

MT 11257 01084

講和條約

REEL No. 1-0074

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REEL No. 1-0074

講和條約

大日本帝國

大皇帝陛下及

大清帝國

大皇帝陛下爲訂定和約俾兩國及其臣民重修平和共享幸福且杜絕將來紛紜之端

大日本帝國

大皇帝陛下特簡

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文

大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光

大清帝國

大皇帝陛下特簡

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣直隸總督一等肅毅伯爵

李鴻章

大清帝國欽差全權大臣二品頂戴前出使大臣李經方爲全權大臣彼此較閱所奉

諭旨認明均屬妥善無關會同議定各條款開列於左

第一款

中國認明朝鮮國確爲完全無缺之獨立自主故凡有虧損獨立自主體制即如該國向中國

所修貢獻典禮等嗣後全行廢絕

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第二款

中國將管理下開地方之權併將該地方所有堡壘軍器工廠及一切屬公物件永遠讓與日本

一下開劃界以內之奉天省南邊地方從鴨綠江口溯該江以抵安平河口又從該河口翻

至鳳凰城海城及營口而止畫成折線以南地方所有前開各城市邑皆包括在劃界線

內該線抵營口之遼河後即順流至海口止彼此以河中心爲分界

遼東灣東岸及黃海北岸在奉天省所屬諸島嶼亦一併在所讓境內

二臺灣全島及所有附屬各島嶼

三澎湖列島即英國格林尼次東經百十九度起至百二十度止及北緯二十三度起至二

十四度之間諸島嶼

第三款

前款所載及粘附本約之地圖所劃疆界俟本約批准互換之後兩國應各選派官員二名以

上爲公同劃定疆界委員就地踏勘確定劃界若遇本約所訂疆界於地形或治理所關有礙

難不便等情各該委員等當妥爲參酌更定

各該委員等當從速辦理界務以期奉委之後限一年竣事但遇各該委員等有所更定劃界

兩國政府未經認准以前應據本約所定劃界爲正

第四款

中國約將庫平銀貳萬萬兩交與日本作爲賠償軍費該款分作八次交完第一次伍千萬兩

應在本約批准互換後六個月內交清第二次伍千萬兩應在本約批准互換後十二個月內

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交清餘款平分六次遞年交納其法列下第一次平分遞年之款於兩年内交清第二次於三年內交清第三次於四年內交清第四次於五年內交清第五次於六年內交清第六次於七年内交清其年分均以本約批准互換之後起算又第一次賠款交清後未經交完之款應按年加每百抽五之息但無論何時將應賠之款或全數或幾分先期交清均聽中國之便如從條約批准互換之日起三年之內能全數清還除將已付利息或兩年半或不及兩年半於應付本銀扣還外餘仍全數免息

第五款

本約批准互換之後限二年之內日本准中國讓與地方人民願遷居讓與地方之外者任便變賣所有產業退去界外但限滿之後尙未遷徙者酌宜視為日本臣民又臺灣一省應於本約批准互換後兩國立即各派大員至臺灣限於本約批准互換後兩個月內交接清楚

第六款

日中兩國所有約章因此次失和自屬廢絕中國約俟本約批准互換之後速派全權大臣與日本所派全權大臣會同訂立通商行船條約及陸路通商章程其兩國新訂約章應以中國與泰西各國現行約章爲本又本約批准互換之日起新訂約章未經實行之前所有日本政府官吏臣民及商業工藝行船船隻陸路通商等與中國最爲優待之國禮遇視視一律無異中國約將下開讓與各款從兩國全權大臣畫押蓋印日起六個月後方可照辦

第一現今中國已開通商口岸之外應准添設下開各處立爲通商口岸以便日本臣民往

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來僑從事商業工藝製作所有添設口岸均照向開通商海口或向開內地鎮市章程

