

關於東三省鐵路之  
中日條約及借款合同



# CONTENTS.

	<i>Page</i>
I. Manchurian Convention 1905. . . . .	1
1. Portsmouth Treaty between Russia and Japan. September 5, 1905. . . . .	6
2. Agreement for the Construction of the South Manchuria Branch Line of the Chinese Eastern Railway. . . . .	13
3. Sino-Russian Convention for the Lease of Liaotung Peninsula, March 27, 1898. . . . .	17
4. Contract for the Construction and Operation of the Chinese Eastern Railway. . . . .	21
5. Agreement regarding Russo-Chinese Bank Associa- tion. . . . .	27
II. Arrangement for conveyance of Chinese Government Stores by Antung-Mukden Railway. October 30, 1911. . . . .	29
III. Japan and China—Memorandum concerning the re- construction of the Antung-Mukden Railway. . .	30
IV. Japan and China—Convention regarding the Hsinmin- Mukden and Kirin Changchun Railways, April 15, 1907. . . . .	31
V. Hsinmin-Mukden and Kirin Changchun Railways Sup- plementary Loan Agreement. . . . .	35
VI. Detailed Agreement of Hsinmin-Mukden Railway Loan. . . . .	38
VII. Kirin-Changchun Railway Loan Agreement. . . .	45
VIII. Detailed Agreement of Kirin-Changchun Railway Loan.	51
IX. Letter concerning the Yen 500,000 Loan of the South Manchuria Railway Company (with reply at- tached). . . . .	60

X.	Letter concerning the Yen 1,000,000 Loan of the South Manchuria Railway Company (with 2 replies attached). ... ..	64
XI.	Letters concerning Extension of Term of the Yen 1,000,000 Loan of the South Manchuria Railway Company (with reply attached). ... ..	74
XII.	Letter concerning the Yen 400,000 Loan of the South Manchuria Railway Company (with reply attached): ... ..	76
XIII.	Letter concerning Extension of Term of the Yen 1,000,000 and Yen 400,000 Loans of the South Manchuria Railway Company (with reply attached). ... ..	79
XIV.	Agreement concerning the Five Questions of Manchuria.	83
XV.	Agreement relating to the Chientao Region. September 4, 1909. ... ..	85
XVI.	Preliminary Agreement for a Loan for the Construction of the Kirin-Hueining Railway. June 18, 1918.	88
XVII.	Exchange of Notes respecting the Construction of the Five Railways in Manchuria and Mongolia. The 10th month of the 2nd year of the Republic of China. ... ..	91
XVIII.	Ssupingkai-Chengchiatun Railway Loan Agreement.	93
XIX.	Ssupingkai-Chengchiatun Railway Loan.—Annex to Ssupingkai-Chengchiatun Railway Loan Agreement.	105
XX.	Letters from the Yokohama Specie Bank regarding the Ssupingkai-Chengchiatun Railway Loan (Ten copies in all). ... ..	108
XXI.	Ssupingkai-Chengchiatun Railway Short Term Loan Agreement. ... ..	123
XXI'	Ssupingkai-Taonan Railway Loan Agreement. ... ..	126

	<i>Page</i>
XXIII. Ssupingkai-Taonan Railway Loan Agreement Supplementary Memoranda....	139
XXIV. Settlement of the Relation between the Ssupingkai Taonan Railway Loan Agreement and that of the Ssupingkai Chengchiatun Railway. ....	140
1. Appointment of Bank for Bond Issue. ....	144
2. Issue of Bonds of the Company. ....	146
3. Advancement of Fund before the Issuance of Bonds....	148
4. Deposit of Railway Revenues with the Specified Bank. ....	151
5. Interest on Revenues Deposited in Specified Bank. ....	153
6. Payment of Interest and Repayment of Principal of the Bonds and their Sale in Europe and America. ....	155
7. Arrangement for the Transshipment of Goods for the Ssupingkai Taonan Railway by the Company. ....	159
XXV. Letter regarding the Ssupingkai-Taonan Railway Advance of Yen 5,000,000 (with reply attached). ....	162
XXVI. Letter regarding the Ssupingkai Taonan Railway Short Term Loan of Yen 10,000,000 (with reply attached). ....	164
XXVII. Letter regarding the Ssupingkai-Taonan Railway Short Term Loan of Yen 12,500,000 (with reply attached). ....	168
XXVIII. Letter regarding the Ssupingkai-Taonan Railway Short Term Loan of Yen 13,700,000 (with reply attached) and Supplementary Notes. ....	174
XXIX. Letter regarding the Ssupingkai-Taonan Railway Short Term Loan of Yen 18,200,000 (with reply attached) and Supplementary Notes. ....	182
XXX. Letter regarding the Ssupingkai-Taonan Short Term	

