

Def Doc # 782

Boyd BB Yamawoto Jr Brinkley Maxon Korat
Gamer Job JRB C. H. Hara
not used

NUMBER 1905/13.

JAPAN AND CHINA.

Treaty and additional agreement relating to Manchuria.--December 22, 1905.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, desiring to adjust certain matters of common concern growing out of the treaty of peace between Japan and Russia of September 5th, 1905, have resolved to conclude a treaty with that object in view and have for that purpose named their plenipotentiaries, that is to say:

His Majesty the Emperor of Japan:

Baron Komura Jutaro, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty, and

Uchida Yasura, Jushii, Second Class of the Imperial Order of the Rising Sun, His Majesty's Envoy Extraordinary and Minister plenipotentiary; and

His Majesty the Emperor of China:

Prince Ching, presiding Minister for Foreign Affairs, Councillor of State and plenipotentiary of His Majesty,

Chu Hung-chi, Minister for Foreign Affairs, Councillor of State and plenipotentiary of His Majesty, and

Yuan Shih-kai, viceroy of the province of Chihli, Junior Guardian of the Heir-Apparent, Minister Superintendent of Trade for the Northern ports and plenipotentiary of His Majesty;

who, after having exchanged their full powers which were found to be in good and due form, have agreed upon and concluded the following Article.

Article I.--The Imperial Chinese Government consent to all the transfers and assignments made by Russia to Japan by Articles V and VI of

the treaty of peace above mentioned.

Article II.--The Imperial Japanese Government engage that in regard to the leased territory as well as in the matter of railway construction and exploitation, they will, so far as circumstances permit, conform to the original agreements concluded between China and Russia. In case any question arises in the future on these subjects, the Japanese Government will decide it in consultation with the Chinese Government.

Article III.--The present treaty shall come into full force from the date of signature. It shall be ratified by Their Majesties the Emperor of Japan and the Emperor of China and the ratifications shall be exchanged at Peking as soon as possible, and not later than two months from the present date.

In witness whereof, the respective plenipotentiaries have signed this treaty in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this twenty-second day of the twelfth month of the thirty-eighth year of Meiji, corresponding to the twenty-sixth day of the eleventh moon of the thirty-first year of Kuang Hsü.

(Signed) EARON KOMURA JUTARO, (L. S.)

Jusanmi, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty the Emperor of Japan.

(Signed) UCHIDA YASUYA, (L. S.)

Jushii, Second Class of the Imperial Order of the Rising Sun, Envoy Extraordinary and Minister plenipotentiary of His Majesty the Emperor of Japan.

(Signed) RIANCHONG, (L. S.)
Presiding Minister for Foreign Affairs, Councillor
of State and Plenipotentiary of His Majesty the
Emperor of China.

(Signed) CHU HUNG-CHI, (L. S.)
Minister for Foreign Affairs, Councillor of State
and plenipotentiary of His Majesty the Emperor
of China.

(Signed) YUAN SHIG-KAI, (L. S.)
Viceroy of the Province of Chihli, Junior Guardian
of the Heir-Apparent, Minister Superintendent of
Trade for the Northern ports and plenipotentiary
of His Majesty the Emperor of China.

ADDITIONAL AGREEMENT.

The Governments of Japan and China, with a view to regulate,
for their guidance, certain questions in which they are both interested
in Manchuria, in addition to those provided for in the Treaty signed
this day, have agreed as follows:

Article I.--The Imperial Chinese Government agree that as soon as
possible after the evacuation of Manchuria by the Japanese and Russian
forces, the following cities and towns in Manchuria will be opened by
China herself as places of international residence and trade:

In the Province of Cheongking:

Fenghwangcheng; Liacyang; Hsinmintun; Tichling; Tungkiangtzu
and Takumen.

In the Province of Kirin:

Changchun (Kuanchengtzu); Kirin; Harbin; Ninguta; Hunchun
and Sanhsing.

