



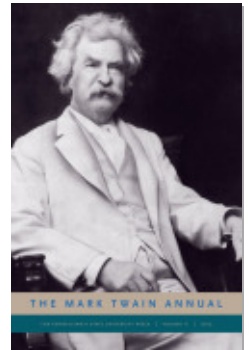
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The Mark Twain Annual, Volume 11, 2013, pp. 123-138 (Article)

Published by Penn State University Press



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The Treaty with China: Its Provisions Explained

Mark Twain

Every one has read the treaty which has just been concluded between the United States and China. Everyone has read it, but in it there are expressions which not every one understands. There are clauses which seem vague, other clauses which seem almost unnecessary, and still others which bear the flavor of “surplusage,” to speak in legal phrase. The most careful reading of the document will leave these impressions—that is, unless one comprehends the past and present condition of foreign intercourse with China—in which case it will be seen at once that there is no word in the treaty without a meaning, and no clause in it but was dictated by a present need or a wise policy looking to the future. It will interest many of your readers to know *why* this, that, and the other provision was incorporated in the treaty; it will interest others to know in what manner and to what extent the treaty will affect our existing relations with China. Apart from its grave importance, the subject is really as entertaining as any I know of and—asking pardon for the presumption—I desire to write a few paragraphs upon it.

We made a treaty with China in 1858; Mr. Burlingame’s new treaty is an addition to that one, and an amplification of its powers. The first article of this new treaty reads as follows:

ARTICLE I. His Majesty, the Emperor of China, being of the opinion that in making concessions to the citizens or subjects of foreign Powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire for the purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any Power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters; and the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any Power or party or their property with which they may be at war on any such tract of land or waters of the said Empire; but nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile Power or party upon their citizens or their property. It is further agreed that if any right or interest in any tract of land in China has been

or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

In or near one or two of the cities of China the Emperor has set apart certain tracts of land for occupation by foreigners. The foreigners residing upon these tracts create courts of justice, organize police forces, and govern themselves by laws of their own framing. They levy and collect taxes, they pave their streets, they light them with gas. These communities, through the liberality of China, are so independent and so unshackled that they have all the seeming of colonies—insomuch that the jurisdiction of China over them was in time lost sight of and disregarded—at least, questioned. The English communities came to be looked upon as a part of England, and the American colonies as part of America; and so, after the Trent affair, it was seriously held by many that the Confederate ships of war would be as justifiable in making attacks upon the American communities in China as they would be in attacking New York or Boston. This doctrine was really held, notwithstanding the supremacy of China over these tracts of land was recognized at regular intervals in the most substantial way, viz., by way of payment to the Government of a stipulated rental. Again, these foreign communities took it upon themselves to levy taxes upon Chinamen residing upon their so-called “concessions,” and enforce their collection. Perhaps those Chinamen were just as well governed as they would have been anywhere in China, and perhaps it was entirely just that they should pay for good government—but the principle was wrong; it was an encroachment upon the rights of the crown, and caused the Government uneasiness; the boundary thus passed there was no telling how far the encroachment might be pushed. The municipal council which taxed these Chinamen was composed altogether of foreigners, so there was taxation without representation—a policy which we fought seven long years to overthrow. The French have persistently claimed the right to exercise untrammelled jurisdiction over both natives and foreigners residing within their “concessions,” but the present Minister, Monsieur Moustier, has yielded this position in favor of the anti-concession doctrine, and thus have ignored the “*eminent dominion*” of the Chinese Government. Under Article 1 of the new treaty, the question of whether an enemy of America can attack an American colony in China is answered in the *negative*. Under it the right of the Chinese Government to regulate the governing, taxing, and trying

of its subjects resident within American “concessions” is recognized—in a word, its supreme control over its own people is recognized. Also (in the final sentence) its control over scattering foreigners (of nationalities not in treaty relations with China) not enrolled among the regular concessions is granted.” During a war between Russia and Denmark, a Prussian man-of-war captured two Danish vessels lying at harbor in a Chinese harbor or roadstead, and carried them off. Article 1 of this treaty pledges that like offenses shall not be committed in Chinese waters by American cruisers, and looks to Chinese protection of American ships against such outrages.

