

KOREA.

CONCESSION OF WHALING PRIVILEGES BY KOREA TO A RUSSIAN SUBJECT.

Mr. Allen to Mr. Hay.

No. 192.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, April 3, 1899.

SIR: I have the honor to hand you inclosed a copy of a concession granted to a Russian subject by the Korean Government after several months' negotiations, and covering a right to take whales off the coast of Korea and use three ports for their purposes.

This concession was signed on the 29th ultimo.

I have, etc.,

HORACE N. ALLEN.

[Inclosure.]

This writing witness that the Government of Dai Han does hereby make to Count Henry Keyserling the concessions herein mentioned and that said Government and said Count Keyserling hereby make the following stipulations and agreements respecting the same:

ARTICLE 1.

There shall be set apart without delay for the use and occupation of Count Keyserling, as herein agreed upon, three places, viz:

1. In the province of Kionsang, along the coast near Cape Tikhmeneff (Oolsan Bay).
2. In the province of Kang Wan, at the place of Chang Shing-Takoo.
3. In the province of Ham Kiung, on the island of Ching-po.

Each of said places shall not exceed in extent 700 feet in length and 350 feet in width, and they shall be located on convenient spots near the seashore.

ARTICLE 2.

The location and limits of the above-mentioned three places shall without delay be made by the Government of Dai Han through a duly appointed representative and Count Keyserling acting jointly, and the limits of the same shall be clearly marked on the spots by stone or wooden posts, and a map and description of each place in Russian and Chinese shall be made in duplicate and signed by said representative and Count Keyserling. One duplicate to be delivered to and kept by the foreign office of the Dai Han Government and the other to be delivered to and kept by Count Keyserling, and the same shall, when so delivered, be considered and taken as part of his agreement.

ARTICLE 3.

If the places mentioned in article 1 belong wholly or in part to the Dai Han Government, then Count Keyserling may take possession of such part as belongs to the Government as soon as the maps and description have been signed and delivered as provided in article 2; but if any part of the same belongs to a Dai Han subject, such part shall not be taken or occupied until such subject is paid the full value of his property and rights of every kind, such payment to be made by Count

Keyserling, If Count Keyserling is unable to agree with such owners as to the value and price to be paid, such price and value shall be determined by the joint action of a representative of the Dai Han foreign office and Count Keyserling, and in no case shall property belonging to a Dai Han subject be taken or occupied until special permission so to do shall be issued under the seal of the Dai Han foreign office.

ARTICLE 4.

When Count Keyserling shall obtain possession of said three places as mentioned and described above he shall have the right to use and occupy the same during the term of this agreement for the purpose of working up whales and their products, and for that purpose may erect and maintain thereon all necessary buildings, godowns, ware and store houses, and other houses and structures necessary for carrying on said business with the right to fix and operate necessary machinery and other appliances for such purpose.

ARTICLE 5.

Count Keyserling will employ for the work under this agreement preferably Dai Han subjects; but in case of strikes or insufficiency of special knowledge or unsuccessful workmanship he can replace them by workmen of other nationalities, provided that, with the exception of Chinese, no foreigner shall be employed unless his government is in treaty relations with the Dai Han Government, and passports must be procured from the Dai Han Government for all such workmen, as well as for all foreign employees of Count Keyserling. If any of such foreign employees or workmen break the laws of Dai Han or the customs regulations or cause trouble with the natives or engage in smuggling either by export or import or break any of the regulations of this agreement, the Dai Han Government may cancel and withdraw such passport and will give notice thereof to the representative of the government to which the offender belongs, and such offender shall no longer have the right to reside outside the treaty ports; and Count Keyserling shall thereupon discharge from his employment the offender and use his best efforts to have such offender leave the country or go to an open port.

Count Keyserling further undertakes that he and his representatives will in good faith endeavor to preserve order among his foreign employees and workmen and to prevent them from breaking the laws of Dai Han or the customs regulations or causing trouble and to bring them to justice and punishment in case they do so.

ARTICLE 6.

