

la présente convention et ensuite chaque année, de fournir au gouvernement de la Chine, des listes ou rapports contenant le nombre exact, l'âge, l'occupation, le nombre et le lieu de résidence de tous les citoyens des États-Unis, y compris les missionnaires résidant en Chine, soit dans les ports à traités, soit ailleurs, en exceptant cependant les agents diplomatiques et autres officiers des États-Unis résidant ou voyageant en Chine pour leurs affaires officielles, ainsi que leurs serviteurs personnels ou de maison.

Art. 6. — La présente convention restera en vigueur pour une période de dix années à compter de l'échange des ratifications, et si, six mois avant l'expiration de ladite période de dix années, aucun des deux gouvernements n'a formellement donné à l'autre avis de sa dénonciation, elle restera en vigueur pour une autre période de dix ans.

Fait en double à Washington, le 17 mars 1894.

57.

CHINE, JAPON.

Traité de paix signé à Shimonoseki le 17 avril 1895.

Parliamentary Papers presented to both Houses of Parliament. June 1895. [C-7714].

Despatch from Her Majesty's Minister at Tôkiô, forwarding copy of the Treaty of Peace concluded between China and Japan, April 17, 1895.

Mr. Lowther to the Earl of Kimberley. — (Received June 18.)

My Lord,

Tôkiô, May 13, 1892.

The text of the Treaty of Shimonoseki was to-day published in the official Gazette, accompanied by an Imperial Rescript explaining the course taken by Japan in view of the objections offered by certain of the Great Powers to the permanent occupation of the Liaotung Peninsula.

I have the honour to transmit herewith an official translation of the Treaty, and a translation of the Imperial Rescript.

I have, &c.

(Signed) Gerard Lowther.

Inclosure 1.

Treaty between China and Japan, signed at Shimonoseki, April 17, 1895.

(Translation.)

His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to restore the blessings of peace to their countries and subjects, and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of Peace, that is to say: —

His Majesty the Emperor of Japan, Count Ito Hirobumi, Junii, Grand Cross of the Imperial Order of Paulownia, Minister - President of State, and Viscount Mutsu Munemitsu, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs;

And His Majesty the Emperor of China, Li Hung-chang, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank, and Li Ching fong, ex-Minister of the Diplomatic Service, of the Second Official Rank;

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles: —

Article I.

China recognizes definitely the full and complete independence and autonomy of Corea, and, in consequence, the payment of tribute and the performance of ceremonies and formalities by Corea to China in derogation of such independence and autonomy shall wholly cease for the future.

Article II.

China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon: —

a). The southern portion of the Province of Fêng-tien, within the following boundaries —

The line of demarcation begins at the mouth of River Yalu, and ascends that stream to the mouth of the River An-ping; from thence the line runs to Fêng Huang; from thence to Haicheng; from thence to Ying Kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying Kow it follows the course of that stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.

This cession also includes all islands appertaining or belonging to the Province of Fêng Tien situated in the eastern portion of the Bay of Liao Tung, and in the northern part of the Yellow Sea.

(b.) The Island of Formosa, together with all islands appertaining or belonging to the said Island of Formosa.

(c.) The Pescadores Group, that is to say, all islands lying between the 119th and 129th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

Article III.

The alignments of the frontiers described in the preceding Article, and shown on the annexed map, shall be subject to verification and demarcation on the spot by a Joint Commission of Delimitation, consisting of two or more Japanese and two or more Chinese Delegates, to be appointed immediately after the exchange of the ratifications of this Act.

In case the boundaries laid down in this Act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

The Delimitation Commission will enter upon its duties as soon as possible, and will bring labours to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received approval of the Governments of Japan and China.

Article IV.

China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping taels. The said sum to be paid in eight instalments, The first instalment of 50,000,000 taels to be paid within six months, and the second instalment of 50,000,000 taels to be paid within twelve months after the exchange of the ratifications of this Act. The remaining sum to be paid in six equal annual instalments as follows: the first of such equal annual instalments to be paid within two years, the second within three years, the third within four years, the fourth within five years, the fifth within six years, and the sixth within seven years after the exchange of the ratifications of this Act. Interest at the rate of 5 per cent. per annum shall begin to run on all unpaid portions of the said indemnity from the date the first instalment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of said instalments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present Act, all interest shall be waived, and the interest for two years and a-half, or for any less period if then already paid, shall be included as a part of the principal amount of the indemnity.

Article V.

The inhabitants of the territories ceded to Japan who wish to take up their residence outside the ceded districts shall be at liberty to sell their real property and retire. For this purpose a period of two years from the date of the exchange of the ratifications of the present Act shall be granted. At the expiration of that period those of the inhabitants who shall not have left such territories shall, at the option of Japan, be deemed to be Japanese subjects.

