Korean-American Treaty and Sino-Korean Relation

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Introduction

The 1882 Korean-American Treaty, the first one that Korea concluded with the West, is significant in understanding the nature of East Asian world order and the Korean attitude toward the new international world order. The purpose of this article is to evaluate the contribution of the treaty to the establishment of the new order, and to study the Korean attitude toward the new order in the process of negotiation and practice of the treaty.

I. Korea's Long Seclusion and the West's Early Efforts to Open the Door

Korea had secluded herself to the western countries until she became aware of the inevitable change from the East Asian world order to the new international order, and finally chose to conclude a treaty with the United States as an initial entry into the family of nations.(1) Korea's readiness to suffer from seclusion longer than her neighbors can be accounted for in

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This article was written in the spring of 1976 under the supervision of Professor John King Fairbank when the author was a graduate student and a research fellow at Harvard University. It is published in its original form without editorial work.
The author acknowledges his gratitude to Jerome Alan Cohen, John King Fairbank, Joseph F. Fletcher, Yongdeok Kim, William R. Shaw, Edward W. Wagner, and others for their help with this article. The views expressed herein are the author’s own.
(1) Korea was known to Europe in 1668 by Hendrick Hamel's An Account of the Shiptreck of a Dutch Vessel on the Coast of the Kingdom of Corea published in Amsterdam. Perhaps the first most important book on Korea was Korea the Hermit Kingdom by William Elliot Griffis published 1885 in New York.
various ways.

Geographically the Korean peninsula was isolated from the western steamers in spite of its strategic position in East Asia. Westerners laid their course to Canton in the Southern tip of China and to Nagasaki in the southwestern part of Japan, but there had been no course via the Korean peninsula to Manchuria or Russia till the intensification of imperialism.\(^{(2)}\)

The traditional foreign policy of Yi dynasty Korea was ‘Sadae Kyorin’ (courteous to the big, amicable with neighbors) based on the sinocentric and hierarchic East Asian world order.\(^{(3)}\) In the hierarchic world order, it was difficult to understand the Western idea of international order, based on the fundamental principle of sovereign equality. The conclusion of a treaty based on sovereign equality was thought to destroy the basic order of states and national security. Korea regarded Westerners as invaders. The General Sherman incident and the French Fleet incident in 1866, and the American Fleet incident in 1871 were successfully rejected and regarded as military victories. Indeed national security was the top priority for Korea.

Korean society, based on selfsufficient agriculture, was not only in a disadvantageous position to trade with manufactured products, but was thought to be inadequate to supply resources and consume western goods. Indeed, the western countries sought the resources and markets in China, Japan, and the other Asian countries.\(^{(4)}\)

Secluded in the northeastern part of Asia, submerged in Confucianism which looks down upon trade, and controlled by a Chinese marine policy prohibiting maritime trade, Korea was not only rarely known to western traders, but concealed herself from the insurgent neighboring countries as well


\(^{(3)}\) M. Frederick, Nelson, *Korea and the Old Orders in East Asia*, Louisiana State University Press, 1945, Part II.

\(^{(4)}\) Yi Hang-no, *Huosa sŏnaeng munji*, kwan III. Collection of petitions 3/10/1866 (This means the 3rd day of 10th month of *pingyu* year in lunar calendar. This date is November 9, 1866, but henceforth lunar calendar will be used as above only at the place where it is more convenient for reference.)
as westerners.\(^5\)

Catholicism turned out to be inconsistent with the Confucianism which was a national ideology and political philosophy in Yi dynasty. It was thought to be so dangerous to the Confucian society that they executed about eight thousand Catholics and regarded all Westerners as Catholics. The prevailing exclusive neo-Confucianism in the Yi dynasty was a great obstacle to the development of commerce and industry, and a support for the national isolation policy. After the fall of Peking in 1860 and Japan’s Meiji Restoration, Korean Confucian scholars thought that Korea was the last state that preserved Confucianism, and that they should continue to fight to the last “to defend the right learning and to reject heresy”.\(^6\)

If we should pay attention to the international political situation at that time, we may get an answer to the question why Korea remained secluded for forty years longer than China and almost thirty years longer than Japan. Although the most important aim of westerners was trade, they paid little interest to trade with Korea, and did not dare to conquer her in consideration of their relationship with China. As a matter of fact, the western powers were so busy with their own business that none of them gave high priority in opening Korea. Great Britain was busy with Chinese affairs, France was engaged in the Indochina problems, Russia was paying attention to the administration of Siberia, and Germany and Italy were concentrating their energy on the unification of their countries. America’s westward movement preoccupied her until the middle of nineteenth century, and thereafter the administration of the new territory; then in the 1860’s she became involved in the Civil War.\(^7\)

The reasons for the American initiative in the successful opening of the

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\(^6\) The Movement “to defend the right learning and to reject heresy” (wijońg ch’óksa) was first adapted by the king Jöngjo as early as 1788.

hermit kingdom deserve further study. American interest began with commercial trade and the American Navy’s occasional need for convenient ports. Their concerns were ship wrecks, fresh-water, and supply of provisions in the trade with China. There were no substantial interests in trade but some economic interests, curiosity about the hermit kingdom.

Perhaps the most important impetus to the American initiative was the General Sherman incident in 1866. The armed merchant vessel navigated along the Taedong river and entered P’yónyang city in August during the rainy season. The crew was afraid of the approaching crowd of people and mistook them for a hostile demonstration, and people also misunderstood them to be hostile French at that time of the Catholic executions. The crew even captured a local officer who would stop their illegal navigation. The vessel unfortunately went aground when the water subsided and skirmishes continued until finally the vessel was taken afire and all of the 18 crew members were drowned and killed by the raging crowd.\(^{(8)}\) The United States government inquired of the Chinese government about the fate of the vessel, but Prince Kung stated that the only connection between the two countries was ceremonial.\(^{(9)}\) Finally the American government decided to send Commodore Shufeldt to investigate the incident. He visited the western coast of Korea on January 23, 1867 and sent a letter concerning the incident to the Korean king, but no good evidence on the outcome appears to exist.\(^{(10)}\) Americans even proposed a joint expedition to Korea but the French government disagreed. The ambitious Secretary of State William Seward, who had bought Alaska from Russia and occupied the Midway islands, attempted to conclude a treaty with Korea on the misunderstanding that she wanted to do so.

The new Secretary of State Hamilton Fish, who succeeded Seward, suggested


to the American Minister to Peking F.F. Low that he conclude a treaty with Korea on the rescue of shipwrecked sailors. Fish also instructed him to carry out a demonstration of forces sufficiently formidable to make an impression upon the Korean authorities.\(^{11}\) Fish also advised Low to seek Chinese influence. In answer to the suggestion of seeking good offices from China, F.F. Low reported that Korea was a substantially independent nation, and that the annual tribute to China was rather a quid pro quo for the privilege of trade than as a governmental tribute.\(^{13}\)

At this time, the United States had three alternatives: direct negotiation, Japanese good offices, and Chinese good offices. Among these she sought Chinese good offices, but Tsungli yamen replied on March 28, 1871 that Korea was a tributary state but she was independent in internal politics and foreign relations. Upon receiving this reply, F.F. Low sent a letter to the Regent King Taewon’gun, in which he mentioned the General Sherman incident and his intention to visit Korea on board a man-of-war to conclude a treaty with Korea. Amazed at this letter, the Korean government sent a letter to the Chinese Board of Rites asking for interruption of this American expedition. Sending back the letter to the Americans, the Korean government stated that Korea had helped the shipwrecked men to return home by way of China as quickly as possible, that the General Sherman had obviously sunk of itself. Korea firmly stated that it was unnecessary to conclude a treaty with the U.S. because of the shortage of goods.\(^{13}\)

Finally, the Americans decided to use the same method that had been successfully used in Commodore Perry’s opening of Japan. On May 19, 1871, Low and Admiral Rodgers with about a landing force of one thousand on board 5 warships arrived at the western coast of Korea. After a repeated series of negotiations with the district officials and low-ranking Seoul officials they finally decided to use force as a last resort. The two-day battle only

\(^{11}\) U.S. Foreign Relations, Department of State, 1870, pp. 334–339.
\(^{12}\) Ibid., 1871, p. 362.
\(^{13}\) Yi Sŏng-gŭn, Han’guk sa(:A History of Korea) Seoul, Chindan hakhoe, 1974, pp. 294-5.
took three American lives, but more than three hundred Korean soldiers were killed or wounded. Korean forces were rather strong contrary to the expectation that Korea would easily be defeated as in Perry’s expedition to Japan.

After the fruitless expedition attempt, the Americans retreated on July 3, and made no further effort to open Korea by force.\(^{14}\) It was partly because they thought Korean government would not surrender without occupation of Seoul, which required far more forces, that they needed another instruction from the government if they were to launch another expedition, and partly because they were disappointed at the death-defying resistance of Koreans contrary to the false report from the American Consul General in Shanghai\(^{15}\) in 1868 that Korea wanted a treaty with America. Perhaps a more important factor would be the fact that the ambitious Secretary of State Seward had retired from his office and his successor, Hamilton Fish, had less interest in the American expansion policy. As for Korea, some progressive thinkers began to think over the government’s attitude towards the West and finally Queen Min’s moderate party expelled Taewŏn’gun’s conservative party to restore the rule of king.


From the outset of the 1870’s, the old sino-centric order began to shake from the changing international situations, and China began to be aware that the traditional Sino-Korean relations could no longer be maintained, that the tributary tie was a logical impossibility in the modern world. In 1871, China concluded with Japan her first equal and reciprocal treaty since the Opium War. The first article of it provided \textit{inter alia} “in all that regards territorial possessions (pangt’u) of either country, the two governments shall treat each

\(^{14}\) \textit{U.S. Foreign Relations}, 1871, pp. 116, 121, 124, 142; 1874, p 254; Griffis, \textit{Korea the Hermit Nation}, New York, 1885, Ch. XLIV.
\(^{15}\) \textit{Ibid.}, pp. 336-7.
other with proper courtesy, without the slightest infringement or encroachment on either side, to the end that there may be for evermore peace between them undisturbed.”

This non-aggression clause might have implied the protection of Korea and other tributary states but proved to be not effective when China was defied by Japan’s Taiwan expedition in 1874. There were two alternatives open to China: to relax the tie with Korea and to encourage independent Korean negotiation with the western countries, or to tighten it and to intervene actively in Korea contrary to the traditional relationship. If China had definitely abandoned any dream of a Sino-Japanese friendship and alliance after the Taiwan expedition, she was as yet unable to adopt any positive policy toward Korea.

In Korea, the incessant criticism of the despotism and seclusion policy brought the downfall of the Regent Taewon’gun’s conservative party and the restoration of the young king supported by Queen Min’s moderate party, which cautiously adopted the policy to restore friendly relations with Japan.

