
TREATY of Friendship, Commerce, and Navigation between Mexico and China.—Signed at Washington, December 14, 1899.

[Ratifications exchanged at Washington, June 19, 1900.]

THE President of the United Mexican States and His Majesty the Emperor of China, being equally animated by the desire to establish friendly relations between the two countries and their citizens and subjects, have resolved to conclude a Treaty of Friendship, Commerce, and Navigation, and for that purpose have named their respective Plenipotentiaries, that is to say :

The President of the United Mexican States, Manuel de Azpíroz, Ambassador Extraordinary and Plenipotentiary of the United Mexican States in Washington ; and

His Majesty the Emperor of China, Wu Ting-fang, an official of the Second Rank, Minister of State of the Fourth Class by brevet, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Spain, and Peru ;

And we, the said Plenipotentiaries, after having exhibited our respective full powers, and finding them in due and good form, have agreed upon the following Articles :—

ART. I. There shall be perpetual, firm, and sincere friendship between the United Mexican States and the Chinese Empire, as also between their respective citizens and subjects. They shall be at liberty to freely go to the respective countries of the High Contracting Parties and reside therein. They shall there have complete protection in their persons, families, and property, and they shall enjoy all the rights and advantages which are granted to the subjects of the most favoured nation.

II. In order to facilitate friendly relations between the two countries, the President of the United Mexican States may appoint a Diplomatic Agent to the Court at Peking, and His Majesty the Emperor of China may likewise appoint a Diplomatic Agent near the Mexican Government.

The Diplomatic Agents of each of the High Contracting Parties may reside permanently or temporarily in the capital of the other, with their families and members of their suite, and enjoy, in the countries of their respective residence, the same prerogatives, exemptions, immunities, and privileges granted to the Agents of the same rank of the most favoured nation.

III. Each of the High Contracting Parties may appoint, at the ports or cities of the other open to foreign commerce, Consuls-General, Consuls, Vice-Consuls, and Consular Agents. These shall not enter in the discharge of their duties until they receive the exequatur of the Government of the country where they are to reside. The exequatur shall be issued free of charge. At the ports or cities where no Consul is appointed, his functions may be performed by a Consul of a friendly nation. Where there is no Consul the local authorities shall see that the citizens or subjects of the other Contracting Party enjoy the benefits of the present Treaty.

The Consular officers of the High Contracting Parties shall perform all the functions, and enjoy all the immunities and privileges which, in either of the two countries, are granted to the Consular officers of the most favoured nation.

The Consular officers shall not support the demands of their citizens or subjects if provocative or offensive to the authorities or inhabitants of their place of residence.

Should a Consular officer adopt offensive conduct towards the laws of the country of his residence, the exequatur may be withdrawn from him.

IV. Mexican citizens shall be permitted to go into the interior of China and travel therein, provided they are furnished with a passport issued, at the request of the Mexican Consul, by the Customs Taotai. This passport, written in the two languages, Spanish and Chinese, must be shown when the authorities of the

place of transit ask it, and returned at the end of the journey. No obstacle shall be placed in the way of travellers engaging men, vehicles, or vessels for the transportation of their baggage.

In case the traveller is not provided with the proper passport, or he commits an unlawful act, he shall be delivered for trial to the nearest Consul of Mexico or of a friendly nation previously designated by the Mexican Government. In this case the local authorities can only arrest the traveller, without insulting him or permitting any violence to him.

Mexican citizens shall be at liberty to make excursions without the necessity of providing themselves with a passport, in the neighbourhood of the open ports, for a distance not exceeding 100 *li*, and for a time not exceeding five days.

These stipulations are not applicable to the crews of vessels, who shall be subject, during their stay on land, to the regulations established by the Consuls and the authorities.

Chinese subjects shall be at liberty to travel through all the territory of Mexico, as long as they conduct themselves peaceably and do not violate the laws and regulations of the country.

V. It is agreed between the two High Contracting Parties that the emigration of their respective subjects, whether accompanied by their families or not, shall be in future free and voluntary; consequently they disapprove of every act of violence or trickery which might be committed in the ports of China or anywhere else for the purpose of expatriating Chinese subjects against their will.