一體辦理應得優例及利益等亦當一律享受

一湖北省荊州府沙市

二四川省重慶府

三江蘇省蘇州府

四浙江省杭州府

日本政府得派遣領事官於前開各口駐紮

第二日本輪船得駛入下開各口附搭行客裝運貨物

一從湖北省宜昌溯長江以至四川省重慶府

二從上海駛進吳淞江及運河以至蘇州府杭州府

日中兩國未經商定行船章程以前上開各口行船務依外國船隻駛入中國內地水路

現行章程照行

第三日本臣民在中國內地購買經工貨件若自生之物或將進口商貨運往內地之時欲

暫行存棧除勿庸輸納稅鈔派徵一切諸費外得暫租棧房存貨

第四日本臣民得在中國通商口岸城邑任便從事各項工藝製造又得將各項機器任便

裝運進口只交所訂進口稅

日本臣民在中國製造一切貨物其於內地運送稅內地稅鈔課雜派以及在中國內地

沽及寄存棧房之益即照日本臣民運入中國之貨物一體辦理至應享優例豁除亦莫

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不相同

嗣後如有因以上加讓之事應增章程規條即載入本款所稱之行船通商條約內

第七款

日本軍隊現駐中國境內者應於本約批准互換之後三個月內撤回但須照次款所定辦理

第八款

中國爲保明認真實行約內所訂條款聽允日本軍隊暫行佔守山東省威海衛又於中國將

本約所訂第一第二兩次賠款交清通商行船約章亦經批准互換之後中國政府與日本政

府確定周全妥善辦法將通商口岸關稅作爲剩餘並息之抵押日本可允撤回軍隊倘中國

政府不即確定抵押辦法則未經交清未次賠款之前日本應不允撤回軍隊但通商行船約

章未經批准互換以前雖交清賠款日本仍不撤回軍隊

第九款

本約批准互換之後兩國應將是時所有俘虜盡數交還中國約將由日本所選俘虜並不加

以虐待若或置於罪戾

中國約將認爲軍事間諜或被嫌逮繫之日本臣民即行釋放併約此次交仗之間所有關涉

日本軍隊之中國臣民概予寬貸並飭有司不得擅爲逮繫

第十款

本約批准互換日起應按兵息戰

第十一款

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本約奉

大日本帝國

大皇帝陛下及

大清帝國

大皇帝陛下批准之後定於明治二十八年五月初八日即光緒二十一年四月十四日在烟台互

換

爲此兩國全權大臣署名蓋印以昭信守

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文 謹印

大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光 謹印

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章 謹印

大清帝國欽差全權大臣二品頂戴前出使大臣李經方 謹印

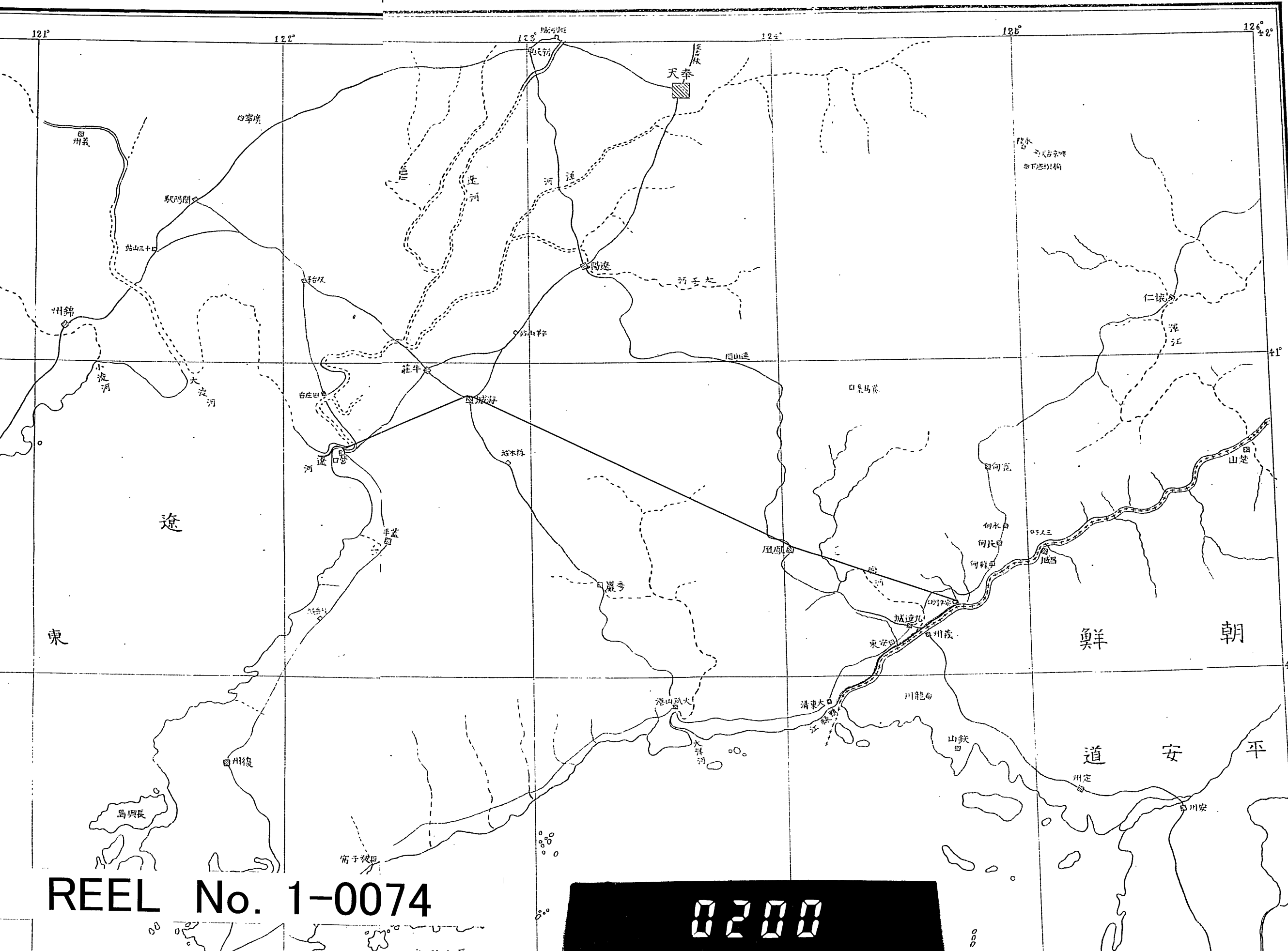
明治二十八年四月十七日

光緒二十一年三月二十三日

訂於下之關繕寫兩分

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議 訂 專 條

大日本帝國

大皇帝陛下政府及

大清帝國

大皇帝陛下政府爲豫防本日署名蓋印之和約日後互有誤會以生疑義兩國所派全權大臣會同議訂下開各款

第一彼此約明本日署名蓋印之和約添備英文與該約日本正文漢正文較對無訛

第二彼此約明日後設有兩國各執日本正文或漢正文有所辨論即以上開英文約本爲憑以免舛錯而昭公允

第三彼此約明將該議訂專條與本日署名蓋印之和約一齊送交各本國政府而本日署名蓋印之和約謂

御筆批准之時此議訂各款無須另請

御筆批准亦認爲兩國政府所允准各無異論

爲此兩帝國全權大臣欲立文憑各行署名蓋印以昭確實

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文

大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章

大清帝國欽差全權大臣二品頂戴前出使大臣李經方

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光緒二十一年三月二十三日

明治二十八年四月十七日

訂於下之開繕寫兩分

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

COUNT ITO HIROBUMI. [L.S.]  
*Junii, Grand Cross of the Imperial Order of Paulownia,  
Minister President of State, Plenipotentiary of  
His Majesty the Emperor of Japan.*

VISCOUNT MUTSU MUNEMITSU. [L.S.]  
*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.*

LI HUNG-CHANG. [L.S.]  
*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 Chilli  
and Earl of the First Rank.*

LI CHING-FONG.  
*Plenipotentiary of His Majesty the Emperor of China,  
Ex-Minister of the Diplomatic Service,  
of the Second Official Rank.*

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- 1.—Shashih in the Province of Hupoh.
- 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.

2nd.—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.

3rd.—Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandise 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 excisions whatever.