In the Province of Heilungkiang:

Tsitsihar; Hailar; Aihun and Manchuki.

Article II.--In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government, in the event of Russia agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been reestablished in Manchuria and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia.

Article III.--The Imperial Japanese Government, immediately upon the withdrawal of their troops from any regions in Manchuria, shall notify the Imperial Chinese Government of the regions thus evacuated, and even within the period stipulated for the withdrawal of troops in the Additional Articles of the Treaty of Peace between Japan and Russia, the Chinese Government may send necessary troops to the evacuated regions of which they have been already notified as above mentioned, for the purpose of maintaining order and tranquillity in those regions. If, in the regions from which Japanese troops have not yet been withdrawn, any villages are disturbed or damaged by native bandits, the Chinese local authorities may also dispatch a suitable military force for the purpose of capturing or dispersing those bandits. Such troops, however, shall not proceed within twenty Chinese li from the boundary of the territory where Japanese troops are stationed.

Article IV.--The Imperial Government of Japan engage that Chinese public and private property in Manchuria, which they have occupied or expropriated on account of military necessity, shall be restored at the time the Japanese troops are withdrawn from Manchuria and that such property as is no longer required for military purposes shall be restored even before such withdrawal.

Article V.--The Imperial Chinese Government engage to take all necessary measures to protect fully and completely the grounds in Manchuria in which the tombs and monuments of the Japanese officers and soldiers who were killed in war are located.

Article VI.--The Imperial Chinese Government agree that Japan has the right to maintain and work the military railway line constructed between Antung and Mukden and to improve the said line so as to make it fit for the conveyance of commercial and industrial goods of all nations.|| The term for which such right is conceded is fifteen years from the date of the completion of the improvements above provided for. The work of such improvements is to be completed within two years, exclusive of a period of twelve months during which it will have to be delayed owing to the necessity of using the existing line for the withdrawal of troops. The term of the concession above mentioned is therefore to expire in the 49th year of Kuang Hsü.|| At the expiration of that term, the said railway shall be sold to China at a price to be determined by appraisement of all its properties by a foreign expert who will be selected by both parties.

The conveyance by the railway of the troops and munitions of war of the Chinese Government prior to such sale shall be dealt with in accordance

with the regulations of the Eastern Chinese railway. Regarding that the person undertaking the work on behalf of Japan shall consult with the Commissioner dispatched for the purpose by China. The Chinese Government will also appoint a Commissioner to look after the business relating to the railway as is provided in the Agreement relating to the Eastern Chinese Railway. It is further agreed that detailed regulations shall be concluded regarding the tariffs for the carriage by the railway of the public and private goods of China.

Article VII.--The Governments of Japan and China, with a view to promote and facilitate intercourse and traffic, will conclude, as soon as possible, a separate convention for the regulation of connecting services between the railway lines in South Manchuria and all the other railway lines in China.

Article VIII.--The Imperial Chinese Government engage that all materials required for the railways in South Manchuria shall be exempt from all duties, taxes and ~~etc.~~

Article IX.--The methods of laying out the Japanese settlement at Yingkou in the province of Shengking, which has already been opened to trade, and at Antung and Mukden in the same province, which are still unopen although stipulated to be opened, shall be separately arranged and determined by officials of Japan and China.

Article X.--The Imperial Chinese Government agree that a joint-stock company of forestry composed of Japanese and Chinese capitalists shall be organized for the exploitation of the forests in the regions on the right bank of the River Yalu and that a detailed agreement

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shall be concluded in which the area and term of the concession as well as the organization of the company and all regulations concerning the joint work of exploitation shall be provided for. The Japanese and Chinese shareholders shall share equally in the profits of the undertaking.

Article XI.--The Governments of Japan and China engage that in all that relates to frontier trade between Manchuria and Corea most favoured nation treatment shall be reciprocally extended.

Article XII.--The Governments of Japan and China engage that in all matters dealt with in the Treaty signed this day or in the present Agreement the most favourable treatment shall be reciprocally extended.