That China did not offer good offices and assumed the attitude of an on-looker, repeatedly saying that Korea was a tributary state for hundreds of years but independent (tzu-chu) in internal policy and foreign relations, is notable when compared with her later policy towards Korea. Perhaps it was because China shared the same threat from Russia and pressure from the western powers, and had the view that China had better restore friendly relations with Japan in order to cope with Russia and the West. Probably China thought that the treaty would be rather a renewal of the former relationship, than a manifestation of any disposition to open Korea to foreign


(17) The communication which the Chinese Board of Rites sent to Korea cited the saying by a French General that if a five thousand man army in Nagasaki would head for Korea after the Taiwan expedition together with France and America, Korea would be helpless with forces from three countries, and that if China could suggest to Korea to conclude treaties with France and America, Japan will not dare to attack Korea.
intercourse. (18)

The opening sentence of the first article declared, “Korea being an independent (tzüchu) state enjoys the same (sovereign) right of equality as does Japan.” It is generally believed that by styling Korea as an independent state, Japan was seeking to undermine the centuries-old relationship between China and Korea. But the Chinese government took this sentence as implying no departure from the long established tributary system, translating the word tzüchu into self-governing. Nor did Korea take it as meaning any break in her traditional relationship with China. (19)

It is true that Li Hung-chang, ever since he had made friends with the Korean envoy to Peking Yi Yu-wôn, had on the one hand frequently communicated with the latter on the necessity of a treaty with western powers and on the threat from Russia and also the situation of Japan, and on the other hand had told the Chinese minister to Tokyo, Ho Ju-chang, to investigate the Japanese attitude toward Korea.

But Japan’s annexation of Ryukyu in March, 1879 was so great a shock as to change her traditional foreign policy toward Korea.

On August 21, Tsungli yamen memorialized that Korea, the only secluded country, should conclude a treaty with the West in consideration of Japan’s intent to invade Korea following on the precedent of the Ryukyu. It was noted that the Governor of Fukien, Ting Jih-chang, had made a similar point in his memorial as had the English Minister to Peking, Thomas F. Wade. Subsequently, the emperor ordered Li Hung-chang to write a private letter to his correspondent Yi Yu-wôn, who was formerly chief grand councilor, considering the fact that China could not intervene in Korea’s internal policy and foreign relations. (20) Li Hung-chang wrote a long confidential letter to


(20) Ch'ing Kuangshu ch'ao Chungjih chiaoshe shihliu (A Diplomatic Document of China and
this influential member of the Korean Court, definitely advising him on two things: military reorganization, and negotiation of commercial treaties with the West, both being directed primarily against Japan and Russia, on the ground that big and small countries trade with each other without the former conquering the latter according to international law.\(^{(21)}\)

Yi Yu-wôn, in his reply, expressed thanks for the information of possible attack from Japan, but he disagreed with the proposal on the grounds that introduction of a very different culture might arouse social disorder in Korea, that trade with the West only would bring damage as was the case with Japan, and that though Li mentioned international law prohibited one state from attacking the other without due reason, he found out the inconsistency and limitation of international law, pointing out the fact that Japan conquered and annexed Ryukyu by force and that Japan’s willful violation of international law could not be interrupted without force. Li Hung-chang, disappointed at the Korean government’s resourcelessness, memorialized that Yi Yu-wôn could not do anything owing to public opinion, and that in the meantime, the situation might be improved by following his earlier advice. Indeed, the Korean government was more interested in a powerful army than trade with other countries.\(^{(22)}\) At this time, in spring of 1880, China was greatly vexed at the Ili problem and worried about Russia’s Southward Policy, which threatened her in both Manchuria and the Korean peninsula.

It seemed that America gave up another attempt to open Korea after the failure of the expedition in 1871, but was kept well informed of the Korea-Japan Treaty in 1876 through the diplomatic channels in Japan and China. America especially was interested in the provision that foreign seamen wrecked on the coast of Korea be returned to their homes through Japan in the

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\(^{(21)}\) In his letter to Yi Yu-wôn on February 9, 1879, Li Hung-chang said that western countries did not occupy other country without due reason according to international law.

\(^{(22)}\) Li wenchungkung chüanchi, Ishuhankao, chüan 10, 13/11/5 kwangshü; Ibid. “Lun Ch’aohsien” 7/2/6 kwangshü.
Supplementary Treaty and Trade Regulations, and even directed the U.S. Minister to Japan, Bingham, to express the appreciation of the United States for the creditable course pursued by Japan in securing this article.\(^{(23)}\)

On April 8, 1878, Senator Sargent of California, offered a resolution that President Hayes "appoint a commissioner to represent this country in an effort to arrange, by peaceful means and with the aid of the friendly good offices of Japan, a treaty of peace and commerce between the United States and the kingdom of Korea." The bill passed to a second reading but the Senate adjourned and no action was taken.\(^{(24)}\)

There seems to have been some connection between the Sargent resolution and a decision of the Navy Department, made in 1878, to send Commodore Robert W. Shufelt on an important commercial and diplomatic mission to certain eastern countries including Korea. The Department of State, taking advantage of the intimacy between Korea and Japan, directed Bingham to apply to the Japanese minister of foreign affairs for personal and official letters to the Korean authorities calculated to facilitate Shufeldt's mission.\(^{(25)}\)

On arriving at Nagasaki on April 15, Shufeldt communicated with Bingham, at Tokyo. Inoue Kaoru, the Japanese minister of foreign affairs, refused to


\(^{(24)}\) Griffis, *Korea the Hermit Nation*, N.Y., 1885, p. 428.

\(^{(25)}\) U.S. National Archives, Navy and Old Army Branch, Gruise of the Ticonderoga, I, 12, 18–22, Everts to Thompson, Nov. 9, 1878.

Shufeldt had come to be regarded as one of the most eminent diplomats of the navy and possessed to an unusual degree the confidence of his government. He was born in Dutchess County, New York, 1882, and at the age of seventeen received a midshipman's commission. After fifteen years of service at sea and on shore, he resigned from the navy to enter the merchant marine.

On the outbreak of the Civil War President Lincoln appointed him consul general to Havana, a post that he filled for two years under most trying circumstances and with conspicuous success. In 1862 the State Department sent him to Mexico on a confidential mission, and the next year he again entered the navy as a commander and during the last two years of war he rendered important service in the naval squadron off the coast of the Confederacy, participating in several important operations. After his visit to Korea in 1867 for the investigation of the fate of the General Sherman, he commanded a Tehuantepec surveying surveying expedition, and for four years he served as chief of the naval bureau of equipment and recruiting in Washington. ______ L.R. Harmsely, *The Records of Living Officers of the United States Navy and Marine Corps* (fifth ed.), pp. 25–26.
recommend the mission to the favorable consideration of the Korean Government, on the ground that it might produce complications in the execution of the Korea-Japan treaty and that it appeared that the Korean government was still disinclined to open her country to the western countries. He was willing, however, to give Shufeldt letters to the officials in Korea, and at Bingham's request wrote a letter introducing Commodore Shufeldt to Kondo Masuki, the Japanese consul at Pusan.\(^{(26)}\)

After his landing at Pusan on May 4, with the American consul at Nagasaki and an interpreter, Shufeldt delivered the letter of introduction to the Japanese consul, Kondo Masuki, and on the following day he handed to the consul a letter addressed to the king of Korea. Kondo immediately went to see the prefect of Tongnae, Sim Tong-sin, and begged him to transmit the American letter to Seoul saying that Korea had better open ports to America, which was different from the other western countries. But Sim declined the suggestion, termed the American project unreasonable, and urged the speedy departure of the foreign shop.\(^{(27)}\)

Upon his arrival at Yokohama on May 11, he and Bingham at once brought all possible influence to bear on the Japanese government, with a view to inducing it to forward the letter to the king of Korea. The renewed request brought a negative response from the Japanese government, on the ground that the repeated Japanese action on behalf of the American would do irreparable harm to the relations with Korea. After securing the approval of Sanjo Sanetomi, Inoue at last consented to cover the letter to the king of Korea with one of his own on condition that Shufeldt would await the answer at Nagasaki within the time limit of sixty days.\(^{(28)}\)


\(^{(27)}\) Kojong sīllok' kwŏn 17.10/4/1880. As early as August 29, 1879 Li Hung-chang wrote a letter to Yi Yu-wŏn, an influential member in the Korean Court, in which he advised kindly that Japan might secretly ally with England, France, or America and induce Korea to open ports; it might plot with Russia, and in such case Korea would be isolated and its anguish would become greater than ever. See, Ch'ingch'i t'aiíchiao shihliào chüan 16, 14 17, 17. See, also Tabohashi, Kindai Nissen kankei no kenkyu, p. 555.

Inoue’s letter to the minister of the Board of Rites outlined briefly the American intentions and admonished the Koreans to change their seclusion policy and to welcome foreigners and included the Shufeldt letter to the Korean King. The Korean letter of reply stated that the American letter was unacceptable because on the envelope of the letter Korea was designated as “Koryô” instead of “Chosôn” and the letter was addressed to the king of Korea in place of the minister of Board of Rites.\(^{(29)}\)

Shufeldt, rebuffed by the highest authorities in Seoul, ascribed his failure to the use of peaceful means prescribed by his instructions and to the lack of good faith on the part of the Japanese government. But, the tenacious Shufeldt and Bingham concurred, the Japanese government should be asked to send the American letter again after correcting the format. Shufeldt became indignant when the Japanese government politely refused his appeal.\(^{(30)}\) He considered the explanation of the minister evasive. He suspected that Japan was not acting in good faith. He said, “It is her policy indeed to monopolize the commerce of Korea. She possesses in that country extraterritorial rights and rules the Koreans with an iron rod. Striving to free herself from the obnoxious way of foreigners upon her own soil, she is unwilling to have these foreigners see how she has imposed these same laws in an aggravated form upon her defenceless neighbor.”\(^{(31)}\)

The negative attitude of Japan in offering good offices to Shufeldt was due to Japan’s share of the threat from Russia with Korea, and Japan’s intention to monopolize the advantageous trade with Korea. Japan at this time enjoyed trade with Korea without paying any customs. But a Japanese scholar Okud-

\(^{(29)}\) Ibid., No. 182, pp. 443-446; No. 178, 99, 448-449; Ku Hâng’uk oegyo munso (Ilan), No. 64, pp. 48-49; No. 65, pp. 49-50. It should be remembered that Kim Hong-jip returned the unopened American letter to Japanese authorities on the occasion of his mission to Japan in the summer of 1880.