4th.—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 excisions 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 merchandise imported by Japanese subjects into China.

In the event additional Rules and 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 Shanlung.

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.

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

The alignments laid down in this Act, shall, however, be maintained until the ratifications of the Delimitation Commission if any are made, shall have received the 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 Kiping 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 centum 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 consequence 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 favored nation treatment.

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

1st.—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:

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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 Mitsui 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 Feng-Tien within the following boundaries :

The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping; from thence the line runs to Feng Huang; from thence to Hsiehsheng, 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 Feng-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 Pescadore Group, that is to say, all Islands lying between the 119th and 120th 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.

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另約

第一款

遵照約第八款所訂暫為駐守威海衛之日本國軍隊應不越一旅團之多所有暫行駐守需費中國自本約批准互換之日起每一周年屆滿貼交四分之一庫平銀五十萬兩

第二款

在威海衛應將劉公島及威海衛口灣沿岸照日本國里法五里以內地方約合中國四十里以內為日本國軍隊駐守之區

在距上開劃界照日本國里法五里以內地方無論其為何處中國軍隊不宜逼近或紮駐以杜生衅之端

第三款

日本國軍隊所駐地方治理之務仍歸中國官員管理但遇有日本國軍隊司令官為軍隊衛戍安靖軍紀及分布管理等事必須施行之處一經出示履行則於中國官員亦當責守在日本國軍隊駐守之地凡有犯關涉軍務之罪均歸日本國軍務官審斷辦理此另約所定條款與職入和約其列悉為相同

為此兩國全權大臣署名蓋印以昭信守

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文蓋印

大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光蓋印

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0211

REEL No. 1-0074

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章  
大清帝國欽差全權大臣二品頂戴前出使大臣李經方  
明治二十八年四月十七日  
光緒二十一年三月二十三日  
訂於下之關繕寫兩分

MT

11257 01099

(停戰條款)  
大日本帝國

大皇帝因見有不幸之事將現在議和之舉暫時延緩今命全權辦理大臣應允暫行停戰特派

大日本帝國

大皇帝全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文

全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光與

大清帝國

大皇帝欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章

議定停戰條款如左

第一款

大日本帝國

大清帝國政府現允日中兩國所有在奉天直隸山東地方水陸各軍均確照以下所定停戰條款

一律辦理

第二款

兩國軍隊應遵該約暫行停戰者各自須駐守現在屯紮地方但停戰期內不得互為前進

第三款

日中兩國現約在停戰期內所有兩國前敵兵隊無論或攻或守各不加增前進並不添派援

兵及加一切戰鬪之力惟兩國如有分派布置新兵非避往敵助戰者不在此款之內

MT

11257 01100

第四款

海上聘運兵勇軍需所有戰時禁物仍按戰時公例隨時由敵船查捕

第五款

兩國政府於此約簽定之後限二十一日內確照此項停戰條約辦理惟兩國軍隊駐紮處所有電線不遑之處各自設法從速知照兩國前敵各將領於得信後亦可彼此互相知照立即

停戰

第六款

此項停戰條款約明於明治二十八年四月二十日即光緒二十一年三月二十六日中午十二點鐘屆滿彼此無須知會如期內和議決裂此項停戰之約亦即中止

爲此日中兩國

欽差全權大臣今欲有憑即行簽押蓋印以昭信守

明治二十八年三月三十日

在日本下之關訂

光緒二十一年三月初五日

內閣總理大臣從二位勳一等伯爵伊藤博文印

外務大臣從二位勳一等子爵陸奥宗光印

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章蓋印

MT

11257 01101

02 15

REEL No. 1-0074

停戰展期專條

大日本帝國  
大皇帝陛下所簡

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文  
大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光

大清帝國

大皇帝陛下所簡

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章  
大清帝國欽差全權大臣二品頂戴前出使大臣李經方

會同訂立和約即欲發行批准互換無礙為此議定下開各款

第一款

明治二十八年三月三十日即光緒二十一年三月初五日訂約停戰從此約簽定日起得展二十一日

第二款

此約所訂停戰於明治二十八年五月八日即光緒二十一年四月十四日夜十二點鐘屆滿彼此勿須知照如在期內兩帝國政府無論彼此不允批准和約無庸告知即將此約作為廢止

為此兩帝國全權大臣欲立文據即行署名蓋印以昭確實

MT

11257 01102

02 15

REEL No. 1-0074

大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文  
大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奥宗光  
大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣李鴻章  
大清帝國欽差全權大臣二品頂戴前出使大臣李經方  
訂於下之開繕寫兩分

光緒二十一年三月二十三日

明治二十八年四月十七日

MT

11257 01103

The undersigned, 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, Plenipotentiaries of His Majesty the Emperor of Japan,

And 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, Plenipotentiaries of His Majesty the Emperor of China, having concluded a Treaty of Peace, have, in order to provide for the peaceful exchange of the ratifications of said Treaty, agreed upon and signed the following Articles:

#### ARTICLE I

The Convention of Armistice concluded on the 30th day of the 3rd month of the 28th year of Meiji, corresponding to the 5th day of the 3rd month of the 21st year of Kuang Hsu, is prolonged for the period of 21 days from this date.

#### ARTICLE II

The Armistice which is prolonged by this Convention, shall terminate, without notice on either side, at midnight on the 5th day of the 5th month of the 28th year of Meiji, corresponding to the 14th day of the 4th month of the 21st year of Kuang Hsu. The rejection in the meantime, however, of the said Treaty of Peace, by either High Contracting Party, shall have the effect of at once terminating the Armistice without previous notice.

In witness whereof the Plenipotentiaries of Japan and China have herein set their hands and affixed their seals.

Done at Shimonoski, 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 Hsu.

COUNT ITO HIROBUMI. [L.S.]

*Junii, Grand Cross of the Imperial Order of Paulownia,  
Minister President of State, Plenipotentiary of*

*His Majesty the Emperor of Japan.*

VISCOUNT MUTSU MUNEMITSU. [L.S.]

*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.*

LI HUNG-CHANG. [L.S.]