No part of the three places assigned to Count Keyserling by this agreement shall be used or occupied for any purpose except for those mentioned in this agreement; and all concessions herein made to Count Keyserling shall be strictly construed; and no concessions or rights are granted hereunder by the Dai Han Government unless expressly named, given, and provided for in this agreement. Neither Count Keyserling nor any foreign workmen or foreign employees of Count Keyserling shall engage in any business or occupation at said places except in the business embraced by this agreement; and in case such workman or employee does engage in any other business or occupation he shall be discharged by Count Keyserling and his passport canceled, and he shall not be permitted to remain outside of the treaty ports. Full jurisdiction shall be retained by the Dai Han Government over all its subjects employed by Count Keyserling, and no asylum shall be given by him or his foreign employees or workmen to such subjects.

ARTICLE 7.

The Dai Han administration will render all proper assistance to Count Keyserling in his dealings with the local population and workmen.

ARTICLE 8.

No work or operations shall be carried on in said places or in the ports in which they are situated which will create disease or be detrimental to public health. As incident to the grant herein made of the places on which to work whales Count Keyserling may erect landing stages attached to and in front of each of said three places and extending into the water. Should it afterwards be found that the structure erected interferes with the navigation of the port or tends to fill up or injure the port the same shall forthwith be removed by Count Keyserling at

his expense, and if he fails to do so after notice of two months the Dai Han Government may remove the same.

ARTICLE 9.

It is expressly understood that nothing in this agreement, and no rights and concessions herein given or made, shall prevent the Dai Han Government from opening any port to foreign trade, and that in case any port is opened where any place selected and assigned to Count Keyserling is situated and the Dai Han Government desires to embrace such place within a foreign settlement, then such place shall be treated as Dai Han property and may be taken for the purpose of such foreign settlement after six months' notice to Count Keyserling, provided Count Keyserling shall be compensated for the same as follows:

1. He shall be repaid whatever he has paid for such place, or part thereof, to any Dai Han subject, as provided in article 3, but if he is given a new place, as hereinafter provided, such repayment shall not be made.

2. He shall also be paid the actual cash value of all his buildings and machinery on the place so taken, and the same shall belong to the Dai Han Government. In estimating such cash value, the value of any concession herein made, or damages for the stoppage of his business or any other incidental loss to Count Keyserling, shall not be taken into account.

Provided that the rental of such places, viz, at the rate of 150 yen per year, shall cease and not be paid by Count Keyserling after the place is taken for a foreign settlement; and provided further, that Count Keyserling shall be at liberty to remove all the buildings and machinery, or either of them, within a reasonable time, in which case he shall not be paid for the same; and provided further, that in case any place is taken for a foreign settlement under this article a new place, of the same size, instead shall be assigned to Count Keyserling, if he so desires, free of cost, outside the settlement. Such new place shall be selected as was the place taken, and all the provisions of this agreement shall apply to said new place that applied to the old one for which it is substituted, and Count Keyserling shall pay rent for the same as for the old place, viz, at the rate of 150 yen per year. In case Count Keyserling desires to remove his machinery from the old place to such new place, the Dai Han Government will pay him the cost of such removal.

ARTICLE 10.

The term of this agreement shall be twelve years, commencing from the date hereof, and at the end of such term Count Keyserling shall cease operations hereunder, and he shall, within a reasonable time, remove all machinery and appliances for working whales and surrender said places to the Dai Han Government. All buildings and structures shall become the property of the Dai Han Government without any cost, and the Dai Han Government shall take full possession of said places.

ARTICLE 11.

As yearly rental for said three places, Count Keyserling agrees to pay the Dai Han Government at Seoul 450 yen each year, in advance; the first of the said payments to be made to the Dai Han foreign office when the agreement is signed, and the others to the same office on the same day of each year thereafter during the continuance of this agreement. If Count Keyserling fails to make any of the said payments for a period of one year after they become due, as in this article stipulated, all rights granted him in this agreement shall be forfeited and become null and void, and the Dai Han Government may enter upon and take possession of and own, without cost, all said three places, and all the buildings, structures, machinery, and other property thereon; provided, that if Count Keyserling shall pay within six months thereafter all the amounts due or to become due as rental and interest on said premises up to the end of the twelve years' term, he shall be at liberty to remove his buildings and machinery, and if he fails to make such payments within said six months, then all said buildings and machinery shall be forfeited to and belong to the Dai Han Government. If any payment of rental is not made when it becomes due, it shall bear interest at the rate of 1½ per cent per month till paid.

ARTICLE 12.

