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BETWEEN
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1917.

AGREEMENT BETWEEN THE HIGH COMMISSIONER PLENIPOTENTIARY OF JAPAN AND THE CHINESE MINISTERS OF FOREIGN AFFAIRS.*

(Signed at Peking, 31st October 1874.)

OKUBO, High Commissioner Plenipotentiary,
Councillor of State, and Minister of the Interior,
on the part of Japan; and

The Prince of Kung and the Ministers of the
Yamen of Foreign Affairs, on the part of China;

Have together agreed upon the following Articles, and hereby execute the present instrument in testimony of the arrangement determined upon, that is to say :

Whereas the subjects of every Government are entitled to its protection against injury, an obligation rests upon every Government to adopt measures by which their safety shall be provided for; and should any trouble have come upon [the subjects of] any particular Government, it is incumbent upon that Government to institute inquiry and take action.

Certain Japanese subjects having been wantonly murdered by the unreclaimed savages on Formosa, the Government of Japan, regarding these savages as responsible, despatched a force against them to exact satisfaction. An understanding has now been come to with the Government of China that this force shall be withdrawn, and certain farther steps taken; all which is set forth in the three Articles following :—

ARTICLE I.

The present proceedings having been undertaken by the Government of Japan for the humane object of affording security to its own subjects, the Government of China will not therefore impute blame to it.

* This Agreement appears to have been signed in the Chinese text only. The English version was made at the British Legation in Peking (see Blue Book, "China, No. 2, 1875").

理藩院右侍郎成	工部尚書崇	戶部尚書董	軍機大臣協辦大學士吏部尚書寶	和碩恭親王	大清欽命總理各國事務 軍機大臣大學士管理工部事務文	吏部尚書毛	軍機大臣兵部尚書沈	頭品頂戴兵部左侍郎邱	三品頂戴通政使司副使夏	大日本全權辦理大臣參議兼內務卿大久保	會議條款互立辦法文據事照得各國人民有應保護不致受害	之處應由各國自行設法保全如在何國有事應由何國自行查	辦茲以臺灣生番曾將日本國屬民等妄爲加害日本國本意爲	該番是問遂遣兵往彼向該生番等詰責今與中國議明退兵並	善後辦法開列三條于後
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日本國
此次所
辦原爲
保民義
舉起見
中國不
指以爲
不是

ARTICLE II.

The Government of China will give a certain sum to compensate the families of the shipwrecked Japanese who were murdered [on Formosa]. The roads made and buildings erected by the Japanese on the ground, the Government of China is prepared to retain for its own use, and it agrees to make a farther payment on this account. The details of the engagement on these points will be elsewhere stated.

辦之據

定籌補銀兩別有議

國願留自用先行議

處脩道建房等件

銀兩日本所有在該

之家中國定給撫恤

二前次所有遇害難民

ARTICLE III.

All correspondence that this question has occasioned between the two Governments shall be cancelled, and the discussions dropped for evermore. It will be the duty of the Chinese Government to take such steps for the due control of the savage tribes in the region referred to as will for ever secure the navigation [along their coasts] against any farther atrocities on their part.

[L.S.] (Signed) OKUBO.

[L.S.] (Signed) CHINESE MINISTERS.

Countersigned: YANAGIWARA,
Japanese Minister Plenipotentiary.

明治 七年十月三十一

同治 十三年九月二十二

柳原公使

花押

大久保大臣

花押日

衙門諸大臣

花押日

三所有此事兩國一切來往公文彼此撤回註
銷永爲罷論至於該處生番中國自宜設法
妥爲約束以期永保航客不能再受兇害

ARTICLE II.

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

(a.) The southern portion of the province of Fêng-tien within the following boundaries:

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

This cession also includes all islands appertaining or belonging to the province of Fêng-tien situated in the eastern portion of the Bay of Liao-tung and in the northern part of the Yellow Sea.

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

(c.) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

ARTICLE III.

The alignment 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.

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劃至鳳凰城海城及營口而止畫成拆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為分界
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為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為參酌更定

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

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received 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 Kuping taels; the said sum to be paid in eight instalments. The first instalment of 50,000,000 taels to be paid within six months, and the second instalment of 50,000,000 taels to be paid within twelve months, after the exchange of the ratifications of this Act. The remaining sum to be paid in six equal annual instalments, as follows: the first of such equal annual instalments to be paid within two years, the second within three years, the third within four years, the fourth within five years, the fifth within six years, and the sixth within seven years, after the exchange of the ratifications of this Act. Interest at the rate of 5 per 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.

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
分遞年之款於兩年內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
清第六次於七年內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
酌宜視爲日本臣
民

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.

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

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 favoured 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:

1. Shashih, in the province of Hupeh.
2. Chungking, in the province of Szechwan.
3. Suchow, in the province of Kiangsu.
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.

中日第六款
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船隻陸路通商章程其兩國新訂約章應以前所有與泰西各國現行約章為本又本約批准互換之日起新訂約章未實行之前所有日本政府官吏民及商業工藝行船陸路通商等與中國最為優待之國禮遇視一律無異
中國約將下開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為通商口岸以便日本臣民往來僑寓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
一湖北省重慶府沙市
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

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 Iohang to Chungking.
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 exactions 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 exactions of all kinds, and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandise imported by Japanese subjects into China.

In the event additional rules and regulations are necessary in connexion with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

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

中日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輪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

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.

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

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 Weihaiwei, in the province of Shantung.

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

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

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
岸關稅作爲剩款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
未經交清末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

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.

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
還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併
飭有司不得擅爲逮繫

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 HSÜ.

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

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

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.

第十款 本約批准互換日起應按兵息戰

第十款 本約奉 大清帝國 大皇帝陛下及 大日本帝國 大皇帝陛下批准之後定於光緒二十一年四月十四日即明治二十八年五月初八日在煙台互換為此兩國全權大臣署名蓋印以昭信守

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

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奧宗光

光緒二十一年三月二十三日

明治二十八年四月十七日

訂於下之關繕寫兩分