Each of the two Governments shall, immediately upon the exchange of the ratifications of the present Act, send one or more Commissioners to Formosa to effect a final transfer of that province, and within the space of two months after the exchange of the ratifications of this Act such transfer shall be completed.

Article VI.

All Treaties between Japan and China having come to an end in con-

sequence of war, China engages, immediately upon the exchange of the ratifications of this Act, to appoint Plenipotentiaries to conclude with the Japanese Plenipotentiaries a Treaty of Commerce and Navigation, and a Convention to regulate frontier intercourse and trade. The Treaties, Conventions, and Regulations now subsisting between China and European Powers shall serve as a basis for the said Treaty and Convention between Japan and China. From the date of the exchange of the ratifications of this Act until the said Treaty and Convention are brought into actual operation the Japanese Government, its officials, commerce, navigation, frontier intercourse and trade, industries, ships and subjects, shall in every respect be accorded by China most-favoured-nation treatment.

China makes, in addition, the following concessions, to take effect six months after the date of the present Act: —

1. The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects under the same conditions, and with the same privileges and facilities as exist at the present open cities, towns, and ports of China.

- (1.) Shashih, in the Province of Hupeh.
- (2.) Chung King, in the Province of Szechuan.
- (3.) Suchow, in the Province of Kiang Su.
- (4.) Hangchow, in the Province of Chekiang.

The Japanese Government shall have the right to station Consuls at any or all of the above-named places.

2. Steam navigation for vessels under the Japanese flag for the conveyance of passengers and cargo shall be extended to the following places: —

- (1.) On the Upper Yangtze River, from Ichang to Chung King.
- (2.) On the Woosung River and the Canal, from Shanghai to Suchow and Hangchow.

The Rules and Regulations which now govern the navigation of the inland waters of China by foreign vessels, shall, so far as applicable, be enforced in respect of the above-named routes, until new Rules and Regulations are conjointly agreed to.

3. Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandize into the interior of China, shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported, without the payment of any taxes or exactions whatever.

4. Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery, paying only the stipulated import duties thereon.

All articles manufactured by Japanese subjects in China, shall in respect of inland transit and internal taxes, duties, charges, and exactions of all kinds and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandize imported by Japanese subjects into China.

In the event additional Rules und Regulations are necessary in connection with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

Article VII.

Subject to the provisions of the next succeeding Article, the evacuation of China by the armies of Japan, shall be completely effected within three months after the exchange of the ratifications of the present Act.

Article VIII.

As a guarantee of the faithful performance of the stipulations of this Act, China consents to the temporary occupation by the military forces of Japan, of Wei-hai-wei, in the Province of Shantung.

Upon the payment of the first two instalments of the war indemnity herein stipulated for and the exchange of the ratifications of the Treaty of Commerce and Navigation, the said place shall be evacuated by the Japanese forces, provided the Chinese Government consents to pledge, under suitable and sufficient arrangements, the Customs Revenue of China as security for the payment of the principal and interest of the remaining instalments of said indemnity. In the event no such arrangements are concluded, such evacuation shall only take place upon the payment of the final instalment of said indemnity.

It is, however, expressly understood that no such evacuation shall take place until after the exchange of the ratifications of the Treaty of Commerce and Navigation.

Article IX.

Immediately upon the exchange of the ratifications of this Act, all prisoners of war then held shall be restored, and China undertakes not to ill-treat or punish prisoners of war so restored to her by Japan. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offences. China further engages not to punish in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

Article X.

All offensive military operations shall cease upon the exchange of the ratifications of this Act.

Article XI.

The present Act shall be ratified by their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Chefoo on the 8th day of the 5th month of the 28th year of Meiji, corresponding to 14th day of the 4th month of the 21st year of Kuang Hsi.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsi.

(L. S.) Count *Ito Hirobumi*, Junii, Grand Cross of the Imperial Order of Paulownia, Minister-President of State, Plenipotentiary of His Majesty the Emperor of Japan.

(L. S.) Viscount *Mutsu Munemitsu*, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

(L. S.) *Li Hung-Chang*, Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister-Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank.

(L. S.) *Li Ching-Fong*, Plenipotentiary of His Majesty the Emperor of China, Ex-Minister of the Diplomatic Service, of the Second Official Rank.

Separate Articles.

Article I.

The Japanese military forces which are, under Article VIII of the Treaty of Peace signed this day, to temporarily occupy Wei-hai-wei shall not exceed one brigade, and from the date of the exchange of the ratifications of the said Treaty of Peace China shall pay annually one-fourth of the amount of the expenses of such temporary occupation, that is to say, at the rate of 500,000 Kuping taels per annum.

Article II.