If Count Keyserling or his representatives shall break any of the agreements herein made, or any of the things prohibited herein, he shall in addition to all treaty penalties indemnify and pay the Dai Han Government for all loss and damage sustained by it, and if he permits the same to be repeated or continued after notice by

the Dai Han Government, this agreement and all his rights hereunder may be forfeited by the Dai Han Government, in which case he shall forthwith remove all machinery and stores and other property from the places occupied by him, but the buildings and other structures erected by him shall be forfeited to the Dai Han Government, and it may take full possession of said places, buildings, and structures and have and own the same without cost.

ARTICLE 13.

Count Keyserling may, with the consent and permission of the Dai Han foreign office, given in writing, transfer his rights to another reliable person or a reliable company. In case of his death before such transfer, his rights shall go over for the remainder of the term to his legitimate heirs and successors. But in case of any transfer by him to others, or by his death to his heirs and successors, such transferees and heirs and successors shall be subject to all the obligations and prohibitions, limitations and penalties of this agreement. Notice of any transfer shall be at once communicated to the Dai Han foreign office, and in case of death of Count Keyserling the names and interest of Count Keyserling's heirs and successors shall also be communicated to the said foreign office.

ARTICLE 14.

In case any dispute or contention or question shall arise under the agreement, the same shall be settled by arbitration, one arbitrator to be selected by the Dai Han foreign office, the other by Count Keyserling, and if these arbitrators can not agree they shall select an umpire without delay, whose decision shall be final, and the Dai Han Government on the one side and Count Keyserling on the other agree to abide by and perform the award and decision of said arbitrators or umpire.

ARTICLE 15.

It being necessary for the protection of the revenue that the customs department should depute an officer to reside permanently or occasionally at each of the stations granted by this concession, Count Keyserling undertakes to furnish suitable quarters at each station for the customs officer so deputed, and until such quarters can be built and prepared, Count Keyserling will place a suitable cabin on board any of his ships lying at a station at the disposal of said customs officer and will furnish him with a boat's crew whenever he has occasion to go afloat.

Count Keyserling undertakes, further, to pay to the customs at Yuensan a sum of \$100 a month to meet in part the cost of providing the customs officer required; provided, that when Count Keyserling is not working at any station no officer will be deputed to reside at such station and no contribution for him will be paid; and provided further, that Count Keyserling must always give ten days' previous notice to the custom-house at Yuensan of his intention to work at any station, so that the officer may be sent with or before Count Keyserling; but if the officer does not arrive at the place before the expiration of the said ten days, Count Keyserling may commence work in his absence at the expiration of said ten days.

Should Count Keyserling work whales at two or more stations at the same time, an officer must be deputed to each station and the fee of \$100 per month paid for each officer.

ARTICLE 16.

During the term of this concession Count Keyserling may import duty free, in the vessels mentioned in article 18, below, machinery, materials—including salt and coals—and instruments necessary for carrying on the whaling business mentioned herein.

A detailed list of the quantities and values of all such articles, machinery, instruments, stores, materials, and other appliances for use in working whales landed at a station shall be kept by the customs officer on duty. This list will be checked from time to time with the articles, and if anything is found missing and unaccounted for, duty at the tariff rate as originally due will be collected on it.

ARTICLE 17.

Provisions and stores for the workmen, which shall be sold to the workmen at the actual cost price, plus the expenses for procuring and keeping them, will be purchased by Count Keyserling in Dai Han, except when the prices are very high, in case of famine or a bad harvest, when he may import them from abroad; provided, that no provisions or stores shall be imported except for the actual use of

the workmen and employees, and shall not be sold to anyone else. Such provisions and stores brought into a station, if kept and consumed on board the vessels, shall not be liable to duty; but any provisions or stores landed for consumption on shore shall pay duty, and a list of all such shall be made out at the time of landing and handed to the customs officer on duty, who will check it, and, having certified it correct, will forward it to the Yuensan commissioner, to whom Count Keyserling or his agent will without delay pay the duty shown to be due.

ARTICLE 18.

During the term of this concession Count Keyserling may import and export, either in his own vessels or on chartered ones sailing under the flag of Dai Han or of a government in treaty relations with the Dai Han, whales and products of the whale fishing, either raw or worked up, but nothing in this concession shall be construed as giving a license to take whales within Korean waters.

ARTICLE 19.

1. All vessels which Count Keyserling employs in his whaling business in Korean waters must at the beginning of each season be reported at the Yuensan custom-house and tonnage dues paid upon them.