	<i>Page</i>
Loan of Yen 28,400,000 (with reply attached) and Supplementary Note. . . . .	189
XXXI. Letter regarding the Ssupingkai-Taonan Railway Short Term Loan of Yen 32,000,000 (with reply attached). . . . .	199
XXXII. Preliminary Agreement for a Loan for the Four Railways of Manchuria and Mongolia. . . . .	205
XXXIII. Agreement providing for the Construction of the Taonan-Angangki Railway. . . . .	208
XXXIV. Specification Plan for the Construction of the Taonan- Angangki Railway. . . . .	211
XXXV. Budget of Construction Costs of Taonan-Angangki Railway. . . . .	212
XXXVI. Letter Confirming the Construction Expenses to be used in Constructing the Taonan-Angangki Railway. . . . .	213
XXXVII. Letter concerning the Appointment of an Adviser to the Taonan-Angangki Railway and reply.... .	216
XXXVIII. Letter respecting the Running of Trains for the Transporting of Goods and reply. . . . .	218
XXXIX. Letter concerning Advance for Purchase of Rolling- stock by Taonan-Angangki Railway. . . . .	219
XXXX. Short Term Loan Agreement for the Cost of Coal and Miscellaneous Materials of Taonan-Angangki Railway. . . . .	222
XXXXI. Supplementary Terms of the Agreement for the Construction of the Taonan Angangki Raliway by the South Manchuria Railway Company. . . . .	224
XXXXII. Kirin-Tunghua Railway Construction Agreement (attached with 12 letters exchanged).... .	236

(Translation)

## Manchurian Convention 1905.

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### ARTICLE I.

The Chinese Government agrees to all the transfers made to Japan by Russia by Articles V and VI of the Treaty of Peace between Japan and Russia.

### ARTICLE II.

The Japanese Government agrees to observe as much as possible the existing Treaties, in regard to the lease of land and the construction of railways, which have been concluded between China and Russia.

In case of any question arising in future, the Japanese Government will consult with the Chinese Government before settlement.

### ARTICLE III.

This present Treaty will take effect from the date of signing, and will be ratified by His Imperial Japanese Majesty and His Imperial Chinese Majesty, and ratifications will be exchanged in Peking as early as possible within two months from the date of signing.

In witness whereof the Plenipotentiaries of the two Contracting Parties have signed and affixed their respective seals on the Treaty, done in duplicate in Japanese and Chinese.

Done at Peking, 22nd December 1905 (the 31st year of Kuang Hsu, the 11th moon, the 26th day corresponding with the 22nd day of the 12th month of the 38th year of Meiji.)

(Signed) Prince Ching,  
Minister Plenipotentiary.

(Signed) Ch'u Hung-chi,  
Minister Plenipotentiary.

(Signed) Yuan-Shih-K'ai,  
Minister Plenipotentiary.

(Signed) Komura Jutaro,  
Minister for Foreign Affairs,  
special Ambassador.

(Signed) Uchida Kosai,  
Minister Plenipotentiary.

## **Supplementary Agreement**

The Governments of the two Contracting Parties have decided on the following matters in which both parties are interested in Manchuria and agreed upon the following stipulations for their guidance :—

### **ARTICLE I.**

The Chinese Government agrees to open the following cities in Manchuria, to the resident of foreigners and foreign trade, with as little delay as possible after the evacuation of Manchuria by the Japanese and Russian armies :—

Shengking province: Fenghuang-cheng, Liaoyang, Hsin-min-ting, Tien-ling, Tung-kiang-tzi and Fakumén.

Kirin Province: Changchun (Kuanchengtzu), Kirin, Harbin, Ninguta, Hunchun and Sanhsing.

### **ARTICLE II.**

The Chinese Government having expressed its earnest desire for the speedy withdrawal of the Japanese and Russian armies and railway guards in Manchuria, and the Japanese Government, being desirous of complying with the desire of the Chinese Government, agrees to make similar arrangements, in case of the Russian Government agreeing to the withdrawal of its railway guards, or any other understanding having been arrived at between China and Russia in the matter. When order has been perfectly established in Manchuria, and the Chinese Authorities have become able to fully protect the life and property of foreigners in Manchuria, in common with the Russian Government, the Japanese Government will withdraw the railway guards.

