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Treaties of Nanjing and Wang-hea

Key provisions of the treaties ending the Opium War are presented in this selection. The Treaty of Nanjing was the first of four treaties that were signed with China by the Western nations, ending formal hostilities. As if these assaults on China's sovereignty were not enough, two years later, the Treaty of Wang-hea, signed by the United States and China, provided additional humiliation to a China humbled by their loss. These treaties and others like them are commonly known as the "unequal treaties." These treaties also established a pattern in the West's dealing with other nations in Asia and throughout the world, where similar negotiations led to the establishment of a relationship favorable to the West's interests. In addition to the economic and territorial provisions of the treaties, the sections dealing with diplomatic conduct between nations, which contains the concept of "most favored nation," are also important. Article XXI of the Treaty of Wang-hea introduced the right of extraterritoriality, or the right for foreigners to be governed by western judicial standards.

Discussion Questions

1. Do you think the treaties were fair to China? Given the earlier arguments of Qianlong and Commissioner Lin, with which provisions would the Chinese find most difficult to comply? Which of the provisions was most injurious to China's national self-image? Which runs most contrary to the West's view of itself?
2. If you were a member of the Chinese government at this time (1840s), what course of action would you now recommend to your emperor?

Readings

From the Treaty of Nanjing, Vol. I, pp. 351–356, and "The Most-Favored Nation Clause: Article VIII, Treaty of the Bogue, p. 393, in *China: Treaties, Conventions, Etc., Between China and Foreign States*, published at the Statistical Department of the Inspectorate General of Customs, 2 vols., 1917.

Treaty of Nanjing, 1842

Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, etc., etc., etc. To all and Singular to whom these Presents shall come. Greetings! Whereas a Treaty between Us and Our Good Brother the Emperor of China, was concluded and signed, in the English and Chinese Languages, on board Our Ship the *Cornwallis*, at Nanjing, on the Twenty-ninth day of August, in the Year of Our Lord One Thousand Eight Hundred and Forty-two, by the Plenipotentiaries of Us and of Our said Good Brother, duly and respectively authorized for that purpose; which Treaty is hereunto annexed in Original:—

ARTICLE I.

There shall henceforward be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective Subjects,

who shall enjoy full security and protection for their persons and property within the Dominions of the other.

ARTICLE II.

His Majesty the Emperor of China agrees, that British Subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their Mercantile pursuits, without molestation or restraint at the Cities and Towns of Canton, Amoy, Foochow-fu, Ningpo, and Shanghai. . . .

ARTICLE III.

It being obviously necessary and desirable, that British Subjects should have some Port whereat they may careen and refit their ships, when required, and keep Stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, etc., the Island of Hongkong. . . .

ARTICLE IV.

The Emperor of China agrees to pay the sum of Six Millions of Dollars as the value of Opium which was delivered up at Canton in the month of March 1839, as a Ransom for the lives of Her Britannic Majesty's Superintendent and Subjects, who had been imprisoned and threatened with death by the Chinese High Officers.

ARTICLE VI.

The Government of Her Britannic Majesty having been obliged to send out an Expedition to demand and obtain redress for the violent and unjust Proceedings of the Chinese High Authorities towards Her Britannic Majesty's Officers and Subjects, the Emperor of China agrees to pay the sum of Twelve Millions of Dollars on account of the Expenses incurred . . .

ARTICLE XII.

On the assent of the Emperor of China to this Treaty being received and the discharge of the first instalment of money, Her Britannic Majesty's Forces will retire from Nanjing and the Grand Canal, and will no longer molest or stop the Trade of China. The Military Post at Chinhai will also be withdrawn, but the Islands of Koolangsoo and that of Chusan will continue to be held by Her Majesty's Forces until the money payments, and the arrangements for opening the Ports to British Merchants be completed.

Treaty of Wang-Hea, 1844

ARTICLE I.

There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the Ta-Tsing 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 purpose of commerce will pay duties of import and export prescribed by 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 than are or shall be required of the people of any other nation whatever. . . . If the Chinese Government desire to modify in any respect the said Tariff, such modifications shall be made only in consultation with Consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if 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 Quangchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to or from any Foreign port and either of the said five ports, and from either of said five ports to any other of them; but the 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 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 their property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals and punish them with the utmost rigour 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 authorised 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.