

TREATY OF NANKING

TREATY AT A GLANCE

Completed

August 29, 1842, at Nanjing (Nanking), China

Signatories

Great Britain and China

Overview

This treaty ended the Opium War of 1839–42, and China ceded Hong Kong to Great Britain, opened several ports to unrestricted trade, and promised to conduct foreign relations on the basis of equality. The Chinese also agreed to the principle of extraterritoriality, whereby Westerners in China were exclusively subject to the jurisdiction of their own countries' consular courts.

Historical Background

The First and Second Opium Wars (1839–42 and 1856–60) were the first major military confrontations between China and the West. They not only ended Chinese isolation from other civilizations but began for China a century of mistreatment and humiliation at the hands of foreign powers, leading to the decay of the Qing (Ch'ing) dynasty and, ultimately, revolution, civil war, and the ascendancy of communist rule.

The First Opium War began when British merchants ignored a Chinese prohibition against the importation of opium. On March 30, 1839, a Chinese imperial commissioner seized the opium in British warehouses in Guangzhou (Canton). Britain responded by dispatching warships and troops. In rapid succession, the coastal cities of Hangzhou (Hangchow), Hong Kong, and Guangzhou fell under attack, and Guangzhou was captured in May 1841. Xiamen (Amoy) and Ningbo fell next. After a lull in the fighting due to disease among the British forces, renewed efforts resulted in the taking of Shanghai and Zhenjiang (Chinkiang). Outmatched by British troops and equipment, the Chinese capitulated and agreed to the harsh terms of the Nanjing Treaty.

Terms

In addition to agreeing to pay a \$20 million indemnity, the Chinese opened the ports of Guangzhou, Xiamen, Fuzhou (Foochow), Ningbo, and Shanghai to British

trade and residence. China also granted Britain the right of extraterritoriality, whereby British residents in China were subject not to Chinese legal jurisdiction but that of special consular courts. The greatest prize ceded to the Crown was Hong Kong, which was transferred to Britain in perpetuity.



Treaty of Nanking

Nanking, August 29, 1842

Peace Treaty between the Queen of Great Britain and the Emperor of China

HER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two countries, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, Sir Henry Pottinger, Bart., a Major-General in the service of the East India Company, &c.;

And His Imperial Majesty the Emperor of China, the High Commissioners Keying, a member of the Imperial House, Guardian of the Crown Prince, and General of the garrison of Canton; and Elepoo, of the Imperial Kindred, graciously permitted to wear the insignia of the first rank, and the distinction of a peacock's feather, lately Minister and Governor-General &c., and now Lieutenant General commanding at Chapoo;

Who, after having communicated to each other their respective Full Powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:

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.

II

His Majesty the Emperor of China agrees, that British subjects, with their families and establishments, shall be allowed to reside, for the purposes of carrying on their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai; and Her Majesty the Queen of Great Britain, &c., will appoint Superintendents, or Consular officers, to reside at each of the abovenamed cities or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just duties and other dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannic Majesty's subjects.

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, &c., the Island of Hong-Kong, to be possessed in perpetuity by Her Britannic Majesty, her heirs and successors, and to be governed by such laws and regulations as Her Majesty the Queen of Great Britain, &c., shall see fit to direct.

IV

The Emperor of China agrees to pay the sum of 6,000,000 of dollars, as the value of the 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.

V

The Government of China having compelled the British merchants trading at Canton to deal exclusively with certain Chinese merchants, called Hong merchants (or Co-Hong), who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all ports where British merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please; and His Imperial Majesty further agrees to pay to the British Government the sum of 3,000,000 of dollars, on account of debts due to British subjects by some of the said Hong merchants (or Co-Hong), who have become insolvent, and who owe very large sums of money to subjects of Her Britannic Majesty.

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 officer and subjects, the Emperor of China agrees to pay the sum of 12,000,000 of dollars, on account of the expences incurred; and Her Britannic

Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the said amount of 12,000,000 of dollars, any sums which may have been received by Her Majesty's combined forces, as ransom for cities and towns in China, subsequent to the 1st day of August, 1841.

VII

It is agreed, that the total amount of 21,000,000 of dollars, described in the 3 preceding Articles, shall be paid as follows:

6,000,000 immediately.

6,000,000 in 1843; that is, 3,000,000 on or before the 30th of the month of June, and 3,000,000 on or before the 31st of December.

5,000,000 in 1844; that is, 2,500,000 on or before the 30th of June, and 2,500,000 on or before the 31st of December.

4,000,000 in 1845; that is, 2,000,000 on or before the 30th of June, and 2,000,000 on or before the 31st of December.