\(^{(31)}\) U.S. National Archives, Navy and Old Army Branch, Cruise of the Ticonderoga, II, pp. 477-478.
aira criticized Shufeldt’s view on the ground that Inoue had suggested that Korea open its door to western countries when he later met Korean envoys.\(^{(32)}\)

The reason for Shufeldt’s attempt to open Korea through Japanese good offices would be discoverable if we pay attention to Li Hung-chang’s letter to Yi Yu-wôn, the influential member of the Korean Court, as early as August 29, 1879. He asserted that it was necessary to conclude treaties with England, France, Germany, and America, in order to control Japan and Russia. He especially stressed the point that Korea should conclude treaties with western powers which Japan feared, using a “poison to poison”, “enemy to enemy” policy. He put emphasis especially on the point that if Japan secretly allied with England, France, or America, it might induce Korea to open ports; if Japan were to plot with Russia, then Korea would be isolated and then anguish would become greater than ever. After the refusal of the Shufeldt letter, Yi Yu-wôn wrote back to Li Hung-chang that letters came in the spring and summer from France and America by way of Japan, but that they could not be accepted because Korea would continue the closed door policy as before.\(^{(33)}\)

In consideration of the repeated news from China of changing world politics,

\(^{(32)}\) Okudaira Takehiko, *Chôsen kaikaku kôsho shimatsu* (History of the Opening of Korea) Tokyo, 1935, pp.70-72. It is also interesting to note that Bingham did not share the view of Shufeldt, saying that he could not find anything but sincerity in the Japanese government’s attitude, but that the European officials and warships wanted to intervene in Shufeldt mission and the fact that English and Russian warships visited Pusan at the time brought failure to Shufeldt mission. But, we can find a more interesting document supporting Shufeldt view in the report from the United States minister to China James A. Angell to the State Department. When an Italian Genoa on board the Vittore Pisani visited Pusan to suggest trade with each other, the Japanese consul to Pusan Kondo dissuaded Genoa from landing saying that it might cause disturbance or dispute if he did so. But when he visited another port without the Japanese consul, he was treated cordially by the local official. He received an impression that Japanese consul interrupted any approaches of another country but his own, and he suggested the other ports if any country wanted to talk with Korean officials. We may at least assume that Japanese government’s negative attitude was vacillating between a possible misunderstanding with Korea and friendship with America. Sec. Dispatches from U.S. minister to China to the Secretary of State No. 27, Sept. 27, 1880. Angell to Evarts.

and some problems that had arisen in the practice of her treaty with Japan, such as the closing of the port at Inch’on, the prohibition of rice export, and the revision of customs, the Korean government decided to send Kim Hong-jip on a mission to Japan on May 1, 1880. Kim Hong-jip, who visited the ministry of foreign affairs on August 13, returned the unopened American letter from Shufeldt, and said that it was the fundamental principle of his country not to have intercourse with foreign nations, and complained of the letter which departed from established rules. During an ensuing conversation with Foreign Minister Inoue Kaoru and Hanabusa Yoshitada, he heard about the changed setting of the Korean peninsula. They suggested that Korea should abandon the old seclusion policy, conclude treaties with foreign powers, and launch a self-strengthening program by manufacturing weapons. Furthermore, they contended, Korea should select and train civil and military specialists and send envoys and students abroad, since only knowledge of the contemporary world and the mastery of foreign languages could preserve the country’s independence. (34)

During his stay in Tokyo, Kim Hong-jip was fortunate enough to have frequent contact with the Chinese minister to Japan, Ho Ju-chang, and the secretary of the legation, Huang Tsun-hsien. In cordial talks, they discussed not only the international situation’s balance of power, but also the benefits of trade and customs tariffs according to international usage. When Kim said that Korea had rejected American mission and the letter, Ho Ju-chang asserted that America was the only democratic country creditable in her foreign relations, that if Korea should conclude a treaty with such a fair country, the other countries would follow it, and that Korea should not lose such a good chance. (35)

When the Kim Hong-jip mission left Tokyo, the Chinese minister gave him two books Huang Tsun-hsien’s, Ch’ao-hsien ts’ê-lüeh (A Policy for Korea) and

(34) Kim Hong-jip, Susinsa ilgi, pp. 150-151, pp. 159-160; Ku Han’guk oegyo munso’ilan, 1, No. 69, pp. 53-54.
Cheng Kwan-Ying’s *I-yen (An Easy Story)*. Huang maintained that the main danger in the Far East was Russia’s expansionist attitude, which certainly was directed against the strategic Korean peninsula. Based on his analysis of the Far Eastern situation Huang summed up his views on Korean foreign policy in the simple formula: *Ch’in Chung-kuo, chieh Jih-pen, lien Mei-kuo, “intimacy with China, association with Japan, and alliance with America.”* *(36)*

The King, greatly impressed by the report of Kim Hongjip on October 2, and the *Ch‘ao-hsien ts‘e-lüeh*, asked the opinions of ministers in the national security conference on October 11, 1880. The chief grand councilor, right grand councilor, and left grand councilor agreed to the proposal and nobody in the conference disagreed with it. *(37)* The Korean government was rather quick in carrying through the new foreign policy: they decided to send students to Japan and China; to publish the *Ch‘ao-hsien ts‘e-lüeh* to be distributed to the Confucian schools in the country in order that they discuss the new policy; they decided to permit a resident Japanese minister to stay in Seoul, and to send a secret mission to Japan immediately to contact the Chinese minister to Japan, Ho, to discuss the conclusion of a treaty with America. However, the most momentous innovation was the establishment of *Tongni kimu-amun* to conduct a new foreign policy in the first days of January, 1881. *(38)*

The King’s secret envoy, Yi Tong-in, left Seoul on October 6, 1880, and paid a visit to the Chinese minister Ho Ju-chang on November 19. He informed Ho that Korea had decided to invite Commodore Shufeldt to conclude a treaty with America, and that the king and ministers had decided to open port to America in the national security conference. *(39)* Minister Ho promised

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*(36) It seems that Huang felt Japan was economically too weak to be a serious challenge to Korea’s security.*


Yi to deal with the matter, and he sent a telegram to Li Hung-chang with
the news that Korea desired to conclude a treaty of amity and commerce with
America. He further suggested that if Korea was to defend herself against
Russia and the western powers she should conclude a treaty with the United
States, and he sent to Li Hung-chang his short essay “Ch’ao-hsien wai-
chiao ch’uli i” (A Deliberation to Conduct Korean Diplomacy) with the
secret messages brought by the Korean secret envoy. Ho’s suggestion was so
positive as to serve two ends for China that it might be the turning point
of Chinese policy of Korea. His suggestion which supplies the theoretical back-
ground of Chinese good offices and her later policy toward Korea may be
summed up as follows.

1. Korea, situated in the strategic position in Asia, is inseparably related to China, and
every power will fight for the position just as they do over Turkey in the West.
2. Since Ch’ing subjugated Korea before the invasion to Ming, Korea has been the
   most important tributary state for China.
3. In consideration of the threat from Russia, the best policy that China could have is
to send a Resident General to Korea to manage internal policy and foreign relations
   as has been the case with Hsinchiang and Mongolia. As things are now, China
should let Korea conclude treaties with America, Germany, and France to seek a
balance of power.
4. Western countries do not regard our tributary states as vassals. The vassals in the
   West are controlled by the suzerain in concluding treaties. If war broke out, only the
   suzerain has a right to intervene. If we let Korea conclude a treaty for herself with
a Western country, the latter will regard Korea as independent state and the word
“tributary state” will disappear. (41)

Ho Ju-chang did not neglect on December 26, 1880 to visit Bingham, the
American minister who still had lingering affection for Japanese good offices,
in order to put a wedge in the possible Japanese intervention. The Korean

(40) Ho, who was afraid of Russia’s possible alliance with Japan, hurried up, partly because
there was a rumor that Japanese Government would accord the Minister of the Navy of
Russia the treatment of a national guest, when he arrived in Yokohama, partly because the
English minister to Japan visited the Chinese legation to consult with him and learned
the news of the secret envoy from Korea. See ibid.
government, confronted with death-defying memorials of Confucian scholars against the new foreign policy, sent another secret envoy, T’ak Chŏng-shik, to Ho Ju-chang to ask the sanction of the Chinese government for the new foreign policy in order to soothe down the public opinion. When Tsungli yamen received this message from Ho, that Korea would conclude a treaty with America, but that she wanted China’s good offices in consideration of public opinion, it instructed Ho to inform Bingham of Korea’s view.

In the summer 1880, while waiting for a reply from Korea, Shufeldt happily made the acquaintance of Yu Ching, the Chinese consul to Nagasaki, who wrote to Li Hung-chang informing him of the commodore’s desire to make a treaty with Korea. On July 23, Li Hung-chang wrote to Shufeldt inviting him to Tientsin, and the historic first interview took place on August 26.

When Shufeldt told him that he desired China to use her influence to secure with the Korean government a treaty of amity between Korea and the United States, Li said that Shufeldt might say to his government that he would use his influence with the government of Korea to accede to the friendly request made by him in behalf of the government of the United States to open negotiations with a view to concluding a treaty. Li also discussed with him the predictable Russian invasion and even expressed his hope that when peace was assured, America would permit Shufeldt to assist China in the organization of her navy.

Satisfied with the conversation with Li Hung-chang, Shufeldt returned home, since the period allotted to the cruise of the “Ticonderoga” was about to expire. Upon arrival at San Francisco on November 8, 1880, he confidently declared as follows:

“The acquisitioin of Alaska and the Aleutian islands, the treaties with Japan, Sandwich Islands and Samoa, are only corollaries to the proposition that the Pacific Ocean is to become at no distant day the commercial domain of America.

If any means can now be found to get beyond the barred gates and to reach the

(43) Shufeldt to Thompson, August 30, 1880, in Cruise of the Ticonderoga, II, pp.466-470.
central government, I am convinced that Korea could be made to understand not only the policy of a treaty with the United States, but its absolute necessity as a matter of protection against the aggression of surrounding powers. Korea would in fact be the battle of any war between China and Russia or Japan in whichever way these nations might confront each other." (44)

After his impressive talk with Commodore Shufeldt, Li Hung-chang made up his mind to attempt to persuade Korea further. On October 25, when he met Korean envoy Pyŏn Wŏn-gyu who came to Peking to deal with military strengthening program, he earnestly advised Pyŏn on the necessity of an open door policy. We can assume from the fact that Li told Pyŏn nothing about the American treaty that he hoped for a turning point up to the last minute. However, the turning point which Li desired had been adopted by the Korean government itself two weeks before their talk and three months before Pyŏn's arrival in Seoul.

On February 18, 1881, a tributary envoy named Yi Yong-suk delivered a letter from chief grand councilor Yi Choe-ŭng in which Yi stated that “Our refusal of Shufeldt's letter last summer was not intentional. We should rather plan our self-strengthening program than think of a person who has gone." (45) Li Hung-chang gave him documents and materials relating to treaties with China and let him discuss the matter with his staff men Ma Chien-chung and Cheng Tsao-ju. In their conversation by caligraphy, Li found out that because Korea was completely ignorant of international transactions, Korea had never imposed customs duties on imports, and that they did not even know the meaning of “tariff”. Li realized that if Korea could conclude a treaty in such a situation, it could easily become a victim of fraud, and he therefore told his staff Ma and Cheng to draft a model treaty. Li admonished Yi Yong-suk not to refuse any proposal from the western countries, and gave him the draft treaty. But at this time Li had already decided to stipulate “tributary” in the treaty, since we can find in his memorial on March 1, 1882, “the vague

(44) Shufeldt to Thompson, October 13, 1880, in Cruise of the Ticonderoga, II, pp.474-481.
(45) Ch'ingchi waichiao shihliao, chüan 25, 5.
expression in the provision of the Korean-Japanese treaty. the word ‘tzüchu’ or independent, might be an obstacle in our tributary system.... Since Korean kings received investitures from China, we will not lose Korea as a ‘tributary’, even though they are self-governing. We would make her use tributary status in the diplomatic documents.”