ART. 2. The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

At a first glance, this clause would seem unnecessary—unnecessary because the granting of any privilege not stipulated in a treaty with China, must *of course* be a matter entirely subject to the pleasure of the Chinese Government. Yet the clause has its significance. There is in China a class of foreigners who *demand* privileges, concessions and immunities, instead of asking for them—a class who look upon the Chinese as degraded barbarians, and not entitled to charity—as helpless, and therefore to be trodden underfoot—a tyrannical class who say openly that the Chinese should be *forced* to do thus and so; that foreigners know what is best for them, better than they do themselves, and therefore it would be but a Christian kindness to take them by the throat and compel them to see their real interests as the enlightened foreigners see them. These people harass and distress the Government by constantly dictating to it and meddling with its affairs. They beget and keep alive a “distrust” of foreigners among the Chinese people. It will surprise many among us to know that the Chinese are eminently hospitable, by nature, toward strangers. It will surprise many whose notion of Chinamen is that they are a race who formerly manifested their interest in shipwrecked strangers by exhibiting them in iron cages in public, in a half-starved condition, as rare and curious monsters, to know that a few hundred years ago they welcomed adventurous Jesuit priests, who struggled to their shores, with great cordiality, and gave to them the fullest

liberty in the dissemination of their doctrines. I have seen at St. Peter's, in Rome, a picture of certain restive Chinamen barbecuing some 80 Romish priests. This was an uncalled-for stretch of hospitality—if it be proposed to call it hospitality at all. But the caging and barbecuing of strangers were disagreeable attentions which were secured to those strangers by their predecessors. As I have said, the Chinese were exceedingly hospitable and kind toward the first foreigners who came among them, 200 or 300 years ago. They listened to their preachings, they joined their Church. They saw the doctrines of Christianity spreading far and wide over the land, yet nobody murmured against these things. The Jesuit priests were elevated to high offices in the Government. China's confidence in the foreigners was not betrayed. In time, had the Jesuits been let alone, they would have completely Christianized China, no doubt; that is, they would have made of the Chinese, Christians according to their moral, physical, and intellectual strength, and then given Nature a few generations in which to shed the Pagan skin, and sap the Pagan blood, and so perfect the work. For, be it known, one Jesuit missionary is equal to an army of any other denomination where there is actual work to be done, and solid, unsentimental wisdom to be exercised. However, to pursue my narrative, some priests of the Dominican order arrived, and very shortly began to make trouble. They began to cramp the privileges of converts; they flouted the system of persuasion of the Jesuits, and adopted that of driving; they meddled in politics, they became arrogant and dictatorial, they fomented discords everywhere—in a word, they utterly destroyed Chinese confidence in foreigners, and raised up Chinese hatred and distrust against them. For these things they were driven out of the country. When strangers came, after that, the Chinese, with that calm wisdom which comes only through bitter experience, caged them, or hanged them. I spoke, a while ago, of a domineering, hectoring class of foreigners in China who are always interfering with the Government's business, and thus keeping alive the distrust and dislike engendered by their kindred spirits, the Dominicans, an age ago. They clog progress. Article 2 of the treaty is intended to discountenance all officious intermeddling with the Government's business by Americans, and so move a step toward the restoration of that Chinese confidence in strangers which was annihilated so long ago.