The two Governments engage themselves to prosecute with all the rigour of the laws any contravention of the preceding stipulation, and to impose penalties established by their respective legislations upon the persons and ships who may violate this stipulation.

VI. Mexican citizens shall be at liberty to travel with their merchandize and engage in commercial pursuits in all the ports of China where the subjects of other nations are permitted to engage in commerce.

Chinese subjects shall, likewise, be at liberty to travel and engage in commerce in all places of the Mexican Republic, under the same conditions as the subjects of all other nations. It is to be understood that in case either of the High Contracting Parties should hereafter grant, of its own accord, to any other nation advantages subject to special conditions, the other Contracting Party shall enjoy said advantages, only provided it complies with the conditions imposed therein or their equivalent, to be mutually agreed upon.

VII. The citizens or subjects and merchant-vessels of each of the High Contracting Parties shall be subject, at the ports of the other open to foreign commerce, to the legal provisions which now

regulate commerce with all other nations or which may be issued hereafter.

VIII. The import duties imposed in the United Mexican States on the produce of the soil and industry of China, and in the Empire of China on the produce of the soil and industry of Mexico, shall be no other nor higher than those to which the same produce of the most favoured nation are or may be subject.

The same principle shall be observed in regard to exportation.

No prohibition nor restriction of importation or exportation shall take place in the reciprocal commerce of both countries, unless it be likewise applied to all other nations, except for sanitary motives or for the purpose of preventing the propagation of epizooties or the loss of crops, or also in view of events of war.

IX. The ships of war of each of the Contracting Parties shall be admitted into the ports of the other, where those vessels of all other nations are allowed to enter, and to be treated as those of the most favoured nation.

They shall have entire liberty to purchase provisions, coal, and the necessary articles for a voyage, as also to get water and have all necessary repairs made.

The ships of war shall be exempt from the payment of all duties, both on their arrival and departure.

The Commanders of Mexican ships of war in China and the local principal authorities shall mutually treat each other on the basis of equality.

X. The citizens or subjects of each of the Contracting Parties, in the dominions and possessions of the other, shall be exempt from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall likewise be exempt from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and, finally, from forced loans, and from charges, requisitions, and war contributions, unless imposed on real property, when they shall pay them equally with nationals.

The vessels, cargoes, merchandize, or effects of citizens or subjects of neither Contracting Party shall be detained for any military expeditions, or for any public purpose whatever without corresponding compensation first being agreed upon and settled.

XI. The merchant-vessels of each of the Contracting Parties shall be at liberty to frequent the ports of the other open to foreign commerce, or that may hereafter be opened.

It is, however, agreed that this concession does not extend to the coasting trade, granted only to the national vessels in the territory of each of the Contracting Parties. But if one of them should permit it, wholly or in part, to any nation or nations, the other Party shall have the right to claim the same concessions or

favours for its citizens or subjects, provided said Contracting Party is willing, on its part, to grant reciprocity in all its claims on this point.

The vessels of each of the Contracting Parties shall not be subject, in the territory or ports of the other, on their entrance, departure, or stay, to other or higher duties, charges, or fees of public officials, on account of tonnage, lighthouse, port, pilotage, quarantine, salvage, assistance in case of damage or shipwreck, nor to other charges or duties, local or federal, of whatever kind or denomination, than are paid or which may hereafter be paid by vessels of any other nation.

For the application of this and other Articles of the present Treaty, those are to be understood as ports of each of the Contracting Parties which are opened or that may hereafter be opened to the import and export trade by the respective Government.

The two Contracting Parties agree upon considering a distance of 3 marine leagues, measured from the line of low tide, as the limit of their territorial waters for everything relating to the vigilance and enforcement of the Custom-house Regulations and the necessary measures for the prevention of smuggling.

The vessels of each of the High Contracting Parties which may have been disabled near the coast of the other and may have to seek shelter in a port, shall receive from the local authorities all the assistance which they can render.

The merchandize saved shall not be subject to the payment of duties, unless it shall be landed for the purpose of sale.

Those vessels shall be treated on the same terms as are granted under similar circumstances to those of other countries.

XII. The engagement by contract of citizens or subjects of one country as labourers, servants, or the like, in plantations, mills, shops, business establishments, or private families, in the other country, shall be subject to rules to be established by mutual agreement between both High Contracting Parties.