In the meantime, Shufeldt urged his government to send him to China for the purposes of aiding Li Hung-chang in organizing the Chinese navy and of making a treaty with Korea by means of Li’s assistance. Secretary of State James G. Blain heartily agreed to Shufeldt’s plans and suggested to the Secretary of the Navy that Shufeldt be attached to the United States legation at Peking for the secret mission. On May 9, 1881, Blain ordered Shufeldt to leave San Francisco on the 19th for Peking.\(^{(47)}\) Shufeldt arrived at T’ientsin and had an interview with Li Hung-chang on July 1. Li said that, in accordance with his promise, he had had a conversation with a Korean envoy to China with respect to a treaty between the United States and Korea, and that he had written a letter to the government of Korea on the subject but had not yet received a reply. He further advised Shufeldt to exercise patience and expressed the opinion that eventually America would realize her wishes. However, he expressed less enthusiasm than the previous summer and less willing to act as an intermediary. Commodore Shufeldt ascribed his attitude to the settlement of the dispute over Ili between China and Russia, which he felt had lessened Li’s dread of Russian aggression.\(^{(48)}\)

Coincidentally, a Korean envoy, Yi Ung-jun paid a visit to Li, and Li informed the envoy of Shufeldt’s arrival and of their recent conversation. When Yi left for Seoul, Li gave him a draft of the treaty prepared by his staff and a secret letter from Li to the King of Korea.\(^{(49)}\)

\(^{(47)}\) Executive Letters, U.S. Navy Dept. Archives, XXXIII, 377; Secretary of State J.G. Blain to Shufeldt, May 9, 1881; Fisher to Shufeldt, March 1, 1881; Blaine to Holcombe, Nov. 14, 1881, in Shufeldt Papers.
\(^{(48)}\) Shufeldt to Blaine, July 1, 1881. Shufeldt to Secretary of State F.T. Frelinghuysen, Jan. 23, 1882.
\(^{(49)}\) Li Hung-chang, *Li wenchung kung ch’i shachi Tsouka*, chüan 42, 37b.
About the middle of July, Shufeldt had another interview with Li, who was apparently influenced by news of Japanese encroachments in Korea and again manifested much interest in the use of his good offices to conclude the treaty. He told Shufeldt that he should wait ninety days for a reply from Korea in response to his recent letter. The period of ninety days thought to be sufficient for receiving news from Korea expired in October, but there was no response from Korea. Commodore Shufeldt impatiently waited for news, until his position became exceedingly embarrassing, and the American minister Angell advised him to leave. Chargé d’Affaires Chester Holcombe, who succeeded Angell at Peking in October, was inclined to agree with his predecessor’s proposal. However, the strong-willed Shufeldt made up his mind to stay until he received news from the hermit kingdom.

III. Negotiation and Conclusion of the Treaty

In January 1881, the Korean government went forward with its new foreign policy. The new foreign office T’ongni kimu-amun decided to send students abroad. In February, a secret young gentlemen mission (sinsa yuram dan) set out for Japan. In March, the new foreign office decided to send students to China to receive training in the new military arts. The mission was headed by a Korean envoy (Yōngsŏn-sa). It did not actually depart until September 26, 1881, because the envoy heading the leading mission was also given the duty of meeting with Chinese officials concerning the treaty, and preparations had to be made concerning the Korean position on treaty. That is to say, when the special envoy, Yi Ûng-jun brought the news in August that Shufeldt had come to China, the king of Korea took two actions in consideration of public opinion in Korea. After reading the draft which Yi Ûng-jun brought from China, he sent secret envoys Cho Pyŏngho and Yi

(50) Shufeldt to J.B. Angell, June 18, 1881; Shufeldt to Frelinghuysen, Jan. 23, 1882.
Cho-yôn to contact Ŭ Yun-jung. They carried the king’s edict directing Ŭ to go immediately to Li Hung-chang as a secret envoy to transmit Korea’s position on the negotiation of the treaty. His second action was to send Kim Yun-sik, in the name of Yŏngsŏnsa (leading mission) to China to negotiate with Li Hung-chang.\(^{53}\)

The secret envoy Ŭ Yun-jung arrived at Shanghai and proceeded to Tientsin to meet Chou Fu on November 27. After a meeting with Li Hung-chang on December 1, he returned home by way of Japan together with the other members of the mission. Documents show little about the secret envoy Ŭ Yun-jung’s talks with Chou Fu and Li Hung-chang, but it seems that they talked about the draft treaty and the tributary state clause. Also, it appears that through him the Korean king asked Li to negotiate with the American envoy on behalf of Korea.\(^{54}\)

The leading mission (Yŏngsŏnsa) of Kim Yun-sik and Pyŏn Wŏn-kyu arrived at Paotingfu and had four successive meetings with Li Hung-chang, in which they communicated in writing. In the second interview, Kim delivered a secret letter from the Korean government asking for an edict from the Chinese Emperor concerning a new foreign policy in order to pacify public opinion in Korea.

Li said in the third interview that Kim had no competence to talk with Shufeldt without a commission of full power, hoping that the Korean government would send a plenipotentiary invested with full powers. Otherwise, China alone would be in a difficult situation, and Shufeldt himself might visit Korea on his own. The most important meeting was the fourth. The Korean envoy submitted a Korean draft prepared by Yi Tong-in, a senior official in T’ongni kimu amun, together with the Ma and Cheng draft which Li had sent to Korea, and the Huang Tsunhsien draft, and even a copy of the Kanghwa treaty with Japan. Li commented that the Yi Tong-in draft would not be

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\(^{53}\) Ŭ Yun-jung, *Chongjŏng nyŏn’yo* (Chronology of Political Events) Seoul, 1958, pp.120-121.

\(^{54}\) Ŭ Yun-jung, *Chong jŏng nyŏn’yo* p.121; *infra* footnote 56.
acceptable to the United States, in part because his draft provided that resident missions would not be exchanged until after a period of five years.\(^{(55)}\)

When Li suggested the inclusion of a general provision stating that Korea had long been a tributary country (Shukuo), but independent in internal affairs and foreign policy, Kim Yun-sik agreed with him completely, commenting that it was reasonable. Li then became in high spirits and said that it would be difficult to include a prohibition clause for western religion as proposed in Article X.

Concerning the international usages clause in Korean Yi Tong-in’s draft, Li stated that “the Chinese-Japanese Treaty of 1871 did not even meet standard international practices (Wankuo t’ungli), how could Korea alone expect to reach it? Ő Yun jung had already agreed with me in making a statement of tributary state clause in a different article. He must have memorialized back home.” From his remark, we may assume that Li was either not well versed in international law or that he was devious in misleading the Korean envoy in order to include a tributary state clause, because the international usages clause in Article XI might have implied sovereign equality, which might be strange to the Chinese.\(^{(56)}\)

Commodore Shufeldt was finally notified on December 15, 1881 that a Korean official had reached Tientsin bringing information that Korea was now willing to make a treaty with the United States.\(^{(57)}\)

However, he could not begin work until the spring, partly because it was necessary for him to wait until the American government appointed him a commissioner, and partly because Li Hung-chang was about to depart from Tientsin to Paotingfu, his winter capital. On January 19, 1882, Shufeldt received instructions signed by Secretary of State Blain on November 14, his letter of credence by President Arthur, and a letter written by the President


Regrettfully, Yi Tong-in draft and Huang Tsun-hien draft have been lost.

to the king of Korea.\(^{(58)}\)

According to his instructions, Shufeldt’s prime purpose was to obtain a treaty for the relief of American vessels and crews shipwrecked on the Korean coast. However, should he find the temper and disposition of the king favorable, he was also to negotiate a treaty of amity and commerce, securing rights of trade, fixing tariffs, establishing consular and diplomatic jurisdiction, and procuring extraterritorial jurisdiction. He was cautioned not to ask for too much as the initial treaty might well serve as a first step in opening a hitherto closed country.\(^{(59)}\)

Early in February, Shufeldt went to Peking to confer with Holcombe and prepared a draft of a treaty with the hermit kingdom (Draft No. 1).\(^{(60)}\) When Li Hung-chang arrived at Tientsin on March 24, Shufeldt accompanied by Holcombe held the first of the series of historic negotiations with Li on the following day. Because the Korean envoy, not a plenipotentiary, requested Chinese assistance, Li played a role much greater than that of a mere broker. Li said that he had received a Korean draft at Paotingfu which was widely different from the American draft given to Chou Fu to translate, and that he would like to modify the Korean draft before presenting it to the commodore. Li stated that Korea would like to request the use of Chinese good offices in advance because Korea deeply regretted the Korean-Japanese Treaty of 1876, which had been concluded without the good offices of China. Shufeldt appreciated Li’s favor, and requested that a Chinese high official accompany him to Korea, and stated he himself would go to Korea if a Korean plenipotentiary did not arrive, since he would join the coming American fleet in May.\(^{(61)}\)

He knew the fact that Shufeldt would not agree to his proposal of tributary

\(^{(58)}\) Blain to Shufeldt, Nov. 14, 1881; President Arthur’s letter of credence, dated Nov. 15, 1881; Frelinghuysen to Shufeldt, Jan. 6, 1882.

\(^{(59)}\) Blain to Shufeldt, Nov. 14, 1881; Frelinghuysen to Shufeldt, Jan. 6, 1882.

\(^{(60)}\) Holcombe to Shufeldt, Jan. 31, 1881; Shufeldt to Frelinghuysen, March 11, 1882.

\(^{(61)}\) Li Hung-chang, \textit{Li wenchungkung chüanchi}, \textit{Ishuhankao}, chüan 13, 7b-12b.
state clause when he sent his faithful staff men Ma Chien-chung and Chou Fu to present his draft and negotiate with the Commodore (Draft No. 2). Both parties by and large agreed with each other, and it was apparent that the only important differences between them related to the first article as drafted by Li, especially to the following sentence: “Chosŏn, being a dependent State of the Empire, has nevertheless heretofore exercised her own sovereignty in all matters of internal administration and foreign relations.”(62) Li’s principal staff, the Haikuan taotai, made the Commodore’s assent to the Chinese draft of article 1 the sine qua non of any further discussion. Shufeldt flatly disagreed to the stipulation of the quasi-dependent status of Korea. On April 2, Shufeldt made a compromise draft without the tributary state clause and sent it to Li Hung-chang (Draft No. 3).