ART. 3. The Emperor of China shall have the right to appoint consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

And soon—perhaps within a year or two—there will doubtless be a Chinese Envoy located permanently at Washington. The Consuls referred to above will be appointed with all convenient dispatch. They will be Americans, but will in all cases be men who are capable of feeling pity for persecuted Chinamen, and will call to a strict account all who wrong them. It affords me infinite satisfaction to call particular attention to this Consul clause, and think of the howl that will go up from the cooks, the railroad graders, and the cobble-stone artists of California, when they read it. They can never beat and bang and set the dogs on the Chinamen any more. These pastimes are lost to them forever. In San Francisco, a large part of the most interesting local news in the daily papers consists of gorgeous compliments to the “able and efficient” Officer This and That for arresting Ah Foo, or Ching Wang, or Song Hi for stealing a chicken; but when some white brute breaks an unoffending Chinaman’s head with a brick, the paper does not compliment any officer for arresting the assaulter, for the simple reason that the officer does not make the arrest; the shedding of Chinese blood only makes him laugh; he considers it fun of the most entertaining description. I have seen dogs almost tear helpless Chinamen to pieces in broad daylight in San Francisco, and I have seen hod-carriers who help to make Presidents stand around and enjoy the sport. I have seen troops of boys assault a Chinaman with stones when he was walking quietly along about his business, and send him bruised and bleeding home. I have seen Chinamen abused and maltreated in all the mean, cowardly ways possible to the invention of a degraded nature, but I never saw a policeman interfere in the matter and I never saw a Chinaman righted in a court of justice for wrongs thus done him. The California laws do not allow Chinamen to testify against white men. California is one of the most liberal and progressive States in the Union, and the best and worthiest of her citizens will be glad to know that the days of persecuting Chinamen are over, in California. It will be observed by Article 3 that the Chinese consuls will be placed upon the same footing as those from Russia and Great Britain, and that no mention is made of France. The authorities got into trouble with a French consul in San Francisco, once, and, in order to pacify Napoleon, the United States enlarged the privileges of French consuls beyond those enjoyed by the consuls of all other countries.

ART. 4. The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China, of every religious

persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead of whatever nativity or nationality shall be held in respect and free from disturbance or profanation.

The old treaty protected “Christian” citizens of the United States from persecution. The new one is broader. It protects our citizens “of every religious persuasion”—Jews, Mormons, and all. It also protects Chinamen in this country in the worship of their own gods after their own fashions, and also relieves them of all “disabilities” suffered by them heretofore on account of their religion. This protection of Christians in China is hardly necessary now-a-days, for the Chinamen have about fallen back to their ancient ample spirit of toleration again as regards religion. Anybody can preach in China who chooses to do it. He will not be disturbed. The former persecution of Christians in China, which was brought about by the Dominicans, seldom extended to the maiming or killing of converts anyhow. They generally invited the convert to trample upon a cross. If he refused, he was proven a Christian, and so was shunned and disgraced. This diminished the list of Chinese Christians very much, but did not root out that religion by any means. Religious books have been written, and translations made, by Chinese Christians, and there are as many as a million converts in China at the present time. There are many families who have inherited their Christianity by direct descent through six generations. In fact, it is believed that Christianity existed in China 1,100 years ago. For many years the missionaries heard vaguely, from time to time, of a monument of the seventh century which was reported to be still standing over the grave of some forgotten Christian far out in the interior of China. Two of these missionaries, the Revs. Messrs. Lees and Williams, traveled west 1,000 miles and found it. This brings me back to the fact, before stated, that the religious toleration and protection guaranteed by Article 4, are needed more by Chinamen here than by Americans in China. Those two missionaries traveled away out into the heart of China, preaching the Gospel of Christ every day, always being listened to attentively by large assemblages, and always kindly and hospitably treated. Moreover, these missionaries sold—mind you, *sold*, for cash, to these assemblages—20,000 copies of religious books, thus wisely and pleasantly combining salvation with business. If a Chinese missionary were to come disseminating his eternal truths among us, we would laugh at him first and bombard him with cabbages afterward. We would do this because we are civilized and enlightened. We would make him understand that he couldn’t