### **ARTICLE III.**

The Japanese Government will immediately inform the Chinese Government of any locality in Manchuria which is evacuated by the Japanese troops, and on receiving such information the Chinese Government is authorized to send a force of troops necessary for the maintenance of the public security and order to the locality evacuated by the Japanese troops,

even before the expiration of the term specified in the Japanese-Russian Treaty for the withdrawal of the troop. In case of bandits molesting villages in the district still under occupation of the Japanese troops, the Chinese local authorities may send troops to arrest the bandits; but Chinese troops despatched on this work shall not be allowed to enter within twenty Chinese miles of the place where Japanese troops are stationed.

#### ARTICLE VI.

The Japanese Government agrees to return to their respective owners all the Government or private property in Manchuria occupied or taken possession of by the Japanese army for military purposes, as soon as Manchuria is evacuated by the troops. Even before the evacuation, such property, when useless for the needs of the troops, will be returned to the respective owners.

#### ARTICLE V.

The Chinese Government agrees to take all measures necessary for protecting the tombs of the Japanese soldiers killed in battle in Manchuria and the monuments erected in commemoration of their loyalty.

#### ARTICLE VI

The Chinese Government agrees to the military railway constructed between An-tungcheng and Mukden being transformed into a line for the transmission of merchandise of all nationals and conducted by the Japanese Government. The term in which the railway will be conducted by the Japanese to be fifteen years from the date on which the transformation of the line is completed, the final term of concession being the 49th year of Kuang Hsu (1923). Upon the expiry of term the railway will be sold to the Chinese Government, its value being decided by the experts, one to be appointed by each of the Contracting Parties. During the time the line is under the control of the Japanese, Chinese troops, arms, and provisions will be transported according to the terms of the Chinese Eastern Railway Treaty. In effecting the transformation of the railway, the Japanese authorities in charge will consult with commissioners to be appointed by the Chinese Government. The Chinese Government appoint a special official to supervise the railway business, as in case of the Chinese Eastern Railway. Rates of



freight on goods belonging to the Chinese Government or private individuals will be specially arranged.

#### ARTICLE VII.

The two Contracting Parties agree to make arrangements as soon as possible for connecting the service of railways in South Manchuria and those in China proper, in order to promote and facilitate the communications and transport of goods.

#### ARTICLE VIII.

The Chinese Government agrees to exempt materials required for the railways in South Manchuria from all duties and likin.

#### ARTICLE IX.

At Ying-keou (Newchang), which is already opened to foreign trade, and also in An-tung-cheng, Mukden, and other places in Shengking province, which it is agreed to be opened to foreign trade, Settlements for the exclusive use of Japanese will be established and the provision for this purpose, made by the Japanese and Chinese Authorities in a special agreement.

#### ARTICLE X.

The Chinese Government agrees to a joint-stock lumber company of Japanese and Chinese being formed, with a view to carrying on a business of cutting lumber in the forests on the right bank of the Yalu. The Chinese Government further agrees that the area of land where the business will be carried on, the term of the charter, the process of the formation of the company, and the articles of the business will be determined upon in a special agreement. The interest in the company of the Japanese and Chinese shareholders will be equally divided.

#### ARTICLE XI.

In regard to the trade on the frontier of Manchuria and Korea, treatment according to most-favoured-nation principle will be extended to each Contracting Party.

## ARTICLE XII.

The Governments of the two Contracting Parties agree that in all the matters specified of the Articles of the Treaty signed this day and in the Supplementary Agreement, each Party will give the most considerate treatment to the other. This Agreement will take effect from the date of signing and is to be considered as ratified with the ratification of the Treaty signed this day.

In witness whereof the undersigned have signed and affixed their seals in duplicate, in Japanese and Chinese, with due authority entrusted to them by their respective Governments.

Done at Peking the 22nd December 1905 (the 26th day of the 11th moon of the 31st year of Kuang Hsu, corresponding with the 22nd day of the 12th month of the 28th year of Meiji).

(Signed)	Komura Jutaro.
(Signed)	Uchida Kosai.
(Signed)	Prince Ching
(Signed)	Ch'u Hung-chi.
(Signed)	Yuan Shih K'ai.

## Portsmouth Treaty Between Russia and Japan

September 5, 1905.

His Majesty the Emperor of Japan on the one part, and His Majesty the Emperor of all the Russias on the other part, animated by the desire to restore the blessings of peace to Their countries and peoples, have resolved to conclude a Treaty of Peace, and have, for this purpose, named Their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan:

His Excellency Baron Komura Jutaro, Jusammi, Grand Gordon of the Imperial Order of the Rising Sun, His Minister for Foreign Affairs, and His Excellency M. Takahira Kogoro, Jusammi, Grand Gordon of the Imperial Order of the Sacred Treasure, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and

His Majesty the Emperor of all the Russias:

His Excellency M. Serge Witte, His Secretary of State and President of the Committee of Ministers of the Empire of Russia, and His Excellency Baron Roman Rosen, Master of the Imperial Court of Russia and His Ambassador Extraordinary and Plenipotentiary to the United States of America;

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

ARTICLE I.—There shall henceforth be peace and amity between Their Majesties the Emperor of Japan and the Emperor of all the Russias and between Their respective States and subjects.