If it be convenient for any of the vessels employed to proceed to Yuensan herself before payment of tonnage dues, her papers may be examined by the customs officer at the station and his report of the register tonnage accepted as correct.

Subsequent payments of tonnage dues before the close of the season may similarly be made in the vessel's absence.

2. In lieu of all duties, import or export, on whales or their products the sum of 20 yen shall be paid by Count Keyserling as a tax on each whale, irrespective of size, brought by him into Korean waters to be worked up. On the last day of each month Count Keyserling, or his representative at the station, shall hand a statement of the number of whales brought into that station during the month to the customs officer there on duty, who, having verified the statement and certified it correct, will forward it to the commissioner of customs at Yuensan, to whom Count Keyserling or his agent will without delay pay the amount of tax due, calculated on this verified statement.

ARTICLE 20.

The text of this agreement is drawn up in duplicate in Russian, Chinese, and English language, duplicates to be duly executed and signed, and one to be kept in the Dai Han foreign office and the other by Count Keyserling. In case of misunderstanding the English text shall be considered the ruling one.

March 29, third year of Kwang Mu.

YE EUNG IK,
The Chief of the Diplomatic Bureau of Dai Han Foreign Office.
Count HENRY KEYSERLING.

$\frac{17}{29}$ MARCH, 1899, SEOUL.

OPENING OF THE PORT OF PENG YANG.

Mr. Sands to the Secretary of State.

No. 201.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, August 10, 1899.

SIR: I have the honor to report to you that the Korean Government has again refused to keep the promise made last March, that the port of Peng Yang should be opened on the 1st of May.

It is difficult to understand their motives.

In Mr. Allen's No. 185,¹ dated March 23, he informs the Department of this definite promise of the Government, which, I think, you will

¹ Not printed.

find contained in inclosure No. 4 of the above-mentioned dispatch. Surveyors were sent to mark out the foreign settlement and local officials appointed. The 1st of May passed, however, without a formal opening, and the surveyors and officials were recalled.

I spoke to the minister for foreign affairs, and was informed that the Government had decided not to open Peng Yang, giving as a reason that there was "much property in that city belonging to the imperial household." It seemed to me hardly a valid reason, and I declined to accept his refusal, and informed the foreign office that I considered the city open from the 1st of May, and had instructed Americans that they might live there as in any other port where no foreign settlement exists. Since then, in reply to all communications on the subject, I have referred them to my first note, declining to argue the question.

After much deliberation at the weekly diplomatic meetings, and after addressing many joint notes to the Korean Government, the other foreign representatives in Seoul decided to do as I did last May. In a dispatch they received a few days since a compromise was offered—a site for a foreign settlement to be outside the city and entirely away from the water, a place wholly undesirable and not in any way suited to the purposes of trade, which is the prime object in opening the city.

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I shall await your final decision in this matter, and in the meantime shall still decline to discuss the matter with the foreign office.

* * * * *

I have, etc.,

WILLIAM FRANKLIN SANDS.

Mr. Adee to Mr. Sands.

No. 136.]

DEPARTMENT OF STATE,
Washington, September 12, 1899.

SIR: I have to acknowledge the receipt of your dispatch No. 201, of the 10th ultimo, reporting that in spite of the promise given last March that the port of Peng Yang would be opened on the 1st of May of this year, the Korean Government has again refused to open the port, but offers as a compromise a site for a foreign settlement to be outside the city and entirely away from the water, a place which you say is wholly undesirable and not in any way suited to the purposes of trade, which is the prime object in opening the port.

In reply I have to say that the compromise offered is entirely unacceptable to this Government.

You will continue to urge fulfillment of the promise given in March to open the port of Peng Yang. The excuse advanced for not doing so, that there is "much property in that city belonging to the imperial household," appears to be inconclusive. The fact should have been known in March last, and such interests, if established, could readily have been respected in marking out the boundaries of the promised foreign settlement. Even at this late day it should not be difficult to take cognizance of the alleged fact, and modify the original

boundary accordingly without destroying its essential character as a station for foreign trade and residence accessible from the sea.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Allen to Mr. Hay.

No. 213.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, November 17, 1899.