peddle his eternal truths in this market. China is one of the few countries where perfect religious freedom prevails. It is one of the few countries where no disabilities are inflicted on a man for his religion's sake, in the matter of holding office and embezzling the public funds. A Jesuit priest was formerly the Vice-President of the Board of Public Works, an exceedingly high position, and the present Viceroy of two important provinces is a Mohammedan. There are a great many Mohammedans in China. The last clause of article 4 was not absolutely necessary, perhaps. Still, it was well enough to have it in. When the lower classes in California learn that they are forever debarred from mutilating living Chinamen, their first impulse will naturally be to "take it out" of the dead ones. But disappointment shall be their portion. A Chinaman's "tail" is protected by law in California; for if he lost his queue he would be a dishonored Chinaman forever, and would forever be an exile. He could not think of returning to his native land to offer his countrymen the absurd spectacle of a man without a tail to his head. The Chinese regard their dead with a reverence which amounts to worship. All Chinamen who die in foreign lands are shipped home to China for permanent burial. Even the contracts which consign the wretched Coolies to slavery at \$5 a month salary and two suits of clothes a year, stipulate that if he dies in Cuba, the Sandwich Islands, or any other foreign land, his boy must be sent home. There are vast vaults in San Francisco where hundreds of dead Chinamen have been salted away by gentle hands for shipment. The heads of the great Chinese Companies keep a record of the names of their thousands of members, and every individual is strictly accounted for to the home office. Every now and then a vessel is chartered and sent to China freighted with corpses.

ART. 5. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and his allegiance, and also the mutual advantages of the free migration and immigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary immigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or a Chinese subject to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or a citizen of the United States to take citizens of the United States to China or any other foreign country without their free and voluntary consent respectively.

Article 5 aims at two objects, viz.: The spreading of the naturalization doctrine (Mr. Seward could not give his assent to a treaty which did not have that in it) and the breaking up of the infamous Coolie trade. It is popularly believed that the Emperor of China sells Coolies himself, by the shipload, and even at retail, but such is not the case. He is known to be exceedingly anxious to *destroy* the Coolie trade. The “voluntary” emigration of Chinamen to California already amounts to a thousand a month, and this treaty will greatly increase it. It will not only increase it, but will bring over a better class of Chinamen—men of means, character, and standing in their own country. The present Chinese immigration, however, is the best class of people—in some respects, though not in all—that comes to us from foreign lands. They are the best railroad hands we have by far. They are the most faithful, the most temperate, the most peaceable, the most industrious. The Pacific Railroad Company employ them almost exclusively, and by thousands. When a chicken roost or a sluice-box is robbed in California, some Chinaman is almost sure to suffer for it—yet these dreadful people are trusted in the most reckless manner by the railroad people. The Chinese railroad hands go down in numbers to Sacramento and often spend their last cent. Then they simply go to the Superintendent, state their case, write their names on a card, together with a promise to refund out of the first wages coming to them, and with no other security than this, railroad tickets are sold to them on credit. Mr. Crocker and his subordinates have done this time and again, and have yet to lose the first cent by it. In the towns and cities the Chinamen are cooks, chambermaids, washerwomen, nurses, merchants, butchers, gardeners, interpreters in banks and business houses, etc. They are willing to do anything that will afford them a living.

ART. 6. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities and exemptions in respect to travel or residence as may be enjoyed by the citizens or subjects of the most favored nation; but nothing herein contained shall be held to confer naturalization upon the citizens of the United States in China, nor upon the subjects of China in the United States.

