

**KOREA TREATIES
AND AGREEMENTS.
NO. 1-22**

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Korea treaties and agreements. No. 1-22 by James Brown Scott

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JAMES BROWN SCOTT

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WASHINGTON
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1921

NOTE

A Conference on the Limitation of Armament was called on August 11, 1921, by the Government of the United States, to meet in Washington on November 11, 1921, the third anniversary of the signing of the armistice between the victorious Allied and Associated Powers and Germany.

The representatives of the Powers originally invited to the Conference were the British Empire, France, Italy and Japan, for the consideration of the question of the limitation of armament, and China for the discussion of Pacific and Far Eastern Questions. Later, representatives of Belgium, the Netherlands and Portugal were invited to take part in the discussion of questions concerning the Pacific.

The tentative program agreed upon embraces the following subjects:

Limitation of Armament

1. Limitation of naval armament, under which shall be discussed:
 - (a) Basis of limitation.
 - (b) Extent.
 - (c) Fulfillment.
2. Rules for control of new agencies of warfare.
3. Limitation of land armament.

Pacific and Far Eastern Questions

1. Questions relating to China.

First: Principles to be applied.

Second: Application.

Subjects:

- (a) Territorial integrity.
 - (b) Administrative integrity.
 - (c) Open door—equality of commercial and industrial opportunity.
 - (d) Concessions, monopolies or preferential economic privileges.
 - (e) Development of railways, including plans relating to Chinese Eastern Railway.
 - (f) Preferential railroad rates.
 - (g) Status of existing commitments.
2. Siberia (similar headings).
 3. Mandated islands (unless questions earlier settled).
Electrical communications in the Pacific.

Under the heading of "Status of Existing Commitments" it is expected that opportunity will be afforded to consider and to reach an understanding with respect to unsettled questions involving the nature and scope of commitments under which claims of rights may hereafter be asserted.

In the belief that the dissemination of information regarding the status of armaments, the collection of official documents throwing light upon the situation in the Pacific, and the furnishing of accurate accounts of the issues involved in some of the more important problems confronting the Conference, would render a service to the public and perhaps even to the delegates to the Conference, the Carnegie Endowment for International Peace has undertaken the preparation and publication of a series of pamphlets of which the present pamphlet is one. The documents have been selected chiefly from John V. A. MacMurray's *Treaties and Agreements with and concerning China*, published in two volumes by the Endowment earlier in the year.

The meeting of so many nations in conference, following upon the close of a great war, is in itself an event of no mean importance. The holding of a conference upon the limitation of armament in succession to the First Hague Peace Conference called to consider the burden of armaments and the means for its decrease, with the possibility of an agreement in conference upon some of the questions of international import in addition to armaments, is an indication that the world is returning to "normalcy" and turning to the experience of The Hague.

That the Conference may be successful in all the phases of its program should be the desire of men and women of good-will in all parts of the world.

JAMES BROWN SCOTT,
Director.

WASHINGTON, D. C.,
October 26, 1921.

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LIST OF ABBREVIATIONS

- Am. Journal Int. Law*.....*The American Journal of International Law*, published quarterly for the American Society of International Law.
- B. and F. State Papers*.....*British and Foreign State Papers*.
- China, No. — (year)*.....British Parliamentary Papers on China, of number and year indicated.
- CUSTOMS**.....*Treaties, Conventions, etc., between China and Foreign States*, published by order of the Inspector General of Customs (second edition, Shanghai, 1917).
- For. Rel.*.....*Foreign Relations of the United States*, published annually under the authority of the Secretary of State.
- HERTSLET**.....*Hertslet's China Treaties: Treaties, etc., between Great Britain and China, and between China and Foreign Powers, etc.*, (3rd edition, London, 1908).
- MACMURRAY**.....*Treaties and Agreements with and concerning China, 1804-1919*, by John V. A. MacMurray (New York, 1921).
- Recueil*.....*Recueil des Documents Diplomatiques concernant l'Extrême-Orient, 1804-1905*, published by the Russian Ministry for Foreign Affairs (St. Petersburg, 1905).
- ROCKHILL**.....*Treaties and Conventions with or concerning China and Korea, 1805-1904*, edited by W. W. Rockhill (Washington, Government Printing Office, 1904).
- Traité et Conventions*.....*Traité et Conventions entre l'Empire du Japon et les Puissances Etrangères* (Ministère des Affaires Etrangères; Tokyo, Maruya & Co., publishers, 1908).