SIR: Referring to Mr. Adee's dispatch No. 136, September 12, relative to the opening of the port of Peng Yang to foreign trade, I have the honor to inform you that the Korean Government has failed to carry out its written agreement to fulfill that undertaking, and, having exhausted all reasonable measures in attempting to bring this matter to a satisfactory conclusion, the foreign representatives, at a recent meeting, decided to wait upon the foreign minister in a body and once more attempt to come to some amicable and satisfactory agreement, failing in which we were to declare our intention of regarding the whole city of Peng Yang as open to foreign trade and residence, and to inform his excellency that we would protect our people in their right to enjoy these privileges in pursuance of the imperial decree opening the place to trade.

We waited upon the foreign minister on the 4th instant, but got absolutely no satisfaction whatever, even upon our announcement of the alternative to which we would be driven.

We therefore each addressed a note to the foreign minister in the same sense, citing the whole circumstances of the case and announcing our intention, in the absence of any suitable provision for a foreign settlement, of regarding the city of Peng Yang in the position as is Seoul, and of protecting our people in their right to reside and carry on trade at that place. I have the honor to hand you inclosed a copy of my note of the 16th instant to that effect.

I have, etc.,

HORACE N. ALLEN.

[Inclosure.]

Mr. Allen to the Foreign Minister.

LEGATION OF THE UNITED STATES,
Seoul, Korea, November 16, 1899.

YOUR EXCELLENCY: I have the honor to refer your excellency to the correspondence which has taken place between yourself and the foreign representatives at Seoul respecting the question of the opening of the city of Peng Yang, and to intimate to you the decision which myself and my colleagues have been reluctantly compelled to take in view of the failure of your excellency's Government to give effect to the promise contained in your predecessor's dispatch of the 29th of May, 1898.

Nearly eighteen months have elapsed since the Korean Government, in the above-mentioned dispatch, announced its intention of opening a trade mart in the city of Peng Yang. Nothing was done to fulfill this undertaking until the 15th of April last, when your excellency notified the foreign representatives of the selection of Sa Hou Chong as the site of the proposed trade mart. This place, which is some li (15 miles) distant from Peng Yang, was naturally rejected, and your excellency was reminded that this mart was to be established within the city. Notwithstanding this, you wrote two months later, on the 23d of June,

proposing to substitute a place called Yang Chi Ko, also lying some distance from the city, and consequently liable to all the objections of the previous selection.

It was not until the 20th of July last, considerably more than a year after the date of the original undertaking, that your excellency finally admitted the propriety of locating the mart within the city, but the admission was robbed of its value and virtually neutralized by your selecting a quarter of the city which was much too restricted in area, unprovided with water frontage, and otherwise entirely unsuited for the purposes of trade.

Anxious to meet the views of the Korean Government and to bring the question to a settlement, the foreign representatives, in their note of the 31st of July, submitted a counter proposal in the nature of a compromise, which, in its turn, was rejected by your excellency.

As a final effort, the foreign representatives, on the 8th of September last, suggested to your excellency that a member of the customs service should be dispatched to Peng Yang to select a suitable site.

Having received no acknowledgment of this communication, the foreign representatives waited upon your excellency at the foreign office on the 4th instant, and the Japanese minister, as doyen of the body, made various proposals with the view of arriving at an amicable solution of the question, all of which your excellency declined to entertain.

My colleagues and myself have exhausted all our efforts in endeavoring to induce the Korean Government to carry out their undertaking, and while still prepared to consider any reasonable proposals which you may offer, we can not acquiesce any longer in the denial by the Korean Government of the rights already granted to foreigners in Peng Yang.

The case seems to me to be analogous to that of Seoul, of which the British treaty, Article IV, section 1, says: "The city of Hanyang (Seoul) and the town of Yangwachin, or such other place in that neighborhood as may be deemed desirable, shall, from the day on which this treaty comes into operation, be opened to British commerce."

Yangwachin or other place was never selected, and while no foreign settlement was ever laid out in Seoul, foreigners have, by virtue of the above provision, been allowed to reside and do business anywhere within the city limits and within the 10-li radius thereof.

In absence of any satisfactory arrangement for a settlement at Peng Yang, I am therefore, in pursuance of the decree of your Government opening that place to trade, compelled to regard Peng Yang in the same status as is Seoul, and allow American citizens to reside and do business anywhere within the city and treaty limits, and I shall protect them in such rights.