*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.*

LI CHING-FONG.

*Plenipotentiary of His Majesty the Emperor of China;*

*Ex-Minister of the Diplomatic Service,*

*of the Second Official Rank.*

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01104



In witness whereof the Plenipotentiaries of Japan and China have herunto set their hands and affixed their seals.

Done at Shimomoseki, Japan, this 30th day of the 3rd month of the 28th year of Meiji corresponding to the 5th day of the 3rd month of the 21st year of Kuang Hsi.

COUNT HIROBUMI IWO [L.S.]

*Count, Grand Cross of the Imperial Order of Paulownia,  
Minister President of State, Plenipotentiary of  
His Majesty the Emperor of Japan.*

VISCOUNT MUTSU MUNEMITSU [L.S.]

*Junior, First Class of the Imperial Order of the Sacred  
Treasure, Minister of State for Foreign  
Affairs, Plenipotentiary of His Majesty  
the Emperor of Japan.*

LI HUNG-CHANG [L.S.]

*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.*

MT

11257 01105

His Majesty the Emperor of Japan, having, in view of the untoward event which temporarily interrupted the depending negotiations for peace, commanded His Plenipotentiaries to consent to a temporary armistice:

The undersigned Count Ito Hirobumi, Junii, Grand Cross of the Imperial Order of Paulownia, Minister President of State and Viscount Matsi Munemitsu, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, the Plenipotentiaries of His Majesty the Emperor of Japan; and 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, have concluded the following Convention of Armistice:

#### ARTICLE I.

The Imperial Governments of Japan and China agree to enforce an Armistice between their respective Military and Naval Forces, in the Provinces of Feng-tien, Chihli and Shan-Tung subject to the provisions contained in the following Articles:

#### ARTICLE II.

The Forces affected by this Armistice shall have the right to maintain the positions respectively occupied by them at the time hostilities are actually suspended, but they shall not under any circumstances during the existence of this Armistice advance beyond such positions.

#### ARTICLE III.

The two Governments engage during the existence of this Convention not to extend, perfect or advance their attacking works or to re-enforce or in any wise to strengthen either for offensive or defensive operations, their confronting military lines. But this engagement shall not prevent either Government from making any new distribution or arrangement of troops not intended to augment or strengthen the armies now actually in the field and engaged in active military operations.

#### ARTICLE IV.

The movement of troops, and the transportation of military supplies and all other contraband of war by sea shall be subject to the ordinary rules of war and shall consequently be liable to hostile capture.

#### ARTICLE V.

This Armistice shall be enforced by the Imperial Governments of Japan and China for the period of 21 days from the date of the signature of this Convention.

In those localities occupied by the troops of the two Governments to which there is no telegraphic communication the quickest possible means shall be employed in issuing the orders for the Armistice and the respective Commanders of the two countries shall upon the receipt of such orders announce the fact to each other and take steps to enforce the Armistice.

#### ARTICLE VI.

This Armistice shall terminate without notice on either side, at mid-day on the 30th day of the 4th month of the 28th year of Meiji, corresponding to the 26th day of the 8th month of the 21st year of Kuang Hsu. If in the meantime the depending negotiations for peace are broken off, this Armistice shall in that case terminate at the same time such negotiations cease.

[MT]

11257 01106

## 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 places 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.

Done at Shinjoseki, 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.

Count ITO HIROBUN. [L.S.]

*Junii, Grand Cross of the Imperial Order of Paulownia,  
Minister-President of State, Plenipotentiary of  
His Majesty the Emperor of Japan.*

VISCOUNT MUTSU MUNEMITSU. [L.S.]

*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.*

LI HUNG-CHANG. [L.S.]

*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.*

LI CHING-FONG.

*Plenipotentiary of His Majesty the Emperor of China,  
Ex-Minister of the Diplomatic Service,  
of the Second Official Rank.*

[MT] 11257 01167

0220

REEL No. 1-0074

日清通商行船條約

MT

11257 01108

REEL No. 1-0074

0221

0222

REEL No. 1-0074

通商行船條約

大日本國

大皇帝陛下及

大清國

大皇帝陛下因明治二十八年四月十七日即光緒二十一年三月二十三日馬關所訂條約第六

款聲明商訂通商行船條約是以

大日本國

大皇帝陛下特派

欽差駐劄北京全權大臣正四位勳一等男爵林董

大清國

大皇帝陛下特派

欽差全權大臣總理各國事務大臣尙書銜戶部左侍郎張蔭桓爲全權大臣彼此將所奉全權

文憑較閱均屬妥善會同議定各條款開列於左

第一款

大日本國

大皇帝陛下與

大清國

大皇帝陛下及兩國臣民均永遠和好友誼致睦彼此臣民僑居其身家財產皆全獲保護無所稍歛

MT

11257 01109

0223

REEL No. 1-0074

第二款

大日本國  
大皇帝陛下可任便派一乘權大員駐劄中國北京

大清國

大皇帝陛下可任便派一乘權大員駐劄日本國東京兩國所派乘權大員應照各國公法得享一切權利並優例及應豁免利益均照相待最優之國所派相等大員一體接待享受其本員及眷屬隨員人等並公署住處及來往公文書信等件均不得擾犯擅動凡欲選用役員使丁通譯人及僕婢隨從等均准隨意僱募毫無阻攔

第三款

大日本國

大皇帝陛下附視日本國利益相關情形可設立總領事領事副領事及代理領事住中國已開及日後約開通商各口岸城鎮各領事等官中國官員應以相當禮貌接待並各員應得分位職權裁判管轄權及優例豁免利益均照現時或日後相待最優之國相等之官一律享受

大清國

大皇帝陛下亦可設立總領事領事副領事及代理領事駐劄日本國現准及日後准別國領事駐劄之處除管轄在日本之中國人民及財產歸日本衙署審判外各領事等官應得權利及優例悉照通例給予相等之官一律享受