The territory temporarily occupied at Wei-hai-wei shall comprise the Island of Liu Kung and a belt of land 5 Japanese ri wide along the entire coast-line of the Bay of Wei-hai-wei.

No Chinese troops shall be permitted to approach or occupy any paces within a zone 5 Japanese ri wide beyond the boundaries of the occupied territory.

Article III.

The civil administration of the occupied territory shall remain in the hands of the Chinese authorities. But such authorities shall at all times be obliged to conform to the orders which the Commander of the Japanese army of occupation may deem it necessary to give in the interest of the health, maintenance, safety, distribution, or discipline of the troops.

All military offences committed within the occupied territory shall be subject to the jurisdiction of the Japanese military authorities.

The foregoing Separate Articles shall have the same force, value, and effect as if they had been word for word inserted in the Treaty of Peace signed this day.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

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Done at Shimonoseki, in duplicate, this 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kwang Hsi.

(L. S.) Count *Ito Hirobumi*, Junii, Grand Cross of the Imperial Order of Paullownia, Minister-President of State, Plenipotentiary of His Majesty the Emperor of Japan.

(L. S.) Viscount *Mutsu Munemitsu*, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

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Inclosure 2.

Imperial Proclamation, dated May 10, 1895.

(Translation.)

We recently, at the request of the Emperor of China, appointed Plenipotentiaries for the purpose of conferring with the Ambassadors sent by China, and of concluding with them a Treaty of Peace between the two Empires. Since then the Governments of the two Empires of Russia and Germany and of the French Republic, considering that the permanent possession of the ceded districts of the Feng-tien Peninsula by the Empire of Japan would be detrimental to the lasting peace of the Orient, have united in a simultaneous recommendation to our Government to refrain from holding those districts permanently.

Earnestly desirous as we always are for the maintenance of peace, nevertheless we were forced to commence hostilities against China for no other reason than our sincere desire to secure for the Orient an enduring peace. The Governments of the three Powers are, in offering their friendly recommendation, similarly actuated by the same desire, and we, out of our regard for peace, do not hesitate to accept their advice. Moreover, it is not our wish to cause suffering to our people, or to impede the progress of the national destiny by embroiling the Empire in new complications, and thereby imperilling the situation and retarding the restoration of peace.

China has already shown, by the conclusion of the Treaty of Peace, the sincerity of her repentance for her breach of faith with us, and has made manifest to the world our reasons and the object we had in view in waging war with that Empire.

Under these circumstances we do not consider that the honour and dignity of the Empire will be compromised by resorting to magnanimous measures, and by taking into consideration the general situation of affairs.

We have therefore accepted the advice of the friendly Powers, and

have commanded our Government to reply to the Governments of the three Powers to that effect.

We have specially commanded our Government to negotiate with the Chinese Government respecting all arrangements for the return of the peninsular districts. The exchange of the ratifications of the Treaty of Peace has now been concluded, the friendly relations between the two Empires have been restored, and cordial relations with all other Powers have been strengthened.

We therefore command all our subjects to respect our will, to take into careful consideration the general situation, to be circumspect in all things, to avoid erroneous tendencies, and not to impair or thwart the high aspirations of our Empire.

(Imperial sign-manual.)

(Countersigned by all the Ministers of State.)

May 10, 1895.

58.

CHILI, GRANDE-BRETAGNE.

Convention d'arbitrage signée à Santiago le 26 septembre 1893*) et Sentence arbitrale du 27 septembre 1895.

Archives diplomatiques 1895 et Diaro oficial, 18 octobre 1895.

S, Exc. le Président de la République du Chili et S. M. la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, afin de mettre un terme amical aux réclamations formulées par la Légation de S. M. B. au Chili au sujet de la guerre civile qui s'est produite le 7 janvier 1891, ont décidé de conclure une Convention d'arbitrage et, à cet effet, ont nommé pour leurs plénipotentiaires respectifs, savoir . . .

Article premier. — Un tribunal arbitral décidera, en la forme et d'après les termes fixés dans l'article V de cette Convention, sur toutes les réclamations motivées par des actes et des opérations exécutés par les forces de mer et de terre de la République pendant la guerre civile qui commença le 7 janvier 1891 et se termina le 28 août de la même année, et sur celles qui seront motivées par des événements postérieurs qui, d'après les termes énoncés dans ledit article V, seraient de nature à engager la responsabilité du gouvernement du Chili.

Les réclamations devront être placées sous le patronage de la Légation de S. M. B. et présentées dans le délai de six mois à partir de la date de l'installation du tribunal.

Art. 2. — Le tribunal se composera de trois membres, le premier nommé par S. E. le Président de la République du Chili, le deuxième

*) Promulguée au Chili le 30 avril 1894.