No. 1

CHINA AND KOREA

Regulations for maritime and overland trade between Chinese and Korean subjects.—September, 1882

All that pertains to the relations of Korea as a boundary State of China has been long ago regulated by fixed rules, and no change is required in this respect. But as now foreign countries entertain trade with Korea by water, it becomes necessary to remove at once the prohibition of sea trade hitherto enforced between China and Korea, and let the merchants of both countries participate in all the advantages of commercial relations; the regulations affecting the exchange of produce on the frontier will also, as time may require, be modified; but the new regulations for the maritime and overland trade now decided upon are understood to apply to the relations between China and Korea only, the former country granting to the latter certain advantages as a tributary Kingdom, and treaty nations are not to participate therein. It is in this sense that the following Articles have been agreed upon:

I.—The Superintendent of Trade at the Northern Ports will hereafter appoint Commissioners of Trade to reside at the open ports of Korea for the special purpose of exercising jurisdiction over Chinese merchants resident there. The said officers will in their dealings with Korean officials be on the footing of perfect equality, and are to be treated with the consideration due to the observance of etiquette. In the event of important cases arising which it may not seem expedient to have settled on their own responsibility in concert with the Korean authorities, they will report such cases to the Superintendent of Northern Trade, who will write to the King of Korea with a view to have instructions forwarded for the guidance of His Government Department. The King of Korea will also depute a high official to reside at Tientsin and detail other officers to proceed to the open ports of China as Government Agents in commercial matters, and such officers are likewise to be treated on a footing of equality in their

¹Translation from the Chinese text, as printed in CUSTOMS, vol. II, pp. 1521-7.

dealings with the local authorities, viz., the Toat'ai, the Prefect, and the Magistrates of the place. Any special difficulties arising may be submitted for consideration to the Superintendents of Northern and Southern Trade through the Korean high official residing at Tientsin. The expenses attending the maintenance of these Commercial Agents are to be borne by the respective Governments, and no private claims for a maintenance allowance are to be entertained. If any such officer should cause disagreement by persisting to act on his own authority, the Superintendent of Northern Trade will communicate with the King of Korea as to his speedy removal.

II.—In all actions brought by one Chinese subject against another while at a Korean port, the Chinese Commercial Government Agent is to perform the duties of a judge; but apart from this, in all civil and criminal cases, if a Korean subject appears as plaintiff against a Chinese subject as defendant, the Chinese Commercial Government Agent is to arrest the accused and act as judge; if a Chinese subject appears as plaintiff against a Korean subject as defendant, the Korean authorities will hand over the accused to the Chinese Commercial Government Agent for joint investigation and trial according to law. On the other hand, all such civil and criminal cases which may arise with Korean merchants at any of the open ports in China will be tried according to law by the Chinese local authorities, irrespective of the nationality of either the plaintiff or the defendant; at the same time, however, the Korean Government Agent is to be officially informed of the proceedings in the case, and he will be allowed, for the sake of fairness, to appeal to the high authorities for a revision of the verdict on behalf of the Korean subject concerned, should the latter not be satisfied with the decision given. Whenever a Korean subject sues a Chinese subject, either before the Chinese Commercial Agent in Korea or before the local authorities in China, the runners attached to the court are not allowed to claim from the litigant parties however so small a sum under the name of fees sanctioned by custom; and if any breach of this rule becomes known, the officer under whose responsibility the offence is committed will be severely dealt with. If any subject of either of the two contracting countries, who, whether at home or in any of the treaty ports of the other country, has rendered