第四款

MT

11257 01110

0224

REEL No. 1-0074

日本臣民准帶家屬服役僕婢等在中國已開及日後約開通商各口岸城鎮來往居住從事商業工藝製作及別項合例事業又准其於通商各口任意往返攜帶貨物家具凡通商各口岸城鎮無論現在已定及將來所定外國人居住地界之內均准賃買房屋租地起造禮拜堂醫院墳塋其一切優例豁除利益均照現在及將來給與最優待之國臣民一律無異

第五款

中國現已准作停泊之港如安慶大通湖口武穴陸溪口吳淞等處及將來所准停泊之港均准日本船卸載貨物客商悉照現行各國通商章程辦理如日本船違章到中國別口非係准停泊之港亦非准通商口岸或在沿海沿江各處地方私做買賣即將船貨一併由中國罰充入官

第六款

日本臣民准聽持照前往中國內地各處游歷通商執照由日本領事發給由中國地方官蓋印經過地方如飭交出執照應隨時呈驗無訛放行所有僱用車船人夫牲口裝運行李貨物不得攔阻如查無執照或有不法情事就近送交領事官懲辦沿途止可拘禁不可凌虐執照自發給之日起以華十三箇月為限若無執照進內地者罰銀不過三百兩之數惟在通商各口岸有出外游玩地不過華百里期不過五日者無庸請照船上水手人不在此列

第七款

日本臣民在中國通商各口岸可僱用中國人民辦理合例事務中國政府及官吏不得阻礙禁止

三

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11257 01111

0225

REEL No. 1-0074

第八款

日本臣民任從自僱船隻剝運貨客不論何項船隻僱價銀兩聽其與船戶自議中國政府官吏均無庸干涉其船不得限定隻數並不准船戶挑夫及各色人等把持包攬運送等情倘有走私漏稅情弊查出該犯自應照例懲辦

第九款

凡各貨物日本臣民運進中國或由日本運進中國者又日本臣民由中國運出口或由中國

運往日本者均照中國與泰西各國現行各稅則及稅則章程辦理凡貨物於中國與泰西各國現行稅則及稅則章程之內並無限制禁止進出口明文亦准任便照運其運進中國口者只輸進口稅運出中國口者只輸出口稅至日本臣民在中國所輸進出口稅比相待最優之國臣民不得加多或有殊異又凡貨物由日本運進中國或由中國運往日本其進出口稅亦比相待最優之國人民運進出口相同貨物現時及日後所輸進出口稅不得加多或有殊異

第十款

凡貨物照章係日本臣民運進中國或由日本運進中國在中國照現行章程由此通商口運至彼通商口時不論貨主及運貨者係何國之人不論運器船隻係屬何國所有稅賦鈔課釐金雜派各項一概豁免

第十一款

日本臣民有欲將照章運入中國之貨進售內地倘願一次納稅以免各子口徵收者則聽自便如係應完稅之貨則應照進口稅一半輸納如係免稅之貨則按值每百兩徵收二兩五錢

MT

11257

01112



0226

REEL No. 1-0074

第十二款  
輸納時領取票據執持此票內地各徵一概豁免惟運進鴉片煙不在此條之內

日本臣民於中國通商各口岸之外購買中國貨物土產爲運出外洋者除出口時完出口正稅外如照以上第十一款所列數目照出口稅則覈算完納子口稅以抵各子口稅項此後不論在中國何處所有稅賦鈔課釐金雜派一概豁免惟完子口稅之日起限十二箇月內運往外國又日本臣民在通商各口岸購買中國貨物土產非係禁運出外洋之物運出口時只完出口正稅所有內地稅賦鈔課釐金雜派一概豁免又日本臣民在中國各處購買貨物以備出外洋准由此通商口岸運到彼通商口岸惟應照現行章程條規辦理

第十三款

凡貨物如實係洋貨已完進口稅後自進口之日起限三年內不論何時准日本臣民復運出口俾往外國毋庸再納出口稅惟復運出口之貨須實係原包原貨並未拆動抽換准將已完之進口稅由海關給發收稅存票付執如該臣民願持票赴關領取現銀者聽

第十四款

中國國家允在通商口岸設立關棧所有章程日後酌定

第十五款

日本商船進中國通商各口應納船鈔按註冊噸數在一百五十噸以上者每噸納船鈔銀四錢一百五十噸及以下者每噸納船鈔銀一錢如該船進口後未經開槍欲行他往限四十八點鐘之內出口不納船鈔如已納船鈔之船自領出口紅票之日起限四箇月之內可往中國通

五

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11257 01113

0227

REEL No. 1-0074

商各口及准停泊之港毋庸再納船鈔凡日本商船在中國修理之時亦毋庸納船鈔又日本臣民使用各種小船裝運客商行李書信及應免稅之貨往來中國通商各口均毋庸納船鈔惟各種小船及貨艇等運往貨物其貨於運載時應輸稅課者該船須按四箇月納船鈔一次每噸納銀一錢所有日本大小船隻除納船鈔外並無別項規費至所納船鈔不得過於最優之國各船所納之數

第十六款

日本商船進中國通商各口聽其僱覓引水之人完清應納稅項之後亦聽僱覓引水之人帶領出口

第十七款

日本商船遇有損壞或別項事故致逗遛避難之處不論中國何處准其駛進附近各口暫泊毋庸納船鈔其船因修理起卸貨物報歸海關委員查察則毋庸納稅凡日本船在中國沿海地方碰壞擱淺中國官員須立即設法救護搭客及船上一切人等並照料船貨所救之人當加意看待並隨時察看情形有須設法護送者即妥送就近領事官查收如中國商船遇有損壞或別項事故逗遛日本附近海口暫避日本官員亦照以上所載一律辦理

第十八款

中國通商各口官員凡有嚴防偷漏之法任憑相度機宜設法辦理

第十九款

日本船隻被中國強盜海賊槍劫者中國官員即應設法將匪徒拏辦追贓

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第二十款  
日本在中國之人民及其所有財產物件專歸日本委派官吏管轄凡日本人控告日本人或被別國人控告均歸日本委派官吏訊斷與中國官員無涉