The present Agreement shall take effect from the date of signature. When the Treaty signed this day is ratified, this Agreement shall also be considered as approved.

In witness whereof, the Undersigned, duly authorized by their respective Governments, have signed the present Agreement in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this 22nd day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsi

(Signed)

BARON HOMURA JUTARO,

(L. S.)

Juwani, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty the Emperor of Japan.

(Signed) UCHIDA YASUYA (L.S.)

Jushi, second class of the Imperial Order of the Rising Sun, Envoy Extraordinary and Minister plenipotentiary of His Majesty the Emperor of Japan.

(Signed) PRINCE CHING, (L. S.)

Presiding Minister for Foreign Affairs, Councillor of State and plenipotentiary of His Majesty the Emperor of China.

(Signed) CHU HUNG-CHI, (L. S.)

Minister for Foreign Affairs, Councillor of State and plenipotentiary of His Majesty the Emperor of China.

(Signed) YUAN SHIH-KAI, (L. S.)

Viceroy of the province of Chihli, Junior Guardian of the Heir-Apparent, Minister Superintendent of Trade for the Northern ports and plenipotentiary of His Majesty the Emperor of China.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 8 pages and entitled "Treaty and additional agreement relating to Manchuria, December 22, 1905." is an exact and true excerpt from "Treaties and Agreements with and Concerning China 1894-1919 MacMurray Volume I Manchu Period (1894-1911)" in the custody of Japanese Foreign Office.

Certified at Tokyo,

on this 18th day of March, 1947.

/s/ H.Y. SHI, K (seal)
Signature of Official

Witness: /s/ J. URUBE, K (seal)

not used

滿洲ニ關スル條約及同附屬協定

明治三十八年十二月二十二日北京ニ於テ調印（日、支文）

明治三十九年 一月 九日 批 准

明治三十九年 一月二十三日北京ニ於テ批准書交換

明治三十九年 一月三十一日 公 布

大日本國皇帝陛下及大清國皇帝陛下ハ均シク明治三十八年九月五日
 即光緒三十一年八月七日調印セラレタル日露兩國講和條約ヨリ生ス
 ル共同關係ノ事項ヲ協定セムコトヲ欲シ右ノ目的ヲ以テ條約ヲ締結
 スルコトニ決シ之カ爲メニ大日本國皇帝陛下ハ特派全權大使外務大
 臣從三位勳一等男壽小村壽太郎及特命全權公使從四位勳二等內田康
 哉ヲ大清國皇帝陛下ハ欽差全權大臣軍機大臣總理外務部事務和碩慶
 親王次差全權大臣軍機大臣外務部尚書會辦大臣羅壽以及欽差全權大
 臣北洋大臣太子少保直隸總督袁世凱ヲ各其ノ全權委員ニ任命セリ因
 テ各全權委員ハ互ニ其ノ全權委任狀ヲ示シ其ノ良好妥當ナルヲ認メ

以テ左ノ條項ヲ協議決定セリ

第一條

清國政府ハ露國カヨ羅譯和條約第五條及第六條ニヨリ日本國ニ對シテ爲シタル一切ノ義務ヲ承諾ス

第二條

日本政府ハ清國政府ニ締結セラレタル租借地並鐵道敷設ニ關スル原條約ニ照シ努力ヲ行ハスヘキコトヲ承諾ス將來何等案件ノ生シタル場合ニハ隨時清國政府ト協議ノ上之ヲ定ムヘシ

第三條

本條約ハ調印ノ日ヨリ效力ヲ生スヘク且大日本國皇帝陛下及大清國皇帝陛下ニ於テ之ヲ批准セラルヘシ該批准書ハ本條約調印ノ日ヨリ二箇月以内ニ成ルヘシ茲ニ北京ニ於テ之ヲ交換スヘシ