On April 5, 1882, Shufeldt went to Li’s yamen to conduct further negotiations, but Li only stated, “if America did not grant the concession in the Article 1, China would not be involved in the matter, and would not accompany Shufeldt to Korea because the instructions of his government made its inclusion imperative, and that it was written at the desire of the king of Korea (sic).” Shufeldt asserted that since Korea (as asserted in Article 1 of the Chinese draft) was in possession of sovereign powers in respect to her foreign relations and domestic policy, the United States had the right to treat her independent of the suzerainty of China, and that it was not necessary to consider prestige of the third country, quoting Article 1 in the Korean Japapnese treaty which stipulated Korean independence (tz’āchu). Concerning an assistance clause (yüan-hu) in the Chinese draft, which implied mutual protection of Korea, Shufeldt maintained that he was not competent to conclude an assistance treaty and that America had no precedent whatever similar to the so-called tributary clause which had nothing to do with a commercial treaty. Subsequently, after a considerable discussion of the question, Li

requested four days in which to consider it.\(^{(63)}\)

The third round of negotiations held on April 10 was not fruitful enough to enable them to reach a conclusion, but discussion went further on the conditions on which one party would agree to the other parties' assertion. In addition to Article 1, the most-favored-nation clause was a remaining issue. Li wanted to stipulate a conditional most-favored-nation clause as China had obtained in its treaties with Germany in March, 1880 and with Brazil, in October 1881, but Shufeldt disagreed with him on the ground that it was unconditional in the supplemental treaty between the United States and China concerning commercial intercourse and judicial procedure. After the meeting, Shufeldt composed the last draft (Draft No. 4), since they had reached compromises on the most important provisions with the exception of the tributary clause.\(^{(64)}\)

When the fruitless discussions on Article 1 were completed on April 12, Li Hung-chang suggested that Shufeldt and Holcombe request an opinion from the Department of State. Shufeldt finally sent the Department of State the following cypher telegram: "May I insert in the treaty with Korea an Article admitting dependence of Corea upon China, China conceding sovereign powers to Corea. They desire it. I have objected. Answer."\(^{(65)}\) He might have wanted a quick conclusion to the negotiations or he might have expected a refusal to make Li give up the tributary state clause. While waiting for a response to the telegram, they assembled again on April 14 and April 18 in order to trim and polish words and sentences. In the final meeting on April 19, each party finally agreed on the draft except on the question of the admission of the suzerainty of China. But they reached a compromise whereby if there was no response from the State Department, the king of Korea would transmit


\(^{(64)}\) Okudaira Takehiko, *Chosen Kaikoku Kosho Shimatsu* (History of the Opening of Korea) Tokyo, 1935, pp.113-114.

a letter to the President of the United States, explaining the special relationship between China and Korea.\(^{66}\)

The Treaty text was already agreed upon, despite the fact that no Korean plenipotentiaries had been present, although Kim Yun-sik had received news that the treaty mission of Ŭn-jung and Yi Cho-yŏn were on their way to Tientsin. Shufeldt did not want to postpone his departure for Korea, which was scheduled for May 7. Li Hung-chang and Kim Yun-sik therefore decided to dispatch Yi Ŭng-jun quickly to Seoul in order to notify authorities of Shufeldt’s planned visit to Korea to sign the treaty, and that he would be accompanied by Ma Chien-chung and Ting Ju-ch’ang.

On May 8, Commodore Shufeldt left Chefoo on board the Swatara. When Ma and Ting arrived at Inchon with three Chinese ships, they met Hanabusa’s ship and might have felt somewhat apprehensive. The Korean government appointed Sin Hŏn, who had negotiated the Korean-Japanese treaty in 1876 as a chief receptionist (Chŏpyŏn taesin) and Kim Hong-jip as his deputy (pugwan), and Sŏ Sang-u as an attendant (Chongsagwan) to “negotiate” the treaty. Before Shufeldt’s arrival, Ma Chien-chung had talks using calligraphy to communicate with reception official Yi Ŭng-jun and others to investigate the Korean government’s attitude toward the tributary state clause, but his arrogant attitude precipitated a negative reaction on the part of the Koreans.

Shufeldt’s arrival was delayed till May 12 because of the thick fog. On May 13, Ma visited Shufeldt in return for his visit to Chinese ship in the morning. Ma again persisted in the tributary state clause. Shufeldt held tenaciously to his own view, saying that it was against the spirit of sovereign equality and he had not yet received any response from his government. Finally Ma conceded and proposed a slightly different compromise suggestion that each high commissioner should state the tributary state clause before the signature, and that the Koreans should send a communication to the President.

\(^{66}\) Li Hung-chang, op. cit., Ishuhankao, chüan 13, 31a-32b.
of the United States in addition to the treaty.\(^{(67)}\)

On May 14, Korean chief receptionist Sin Hŏn, his deputy and their staff, visited Ma Chien-chung on his ship. Later in the afternoon, Korean commissioners visited Shufeldt’s ship and had a friendly talk for an hour through Ma Chien-chung’s translation. After the talk, Ma had a secret interview with the deputy receptionist Kim Hongjip on his ship. He again brought up the tributary state problem. Ma tried to induce Kim to fall into his trap, saying that the American envoy did not want to conclude the Korean-American treaty with China despite the tributary status of Korea. He repeatedly said that it was difficult to stand on equal footing with Korea, as the Americans was not clear about the special relationship (sic). Ma suggested that the Korean king send a communication to the President of the United States to the effect that Korea, being a dependent State, was independent in internal affairs and foreign relations. Ma said that, according to the American envoy’s opinion, it would be better to state the clause in a separate way without stipulating it in the treaty, and that if the Korean king gave such communication to Shufeldt without sealing the envelope, he would send it to the President of the United States. Kim Hong-hip appreciated the Chinese favor but evaded an answer by saying that he was not competent to accept it.\(^{(68)}\)

The sly Chinese went on to say that the decision of Korea’s status would prevent Western countries from looking down on Korea, and that the Chinese government allowed Korea to conclude a treaty with America in consideration of threats from the big powers and the changing international situation (sic). Finally Ma submitted a communication to Kim which he had prepared in advance. This was a tricky scheme that manifested the tributary substance in the name of superficial independence.

On May 17, Ma visited Kim to discuss the remaining issues: one was the


*Ch’ing chi Chung-jih-han kuahsi shihhsiao*, chuan 2.

*Mei-han tingyüeh*, attached document No. 12.

prohibition of rice export in Article\(^{(69)}\) VIII, and the other was the prohibition of Western religion. Kim insisted on the prohibition of rice export, and finally they agreed that Korean government might temporarily prohibit the export of rice, but that the exportation of rice and breadstuffs was prohibited from the open port of Inchŏn. Kim further asked the reason why the prohibition of Western religion was eliminated in the final draft. Ma explained that Korea could prohibit Weaterners' inland travel and Western religion after the conclusion of the treaty, because there were no such provisions in the treaty.\(^{(70)}\) In the end, each party agreed to stipulate in Article VIII, “the exportation of rice and breadstuffs of every description is prohibited from the open port of Inchŏn.” This was the only change from the Li-Shufeldt compromise draft.

On May 20, Shufeldt, accompanied by several officers, visited the commissioners at Inchŏn, where credentials were examined and he presented them with President Arthur's letter. It was here agreed that two days later a signing ceremony should be held.\(^{(71)}\)

On May 22, at half past nine in the Monday morning, Commodore Shufeldt and his fifteen staff members landed on the shore and went to the tent, finding there the two Korean commissioners, the chief commissioner Sin Hŏn and his deputy Kim Hong-jo, with their staff, and Ma Taotai and Admiral Ting. While the ceremony was held, the Chinese temporarily left and waited in the other chamber. After a little preliminary conversation, six copies of the treaty, three in Chinese, were sealed and signed by Commodore Shufeldt on the part of the United States, and by the chief commissioner Sin and his deputy Kim already named and sealed on the part of Korea. As soon as the signing was completed, at a signal from the shore, the 'Swatara' fired a salute of twenty-one guns in honor of the King of Korea.\(^{(72)}\) In the afternoon,

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\(^{(69)}\) Ma Ch'ien-chung and others, *Tunhsing sanlu*, p. 16.
\(^{(70)}\) *Ch'aohsienтяng, Mei-han tingyüeh*, attached document No. 29.
a reception was held on the Chinese ship Wei-yüan, and the next evening the Commodore gave a dinner party on the Stwatara with Korean Commissioners and Chinese brokers, and a new face Japanese minister to Korea Hanabusa, who was curious to know about the content of the treaty, regretting their former insincerity in offering good offices. (73)

All of them were happy, but their feelings of happiness were for different reasons. The Koreans were happy, in the sense that Korea could conclude a relatively fair treaty in comparison with the other ones concluded in the East, dreaming that such provision as good offices clause in the Article 1 would save her in the struggle of imperialist countries. But, the ‘big brother’ China was changing into a neo-imperialist country. It was not conceivable that Korea’s first western friend would be fair and trustworthy forever.

The Chinese were glad because their effort to preserve the most important tributary state and their plot to change the traditional tributary relationship into the Western idea of vassal were seemingly successful by effectively persuading Korean King to write a communication stating the Sino-Korean special relationship. The communication written by Ma Chien-chung was given to the Commodore sometime after the signing ceremony. (74)

"Chosen has been from ancient times a State tributary to China. Yet hitherto full sovereignty has been exercised by the kings of Chosen in all matters of internal administration and foreign relations. Chosen and the United States in establishing by mutual consent a treaty are dealing with each other upon a basis of equality. The King of Korea distinctly pledges his own sovereign powers for the complete enforcement in good faith of all the stipulations of the treaty in accordance with international law."

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Ma Chien-chung and others, Tunghsing sanlu. p.18.
(73) Ibid. p.19.
Okudaira Takehiko, Chosen Kaikoku kōsho shimatsu, pp.133-135.
(74) The exact time when the communication was delivered is ambiguous. Shufeldt said that he received it two days after the signing ceremony, whereas Ma Chien-chung said that it was delivered right after the ceremony.
As regards the various duties which devolve upon Chosen, as a tributary state to China, with these the United States has no concern whatever.\(^{(75)}\)

In spite of the Chinese aspirations, the treaty was an important wedge to separate Korea from China, just as the treaty between Korea and Japan attempted to do so. It was a step toward the dismemberment of the old world order, just as the effect of the treaties with England or France with reference to Burma and Annam. Korea and the United States would not remember the useless communication. China’s awkward intervention would be despised by others. In the end she would be defeated in the Sino-Japanese War, which would put an end to the tributary system. Indeed China’s unwise intervention would risk her own fate.

The United States was satisfied when she finally succeeded in opening the door of the hermit kingdom as the first pioneer, just as she had done thirty years earlier in Japan.\(^{(76)}\) She could hardly have thought, however, that she would soon encounter a barrage of dirty tricks by the imperialist countries, and would have to retire from the peninsula.