I am warranted in this action by definite instructions from my Government. Replying to a dispatch relative to the distant site Sa Hou Chong, my Government states that "the compromise is entirely unacceptable to this Government." and I was instructed to "urge the fulfillment of the promise given in March last to open the port of Peng Yang. The excuse advanced for not doing so, that there is 'much property in that city belonging to the household' appears to be inconclusive. The fact should have been known in March last and such interests, if established, could easily have been respected by marking out the boundaries of the proposed settlement." A course which your excellency has so far declined to take.

I have, etc.,

HORACE N. ALLEN.

TREATY BETWEEN KOREA AND CHINA.

Mr. Allen to Mr. Hay.

No. 215.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, December 12, 1899.

SIR: I have the honor to hand you inclosed, a copy of a translation of the new treaty between Korea and China, which has been signed and now only awaits being exchanged.

* * * * *

I have, etc.,

HORACE N. ALLEN.

[Inclosure No. 1.]

TREATY BETWEEN KOREA AND CHINA.

His Majesty the Emperor of Korea and His Majesty the Emperor of China, being sincerely desirous of establishing permanent relations of harmony and friendship between their respective subjects, have resolved to conclude a treaty for that purpose, and have therefore named as their plenipotentiaries, that is to say:

His Majesty the Emperor of Korea, Pak Chei Sun, Korean minister of foreign affairs, minister of the council of state, etc., His Majesty's minister plenipotentiary;

His Majesty the Emperor of China, Hsi Shou Peng, an official of the second grade, director of the imperial stud, His Majesty's minister plenipotentiary;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following commercial treaty:

ARTICLE I.

There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China, and between their respective subjects, who shall enjoy equally in the respective countries of the high contracting parties full protection and the advantages of favorable treatment.

If other powers should deal unjustly or oppressively with either Government, the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement, thus showing their friendly feelings.

ARTICLE II.

After the conclusion of this treaty of amity and commerce, the high contracting powers may each appoint diplomatic representatives to reside at the court of the other, and may each appoint consular representatives at the ports of the other which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality.

The diplomatic and consular representatives of the two Governments shall enjoy mutually all the privileges, rights, and immunities, without discrimination, which are accorded to the same class of representatives from the most favored nation.

Consuls shall exercise their functions only on receipt of an exequatur from the Government to which they are accredited.

No restrictions or difficulties shall be imposed upon the movement of the members of the official establishments of either country or upon messengers carrying official dispatches.

Consular authorities shall be bona fide officials. No merchant shall be permitted to exercise the duties of the office, nor shall consular officers be allowed to engage in trade.

At ports to which no consular representatives have been appointed the consuls of the other powers may be invited to act, provided that no merchant shall be allowed to assume consular functions.

If the consular representatives of either country conduct their business in an improper manner, they shall be withdrawn on notice being given to the diplomatic representatives of the country concerned.

ARTICLE III.

Merchants and merchant vessels of Korea visiting Chinese treaty ports for purpose of trade shall pay import and export duties and tonnage dues and all other charges according to the Chinese customs regulations and on the same terms as the similar duties levied on the subjects of the most favored nation.

Chinese merchants and merchant vessels visiting Korean treaty ports for purposes of trade shall pay import and export duties and tonnage dues and all other charges according to the Korean customs regulations and upon the same terms as the duties levied upon the subjects of the most favored nation.

The subjects of both powers shall be allowed to resort for purposes of trade to all the open ports in the dominion of the other.

Regulations for the conduct of trade and the customs tariff shall be those enjoyed by the most favored nation.

ARTICLE IV.

Subjects of Korea who may proceed to the Chinese open ports may reside and rent premises or lease land and erect warehouses as they please within the limits of the settlements. They shall be at liberty to traffic in all kinds of native produce, in all manufactured goods, and in all articles that are not declared contraband.

Subjects of China who may proceed to the Korean open ports may reside and rent premises or lease land and erect warehouses as they please within the limits of the settlements. They shall be at liberty to traffic in all kinds of native produce, in all manufactured goods, and in all articles that are not declared contraband.

All questions affecting the renting of land, the building of houses, the laying out of cemeteries, the payment of rent and taxes, and other matters of a similar nature at the treaty ports of either country are to be determined in accordance with the settlement and municipal council regulations of the ports, which must not be infringed.

If there is, in addition to a general foreign settlement at treaty port in either country, a settlement under the separate control of a foreign power, questions affecting the renting of land and similar matters shall be governed by the regulations of the settlement, which must not be infringed.