第二十一款  
凡中國官員或人民控告在中國之日本臣民負欠錢債等項或爭在中國財產物件等事歸日本官員訊斷凡在中國日本官員或人民控告中國臣民負欠錢債等項或爭中國人之財產物件等事歸中國官員訊斷

第二十二款  
凡日本臣民被控在中國犯法歸日本官員審理如果審出真罪依照日本法律懲辦中國臣民被日本人在中國控告犯法歸中國官員審理如果審出真罪依照中國法律懲辦

第二十三款  
中國人有欠日本入債務不償或詭詐逃避者中國官務須嚴拏追繳日本人有欠中國人債務不償或詭詐逃避者日本官亦應一體辦理

第二十四款  
日本人在中國犯罪或逃亡負債者潛往中國內地或潛匿中國臣民房屋或船上一經日本領事照請即將該犯交出中國人在中國犯罪或逃亡負債者潛匿在中國之日本臣民所住房屋或中國水面日本船上一經中國官照請日本官即將該犯交出

第二十五款

0229

REEL No. 1-0074

按照日本國與中國現行各約章日本國家及臣民應得優例豁除利益今特申明存之勿失又

大清國

大皇帝陛下已經或將來如有給予別國國家或臣民優例豁除利益日本國家及臣民亦一律享

受

第二十六款

此次所定稅則及此約內關涉通商各條款日後如有一國再欲重修由換約之日起以十年

爲限期滿後須於六箇月之內知照酌量更改若兩國彼此均未聲明更改則條款稅則仍照

前辦理復俟十年再行更改以後均照此限此式辦理

第二十七款

今兩國欲照此次所立條約進行須商定通商章程條規惟於未定以前應照中國與泰西各

國現行章程條規與此約所訂不相違背者兩國一律遵辦

第二十八款

本條約繕寫日本文漢文英文署名爲定惟防以後有所辨論兩國全權大臣訂明如將來日

本文漢文有參差不符均以英文爲準

第二十九款

本條約兩國

大皇帝批准後在北京迅速互換其互換日期由本日署名起至遲不逾三箇月

爲此兩國全權大臣署名蓋印以昭信守

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明治二十九年七月 二十一日  
光緒二十二年六月 十一日  
大日本國欽差駐劄北京全權大臣正四位勳一等男爵林董 (記名) 印  
大清國欽差全權大臣總理各國事務大臣尙書銜戶部左侍郎張蔭桓 (記名) 印

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the exchange of the ratifications; but if no such demand be made on either side and no such revision be effected, within six months after the end of the first ten years, then the Treaty and Purffs, in their present form, shall remain in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive period of ten years.

ARTICLE XXVII.

The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty. Until such Rules and Regulations are brought into actual operation, the Arrangements, Rules and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall be binding between the Contracting Parties.

ARTICLE XXVIII.

The present Treaty is signed in the Japanese, Chinese and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed upon that in case of any divergence in the interpretation between the Japanese and Chinese Texts of the Treaty, the difference shall be settled by reference to the English Text.

ARTICLE XXIX.

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than three months from the present date.

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

Done at Peking this 21st day of the 7th month of the 20th year of Meiji, corresponding to the eleventh day of the sixth month of the 22nd year of Kuang Hsu.

林

張

蔭

董

桓

[L. S.]

*Shoshei, Grand Cross of the Imperial Order  
of the Sacred Treasure, Grand Officer of  
the Imperial Order of the Rising Sun,  
Minister Plenipotentiary and  
Extraordinary.*

[L. S.]

*Minister Plenipotentiary, Minister of the  
Imperial Household, Holding the rank of the  
President of a Board and Senior  
Vice President of the  
Board of Revenue.*

[MT]

11257 01118

ARTICLE XX.

Jurisdiction over the persons and property of Japanese subjects in China, is reserved exclusively to the duly authorized Japanese Authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects or by the subjects or citizens of any other Power, without the intervention of the Chinese Authorities.

ARTICLE XXI.

If the Chinese Authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese Authorities.

In like manner all charges and complaints of a civil nature brought by Japanese Authorities or subjects in China against Chinese subjects or in respect of Chinese property, shall be heard and determined by the Chinese Authorities.

ARTICLE XXII.

Japanese subjects charged with the commission of any crimes or offences in China, shall be tried and if found guilty, punished by the Japanese Authorities according to the laws of Japan.

In like manner Chinese subjects charged with the commission of any crimes or offences against Japanese subjects in China, shall be tried and if found guilty, punished by the Chinese Authorities according to the laws of China.

ARTICLE XXIII.

Should any Chinese subject fail to discharge debts incurred to a Japanese subject or should he fraudulently abscond, the Chinese Authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The Japanese Authorities will likewise do their utmost to bring to justice any Japanese subject who fraudulently absconds or fails to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIV.

If Japanese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese Authorities shall, at the request of the Japanese Consul, deliver them to the Japanese Authorities.

In like manner if Chinese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters, they shall be delivered up, at the request of the Chinese Authorities made to the Japanese Authorities.

ARTICLE XXV.

The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by His Majesty the Emperor of China to the government or subjects of any other nation.

ARTICLE XXVI.

It is agreed that either of the High Contracting Parties, may demand a revision of the Tariffs and of the Commercial Articles of this Treaty, at the end of ten years from the date of

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ARTICLE XIV.

The Chinese Government consents to the establishment of Bonded Warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

ARTICLE XV.

Japanese merchant vessels of more than one hundred and fifty tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of four *mae* per registered ton; if of one hundred and fifty tons and under, they shall be charged at the rate of one *mae* per registered ton. But any such vessel taking its departure within forty eight hours after arrival, without breaking ball, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage dues shall thereafter be exempt from all tonnage dues in all the open ports and ports of call of China, for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period during which they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, luggage, letters, or duty free articles between any of the open ports of China. All small vessels and cargo boats, however, conveying merchandise which is, at the time of such conveyance, subject to duty, shall pay tonnage dues once in four months at the rate of one *mae* per ton.

No fee or charges, other than tonnage dues, shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favored nation.

ARTICLE XVI.