The Korean-American treaty, generally known as Shufeldt Convention, was the first treaty Korea concluded with Western countries. Article 1 guaranteed perpetual peace and friendship between America and Korea. It further provided, “If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.”\(^{(77)}\)

This stipulation of good offices was provided by the assertion of Li Hungchang, who expected America’s support in consideration of Russia and Japan. Similar provision of good offices can be found in the American-Chinese Treaty, signed on June 18, 1858, whereas there is no such provision in the

\(^{(75)}\) Tyler Dennett, *Americans in Eastern Asia*, p. 460.

\(^{(76)}\) Article XII, “This being the first treaty negotiated by Chosen...” seems to have implied the Korean-Japanese treaty was a mere alteration of their existing old order into a new one.

\(^{(77)}\) A complete text of the treaty is in the appendix, together with Shufeldt draft (Draft No.1) and Li Hung-chang draft (Draft No.2).
American-Japanese treaty. (78) It is to be noted that the Korean government might have thought that the provision was a treaty of alliance until the United States withdrew her legation in November, 1905, whereas America thought of it as less than a commitment, and rather more a demonstration of amity. (79) Article II stipulated the exchange of diplomatic and consular representatives. This Article mainly followed Li Hung-chang's draft, which had been elaborately drafted in consideration of China's bitter experience in the past.

According to the stipulation, "Consuls shall exercise their functions only on the receipt of an exequatur." The exequatur might be revoked, subject to the approval of the diplomatic representative of the United States, if consuls of the United States conduct their business in an improper manner. It is to be noted that this unilateral rule applied only to American consuls. (80) Article III secured the protection of navigation. Shufeldt's prime purpose, according to the instructions, was to obtain a treaty for the relief of American vessels and crews shipwrecked on the Korean coast.

According to the Article IV, extraterritorial jurisdiction was to be maintained until the statutes and judicial procedure of Korea would be so far modified and reformed as to be in conformity with the laws and course of justice in the United States. (81)

Articles from V to X dealt primarily with commercial matters. Article V fixed the tariff on imports of articles for daily use at 10 per cent ad valorem; that of luxury goods at 30 per cent; and that on exports of native products at 5 per cent ad valorem:

(78) The American-Chinese Treaty, June 18, 1858, provided in Article 1, "... if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed on the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

(79) The secret letter which the Korean emperor wrote in 1905 to the President Throldore Roosevelt referred to the Article 1 of the American-Korean Treaty.

(80) See the treaty utext attached in the appendix and compare it with Li draft after the treaty text.

(81) Blain to Shufeldt, Nov. 14, 1881, Frelinghuysen to Shufeldt, Jan. 6, 1882.
Concessions for the Americans in Korea were to be established in the open ports according to the provision of Article VI. Article VII prohibited the importation of opium. Article VIII, which was the only one that was altered from the Li-Shufeldt final draft by the Korean commissioners before the conclusion of the treaty, gave the king of Korea the right to decree a temporary prohibition of the exportation of foodstuffs, whenever food became scarce in Korea; the exportation of rice and breadstuffs of every description was prohibited from the open port of Inchon.

Article IX restricted the importation of all kinds of ammunitions. Article X allowed the employment of natives for lawful work in either country, and prohibited the harboring of any criminals by the Americans. The exchange of students to study the language, literature, laws, or arts was provided in Article II.

Article XII is almost identical to Article IX of Li's draft, which provided that further negotiation of detailed commercial provisions and regulations were to be conducted within five years, in conformity with international law and without unequal discrimination on either part. The beginning words of the Article, "This being the first treaty negotiated by Chosen," tacitly implied the drafter's intention not to recognise the Korean-Japanese treaty in 1876.

Article XIII prescribed Chinese as an official language on the part of Korea; the United States may use Chinese, or English attached with Chinese version. This provision seems to imply Chinese cultural suzerainty.

Article XIV contained the most-favored-nation clause. It was not in the Li draft, but in the end it was stipulated by Shufeldt's assertion. (82)

Shufeldt conceded many provisions in the treaty modifying the draft by Li Hung-chang, who succeeded in providing the good offices clause, prohibition of exportation of rice, prohibition of importation of ammunitions and opium,

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(82) Shufeldt draft and Li Hung-chang draft are enclosed in the United States Foreign Relations, Shufeldt to F.T. Frelinghuysen, Tientsin, April 10, 1882, No. 5. Also in Okudaira Takehiko, Chosen kaikoku kōsha shimatsu, pp. 98-108.
and restrictions on concessions for Americans. However, Shufeldt succeeded in eliminating the tributary state clause, protection for navigation, consular jurisdiction, and the most-favored-nation clause. Li failed in awkward attempt to provide suzerainty and ratification by the Board of Rites in China, but succeeded in persuading Shufeldt and Korean officials to send a communication stating a Sino-Korean special relationship. The Korean government, being inexperienced in international political and legal affairs, could, through the good offices of China, conclude a relatively better treaty than China or Japan did. (83)

IV. The Korean-American Treaty in Practice:
Mutual Efforts to Establish New Order

The American-Korean treaty was the first that Korea concluded with Western countries. Korea was the last that concluded a treaty with the West in East Asia. The treaty is unique, however, in the sense that it was negotiated indirectly through the good offices of China without direct negotiation, and that the tributary relationship had been the main issue in the negotiations and even in the practices of the treaty. The Korean government had, from that time on, regarded the United States as a fair allied country which had no ambition for any territory whatever in East Asia. American influence on Korea got ahead of the other Western countries by about a quarter century.

The American-Korean treaty paved the way for the opening of Korea to the other Western nations. Britain was the first to take action. Admiral Willis, the plenipotentiary, arrived at Inchon on May 27, 1882, three days after Shufeldt’s departure, and went directly to see Ma Chien-chung, who was still in Korea, with a letter from Li Hung-chang asking Ma to help in conclud-

(83) North Korean writers criticise this treaty as an offensive weapon to invade Korea. Particularly with respect to Articles III, V, VI, VII, VIII, and X., they assert that the treaty is an example of unequal treaty. See Ryóksa yóu‘gu, No.6. Pyóngyang, 1958.
ing the Anglo-Korean treaty. The treaty was signed on June 6, 1882, without any difficult issues arising. That is, the treaty was almost identical to the Shufeldt treaty, with the same communication that had been given to Shufeldt from the Korean king to Queen Victoria, stating that Korea had long been a tributary state to China but was independent in internal administration and foreign relations.\(^{84}\) In mid-June, Ma Chien-chung was instructed by the Korean government to mediate between Korea and Germany. The treaty, also identical to Shufeldt treaty, was concluded on the thirteenth, in the same way as had been done with the United States and Great Britain.\(^{85}\)

The British government had decided, however, in agreement with the German government, to seek a postponement of the ratifications of the respective treaties with Korea for six months, on the ground that further consideration was required in respect to certain provisions. It seems that they postponed the ratifications partly because provisions were too fair, partly because serious doubts were entertained as to the special relationship between Korea and China.\(^{86}\)

Korea’s entrance into the international order also influenced the traditional old order. The Korean government felt the necessity of changing the traditional relationship between Korea and China and dispatched a treaty mission (Munûiguan), Ô Yun-chung and Yi Cho-yôn. Their prime purpose was to negotiate with Shufeldt on an American-Korean treaty. When they arrived at Tientsin, however, on April 28, 1882, the composition of the treaty was over and so they carried out the other important affairs.

The Korean government gave them special instructions to negotiate a commercial treaty with China. The resourceful king wrote letters to Li Hungchang and Chinese Board of Rites in which he suggested that China and Korea should conclude a commercial treaty and exchange resident envoys.

\(^{85}\) Ibid.
\(^{86}\) Martina Deuchler, "The Opening of Korea, 1875～1884", pp.204-210.
rescinding the marine prohibition policy between the two countries, so as to prevent Japan from monopolizing the trade.\(^{87}\)

When the Korean envoys suggested the abolition of the traditional tribute and mutual rescission of marine prohibition policy, the Chinese government felt her tributary state slipping out of her old order. China refused the proposal of abolition of tribute and mutual dispatch of resident envoys. Instead she decided to establish economic suzerainty over Korea.

In September 1882, they concluded Maritime and Overland Trade Regulations. China once again made an effort to reinforce her suzerainty over Korea. The preamble of the treaty provided, "...the new regulations for the maritime and overland trade now decided upon are understood to apply to the relations between China and Corea only, the former country granting to the latter certain advantages as a tributary Kingdom, and treaty nations are not to participate therein."\(^{88}\)

China’s tenacious effort to reinforce her suzerainty is shown in Article 23 of the Rules for Frontier Traffic in March 1883, which stipulated that Korea should call China *T’iench’ao* (The Heavenly Court), or *Shangkuo* (The Superior Country) and Chinese officials would call Korea *Kuikuo* (Your Respected Country).\(^{89}\) China plotted to control even Korea’s foreign relations by sending P.G. von Möllendorf as a legal advisor and Yuán Shih-k’ai a Resident Official.

The American-Korean Treaty was transmitted by President Arthur to the Senate on July 29, 1882, and was ratified on January, 9, 1883. Ratifications were exchanged in Seoul on May 19, 1883. The first American minister to Korea, Mr. Lucius H. Foote, arrived at Seoul on May 17. He was received by the king and queen with much ceremony and courtesy. On July 15,

\(^{87}\) *Ch’ingchi Chungjih-han kuanshi shihliao*, chüan 2, June 7, 1882 (22/4/8 kuanghsü) pp. 596-597.

\(^{88}\) The full text of this treaty is in *Treaties, Conventions, etc., between China and Foreign States* Vol.II, Shanghai, The Statistical Department of the Inspectorate General of Customs, 1908. pp. 1521-1527.

Korean government dispatched an embassy (Kyobingsa), composed of 11 members to the United States, where many attentions were shown to them by both government and people. They learned the democratic political and legal system. One of them remained in Massachusetts to receive preliminary education with the hope of entering Harvard University. (90)

Initial instructions from the State Department to Foote were concerned with the concept of the independence of Korea and extension of trade rights to American citizens. The Department of State was aware of the Chinese attitude toward Korea and of the inordinate trade regulations between Korea and China, which stipulated an unequal relationship between them. However, the course of action for Foote was clearly defined, “As far as we are concerned, Corea is an independent sovereign power.”

This was later reinforced in the same instruction, “You will remember that for all purposes of intercourse between the United States and Corea the King is a sovereign, and that with sovereign states only do the United States treat.” (91) Foote’s relationship to the Korean government, and especially to the king, was cordial and confidential. His advice on diplomatic and administrative matters was eagerly solicited. In this function he inevitably fell into conflict with von Möllendorf, who was jealous of the royal confidence Foote enjoyed.

When Möllendorf resigned, owing to the rumor of a Korean-Russian secret pact, an American, Owen N. Denny, was appointed as an advisor to the Foreign Office, on the recommendation of Li Hung-chang. Denny, as well as Foulk, the Chargé d’Affaires of the United States, made efforts to preserve Korean independence, and tried thereby to check the impertinent Chinese Resident Official Yuan Shih-kai.