3. Chinese subjects shall enjoy all benefits and advantages granted to foreigners with reference to the leasing or purchase of land or houses beyond the limits of the foreign settlements at the treaty ports of Korea. But all lands so occupied shall be subject to such conditions as to the observances of Korean local regulations and payment of land tax as the Korean authorities may see fit to impose.

Korean subjects shall enjoy all benefits and advantages granted to foreigners with reference to the leasing or purchase of land or houses beyond the limits of the foreign settlements at the treaty ports of China. But all lands so occupied shall be subject to such conditions as to the observance of Chinese local regulations and the payment of land tax as the Chinese authorities may see fit to impose.

4. The subject of neither country shall be permitted to rent land or houses or open warehouses beyond the limits of the area open to foreign trade at the treaty ports of the high contracting parties. The penalty for a breach of this stipulation shall be the confiscation of the land and a fine of twice their original value.

5. No coercion or intimidation in the acquisition or lease of land shall be permitted and the land so occupied shall remain an integral part of the state.

6. If merchandise is sent by the subjects of one of the high contracting parties from one treaty port in the other country to another treaty port in the same country it shall be subject to the same dues and duties, prohibitions and regulations as obtain in the case of the subjects of the most favored nation.

ARTICLE V.

1. A Chinese subject who commits any offense in Korea shall be tried and punished by the Chinese consular authorities according to the laws of China.

A Korean subject who commits any offense in China shall be tried and punished by the Korean consular officials according to the laws of Korea.

A Chinese subject who commits any offense against the life or property of a Korean in China shall be tried and punished by the Chinese authorities according to the laws of China.

A Korean subject who commits any offense against the life or property of a Chinese in Korea shall be tried and punished by the Korean authorities according to the laws of Korea.

When controversies arise between the subjects of the two countries they shall be decided by the proper official of nationality of the defendant according to the laws of that country.

The properly authorized official of the plaintiff's nationality shall be permitted to attend the trial and watch the proceedings, and shall be treated with the courtesy due to his position. If he so desires, he shall have the right to call and examine witnesses, and if he is dissatisfied with the proceedings he shall be permitted to protest against them in detail.

2. If a subject of one of the high contracting parties who has committed an offense against the laws of his country takes refuge on the premises or on board a ship owned by a subject of the other the local officials, after having notified the consular authorities, shall send police to assist in having the offender arrested and brought to justice. The authorities of the nationality of the offender shall try the case. No protection or concealment of any such person shall be permitted.

3. If a subject of one of the high contracting parties who has committed an offense against the laws of his country takes refuge in the dominions of the other the authorities of the latter country, on receiving an application, shall discover and hand over such person to his country for trial. No concealment or protection of any such person shall be permitted.

4. When in the subject of either of the high contracting parties the laws and legal procedure of the other shall have been so far modified and reformed as to remove the present existing objections, the right of extra territorial jurisdictions shall be relinquished.

ARTICLE VI.

In China the export of rice and grain to foreign countries has always been prohibited. There is no prohibition of this kind in Korea, but it is agreed that whenever there is reason to apprehend a scarcity of food within the limits of the Empire a prohibition against the export of rice and grain may be enforced, and shall be binding upon Chinese subjects when it shall have been officially communicated by the Korean local authorities to the Chinese authorities concerned.

ARTICLE VII.

If the subjects of either of the high contracting parties in their commercial dealings with each other are guilty of fraud or make fictitious sales, or do not pay their debts, the authorities of both powers shall use stringent measures to arrest the offenders and obtain payment of the debts.

The Government of the high contracting powers shall not be responsible for debts of this nature.

ARTICLE VIII.

Chinese subjects shall have the right to travel under passports in the interior of Korea for purposes of pleasure or trade. They are, however, forbidden to reside or to open establishments for trade there. The penalties for a breach of this stipulation are the confiscation of the goods and a fine of twice their original value.

Korean subjects shall have the right to travel under passports in the interior of China for purposes of pleasure or trade, and shall receive most favored nation treatment in this respect.

ARTICLE IX.

The purchase of arms, munitions, and implements of war, as ordnance or cannon, shot and shell, firearms of all kinds, cartridges, sidearms, spears or pikes, saltpeter, gunpowder, gun cotton, dynamite, and other explosive substances is permitted only to the officials of the two contracting powers, and they may be imported by the subjects of either only under a written permit issued by the officials of the country into which they are imported.