右證據トシテ兩國全權委員ハ日本文及漢文ヲ以テ作ラレタル各二通ノ本條約ニ署名調印スルモノナリ

明治三十八年十二月二十二日即光緒三十一年十一月二十六日北京ニ於

テ之ヲ作ル

大日本帝國特派全權大使
外務大臣從三位勳一等

男爵小村壽太郎 (記名) 印

大日本帝國特命全權公使
從四位勳二等

內田康哉 (記名) 印

大清國欽差全權大臣

軍機大臣總理外務部事務

慶親王 (記名) 印

大清國欽差全權大臣軍機大臣
外務部尚書會辦大臣

張鴻禔 (記名) 印

大清國欽差全權大臣北洋大臣
太子少保直隸總督

袁世凱 (記名) 印

同上 附屬協定

日清兩國政府ハ滿洲ニ於テ雙方共ニ關係ヲ有スル他ノ事項ヲ決定シ以テ遵守ニ便ナラシムル爲メ左ノ條項ヲ協定セリ

第一條

清國政府ハ日露軍隊撤退ノ後成ルヘク速ニ外國人ノ居住及貿易ノ爲メ自ラ進ミテ滿洲ニ於ケル左ノ都市ヲ開クヘキコトヲ約ス

盛京 遼陽 新民屯 鐵嶺 通江子 法
鳳凰城 遼陽 新民屯 鐵嶺 通江子 法

庫門

吉林省 長春 (寬城子) 吉林 哈爾濱 寧古塔 琿

春三姓

黑龍江省 齊齊哈爾 海拉爾 愛琿 滿洲里

第二條

清國政府ハ滿洲ニ於ケル日露兩國軍隊並ニ鐵道守備兵ノ成ルヘク速ニ撤退セラレムコトヲ切望スル旨ヲ言明シタルニ因リ日本國政府ハ清國政府ノ希望ニ應セムコトヲ欲シ若シ露國ニ於テ其ノ鐵道守備兵ノ撤退

ヲ承諾スルカ或ハ清露兩國間ニ別ニ適當ノ方法ヲ協定シタル時ハ日本
國政府モ同様ニ照辨スヘキコトヲ承諾ス若シ滿洲地方平靖ニ歸シ外國
人ノ生命財産ヲ清國自ラ完全ニ保護シ得ルニ至リタリ時ハ日本國モ亦
清國ト同時ニ鐵道守備兵ヲ撤退スヘシ

第三條

日本國政府ハ滿洲ニ於テ撤兵ヲ了シタル地方ハ直チニ之ヲ清國政府ニ
通知スヘク清國政府ハ日露講和條約追加約款ニ規定セル撤兵期限内ト
雖既ニ上記ノ如ク撤兵完了ノ通知ヲ得タル各地方ニハ目ラ其ノ安寧秩
序ヲ維持スル爲メ必要ノ軍隊ヲ派遣スルコトヲ得ルモノトス日本國軍
隊ノ未タ撤退セサル地方ニ於テ若シ土匪ノ村落ヲ擾害スルコトアル時
ハ清國地方官モ亦相當ノ兵隊ヲ派遣シ之ヲ勦捕スルコトヲ得但シ日本
國軍隊駐屯地界ヨリ二十清里以内ニ進入スルコトヲ得サルモノトス

