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1904.

CONVENTION

BETWEEN THE

UNITED KINGDOM AND CHINA

RESPECTING THE

EMPLOYMENT OF  
CHINESE LABOUR IN BRITISH COLONIES  
AND PROTECTORATES.

Signed at London, May 13, 1904.

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*Presented to both Houses of Parliament by Command of His Majesty.  
September 1904.*

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WHEREAS a Convention between Her Majesty Queen Victoria and His Majesty the Emperor of China was signed at Peking on the 24th October, 1860, by Article V of which His Imperial Majesty the Emperor of China consented to allow Chinese subjects, wishing to take service in British Colonies or other parts beyond the seas, to enter into engagements with British subjects, and to ship themselves and their families on board of British vessels at the open ports of China in conformity with Regulations to be drawn up between the two Governments for the protection of such emigrants:

And whereas the aforesaid Regulations have not hitherto been framed, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China have accordingly appointed the following as their respective Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the Emperor of China, Chang T'eh-Yih, Brevet Lieutenant-General of the Chinese Imperial Forces, His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

And the said Plenipotentiaries having met and communicated to each other their respective full powers, and found them in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

As the Regulations to be framed under the above-mentioned Treaty were intended to be of a general character, it is hereby

7

agreed that on each occasion when indentured emigrants are required for a particular British Colony or Protectorate beyond the seas, His Britannic Majesty's Minister in Peking shall notify the Chinese Government, stating the name of the particular Colony or Protectorate for which the emigrants are required, the name of the Treaty port at which it is intended to embark them, and the terms and conditions on which they are to be engaged; the Chinese Government shall thereupon, without requiring further formalities, immediately instruct the local authorities at the specified Treaty port to take all the steps necessary to facilitate emigration. The notification herein referred to shall only be required once in the case of each Colony or Protectorate, except when emigration under indenture to that Colony or Protectorate from the specified Treaty port has not taken place during the preceding three years.

#### ARTICLE II.

On receipt of the instructions above referred to, the Taotai at the port shall at once appoint an officer, to be called the Chinese Inspector, who, together with the British Consular Officer at the port, or his Delegate, shall make known by Proclamation and by means of the native press the text of the Indenture which the emigrant will have to sign, and any particulars of which the Chinese officer considers it essential that the emigrant shall be informed, respecting the country to which the emigrant is to proceed, and respecting its laws.

#### ARTICLE III.

The British Consular Officer at the port, or his Delegate, shall confer with the Chinese Inspector as to the location and installation of the offices and other necessary buildings, hereinafter called the Emigration Agency, which shall be erected or fitted up by the British Government, and at their expense, for the purpose of carrying on the business of the engagement and shipment of the emigrants, and in which the Chinese Inspector and his staff shall have suitable accommodation for carrying on their duties.

#### ARTICLE IV.

1. There shall be posted up in conspicuous places throughout the Emigration Agency; and more especially in that part of it called the Depôt, destined for the reception of intending emigrants, copies of the Indenture to be entered into with the emigrant, drawn up in the Chinese and English languages, together with

copies of the special Ordinance, if any, relating to immigration into the particular Colony or Protectorate for which the emigrants are required.

2. There shall be kept a Register in English and in Chinese, in which the names of intending indentured emigrants shall be inscribed, and in this Register there shall not be inscribed the name of any person who is under 20 years of age, unless he shall have produced proof of his having obtained the consent of his parents or other lawful guardians to emigrate, or, in default of these, of the Magistrate of the district to which he belongs. After signature of the Indenture according to the Chinese manner, the emigrant shall not be permitted to leave the *Depôt*, previously to his embarkation, without a pass signed by the Chinese Inspector and countersigned by the British Consular Officer or his Delegate, unless he shall have, through the Chinese Inspector, renounced his agreement and withdrawn his name from the register of emigrants.

3. Before the sailing of the ship each emigrant shall be carefully examined by a qualified Medical Officer nominated by the British Consular Officer or his Delegate. The emigrants shall be paraded before the British Consular Officer or his Delegate and the Chinese Inspector or his Delegate, and questioned with a view to ascertain their perfect understanding of the Indenture.

#### ARTICLE V.

All ships employed in the conveyance of indentured emigrants from China under this Convention shall engage and embark them only at a Treaty port, and shall comply with the Regulations contained in the Schedule hereto annexed and forming part of the Convention.

#### ARTICLE VI.

For the better protection of the emigrant, and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations.

#### ARTICLE VII.

Every Indenture entered into under the present Articles shall clearly specify the name of the country for which the labourer is required, the duration of the engagement, and, if renewable, on what terms, the number of hours of labour per working day, the

nature of the work, the rate of wages and mode of payment, the rations, clothing, the grant of a free passage out, and, where such is provided for therein, a free passage back to the port of embarkation in China for himself and family, right to free medical attendance and medicines, whether in the Colony or Protectorate or on the voyage from and to the port of embarkation in China, and any other advantages to which the emigrant shall be entitled. The Indenture may also provide that the emigrant shall, if considered necessary by the medical authorities, be vaccinated on his arrival at the Dépôt, and, in the event of such vaccination being unsuccessful, revaccinated on board ship.

#### ARTICLE VIII.

The Indenture shall be signed, or in cases of illiteracy marked, by the emigrant after the Chinese manner, in the presence of the Chinese Inspector or his Delegate and of the British Consular Officer or his Delegate, who shall be responsible to their respective Governments for its provisions having been clearly and fully explained to the emigrant previous to signature. To each emigrant there shall be presented a copy of the Indenture drawn up in Chinese and English. Such Indenture shall not be considered as definitive or irrevocable until after the embarkation of the emigrant.