There will be weeping, and wailing, and gnashing of teeth on the Pacific coast when Article 6 is read. For, at one sweep, all the crippling, intolerant, and

unconstitutional laws framed by California against Chinamen pass away, and “discover” (in stage parlance) 20,000 prospective Hong Kong and Suchow voters and office-holders! Tableau. I am not fond of Chinamen, but I am still less fond of seeing them wronged and abused. If the reader has not lived in San Francisco, he can have only a very faint conception of the tremendous significance of this mild-looking, unpretentious Article 6. It lifts a degraded, snubbed, vilified, and hated race of men out of the mud and invests them with the purple of American sovereignty. It makes men out of beasts of burden. The first iniquity it strikes at is that same revolutionary one of taxation without representation. In California the law imposes a burdensome mining tax upon Chinamen—a tax which is peculiar in its nature and is not imposed upon any other miners, either native or foreign—and the legislature that created this rascality knew the law was in flagrant violation of the constitution when they passed it. Mr. Cushing, a great lawyer, and formerly minister to China, says that nearly all the Pacific coast laws relating to Chinamen are unconstitutional and could not stand in a court at all. The Chinese mining tax has been collected with merciless faithfulness for many years—often two or three times, instead of once—but its collection will have to be discontinued now. Treaties of the United States override the handiwork of even the most gifted of State legislatures. In San Francisco if a Chinaman enters a street car to ride with the Negroes and the Indians and the other gentlemen and ladies, the magnificent conductor instantly ejects him, with all the insolence that \$75 a month and official importance of microscopic dimensions confer upon small people. The Chinaman may ride on the front platform, but not elsewhere. Hereafter, under the ample shadow of Article 6, he may ride where he pleases. Chinamen, the best gardeners in America, own no gardens. The laws of California do not allow them to acquire property in real estate. Article 6 does, though. Formerly, in the police court, they swore Chinamen according to the usual form, and sometimes, where the magistrate was particularly anxious to come at the truth, a chicken was beheaded in open court and some yellow paper burned with awful solemnity while the oath was administered—but the Chinaman testified only against his own countrymen. Things are changed now, however, and he may testify against whom he pleases. No one ever saw a Chinaman on a jury on the Pacific coast. Hereafter they will be seen on juries, sitting in judgment upon the crimes of men of all nationalities. Chinamen have taken no part in elections, heretofore, further than to sweep out the balloting stations, but the time is near at hand when they will vote themselves; when they will be clerks and judges of election, and receive and account for the votes of white men; when they will be

eligible to office and may run for Congress, if such be the will of God. We have seen caricatures in San Francisco representing a white man asking a Chinaman for his vote. It was fine irony then, but in a very little while the same old lithograph, resurrected, will have as much point as it ever had, only the subject of it will have become a solemn reality instead of an ingenious flight of fancy. In that day, candidates will have to possess other accomplishments besides being able to drink lager beer and twirl a shillalah. They will have to smoke opium and eat with chop-sticks. Influential additions will have to be made to election tickets and transparencies, thus: "THE COUNTRY'S HOPE, THE PEOPLE'S CHOICE—DONNERWETTER, O'SHAUGHNESSY, AND CHING-FOO!" The children of Chinese citizens will have the entry of the public schools on the same footing as white children. Any one who is not blind, can see that the first ninety words of Article 6 work a miracle which shames the most dazzling achievements of him of the wonderful lamp. I am speaking as if I believed the Chinamen would hasten to take out naturalization papers under this treaty and become citizens. I do believe it. They are shrewd and smart, and quick to see an advantage; that is one argument. If they have any scruples about becoming citizens, the politicians who need their votes will soon change their opinions. Article 6 does not *confer* citizenship upon Chinamen—we have other laws which regulate that matter. It simply gives them the privileges and immunities pertaining to "residence," in the same degree as they are enjoyed by the "subjects of the most favored nation." One of the chief privileges pertaining to "residence" among us is that of taking the oath and becoming full citizens after that residence has been extended to the legal and customary period. Mr. Cushing says the Chinamen *had a right to become citizens before Article 6 was framed*. They certainly have it now. Prominent senators refused to touch the treaty or have anything to do with it unless it threw the doors of citizenship open as freely to Chinamen as to other foreigners. The entire Senate knew the broadest meaning of Article 6—and voted for it. The closing sentence of it was added to please a certain Senator, and then he was satisfied and supported the treaty with all his might. It was a gratification to him to have that sentence added; and inasmuch as the sentence could do no harm, since it don't mean anything whatever under the sun, it was gratefully and cheerfully added. It could not have been added to please a worthier man. It sets off the treaty, too, because it is so gracefully worded and is so essentially and particularly ornamental. It embellishes and supports the grand edifice of the Chinese treaty, even as a wealth of stucco embellishes and supports a stately temple. It would hardly be worth while for a treaty to *confer* naturalization in the last clause of an article wherein it had already provided for the