The initial period of American-Korean relations was to last until the middle

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(90) Yu Kil-chun was the first Korean student in America. He entered Dummer Academy in Byfield to enter Harvard University. However, the coup 1884 in Korea brought him back home after his one year study. He wrote the famous book 《美國研究》 (on America and Europe).

(91) No. 3, Freylinghuysen to Foote, March 17, 1883.
of 1887, at which time the Chinese government asked that the former acting Chargé Foulk be recalled for having encouraged the Korean government in a course of action independent of China. \(^{92}\) Yüan Shih-k’ai’s unprecedented intervention of Korean internal administration and foreign affairs brought crisis to Korean independence. It was clearly against the traditional relationship. It seemed that China had already given up the old order and made up her mind to change from the tributary relationship to a suzerain vassal relationship which was certainly taken from the Western international order.

In order to frustrate the Chinese intervention through pursuing an independent diplomacy, the king accepted a recommendation made by the advisor Denny in the foreign office and his favorite minister, Min Yŏng-ik, to send diplomatic missions to the United States and Europe.\(^{93}\) Early in August 1887, Min Yŏng-ik was despatched to Shanghai in order to investigate the Chinese reaction to the issue of sending diplomatic missions abroad. On August 18, the king appointed Pak Chŏng-yang as envoy extraordinary and minister plenipotentiary to the United States. At the same time, Sin Sang-hak was appointed as minister plenipotentiary to five Europ-ean countries: Great Britain, Germany, France, Russia, and Italy.\(^{94}\)

Yüan thought that the Korean diplomatic mission might be treated as equal to the Chinese mission, and that it might bring great damage to the Chinese suzerainty over Korea. On August 20, Yüan telegraphed Li informing him of the Korean government’s plan to dispatch diplomatic missions, recommending that the Chinese government had better interrupt the attempt since it was against the traditionally established rules.\(^{95}\)

Contrary to Yüan’s suggestion, the Tsungli yamen instructed him on Septem-

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\(^{93}\) Li Hung-chang, *Li wenchungkung ch‘üanchhi, Tienkao, ch‘üan 8, 14/8/13* Kuanghsü.


\(^{95}\) Li Hung-chang, *op. cit., Tienkao, ch‘üan 8, 2/7/13* kuanghsü.
ber 13 that the Korean government's plan was to be acceptable on condition that Korean diplomats in foreign countries submit to the control and guidance of the Chinese legation there. This was not only against the provisions in the treaties, but also against the traditional Sino-Korean order. Therefore, the Chinese government was not in a strong position to interrupt the Korean government's plan to dispatch diplomatic missions abroad. But Yuan discussed the matter with the British and German Consuls General with an intention to get a tacit approval. Apparently encouraged by them, Yuan made up his mind to interrupt the Korean government's plan.

Min Yong-ik in Shanghai memorialized that the missions should be dispatched immediately according to the original plan, regardless of Chinese intervention, since the Chinese government feared the Western powers. The American Minister Dinsmore advised, "The king is the sovereign ruler of an independent state, and has the right and power to send a diplomatic representative to a friendly nation without the consent of any other power on earth." Encouraged by Pak's memorial and Dinsmore's advice, the king ordered that Pak's mission should depart Seoul before the evening of September 23, and instructed the Foreign Office to inform Yuan of the mission's departure. Just after the departure of the mission, Li Hung-chang telegraphed that Korea should consult with the Chinese government and that it might dispatch the diplomatic missions after obtaining the permission of the emperor in accordance with the established rule of the tributary system. On September 24, the king ordered the mission not to proceed any further, and sent Yun Kyu-sop to secure imperial approval. Shortly thereafter Advisor Denny was dispatched to Tientsin to confer with Li Hung-chang concerning the diplomatic mission.

In Seoul, the American Minister debated with Yuan by exchanging memoranda. American Minister Dinsmore argued that there was nothing in the text

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(96) Ibid., Tienkao, chüan 8, 26/7/13 kuanghsii.
(97) Ibid., 33. 2/8/13 kuanghsii.
(98) Despatches from Korea, No.53, September 30, 1887.
of the American-Korean treaty which explicitly declared Korea's dependence on China, whereas Yüan maintained that the United States government should recognize the Korean king's communication to the President of the United States, which acknowledged Korea's dependence on China.

Upon receiving Dinsmore's report from Seoul, Secretary of State Bayard, on October 6, instructed Denby, American Minister to Peking, to lodge a protest against the Chinese intervention. On the next day, Denby sent a memorandum to the Tsungli Yamen arguing that the suzerainty or tributary relationship did not free China to intervene in Korea's internal or tributary affairs. The Tsungli yamen replied on October 26 that in spite of their recognition of such explicit provisions, prior approval from the Chinese government for Korean diplomatic activity was still necessary since Korea was a dependency of China.

After the repeated protests of the United States, and numerous requests from Korea, the Chinese government finally approved the sending of a minister plenipotentiary provided he abide by the Chinese instruction calling for "three rules" (Santuan). First, upon arrival at his post, Korean minister must report to the Chinese legation and visit the Department of State under the guidance of the Chinese minister. Second, at any reception or meeting the Korean representative must consult secretly with the Chinese minister. This rule did not concern other governments and they were not to be informed of it.

The Korean government appeared to comply with the "three rules." The King had secured the right to send ministers potentiary. On November 12, 1887, the Minister Pak Chông-yang had a royal audience and received his credentials as well as royal instructions. It is noteworthy that the "three rules" ordered by the Chinese government were not included in his instructions. After three days, Pak mission departed Inchón and arrived at San Francisco January 1, 1888.

(100) Chaoxientiang, The Tsungli yamen's letter to Denby, 10/9/1887.
Before the arrival of the Korean mission, the Chinese government had already sent instructions to Chang Yin-huan, the Chinese minister to Washington, informing him that the “three rules” were to be observed by the Korean mission. As soon as Chang was informed of the arrival of the Korean mission at San Francisco, he sent a memorandum to the State Department describing the “three rules” which would guide the conduct of the Korean mission in the United States. \(^{(102)}\)

The minister Pak, however, completely ignored those rules and acted independently. On January 10, he visited Secretary of State Bayard and, three days later, submitted a copy of his credentials, arranging a formal presentation of his credentials to the President on January 17, 1888. Pak’s independent action was strongly supported by his American secretary, Allen, who threatened to resign if he followed the rules. \(^{(103)}\)

On January 11, one day after the Pak’s visit to Bayard, the Chinese Minister Chang paid a visit to the Secretary of State to protest. Chang notified the Korean mission that he would like to see Minister Pak. The Korean Minister declined to visit Chang, saying that he was not well. Chang then sent his three staff members to the Korean legation to protest Pak’s failure to observe the “three rules”. Pak defied them by explaining that he had not received instructions from the Korean government to observe the rules.

At 11 a.m. on January, 1888, the credential presentation ceremony was held with President Cleveland and Secretary of State Bayard. In the ceremony, Minister Pak expressed the hope of everlasting friendship and enduring peace. President Cleveland suggested the strengthening of the ties of friendship and the development of relations beneficial to both countries. \(^{(104)}\)

The question of the “three rules” continued at issue in Korea as well as in the United States. The U. S. government, however, firmly stated, “As the United States have no privity with the inter-relations of China and Korea,

\(^{(102)}\) U.S. Foreign Relations, 1888, p. 443.
\(^{(103)}\) Ibid.
\(^{(104)}\) Ibid.
we shall treat them both as separate governments customarily represented here by their respective and independent agents."\(^{(103)}\)

**Conclusion**

The hierarchic Sinocentric old world order, to which Korea was attached as a most important tributary, did not fit into the new western international order. The conflict between the old order and the new order resulted in fruitless competition between China and the other imperialists. The Korean effort to get out of the old order was partially successful, Korea had to meet with imperialism.

It is still curious why China should have played a role greater than ‘good offices’, and why Korea should have let her act at her own pleasure. China wanted to recover her prestige lost since the Opium War, and to control her favorite tributary state at her will. China dreamed of a new order by inviting Western powers into the Korean peninsula in accordance with her timehonored 
*I-i-chih-i* (to control a barbarian with another barbarian) policy. Korea herself wanted to make use of the experienced Chinese in international affairs. The Korean government seemed to use the remaining prestige of the superior state to pacify the prevailing public opinion against the new foreign policy.

In the course of the negotiation, however, the main issue was the mysterious Sino-Korean tributary relationship.\(^{(106)}\) China, as a superior state, wanted to preserve her most important tributary state in her domain. China failed in the effort to stipulate the tributary state clause in the treaty. China only succeeded in sending a communication stating the Sino-Korean relationship in her own term. But this communication was useless.

In spite of all her efforts, China could not preserve her old order. Li Hung-chang, in the interview with American Minister to Korea Heard, in 1891

\(^{(105)}\) *U.S. Foreign Relations*, 1888, p. 444.
revealed his humble regret of the Korean policy he had formulated.

The fundamental inconsistency in Chinese policy lies in the fact that China wanted to alter ceremonial the East Asian tributary relationship to the vassal, in the West. The role of the treaty was that of catalyst to the gradual demolition of the Chinese commonwealth.

As Dennet put it, on its surface the treaty appeared to be a highly benevolent act toward Korea, for it not only opened the nation to Western civilization and trade, but also, in a measure, removed from it the blight of Chinese restraint. But the treaty also made Korea adrift on an ocean of intrigue which it was helpless to control. Right after the conclusion of the treaty, an emeute broke out in the old army. Two years later, a coup took place. In ten years, Korea became a battle ground during the 1894 Sino-Japanese War. By Article 1 of the Shimonoseki Treaty concluded after the war, China recognized Korea as a completely independent state. Thereby the annual tributes and other ceremonial matters were finally abolished. Korea also concluded on December 14, 1899 a treaty of friendship and commerce with China on an equal footing. Article I of the treaty declared, “There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China.”

(108) Kuhanmal Choyak hwich’an, ha kwôn, p. 380.
[Appendix]

Treaty of Amity and Commerce between the United States of America and Corea

Signed at Yin-chuen, in Chinese and English, May 22, 1882(15th year of Meiji).
Ratifications Exchanged at Seoul, May 19, 1883(16th year of Meiji).

The United States of America and the Kingdom of Chosen, being sincerely desirous of establishing permanent relations of amity and friendship between their respective peoples, have to this end appointed, that is to say: the President of the United States, R.W. Shufeldt, Commodore, U.S. Navy, as his Commissioner Plenipotentiary; and His Majesty the King of Chosen, Shin Chen, President of the Royal Cabinet, Chin Hong-chi, Member of the Royal Cabinet, as his Commissioners Plenipotentiary: who, having reciprocally examined their respective full powers, which have been found to be in due form, have agreed upon the several following Articles:

**Article I.**

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments.

If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, 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

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upon a basis of mutual equality.

The Diplomatic and Consular representatives of the two Governments shall receive mutually all the privileges, rights, and immunities, without discrimination, which are accorded to the same classes of representatives from the most favoured nation.