ARTICLE II.—The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military and economical

interests, engage neither to obstruct nor interfere with the measures of guidance, protection and control which the Imperial Government of Japan may find it necessary to take in Korea.

It is understood that Russian subjects in Korea shall be treated exactly in the same manner as the subjects or citizens of other foreign Powers, that is to say, they shall be placed on the same footing as the subjects or citizens of the most favoured nation.

It is also agreed that, in order to avoid all cause of misunderstanding, the two High Contracting Parties will abstain, on the Russo-Korean frontier, from taking any military measure which may menace the security of Russian or Korean territory.

ARTICLE III.—Japan and Russia mutually engage :

1. To evacuate completely and simultaneously Manchuria except the territory affected by the lease of the Liao-tung Peninsula, in conformity with the provisions of additional Article I annexed to this Treaty ; and

2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

The Imperial Government of Russia declares that they have not in Manchuria any territorial advantages or preferential or exclusive concessions in impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity.

ARTICLE IV.—Japan and Russia reciprocally engage not to obstruct any general measures common to all countries, which China may take for the development of the commerce and industry of Manchuria.

ARTICLE V.—The Imperial Russian Government transfers and assigns to the Imperial Government of Japan, with the consent of the Government of China, the lease of Port Arthur, Talien and adjacent territory and territorial waters and all rights, privileges and concessions connected with or forming part of such lease and they also transfer and assign to the Imperial Government of Japan all public works and properties in the territory

affected by the above-mentioned lease.

The two High Contracting Parties mutually engage to obtain the consent of the Chinese Government mentioned in the foregoing stipulation.

The Imperial Government of Japan on their part undertake that the proprietary rights of Russian subjects in the territory above referred to shall be perfectly respected.

ARTICLE VI.—The Imperial Russian Government engages to transfer and assign to the Imperial Government of Japan, without compensation and with the consent of the Chinese Government, the railway between Changchun (Kuan-cheng-tzu) and Port Arthur and all its branches, together with all rights, privileges and properties appertaining thereto in that region, as well as all coal mines in the said region belonging to or worked for the benefit of the railway.

The two High Contracting Parties mutually engage to obtain the consent of the Government of China mentioned in the foregoing stipulation.

ARTICLE VII.—Japan and Russia engage to exploit their respective Railways in Manchuria exclusively for commercial and industrial purposes and in no wise for strategic purposes.

It is understood that restriction does not apply to the railway in the territory affected by the lease of the Liao-tung Peninsula.

ARTICLE VIII.—The Imperial Government of Japan and Russia, with a view to promote and facilitate intercourse and traffic, will, as soon as possible, conclude a separate convention for the regulation of their connecting railway services in Manchuria.

ARTICLE IX.—The Imperial Russian Government cedes to the Imperial Government of Japan in perpetuity and full sovereignty, the southern portion of the Island of Saghalien and all islands adjacent hereto, and all public works and properties thereon. The fiftieth degree of north latitude is adopted as the northern boundary of the ceded territory. The exact alignment of such territory shall be determined in accordance with provisions of additional Article II annexed to this Treaty.

Japan and Russia mutually agree not to construct in their respective

possessions on the Island of Saghalien or the adjacent islands, any fortifications or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Straits of La Percuse and Tartary.

ARTICLE X.—It is reserved to the Russian subjects, inhabitants of the territory ceded to Japan, to sell their real property and retire to their country; but if they prefer to remain in the ceded territory, they will be maintained and protected in the full exercise of their industries and rights of property, on condition of submitting to Japanese laws and jurisdiction. Japan shall have full liberty to withdraw the right of resident in, or to deport from, such territory, any inhabitants who labour under political or administrative disability. She engages, however, that the proprietary rights of such inhabitants shall be fully respected.

ARTICLE XI.—Russia engages to arrange with Japan for granting to Japanese subjects rights of fishery along the coasts of the Russian possessions in the Japan, Okhotsh and Behring Seas.

It is agreed that the foregoing engagement shall not affect rights, already belonging to Russian subjects in those regions.