第四條

日本國政府ハ軍用上ノ必要ニヨリ滿洲ニ於テ占領又ハ收用セル清國公
私財産ハ撤兵ノ際悉ク清國官民ニ還附シ又不用ニ歸スルモノハ撤兵前

ト雖之ヲ還付スルコトヲ承諾ス

第五條

清國政府ハ滿洲ニ於ケル日本軍戰死者ノ墳墓及忠魂碑所在地ヲ完全ニ保護スル爲メ總テ必要ノ處置ヲ執ルヘキコトヲ約ス

第六條

清國政府ハ安東縣奉天間ニ敷設セル軍用鐵道ヲ日本國政府ニ於テ各國商工業ノ貨物運搬用ニ改メ引續キ經營スルコトヲ承諾ス該鐵道ハ改良工事完成ノ日ヨリ計算シ(但シ軍除送還ノ爲メ遲延スヘキ期間十二箇月ヲ除キ二箇年ヲ以テ改良工事完成ノ期間トス)十五箇年ヲ以テ期間ト爲シ即光緒四十九年ニ至リテ止ム右期限ニ至ラハ雙方ニ於テ他國ノ評價人一名ヲ選ミ該鐵道ノ各物件ヲ評價セシメテ清國ニ賣渡スヘシ其ノ賣渡前ニ在リテ清國政府ノ軍隊並兵器糧食ヲ輸送スル場合ニハ東清鐵道條約ニ準據シテ取扱フヘク又該鐵道改良ノ方法ニ至テハ日本國ノ經營擔當者ニ於テ清國ヨリ特派スル委員ト切實ニ商議スヘキモノトス該鐵道ニ關スル事務ハ東清鐵道條約ニ準シ清國政府ヨリ委員ヲ派シ交

察經理セシムヘク又該鐵道ニ由リ清國公私貨物ヲ運搬スル運費ニ關シテハ別ニ詳細ナル規程ヲ設クヘキモノトス

第七條

日清兩國政府ハ交通及運輸ヲ增進シ且之ヲ便易ナラシムルノ目的ヲ以テ南滿洲鐵道ト清國各鐵道トノ接續業務ヲ規定セムカ爲メ成ルヘク速ニ別約ヲ締結スヘシ

第八條

清國政府ハ南滿洲鐵道ニ要スル諸般ノ材料ニ對シ各種ノ税金及釐金ヲ免スヘキコトヲ承諾ス

第九條

盛京省內ニ於テ既ニ通商場ヲ開設シタル營口及通商場トナスヘク約定シアルモ未ダ開カレサル安東縣並奉天府各地方ニ於テ日本居留地ヲ劃定スル方法ハ日清兩國官吏ニ於テ別ニ協議決定スヘシ

第十條

清國政府ハ日清合同材木會社ヲ設立シ鴨綠江右岸地方ニ於テ森林戡伐

ニ從事スルコト其ノ地區ノ廣狹年限ノ長短及會社設立ノ方法竝合同經營ニ關スル一切ノ章程ハ別ニ詳細ナル約束ヲ取極ムヘキコトヲ承諾ス
日清兩國株主ノ利權ハ均等分配ヲ期スヘシ

第 十一條

滿韓國境貿易ニ關シテハ相互ニ最惠國ノ待遇ヲ與フヘキモノトス

第 十二條

日清兩國政府ハ本日調印シタル條約及附屬協約ノ各條ニ記載セル一切ノ事項ニ關シ相互ニ最優ノ待遇ヲ與フルコトヲ承諾ス

本協約ハ調印ノ日ヨリ效力ヲ生スヘク且本日調印ノ條約批准セラレタル時ハ本協約モ亦同時ニ批准セラレタルモノト看做スヘシ
右證據トシテ下名ハ各其本國政府ヨリ相當ノ委任ヲ受ケ日本文及漢文ヲ以テ作ラレタル各二通ノ本協約ニ記名調印スルモノナリ
明治三十八年十二月二十二日即光緒三十一年十一月二十六日北京ニ於テ之ヲ作ル

大正天皇御即位三週年大祝
外宮大臣從三位勳一等

小宮壽太郎 (記名) 印

大正天皇御即位三週年大祝
從二位勳二等

內田康哉 (記名) 印

大正天皇御即位三週年大祝
從三位勳二等

三 (記名) 印

大正天皇御即位三週年大祝
從四位勳二等

海 (記名) 印

大正天皇御即位三週年大祝
從五位勳二等

袁世凱 (記名) 印

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Treaty concerning Manchuria and Annexed Agreement thereto, December 22, 1905." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 30th day of January, 1947.

/S/ HAYASHI, K (seal)

Witness: /S/ ODO, Nagaharu