If these articles are clandestinely imported or sold they shall be confiscated and the offending party fined twice their original value.

The import of opium into Korea is prohibited, and if either foreign or Chinese grown opium is imported by Chinese subjects it shall be confiscated and the offending party fined twice its original value.

The export of red ginseng from Korea has always been prohibited. If Chinese subjects clandestinely buy and export it without the special permission of the Korean Government, it shall be seized and confiscated and the offenders punished as circumstances may require.

ARTICLE X.

Whenever vessels of either of the two contracting states are detained on the coast of other through stress of weather or want of fuel or provisions they may enter any port or harbor either to take refuge therein or to get supplies, or to make repair; the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall render all the assistance in their power and furnish the necessaries required.

If a vessel trades clandestinely at a port not open to commerce, or at any place where she is forbidden to proceed, the vessel, with her cargo, whether any trade has actually taken place or not, shall be seized and confiscated by the local

authorities and the nearest customs officials, and the offenders shall incur a fine of twice their original value.

Should a vessel of either power be wrecked on the coast of the other, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their immediate necessities, and take requisite measures for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest consular representative, in order that steps may be taken to send the crew home and to save the ship and her cargo. The necessary expenses shall be defrayed either by the ship's master or by the authorities of the nationality of the vessel concerned.

ARTICLE XI.

The officers and people of either power residing at trading places in the dominions of the other shall have the right to employ natives in any lawful capacity.

ARTICLE XII.

After the present treaty has been concluded, a tariff and rules shall be drawn up to regulate the frontier trade which has hitherto been carried on between the two Empires. All persons who have already crossed the frontier and reclaimed ground shall be allowed to pursue their avocations in peace and enjoy protection for their lives and property.

From this time forward migration across the frontier shall be prohibited on both sides in order to avoid complications.

The question of the determination of the site of a trade mart is reserved for discussion and settlement when the frontier rules come to be drawn up.

ARTICLE XIII.

The ships of war of each country shall be at liberty to visit all the ports of the other whether open to foreign trade or not.

They shall not be permitted to clandestinely import merchandise.

Supplies of all kinds for ships of war of either country shall not be liable to the payment of duties.

Officers and men of the ships of war of either country may land anywhere in the territories of the other, but shall not proceed into the interior unless they are provided with passports.

If articles used on board ship are for any reason sold, the purchaser shall pay the proper duty.

ARTICLE XIV.

The present treaty shall be ratified by His Majesty the Emperor of Korea and His Majesty the Emperor of China under their hands and seals, and the ratifications shall be exchanged at Seoul within one year at the latest from the date of signature, and immediately thereafter this treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their subjects, respectively.

ARTICLE XV.

The Chinese written character being common to both Korea and China, this treaty and future official correspondence shall be made in Chinese for the sake of clearness.

HSÜ SHOU PENG,

Envoy Extraordinary and Minister Plenipotentiary 2nd Rank. Director of the Imperial Stud. For His Majesty the Emperor of China, 7th day, 8th moon, 25th year of Kuang, Su.

PAK CHAI SOON,

Envoy Extraordinary and Minister Plenipotentiary. Minister for Foreign Affairs and Councillor of State. 11th September, 1899. 3d year of Kwang Mu.

Mr. Allen to Mr. Hay.

No. 216.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, December 22, 1899.

SIR: I have the honor to inform you that after an interruption of five years, diplomatic relations have again been established between Korea and China.

The treaty, a copy of which I sent you in my No. 215, December 12, between Korea and China, has been finally exchanged, and Mr. Hsu Sou Pung, who negotiated the treaty on the part of China, has taken charge of Chinese interests here as envoy extraordinary and minister plenipotentiary. China has also appointed consuls to reside at the Korean ports—Chenampo, Chemulpo, Fusan, and at Seoul. Korea has appointed Mr. Sim Sang Hung to be minister plenipotentiary and envoy extraordinary at Peking.

Mr. Hsu, the new Chinese minister, was secretary of legation in Washington in 1888, when the first Korean legation was established there.

A public dinner is being given at the Korean foreign office to-night in honor of this resumption of diplomatic relations, the mere negotiations for which have lasted nearly one year.

I have the honor, etc.,

HORACE N. ALLEN.