lead, zinc, weapons, salt, immoral publications.

In case of contravention, these articles will be completely confiscated.

If the Chinese authorities have arms or munitions purchased, or if merchants receive express authorization to buy them, the importation will be permitted under the special surveillance of the Chinese customs. The Chinese authorities may also, after agreement with the French Consuls, obtain exemption from all Franco-Annamese customs duties for weapons and munitions which they wish to transport to China across Tonkin.

The introduction to Tonkin of weapons, munitions of war, and immoral publications is also prohibited.

ARTICLE XVI

Chinese resident in Annam shall, in matters of criminal jurisdiction, fiscal or otherwise, be in the same status as subjects of the most favored nation. Trials taking place in China, in the open markets on the frontiers, between Chinese subjects and French or Annamese shall be heard in mixed courts by Chinese and French functionaries.

For crimes and offences which French or French protégés commit in China in the localities open to trade, the proceedings shall be in conformity with the stipulations in Articles 38 and 39 of the Treaty of 27 June 1858.

ARTICLE XVII

If, in the localities open to trade on the Chinese frontier, Chinese deserters or those Chinese accused of some crime identified as such under Chinese law, take refuge in the houses of or on board boats belonging to French or French protégés, the local authorities will address themselves to the Consul who, on proof of the culpability of the accused, will immediately take the necessary measures to have them returned and given over to the regular process of the law.

Chinese who are guilty or accused of crimes or offences and who seek refuge in Annam, shall, upon the request of the Chinese authorities, and on proof of their guilt, be sought out, arrested and extradited in all cases where subjects of countries enjoying the most generous treatment in matters of extradition would be extradited.

French guilty or accused of crimes or offenses, who seek refuge in China, shall, at the request of the French authorities, and on proof of their guilt, be arrested and handed over to the said authorities to be subjected to the regular process of the law.

On both sides, care will be taken to avoid all concealment and connivance.

ARTICLE XVIII

For any difficulty unforeseen in the preceding arrangements, recourse will be had to the regulations of the maritime customs which, in conformity with the existing Treaties, are actually applied in the open towns or ports.

In case these regulations insufficient, agents of the two countries will refer to their respective Governments.

The present stipulations will be, by the terms of Article 8 of the Treaty of 9 June 1885, revised ten years after the exchange of ratifications.

ARTICLE XIX

The present convention on Trade, after having been ratified by the two Governments, will be promulgated in France, China and Annam.

The exchange of ratifications will take place at Beijing within one year, counting from the day of signature of the Convention, or earlier if possible.

Done at Tianjin in four copies, 25 April 1886 (corresponding to the twenty-fifth day of the third moon of the twelfth year of GUANG XU).

(SIGNED)G. COGORDAN.

E. BRUWAERT.

(Chinese Signature and seal: LI HONGZHANG.)