#### ARTICLE IX.

In every British Colony or Protectorate to which indentured Chinese emigrants proceed, an officer or officers shall be appointed, whose duty it shall be to insure that the emigrant shall have free access to the Courts of Justice to obtain the redress for injuries to his person and property which is secured to all persons, irrespective of race, by the local law.

#### ARTICLE X.

During the sojourn of the emigrant in the Colony or Protectorate in which he is employed, all possible postal facilities shall be afforded to him for communicating with his native country, and for making remittances to his family.

#### ARTICLE XI.

With regard to the repatriation of the emigrant and his family, whether on the expiration of the Indenture or from any legal cause, or in the event of his having been invalided from sickness or disablement, it is understood that this shall always be to the

port of shipment in China, and that in no case shall it take place by any other means than actual conveyance by ship, and payment of money to the returning emigrant in lieu of passage shall not be admissible.

#### ARTICLE XII.

Nothing in any Indenture framed under these Articles shall constitute on the part of the employer a right to transfer the emigrant to another employer of labour without the emigrant's free consent and the approval of his Consul or Vice-Consul; and should any such transfer or assignment take place, it shall not in any way invalidate any of the rights or privileges of the emigrant under the Indenture.

#### ARTICLE XIII.

It is agreed that a fee on each indentured emigrant shipped under the terms of this Convention shall be paid to the Chinese Government for expenses of inspection, but no payment of any kind shall be made to the Chinese Inspector or any other official of the Chinese Government at the port of embarkation. The above fee shall be paid into the Customs bank previous to the clearance of the ship, and shall be calculated at the following rate:—3 Mexican dollars per head for any number of emigrants not exceeding 10,000, and two dollars per head for any number in excess thereof, provided they are shipped at the same Treaty port, and that not more than twelve months have elapsed since the date of the last shipment.

Should the port of embarkation have been changed, or a space of more than twelve months have elapsed since the date of the last shipment, inspection charges shall be paid as in the first instance.

#### ARTICLE XIV.

The English and Chinese text of the present Convention have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

#### ARTICLE XV.

The present Convention shall come into force on the date of its signature and remain in force for four years from that date, and after such period of four years it shall be terminable by either of the High Contracting Parties on giving one year's notice.

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

Done at London in four copies, two in English and two in Chinese, this thirteenth day of May of the year 1904.

(L.S.)	(Signed)	LANSDOWNE.
(L.S.)	(Signed)	T. Y. CHANG.

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### SCHEDULE.

#### *Regulations.*

*SHIPS employed in the transport of indentured emigrants from China under this Convention must be seaworthy, clean, and properly ventilated, and, with regard to the following matters, shall comply with conditions as far as possible equivalent to those in force in British India with reference to the emigration of natives from India:—*

Accommodation required on board (*vide* section 57 of "The Indian Emigration Act, 1883").

Sleeping accommodation, consisting of wooden sheathing to the decks or sleeping platforms (*vide* rule regarding "iron decks," as amended the 16th August, 1902, in Schedule "A" to the rules under "The Indian Emigration Act, 1883").

Rules as to space on board (*vide* section 58 of "The Indian Emigration Act, 1883").

Carrriage of qualified surgeon, with necessary medical stores.

Storage of drinking water (*vide* rule 113, as amended the 24th February, 1903, under "The Indian Emigration Act, 1883").

Provision of adequate distilling apparatus (*vide* Schedule "C" to the rules under "The Indian Emigration Act, 1883").

The dietary for each indentured emigrant on board ship shall be as follows per day:—

	Not less than
Rice, not less than 1½ lb., or flour or bread stuffs...	1½ lb.
Fish (dried or salt) or meat (fresh or preserved)...	0½ "
Fresh vegetables of suitable kinds ...	1½ "
Salt ... ..	1 oz.
Sugar ... ..	1½ "
Chinese tea ... ..	0½ "
<i>Chinese condiments in sufficient qualities.</i>	
Water, for drinking and cooking ... ..	1 gallon.

or such other articles of food as may be substituted for any of the articles enumerated in the foregoing scale as being in the opinion of the doctor on board equivalent thereto.

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*Exchange of Notes between the Marquess of Lansdowne and  
Chang Ta-jên, May 13, 1904.*

Sir, *Foreign Office, May 13, 1904.*  
By Article VI of the Convention about to be concluded between Great Britain and China with regard to Chinese subjects leaving the Treaty ports of China under Indenture for service in British Colonies or Protectorates it is provided that:—

“For the better protection of the emigrant and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations.”

His Majesty's Government consider it specially important that the persons appointed to occupy, for the purpose named, the position of Consul or Vice-Consul should be experienced officers of Chinese nationality, that they should be exclusively in the service of the Emperor of China, and that in each case the name of the person selected should be communicated to His Majesty's Government, and their agreement to the appointment obtained.

I have the honour to inquire whether the Chinese Government are prepared to meet the wishes of His Majesty's Government in the matter. If so, and if you will inform me accordingly, this note and your reply might be attached to the Convention in order to place on formal record the arrangement concluded.

I have, &c.  
(Signed) LANSDOWNE.

Chang Ta-Jên,  
&c., &c., &c.

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My Lord Marquess, *Chinese Legation, May 13, 1904.*

IN reply to your Lordship's note of this date, I have the honour to state that the Chinese Government are in entire accord with His Britannic Majesty's Government as to the great importance they attach to the Consuls and Vice-Consuls to be appointed under Article VI of the Convention about to be concluded between the two Governments being men of great experience, and will consider it a duty which they owe to the emigrant to confine the selection of these officers to such as in all respects conform to the requirements specified in the note above referred to, which, together with the present one, it has been mutually agreed shall, in proof of this understanding, be appended to the said Convention.

I have, &c.  
(Signed) T. Y. CHANG.

The Marquess of Lansdowne, K.G.,  
&c., &c., &c.

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