Any Japanese merchant vessel arriving at an open port of China, shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

ARTICLE XVII.

Japanese merchant vessels compelled on account of injury sustained or any other cause, to seek a place of refuge, shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs Authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese Authorities shall immediately adopt measures for rescuing the passengers and crew and for securing the vessel and cargo. The persons thus saved shall receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should any Chinese merchant vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese Authorities.

ARTICLE XVIII.

The Chinese Authorities at the several open ports shall adopt such means as they may judge most proper to prevent the revenue suffering from fraud or smuggling.

ARTICLE XIX.

If any Japanese vessel be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese Authorities to use every endeavor to capture and punish the said robbers or pirates and to recover and restore the stolen property.

MT 11257 01120



prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers, may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are or may be paid by the subjects or citizens of the most favored nation; nor shall any article imported into China from Japan or exported from China to Japan, be charged upon such importation or exportation, other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favored in those respects.

ARTICLE X.

All articles duly imported into China by Japanese subjects or from Japan shall, while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, *leizin*, charges and exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

ARTICLE XI.

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market, to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one-half of the import duty in respect of dutiable articles, and two and half per-cent. upon the value in respect of duty free articles; and on payment thereof a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever. It is understood that this Article does not apply to imported opium.

ARTICLE XII.

All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof and intended for export abroad, shall in every part of China be freed from all taxes, imposts, duties, *leizin*, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding Article substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of twelve months from the date of the payment of the transit tax; all Chinese goods and produce purchased by Japanese subjects at the open ports of China and of which export to foreign countries is not prohibited shall be exempt from all internal taxes, imposts, duties, *leizin*, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation and all articles purchased by Japanese subjects in any part of China, may also, for the purposes of export abroad, be transported from open port to open port, subject to the existing Rules and Regulations.

ARTICLE XIII.

Merchandise of a *bona fide* foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation, be re-exported from China by Japanese subjects to any foreign country, without the payment of any export duty and the re-exporters shall, in addition, be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs Authorities at the option of the holders thereof.

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and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects and within the localities at those places which have already been or may hereafter be set apart for the use and occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land and to build churches, cemeteries and hospitals, enjoying in all respects the same privileges and immunities as are now or may hereafter be granted to the subjects or citizens of the most favored nation.

ARTICLE V.

Japanese vessels may touch for the purpose of landing and shipping passengers and merchandise in accordance with the existing Rules and Regulations concerning foreign trade there, at all those places in China which are now ports of call, namely, Ngun-ching, Tientsin, Hinkow, Wansieh, Lanchow and Woosung and with other places as may hereafter be made ports of call also. If any vessel should unlawfully enter ports other than open ports and ports of call in China or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

ARTICLE VI.

Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the Local Authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passports be not irregular, the bearers will be allowed to proceed and no opposition shall be offered to their hiring of persons, animals, carts or vessels for their own conveyance or for the carriage of their personal effects or merchandise. If they be without passports or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint and in no case to ill-treatment. Such passports shall remain in force for a period of thirteen Chinese months from the date of issue. Any Japanese subject travelling in the interior without a passport shall be liable to a fine not exceeding three hundred Taels. Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to a distance not exceeding one hundred Chinese li and for a period not exceeding five days. The provisions of this Article do not apply to crews of ships.

ARTICLE VII.

Japanese subjects residing in the open ports of China, may take into their service Chinese subjects and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or Authorities.

ARTICLE VIII.

Japanese subjects may hire whatever boats they please for the conveyance of cargo or passengers and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put upon the number of boats, neither shall a monopoly in respect either of the boats or of the porters or coolies engaged in carrying goods, be granted to any parties. If any smuggling takes place in them the offenders will of course be punished according to law.

ARTICLE IX.

The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles the importation or exportation of which is not expressly limited or

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His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimoda, on the 17th day of the 4th month of the 26th year of Meiji, corresponding to the 29th day of the 3rd month of the 21st year of K'uang Hsi, to conclude a Treaty of Commerce and Navigation, have for that purpose, named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Hayashi Tadamu, Shoshi, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Chang Yen Hoon, Minister Plenipotentiary, Minister of the T'ungli-ye-men, Holding the rank of the President of a Board and Senior Vice President of the Board of Revenue; Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

#### ARTICLE I.

There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of China, and between their respective subjects who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property.

#### ARTICLE II.

It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if he see fit, accredit a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China may, if he see fit, accredit a Diplomatic Agent to the Court of Tokio.

The Diplomatic Agents thus accredited shall respectively enjoy all the prerogatives, privileges and immunities accorded by international law to such Agents and they shall also in all respects be entitled to the treatment extended to similar Agents of the most favored nation.

Their persons, families, suites, establishments, residences and correspondence shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, servants and attendants without any kind of molestation.

#### ARTICLE III.

His Majesty the Emperor of Japan may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China which are now or may hereafter be opened to foreign residence and trade, as the interests of the Empire of Japan may require.

These officers shall be treated with due respect by the Chinese Authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges and immunities which are or may hereafter be extended to similar officers of the nation most favored in these respects.

His Majesty the Emperor of China may likewise appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at any or all of those places in Japan where Consular officers of other nations are now or may hereafter be admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

#### ARTICLE IV.

Japanese subjects may, with their families, employes and servants, frequent, reside and carry on trade, industries and manufactures or pursue any other lawful avocations in all the ports, cities and towns of China, which are now or may hereafter be opened to foreign residence.

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TREATY OF COMMERCE AND NAVIGATION  
BETWEEN  
JAPAN AND CHINA.