acquisition of naturalization by the proper and usual course. The idea of making negroes citizens of the United States was startling and disagreeable to me, but I have become reconciled to it; and being reconciled to it, and the ice being broken and the principle established, I am now ready for all comers. The idea of seeing a Chinaman a citizen of the United States would have been almost appalling to me a few years ago, but I suppose I can live through it now. Maybe it will be well to say what sort of people these prospective voters are. There are 50,000 of them on the Pacific coast at large, and 15,000 or 20,000 in San Francisco. They occupy a quarter just out of the business center of the city. They worship a hideous idol in a gorgeous temple. They have a theater, where the orchestra sit *on* the stage (drinking tea occasionally,) and deafening the public with a ceaseless din of gongs, cymbals, and fiddles with two strings, whose harmonies are capable of inflicting exquisite torture. Their theatrical dresses are much finer and more costly than those in the Black Crook, and the immorality of their plays is fully up to the Black Crook standard. Consequently they are ruined people. Their prominent instinct being just like ours, let us extend the right-hand of fellowship to them across the sea. Some of the men gamble, and the standing of the women is not good. The Chinese streets of San Francisco are crowded with shops and stalls mostly, but there are many Chinese merchant princes who do business on a large scale. The remittances of coin to China amount to half a million a month. Chinamen work hard and with tireless perseverance; other foreigners get out of work, and labor exchanges must look out for them. Chinamen look out for themselves, and are never idle a week at a time; they make excellent cooks, washers, ironers, and house servants; they are never seen drunk; they are quiet, orderly, and peaceable, by nature; they possess the rare and probably peculiarly barbarous faculty of minding their own business. They are as thrifty as Holland Dutch. They permit nothing to go to waste. When they kill an animal for food, they find use for its hoofs, hide, bones, entrails—everything. When other people throw away fruit cans they pick them up, heat them, and secure the melted tin and solder. They do not scorn refuse rags, paper, and broken glass. They can make a blooming garden out of a sand-pile, for they seem to know how to make manure out of everything which other people waste. As I have said before, they are remarkably quick and intelligent, and they can all read, write, and cipher. They are of an exceedingly observant and inquiring disposition. I have been describing the *lowest class* of Chinamen. Do not they compare favorably with the mass of other immigrants? Will they not make good citizens? Are they not able to confer a sound and solid prosperity upon a State? What makes a sounder prosperity

or invites and unshackles capital more surely than good, cheap, reliable labor? California and Oregon are vast, uncultivated grain fields. I am enabled to state this in the face of the fact that California yields twenty million bushels of wheat this year! California and Oregon will fill up with Chinamen, and these grain fields will be cultivated up to their highest capacity. In time, some of them will be owned by Chinamen, inasmuch as the treaty gives them the right to own real estate. The very men on the Pacific coast who will be loudest in their abuse of the treaty will be among those most benefited by it—the day-laborers. The Chinamen, able to work for half wages, will take their rough manual labor off the hands of these white men, and then the whites will rise to the worthier and more lucrative employment of superintending the Chinamen, and doing various other kinds of brain-work demanded of them by the new order of things. Through the operation of this notable Article 6, America becomes at once as liberal and as free a country as England—therefore let me rejoice. Singapore is a British colony. There are 16,000 Chinese there, and they are all British subjects—British citizens in the widest meaning of the term. They have all the rights and privileges enjoyed by Englishmen. They hold office. One Chinaman there is a magistrate, and administers British law for British subjects. A Chinaman resident three or four years in England, and possessing a certain amount of property, can *become naturalized* and vote, hold office, and exercise all the functions and enjoy all the privileges of citizens by birth.

