

UNITED STATES

EMIGRATION TREATY BETWEEN THE UNITED STATES OF AMERICA AND
CHINA, 1894

GROVER CLEVELAND, President of the United States of America, to all to whom these present shall come, greeting!

Know ye, that whereas a Convention between the United States of America and China, concerning the subject of emigration between those two countries, was concluded and signed by their respective Plenipotentiaries at Washington on the 17th of March, one thousand eight hundred and ninety-four, a true copy of which Convention is, word for word, as follows: —

WHEREAS, on the 17th day of November, A.D. 1880, and of KWANG HSÜ, the sixth year, tenth moon, fifteenth day, a Treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed WALTER Q. GRESHAM, Secretary of State of the United States, as his Plenipotentiary, and His Imperial Majesty the Emperor of China has appointed YANG YÜ, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Plenipotentiary; and the said Plenipotentiaries, having exhibited their respective full powers, found to be in due and good form, have agreed upon the following article: —

ARTICLE I.

The High Contracting Parties agree that for a period of ten years, beginning with the date of exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II.

The preceding Article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return — which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to and from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880 (the 15th day of the tenth month of KWANG HSÜ sixth year), it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its

obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

The Government of the United States, having by an Act of the Congress, approved May 5, 1892, as amended by an Act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view to affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually, thereafter, that it will furnish to the government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

ARTICLE VI.

This Convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in force for another like period of ten years.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A.D. 1894.

WALTER Q. GRESHAM. [Seal.]

YANG YÜ. [Seal.]

And whereas the Senate of the United States by their resolution of August 13, 1894 (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Convention:

Now, therefore, be it known that I, GROVER CLEVELAND, President of the United States of America, having seen and considered the said Convention, do hereby, in pursuance of the aforesaid advice and consent of the Senate, ratify and confirm the same and every article and clause thereof.

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

Given under my hand at the city of Washington on the 22nd day of August in the year of our Lord one thousand eight hundred and ninety-four, and of the independence of the United States the one hundred and nineteenth.

[L.S.] (SIGNED) GROVER CLEVELAND.

By the President:

(Signed) W.Q. GRESHAM,

Secretary of State.

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Convention, concluded and signed at Washington on March 17, 1894, between China and the United States of America, concerning the subject of emigration between those two countries, and the ratifications of the said Convention having been carefully compared, and found exactly conformable to each other, the exchange took place this day in the usual form.

In witness whereof, they have signed the present protocol of exchange and have affixed their seals thereto.

Done at Washington this 7th day of December, one thousand eight hundred and ninety-four.

[L.S.] (Signed) YANG YÜ.

[L.S.] (Signed) W.Q. GRESHAM.