XIII. Mexicans in China who may have occasion of complaint against Chinese, shall lay their complaint before the Mexican Consul, who shall investigate the facts of the case and exert himself to bring about an amicable settlement.

If a Chinese should, likewise, have any occasion of complaint against a Mexican in China, the Mexican Consul shall listen to his complaint, and try to obtain a friendly settlement. Should the Consul be unable to reconcile the parties, the case is then to be submitted, in all equity, whether the plaintiff be a Mexican or a Chinese, only to the Court to which the accused is subject.

XIV. Mexican citizens in China, who may commit any crime against Chinese subjects, shall be arrested by the Mexican Con-

sular authorities and punished in accordance with the laws of Mexico.

Chinese subjects guilty of criminal acts against Mexican citizens in China shall be arrested and punished by the Chinese authorities in conformity with the laws of China.

As a general rule, every civil or criminal suit instituted in China, between the citizens or subjects of the two Contracting Parties, shall be tried only according to the laws and by the authorities of the country to which the defendant or accused belongs.

The High Contracting Parties shall not be bound to reimburse any money that has been stolen or obtained by fraud, or owing by a citizen or subject of one of the two countries to a subject or citizen of the other country. In case of robbery or fraud, the proceedings to be instituted shall be in accordance with the laws of the country to which the accused belongs; and in case of debt, the authorities of the country of the debtor shall do all they can to make the debtor comply with his obligation.

Should Chinese subjects in China, who are principal actors or accomplices of a crime, take refuge in the houses, warehouses, or on board the merchant-vessels of Mexican citizens, the Chinese authorities shall lay the facts in this case before the Mexican Consular officers, and they shall conjointly appoint agents for the apprehension of the criminals, who shall not be protected nor hidden.

XV. All legal questions that may arise in China between Mexican citizens concerning their persons or property shall be subject to the exclusive jurisdiction of the Mexican authorities. Suits instituted in China between Mexican citizens and foreigners shall be decided only by the authorities of their respective countries.

When Chinese shall be concerned in suits, the proceedings shall be in accordance with the provisions of the two preceding Articles.

Should the Chinese Government think proper, hereafter, to establish, in accord with foreign Powers, a code for the purpose of settling the matter of jurisdiction over foreign subjects in China, Mexico shall have an equal share in said agreement.

XVI. Persons, of whatever condition they may be, who may land from vessels of one of the High Contracting Parties, at an open port of the other, and cause any disturbance on shore within twenty-four hours of their landing, shall be punished by the proper local authorities, but only with fine or imprisonment in accordance with the usages established at said port.

The questions arising from collisions in Chinese waters between vessels of the two countries shall be decided by the authorities of the accused, in accordance with the legal regulations in force in all countries respecting collisions.

Should the complainant not be satisfied with the decision, the Agents of the country to which he belongs shall be authorized to apply officially to the authorities that have tried the offender, and they shall retry the case and give a final and equitable decision on the same.

XVII. Chinese subjects in Mexico shall have free access to the Judicial Tribunals of the country for the defence of their legitimate rights. They shall enjoy, in this respect, the same rights and concessions enjoyed by Mexicans or by subjects of the most favoured nation.

XVIII. This Treaty shall be engrossed in the three languages, Spanish, Chinese, and English; the Spanish text shall be observed in Mexico, the Chinese text in China, and, in case of disagreement, the English version shall be decisive.

XIX. This Treaty shall remain in force for ten years, reckoned from the day of the exchange of ratifications. The High Contracting Parties can, at the expiration of that time, propose modifications by means of a notice to be given six months in advance; and if neither of them should do so, the Treaty shall continue to remain in force in all its provisions until the expiration of one year after one of the Parties has expressed to the other its intention of terminating it.

XX. This Treaty shall be ratified by the two High Contracting Parties, and the ratifications shall be exchanged at Washington as soon as possible.

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

Done at Washington, in two originals in the three languages, Spanish, Chinese, and English, this 14th day of December, of the year 1899, of the Christian era, corresponding to the 12th day of the 11th moon of the 25th year of Kwang Hsi.

(L.S.) MANUEL DE AZPIROZ.

(L.S.) WU TING-FANG.