ART. 7. Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and reciprocally Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nations. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and reciprocally Chinese subjects may enjoy the same privileges and immunities in the United States.

Article 7 explains itself.

ART. 8. The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim any

intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand, His Majesty the Emperor of China reserves to himself the right to decide the time, and manner, and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the Empire, and shall make application to the United States or any other Western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

Article 8 looks entirely unnecessary at a first glance. Yet to China—and afterward to the world at large—it is perhaps the most important article in the whole treaty. It aims at restoring Chinese confidence in foreigners, and will go far toward accomplishing it. Until that is done, only the drippings (they amount to millions annually) of the vast fountains of Eastern wealth can be caught by the Western nations. I have before spoken of an arrogant class of foreigners in China who *demand* of the Government the building of railways and telegraphs, and who assume to regulate and give law to the customs of trade, almost in open defiance of the constituted authorities. Their menacing attitude and their threatening language frighten the Chinese, who know so well the resistless power of the Western nations. They look upon these things with suspicion. They want railways and telegraphs, but they fear to put these engines of power into the hands of strangers without a guaranty that they will not be used for their own oppression, possibly their destruction. Even as it is now, foreigners can go into the interior and commit wrongs upon the people with impunity, for their “extra territorial” privileges leave them answerable only to their own laws, administered upon their own domain or “concessions.” These “concessions” being far from the scene of the crime, it does not pay to send witnesses such distances, and so the wrong goes untried and unpunished. There are other obstacles to the immediate construction of the demanded internal improvements—among them the inherent prejudice of the untaught mass of the common people against innovation. It is sad to reflect that in this respect

the ignorant Chinese are strangely like ourselves and other civilized peoples. Unfortunately, the very day that the first message passed over the first telegraph erected in China, a man died of cholera at one end of the line. The superstitious people cried out that the white man's mysterious machine had destroyed the "good luck" of the district. The telegraph had to be taken down, otherwise the exasperated people would have done it themselves. How precisely like our civilized, Christianized, enlightened selves these Chinese "men and brethren" are! The farmers of great Massachusetts turned out *en masse*, armed with axes, and resisted the laying of the first railroad track in that State. Thirty years ago, the concentrated wisdom of France, in National Assembly convened, gravely pronounced railroads a "foolish, unrealizable toy." In Tuscany, the people rose in their might and swore there should be bloodshed before a railroad track should be laid on their soil. Their reason was exactly the same as that offered by the Chinese—they said it would destroy the "good luck" of the country. Let us be lenient with the little absurd peculiarities of the Chinese, for manifestly these people are our own blood relations. Let us look charitably now upon a certain very serious obstacle which lies in the way of their sudden acceptance of a great railroad system. Let us remember that China is one colossal graveyard—a mighty empire so knobbed all over with graves that the level spaces left are hardly more than alleys and avenues among the clustering death-mounds. Animals graze upon the grass-clad graves (for all things are made useful in China), and the spaces between are carefully and industriously cultivated. These graves are as precious as their own blood to the Chinese, for they worship their dead as ancestors. The first railroad that plows its pitiless way through these myriads of sacred hillocks will carry dismay and distress into countless households. The railways must be built, though. We respect the griefs of the poor country people, but still the railways must be built. They will tear heart-strings out by the roots, but they lead to the sources of unimaginable wealth, and they must be built. These old *prejudices* must and can be eradicated—just as they were in Massachusetts. With such encouragement from foreigners, and such guaranties of good will and just intent as Article 8 offers *by simply agreeing that China may transact her own private business unmolested by meddling interference*, the Emperor will cheerfully begin to open up his country with roads and telegraphs. It seems a simple thing and an easy one to accord to a man such manifest and indisputable rights, but beyond all doubt this assurance is what China craves most. Article 8, indorsed by all the Western powers, would unlock the riches of 400,000,000 of Chinese subjects to the world. Hence, to all parties concerned, it is perhaps, *the* important clause of the treaty. That China is anxious to build railways is shown in the fact that by the latest news from