[MT] 11257 01124

REEL No. 1-0074

0237

0238

REEL No. 1-0074

議 定 書

大日本國特命全權公使正四位勳一等男爵林董ハ大清欽命總理各國事務王大臣ト左ノ四  
箇條ヲ議定ス

第一條

新開通商市港場ニ日本專有ノ居留地ヲ置クコトヲ安定シ道路管轄及地方警察ノ權  
ハ日本領事ニ專屬スルモノトス

第二條

光緒二十二年八月初三日上海税關ヨリ發布セシ洋商蘇杭滬三處通商試辦章程內其  
ノ汽船及僱入又ハ所有ノ船隻ニ關スル事ハ日本ト妥商セラ定ムヘシ之ヲ商定スル  
迄ハ適用シ得ヘキ限ハ長江章程ヲ施行スルモノトス

第三條

日本政府ハ清國政府カ清國ニ於テ日本臣民ノ製造セル物品ニ對シ便宜酌量シテ課  
税ヲナスコトヲ允スヘシ但シ其ノ税ハ清國臣民カ納ムヘキ税ニ異ナルカ或ヘ之ヨ  
リ多額ナルコトヲ得ス

第四條

清國政府ハ日本政府ヨリ請求ノ上ハ早速上海天津厦門漢口等處ニ日本專有ノ居留  
地ヲ設クルコトヲ允スヘシ  
條約ニ依リ凡テ日本國軍隊占領地ノ經界線ヲ距ルコト日本里數五里此清國里數大

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約四十里ノ地内ニハ清國軍隊ノ之ニ近ヅキ若ハ之ヲ占領スルヲ許スヘカラサルコ  
トヲ山東巡撫ニ電達スヘシ  
右日本文及漢文各二通ヲ作り對照シテ記名調印シ双方其ノ各一通ヲ孰テ証據トス

明治二十九年十月十九日

林

董

敬

榮

信

祿

張

蔭

桓

光緒三十二年九月十三日

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REEL No. 1-0074

大日本國欽差全權大臣男爵林  
大清欽命總理各國事務  
張  
榮  
敬  
啟

公立文憑事

第一款

添設通商口岸專為日本商民妥定租界管理道路以及稽查地面之權專屬該國領事

第二款

光緒二十二年八月初三日江海關所頒示之洋商蘇杭滬三處通商試辦章程內其係輪船  
以及僱用自置船隻之事當與日本妥商而定未經商定之前務依長江章程照行

第三款

日本政府允

中國政府任便酌量課機器製造貨物稅餉但其稅餉不得比中國臣民所納加多或有殊異  
中國政府亦允一經  
日本政府咨請即在上海天津廈門漢口等處設日本專管租界

第四款

電達山東巡撫凡距日本軍隊駐守區之劃界日本里法五里約合中國四十里以內中國軍  
隊不宜逼近或紮駐以符條約

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為

爲此公立文憑須至文憑者  
以上繕寫日

明治二十九年十月十九日

光緒三十二年九月十三日

敬 信  
榮 祿  
張 桓

林 董

MT

11257 C1128



0242

REEL No. 1-0074

議訂專條

本日蓋印之文還奉天省南邊地方日中條約內其爲遵行條款所訂定期以前慮或未

克依期互換

大日本國

大皇帝陛下政府

大清國

大皇帝陛下政府爲豫防前開條約內各條款失悞遵行之期起見由其全權大臣協同公議如

左

日中兩國政府應自訂立本專條之日起限五日內由其全權大臣將前開條約已奉

大日本國

大皇帝陛下

大清國

大皇帝陛下允准等因互相通知嗣後前開條約一切均各照辦即與互換相同無異

爲此兩國全權大臣署名蓋印以昭確實

大日本帝國欽差駐劄北京全權大臣正四位勳一等男爵林董 押蓋印

大清帝國欽差全權大臣太子太傅文華殿大學士李鴻章 押蓋印

明治二十八年十一月初八日

光緒二十一年九月二十二日

訂於北京

MT

11257 01129

議 定 書

本日調印シタル奉天半島還付ニ關スル日清兩國間條約中或ル條款ヲ實施ニ至ラシムル爲メ指定シタル期日前ニ於テ該條約ノ批准交換ヲ行フコトヲ克サルヲ慮リ大日本國皇帝陛下ノ政府及大清國皇帝陛下ノ政府ハ前記條約中諸條款ヲ實施ニ至ラシムルコトニ付萬一遲延ノ生セシコトヲ豫防セシカ爲メ各其ノ全權大臣ヲ經テ左ノ條款ニ同意シタリ日清兩國政府ハ本議定書ノ日附ヨリ五日間以内ニ各其ノ全權大臣タル下名ヲ經テ前記條約ハ大日本國皇帝陛下及大清國皇帝陛下ノ允准ヲ受ケタル旨ヲ互ニ通知スヘシ然ル上ハ前記條約ノ全部ハ實際其ノ批准交換ヲ了ヘタルト同様ニ充分ノ効力ヲ有スルモノトス

右證據トシテ兩國全權大臣ハ之ニ記名調印スルモノナリ

明治二十八年十一月八日即光緒二十一年九月二十二日北京ニ於テ作ル  
大日本帝國北京駐劄特命全權公使正四位勳一等男爵林董(記名)國  
大清帝國欽差全權大臣太子太傅文華殿大學士李鴻章(記名)國

MT

11257 01130

PROTOCOL.

In view of the insufficiency of time to effect a formal exchange of the ratifications of the Convention between Japan and China signed this day respecting the retrocession of the Peninsula of Feng Tien, before the date named in the said Convention for certain stipulations thereof to take effect, the Government of His Majesty the Emperor of Japan and the Government of His Majesty the Emperor of China, in order to prevent the possibility of delay in putting into execution the several provisions of the said Convention, have, through their respective Plenipotentiaries, agreed upon the following stipulation:

The Governments of Japan and China shall within the period of five days after the date of this Protocol, announce to each other through the undersigned, their respective Plenipotentiaries, that the said Convention has received the approval of His Majesty the Emperor of Japan and His Majesty the Emperor of China respectively, and thereupon, the said Convention in all its parts, shall come into operation as fully and effectually as if the ratifications thereof had actually been exchanged.

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

Done at Peking this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsi.

林

李

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[L. S.]

[L. S.]

Baron, Shashi Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary. Minister Plenipotentiary, Senior Tutor of the Heir Apparent, Senior Grand Secretary of State and Earl of the First Rank.

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REEL No. 1-0074