And it is further stipulated, that interest, at the rate of 5 per cent. per annum, shall be paid by the Government of China on any portion of the above sums that are not punctually discharged at the periods fixed.

VIII

The Emperor of China agrees to release, unconditionally, all subjects of Her Britannic Majesty (whether natives of Europe or India), who may be in confinement at this moment in any part of the Chinese empire.

IX

The Emperor of China agrees to publish and promulgate, under his Imperial sign manual and seal, a full and entire amnesty and act of indemnity to all subjects of China, on account of their having resided under, or having had dealings and intercourse with, or having entered the service of Her Britannic Majesty, or of Her Majesty's officers; and His Imperial Majesty further engages to release all Chinese subjects who may be at this moment in confinement for similar reasons.

X

His Majesty the Emperor of China agrees to establish at all the ports which are, by the IInd Article of this Treaty, to be thrown open for the resort of British merchants, a fair and regular tariff of export and import customs and other dues, which tariff shall be publicly notified and promulgated for general information; and the Emperor further engages, that when British merchandize shall have once paid at any of the said ports the regulated customs and dues, agreeable to the tariff to be hereafter fixed, such merchandize may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount as transit duties, which shall not exceed * per cent. on the tariff value of such goods.

XI

It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at the capital and in the provinces, under the term "communication"; the subordinate British Officers and Chinese High Officers in the provinces, under the terms "statement" on the part of the former, and on the part of the latter, "declaration"; and the subordinates of both countries on a footing of perfect equality: merchants and others not holding official situations, and therefore not included in the above, on both sides, to use the term

"representation" in all papers addressed to, or intended for the notice of, the respective Governments.

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 Nanking 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.

XIII

The ratification of this Treaty by Her Majesty the Queen of Great Britain, &c., and His Majesty the Emperor of China, shall be exchanged as soon as the great distance which separates England from China will admit; but in the meantime, counterpart copies of it, signed and sealed by the Plenipotentiaries on behalf of their respective Sovereigns, shall be mutually delivered, and all its provisions and arrangements shall take effect.

Done at Nanking, and signed and sealed by the Plenipotentiaries on board Her Britannic Majesty's ship *Cornwallis*, at Nanking, on the 29th day of August, 1842; corresponding with the Chinese date, 24th day of the 7th month, in the 22nd year of Taoukwang.

[L.S.] HENRY POTTINGER.
[SIGNATURES OF THE THREE CHINESE
PLENIPOTENTIARIES]

Declaration Respecting Transit Duties

Whereas by the Xth Article of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, concluded and signed on board Her Britannic Majesty's ship *Cornwallis*, at Nanking, on the 29th day of August, 1842, corresponding with the Chinese date 24th day of the 7th month, in the 22nd year of Taoukwang, it is stipulated and agreed, that His Majesty the Emperor of China shall establish at all the ports which; by the IIInd Article of the said Treaty, are to be thrown open for the resort of British merchants, a fair and regular tariff of export and import customs and other dues, which tariff shall be publicly notified and promulgated for general information; and further, that when British merchandize shall have once paid, at any of the

said ports, the regulated customs and dues, agreeable to the tariff to be hereafter fixed, such merchandize may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount of duty as transit duty;

And whereas the rate of transit duty to be so levied was not fixed by the said Treaty;

Now, therefore, the undersigned Plenipotentiaries of Her Britannic Majesty, and of His Majesty the Emperor of China, do hereby, on proceeding to the exchange of the Ratifications of the said Treaty, agree and declare, that the further amount of duty to be so levied on British merchandize, as transit duty, shall not exceed the present rates, which are upon a moderate scale; and the Ratifications of the said Treaty are exchanged subject to the express declaration and stipulation herein contained.

In witness whereof the respective Plenipotentiaries have signed the present declaration, and have affixed thereto their respective seals.

Done at Hong-Kong, the 26th day of June, 1843, corresponding with the Chinese date, Taoukwang 23rd year, 5th month, and 29th day.

[L.S.] HENRY POTTINGER.
[SEAL AND SIGNATURE OF THE CHINESE
PLENIPOTENTIARY]



Consequences

The trade and legal concessions made to the British under the treaty were soon extended to other Western powers, and China's long isolation came to an end. A Second Opium War erupted in 1856 and was concluded by the TREATY OF TIENSIN. In 1860, following China's defeat in the Second Opium War, the Kowloon peninsula on the Chinese mainland was added to the Hong Kong colony, and in 1898 a large area beyond Kowloon, together with the surrounding islands (the "New Territories"), was leased to Great Britain for 99 years. With the expiration of the lease on July 1, 1997, all of Hong Kong was returned to Chinese sovereignty.