ARTICLE XII.—The Treaty of Commerce and Navigation between Japan and Russia having been annulled by the war, the Imperial Governments of Japan and Russia engage to adopt as the basis of their commercial relations, pending the conclusion of a new treaty of commerce and navigation on the basis of the Treaty which was in force previous to the present war, the system of reciprocal treatment on the footing of the most favoured nation, in which are included import and export duties, customs formalities transit and tonnage dues, and the admission and treatment of the agents, subjects and vessels of one country in the territories of the other.

ARTICLE XIII.—As soon as possible after the present Treaty comes into force, all prisoners of war shall be reciprocally restored. The Imperial Governments of Japan and Russia shall each appoint a special commissioner to take charge of prisoners. All prisoners in the hands of one Government shall be delivered to and received by the Commissioner of the other Government or by this duly authorized representative, in such convenient numbers

and at such convenient ports of the delivering states as such delivering state shall notify in advance to the Commissioner of the receiving State.

The Governments of Japan and Russia shall present to each other, as soon as possible after the delivery of prisoners has been completed, a statement of the direct expenditures respectively incurred by them for the care and maintenance of prisoners from the date of capture or surrender up to the time of death or delivery. Russia engages to repay to Japan, as soon as possible the actual amount so expended by Japan and Japan engages to repay to Russia the actual amount similarly disbursed by Russia.

ARTICLE XIV.—The present Treaty shall be rectified by their Majesties the Emperor of Japan and the Emperor of all the Russias. Such ratification shall, with as little delay as possible and in any case not later than fifty days from date of the signature of the Treaty, be announced to the Imperial Governments of Japan and Russia respectively through the French Minister in Tokyo and the Ambassador of the United States in Saint Petersburg and from the date of the later of such announcements this Treaty shall in all its parts come into full force.

The formal exchange of the ratifications shall take place at Washington, as soon as possible.

ARTICLE XV.—The present Treaty shall be signed in duplicate in both the English and French languages. The texts are in absolute conformity, but in case of discrepancy in interpretation, the French text shall prevail.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to the present Treaty of Peace.

Done at Portsmouth (new Hampshire) this fifth day of the ninth month of the thirty-eight year of Meiji, corresponding to the twenty-third day of August (fifth September) one thousand nine hundred and five.

(Signed) Jutaro Komura. (L.S.) (Signed) Serge Witte. (L.S.)

(Signed) K. Takahira. (L.S.) (Signed) Rosen. (L.S.)

#### **Additional Articles.**

In conformity with the provisions of Articles III and IX of the Treaty of Peace between Japan and Russia of this date, the undersigned

Plenipotentiaries have concluded the following additional Articles :—

### I.—TO ARTICLE III.

The Imperial Governments of Japan and Russia mutually engage to commence the withdrawal of their military forces from the territory of Manchuria simultaneously and immediately after the Treaty of Peace comes into operation, and within a period of eighteen months from that date, the Armies of the two countries shall be completely withdrawn from Manchuria, except from the leased territory of the Liao-tung Peninsula.

The High Contracting Parties reserve to themselves the right to maintain guards to protect their respective railway lines in Manchuria. The number of such guards shall not exceed fifteen per kilometre and within that maximum number, the Commanders of the Japanese and Russian Armies shall, by common accord, fix the number of such guards to be employed, as small as possible having in view the actual requirements.

The Commanders of the Japanese and Russian forces in Manchuria shall agree upon the details of the evacuation in conformity with the above principles, and shall take by common accord the measures necessary to carry out the evacuation as soon as possible and in any case not later than the period of eighteen months.

### II.—TO ARTICLE IX.

As soon as possible after the present Treaty comes into force, a Commission of Delimitation, composed of an equal number of members to be appointed respectively by the two High Contracting Parties, shall on the spot, mark in a permanent manner the exact boundry between the Japanese and Russian possessions on the Island of Saghalien. The Commission shall be bound, so far as topographical considerations permit, to follow the fiftieth parallel of north latitude as the boundry line, and in case any deflections from that line at any points are found to be necessary, compensation will be the duty of the said Commission to prepare a list and description of the adjacent islands included in cession and finally the Commission shall prepare and sign maps showing the boundaries of the ceded territory. The work of Commission shall be subject to the approval of the High Contracting Parties.



The foregoing additional Articles are to be considered as ratified with the ratification of the Treaty of Peace to which they are annexed.

Portsmouth, the 5th day, 9th month, 38th year of Meiji, corresponding to 23rd August, the 5th September, 1905.

(Signed) Jutaro Komura.

(Signed) Serge Witte.

(Signed) K. Takahira.

(Signed) Rosen.