

## Document 5.6: Excerpts from the Treaty of Wangxia, July 3, 1844

*In 1842, President John Tyler appointed Caleb Cushing, a lawyer, writer, and politician from Newburyport, Massachusetts, as the plenipotentiary to China. Though the Qing government never allowed the American diplomat to enter China proper, from Macao (leased to Portugal by the Chinese), Cushing successfully negotiated the first treaty between China and the United States. While he waited in Macao, with the help of his advisors he bought an extraordinary collection of Chinese classics. Years later, the Cushing books (2,547 of them) would form part of the original Chinese collection at the Library of Congress.*

*This treaty was submitted to the Senate on December 10, 1844 and ratified January 17, 1845. It was ratified by China on August 15, 1844.*

The United States of America, and The Da Qing [the Great Qing] Empire, Desiring to establish firm, lasting, and sincere friendship between the two Nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries...

### ARTICLE I.

There shall be a perfect, permanent, universal peace, and a sincere and cordial amity, between the United States of America on the one part, and the Da Qing Empire on the other part, and between their people respectively, without exception of persons or places.

### ARTICLE II.

Citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the Tariff, which is fixed by and made a part of this Treaty. They shall, in no case, be subject to other or higher duties that are or shall be required of the people of any other nation whatever.... [I]f additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon, to a complete, equal, and impartial participation in the same.

### ARTICLE III.

The citizens of the United States are permitted to frequent the five ports of Guangzhou, Xiamen, Fuzhou, Ningbo and Shanghai, and to reside with their families and trade there... But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States, which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese government.

### ARTICLE IV.

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the government of the United States may appoint Consuls, or other officers, at the same, who shall be duly recognized as such by the officers of the Chinese government...

### ARTICLE VIII.

Citizens of the United States for their vessels bound in shall be allowed to engage pilots [to] take them into port... It shall also be lawful for them to hire at pleasure, servants, compradors,<sup>1</sup> linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service for a reasonable compensation to be agreed on by the parties, or settled by application to the consular officer of their government, without interference on the part of the local officers of the Chinese government....

### ARTICLE XV.

[H]ong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction...

### ARTICLE XVII.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in

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<sup>1</sup> Chinese intermediaries for foreign business affairs

hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof... And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports, shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

#### ARTICLE XVIII.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labors; and the persons so employed shall not, for that cause, be subject to any injury on the part either of the government or of individuals: and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

#### ARTICLE XIX

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law....

#### ARTICLE XXI

Subjects of China who may be guilty of any criminal act towards citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China:

and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the Consul, or other public functionary of the United States, thereto authorized according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

#### ARTICLE XXIV

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their consul, or other officer, to determine if the language be proper and respectful, and the subject matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper and the matter just and right; in which case the said authorities will transmit the same to the Consul or other officer for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided comfortably to justice and equity by the public officers of the two nations acting in conjunction....

#### ARTICLE XXVI

Merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own government, who with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant-vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest consul, or other officer of the United States, to be by him restored to the true owner....

### ARTICLE XXXIII

Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandize, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.

Done at Wangxia, this third day of July, in the year of our Lord Jesus Christ, one thousand eight hundred and forty-four; and of Daoguang<sup>2</sup>, the twenty-fourth year, fifth month, and eighteenth day.

C. CUSHING [Seal] [Signature and seal of Qiying]

Source: Davids, Jules, ed. "The Treaty System and the Taiping Rebellion, 1842–1860; Volume 2: The Treaty of Wanghia." *American Diplomatic and Public Papers: The United States and China. Series I.* Wilmington, DE: Scholarly Resource, Inc., 1973. 117–128.

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<sup>2</sup> Title of the reign period 1821–1850