there, just officially enunciated to our State Department, it appears that the Viceroy of the three chief provinces of the Empire is about to begin a railroad from Souchow to Shanghai—80 miles—or, at least, has the project under serious consideration. The new treaty with America will tend to strengthen and encourage him in his design.

This is the broadest, most unselfish, and most catholic treaty yet framed by man, perhaps. There is nothing mean, or exacting, or unworthy in any of its provisions. It freely offers every privilege, every benefit, and every concession the most grasping suitor could demand, to a nation accustomed for generations to understand a “treaty” as being a contrivance whose province was to extort as many “advantages” as possible and give as few as possible in return. The only “advantage” to the United States perceptible on the face of the document, perhaps, is the advantage of having dealt justly and generously by a neighbor and done it in a cordial spirit. It is something to have done *right*—a species of sentiment seldom considered in treaties. In ratifying this treaty the Senate of the United States did themselves high credit, and all the more so that they did it with such alacrity and such heartiness. This is a treaty with no specific advantages noted in it; it is simply the first great step toward throwing all China open to the world, by showing toward her a spirit which invites her esteem and her confidence instead of her customary curses. There is nothing in it about China ceding to us the navigation of an ocean in return for the navigation of a creek; nor the monopoly of silk for a monopoly of beeswax; nor a whaling-ground in return for a sardine-fishery. Yet it is a treaty which is full of “advantages.” It is more full of them than is any other treaty, but they are meted out with an even hand to all—to China upon the one hand, and to the world upon the other. It looks to the opening up, in China, of a vast and lucrative commerce with the world, and of which America will have only her just share, nothing more. It looks to the lifting up of a mighty nation and conferring upon it the boon of a purer religion and of a higher and better civilization than it has known before. It is a treaty made in the broad interests of justice, enlightenment, and progress, and therefore it must stand. It bridges the Pacific, it breaks down the Tartar wall, it inspires with fresh young blood the energies of the most venerable of the nations. It acquires a grand field for capital, labor, research, enterprise—it confers science, mechanics, social and political advancement, Christianity. Is it not enough?

Note

Twain's critique of the U.S. treaty with China was originally published August 4, 1868, in the *New York Tribune*. It was subsequently reproduced in the *Journal of Transnational*

American Studies, April 2010. Errors in spelling, punctuation, diacritical marks, and consistencies in usage (e.g., “ARTICLE” and “ART.”) are in the original, and preserved for accuracy. It should be noted that Twain, at the urging and presumably with the assistance of Anson Burlingame, began and finished “The Treaty with China” in the space of two or three days, at the most, just after Twain had returned to New York from California, where he had gone to seek permission from the editors of the *Alta California* to use material from the “Quaker City” letters printed in that newspaper for his first major work, *The Innocents Abroad*, which was then his major preoccupation—it would be published a year later. Twain clearly wrote “The Treaty with China” at the behest of his friend and mentor, Anson Burlingame, who certainly would have been concerned that it appear in print in a timely fashion, while he was heading the mission from China with the explicit mission of traveling to major East Coast cities and advocating for the passage and acceptance of the treaty between the United States and China, which is the impetus for the article. Under the circumstances, considering their separate motivations, it is a reasonable conclusion that such niceties as proofreading and/or editing were not major concerns—Burlingame would have been grateful for Twain’s agreement to write the piece on a moment’s notice, and Twain, although beholden to Burlingame, was obsessed with the work on *The Innocents Abroad* manuscript, the publication which he knew would cement his budding reputation, long after “The Treaty with China,” and its authorship, were forgotten.