Consuls shall exercise their functions only on receipt of an exequatur from the Government to which they are accredited. Consular authorities shall be bona fide officials. No merchants shall be permitted to exercise the duties on 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 other Powers may be invited to act, provided that no merchant shall be allowed to assume consular functions, or the provisions of this treaty may, in such case, be enforced by the local authorities.

If consular representatives of the United States in Chosen conduct their business in an improper manner, their exequaturs may be revoked, subject to the approval, previously obtained, of the diplomatic representative of the United States,

Article III.

Whenever United States vessels, either because of stress of weather or by want of fuel or provisions, cannot reach the nearest open port in Chosen, they may enter any port or harbour either to take refuge therein or to get supplies of wood, coal, and other necessaries, or to make repairs; the expenses incurred thereby being defrayed by the ship's master. In such event, the officers and people of the locality shall display their sympathy by rendering full assistance, and their liberality by furnishing the necessities required.

If a United States vessel carries on a clandestine trade at a port not open to foreign commerce, such vessel, with her cargo, shall be seized and confiscated.

If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary 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 of the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States.
Article IV.

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless person, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with utmost rigour of the law.

Subjects of Chosen, guilty of any criminal act towards citizens of the United States, shall be punished by the authorities of Chosen according to the laws of Chosen; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons, or injure the property of the people of Chosen, shall be arrested and punished only by the Consul of other public functionary of the United States thereto authorized, according to the laws of the United States.

When controversies arise in the Kingdom of Chosen, between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two governments of the United States and Chosen that such cases shall be tried by the proper official of the nationality of the defendant, according to the laws of the nation.

The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine, and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail.

It is, however, mutually agreed and understood between the high contracting Powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.
Article V.

Merchants and merchant vessels of Chosen visiting the United States for purposes of traffic shall pay duties and tonnage dues and all fees according to the customs regulations of the United States, but no higher or other rates of duties and tonnage dues shall be exacted of them than are levied upon citizens or subjects of the most favoured nation.

Merchants and merchant vessels of the United States visiting Chosen for purposes of traffic shall pay duties upon all merchandise imported and exported. The authority to levy duties is of right vested in the Government of Chosen. The tariff of duties upon exports and imports, together with the customs regulations for the prevention of smuggling and other irregularities, will be fixed by the authorities of Chosen and communicated to the proper officials of the United States, to be by the latter notified to their citizens and duly observed.

It is, however, agreed in the first instance, as a general measure, that the tariff upon such imports as are articles of daily use shall not exceed an ad valorem duty of the per centum; that the tariff upon such imports as are luxuries, as, for instance, foreign wines, foreign tobacco, clocks and watches, shall not exceed an ad valorem duty of thirty per centum; and that native produce exported shall pay a duty not to exceed five per centum ad valorem. And it is further agreed that the duty upon foreign imports shall be paid once for all at the port of entry, and that no other dues, duties, fees, taxes, or changes of any sort shall be levied upon such imports either in the interior of Chosen or at the ports.

United States merchant vessels entering the ports of Chosen shall pay tonnage dues at the rate of five mace per ton, payable once in three months on each vessel, according to the Chinese calendar.

Article VI.

Subjects of Chosen who may visit the United States shall be permitted to reside and to rent premises, purchase land, or to construct residences or warehouses, in all parts of the country. They shall be freely permitted to pursue their various callings and avocations, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

Citizens of the United States who may resort to the ports of Chosen which are open to foreign commerce shall be permitted to reside at such open ports within the limits of
the concessions, and to lease buildings or land or to construct residences or warehouses therein. They shall be freely permitted to pursue their various callings and avocations within the limits of the ports, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

No coercion or intimidation in the acquisition of land or buildings shall be permitted, and the land rent as fixed by the authorities of Chosen shall be paid. And it is expressly agreed that land so acquired in the open ports of Chosen still remains an integral part of the kingdom, and that all rights of jurisdiction over persons and property within such areas remain vested in the authorities of Chosen, except in so far as such rights have been expressly relinquished by this treaty.

American citizens are not permitted either to transport foreign imports to the interior for sale or to proceed thither to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port.

Violations of this rule will subject such merchandise to confiscation, and the merchant offending will be handed over to the consular authorities to be dealt with.

Article VII.

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

Article VIII.

Whenever the Government of Chosen shall have reason to apprehend a scarcity of food within the limits of the kingdom, His Majesty may, by decree, temporarily prohibit the export of all breadstuffs, and such decree shall be binding on all citizens of the United States in Chosen, upon due notice having been given them by the authorities on Chosen
through the proper officers of the United States; but it is to be understood that the exportation of rice and breadstuffs of every description is prohibited from the open port of Yinchuen.

Chosen having of old prohibited the exportation of red ginseng, if citizens of the United States clandestinely purchase it for export, it shall be confiscated, and the offenders punished.

**Article IX.**

The purchase of cannon, small arms, swords, gunpowder, shot, and all munitions of war is permitted only to officials of the Government of Chosen, and they may be imported by citizens of the United States only under a written permit from the authorities of Chosen. If these articles are clandestinely imported, they shall be confiscated, and the offending party shall be punished.

**Article X.**

The officers and people of either nation residing in the other shall have the right to employ natives for all kinds of lawful work.

Should, however, subjects of Chosen, guilty of violation of the laws of the kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens or on board United States merchant vessels, the Consular authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to dispatch constables to make the arrests or the persons will be arrested by the Consular authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbour such persons.

**Article XI.**

Students of either nationality who may proceed to the country of the other, in order to study the language, literature, laws, or arts, shall be given all possible protection and assistance, in evidence of cordial goodwill.

**Article XII.**

This being the first treaty negotiated by Chosen, and hence being general and incom-
complete in its provisions, shall, in the first instance, be put into operation in all things stipulated herein. As to stipulations not contained herein, after an interval of five years, when the officers and people of the two Powers shall have become more familiar with each other's language, a further negotiation of commercial provisions and regulations in detail, in conformity with international law and without unequal discriminations on either part, shall be had.

Article XIII.

This Treaty and future official correspondence between the two contracting governments shall be made, on the part of Chosen, in the Chinese language.

The United States shall either use the Chinese language, or if English be used, it shall be accompanied with a Chinese version, in order to avoid misunderstanding.

Article XIV.

The high contracting Powers hereby agree that any time the King of Chosen grant to any nation, or to the merchants or citizens of any nation, any right, privilege, or favour, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege, and favour shall freely inure to the benefit of the United States, its public officers, merchants, and citizens; provided always, that whenever such right, privilege, or favour is accompanied by and conditions or equivalent concession granted by the other nation interested, the United States, its officers and people, shall only be entitled to the benefit of such right, privilege, or favour upon complying with the conditions or concessions connected therewith.

In faith whereof, the respective Commissioners Plenipotentiary have signed and sealed the foregoing at Yin-chuen, in English and Chinese, being three originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Yin-chuen within one year from the date of its execution, 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 citizens and subjects respectively.

Chosen, May the 22nd, A.D. 1882.

Ratification Provision

Signed, at Inchuen, in English and Chinese, May 19, 1883 (16th year of Meiji).

We, the Plenipotentiaries of the United States of America, and of the Kingdom of the Chosen, expressly delegated and with full powers, have exchanged the ratifications of the Treaty concluded at Inchuen on the twenty second (22nd) day of May, Eighteen Hundred and Eighty Two, between our respective Governments. It being first definitely understood that the Clause "Nor are they permitted to transport native produce from one open port, to another open port," in Article VI. of said Treaty, is not intended to prohibit, and does not prohibit American ships from one open port to another open port in Corea, or Chosen, to receive Corean cargo for Exportation, or to discharge foreign cargo.

Done in duplicate at Seoul this nineteenth day of May, Eighteen Hundred and Eighty Three.

L.S.  (Signed)  Lucius H. Foote.

No. 1. Draft of Treaty between the U.S. and Corea compiled by Mr. Holcombe and myself at Peking.

The U.S. of America and the Kingdom of Chosen, desiring to establish firm, lasting and sincere friendship between the two nations, have resolved to fix in a manner clear and positive, by means of a Treaty, or general Convention of Peace, Amity, and Commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries: for which most desirable object, the President of the U.S. has conferred full powers upon their Commissioner—and the August Sovereign of the Kingdom of Chosen on his—. And the said commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles.

Article I.

There shall be a permanent and universal peace, and a sincere and cordial amity,
between the U.S. of America on the one part, and the Kingdom of Chosen on the other part, and between their people respectively, without exception of persons or places.

**Article II.**

The U.S. shall have the right to appoint a Diplomatic Representative to reside at the Capital of Chosen, and Consular officers at such port as one, or hereafter may be opened to foreign trade. The King of Chosen shall also have the right to appoint a Diplomatic Representative to reside at the Capital of the U.S. and Consuls at such ports and places within the territory of the U.S. as he may see fit. Official intercourse shall be carried on in terms of equality and courtesy, and all rules and precedents calculated to obstruct friendly intercourse shall be totally abrogated, and in their stead rules liberal and fit to secure a firm and perpetual peace shall be established.

**Article III.**

The citizens of the U.S. are permitted to frequent the ports and cities of... and any other port or place hereafter by treaty with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports, to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of Chosen not declared to be legal, or along the coasts there of; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Government of Chosen, and the U.S. will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Kingdom.

**Article IV.**

All citizens of the U.S. of America in Chosen, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of Chosen, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of Government, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigour of the law. Subjects of Chosen guilty of
any criminal act toward citizens of the U.S., shall be punished by the authorities of Chosen according to the laws of Chosen; and citizens of the U.S., either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of the people of Chosen, shall be punished only by the Consul or the public functionary hereto authorized, according to the laws of the U.S. Arrests in order to trial may be made by either the Chosen or the U.S. authorities.

If controversies arise in the Kingdom of Chosen between citizens of the U.S. and subjects of His Majesty, which need to be examined and decided by the public officers of two nations, it is agreed between the governments of the U.S. and Chosen that such cases shall be tried by the proper official of the nationality of the defendant.

The properly authorized official of the plaintiff’s nationality, shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interest of justice. If he so desires he shall have the right, present to examine, and to cross-examine witnesses If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

**Article V.**

Whenever the U.S. vessels either by stress of weather or by want of fuel and provisions cannot reach one or the other of the open ports in Chosen, they may enter any port or harbour either to take refuge therein or supplies of wood, coal, and other necessities, or to make repairs, the expenses incurred thereby are to be defrayed by the ship’s master. In such events both the officers and the people of the locality shall display their sympathy by rendering full assistance and their liberality in supplying the necessities required.

If a U.S. vessel be wrecked on the coast of Chosen, the nearest Chosen authority, on being informed of the occurrence, shall immediately send assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of the cargo. The whole shall then be brought to the knowledge of the nearest Consul or Consular agent, in order that the latter, in concert with the competent authority, may take steps for sending the crew home, and for saving the relics of the ship and cargo.

**Article VI.**

The Coast of Chosen, having hitherto been left unsurveyed, one very dangerous for
vessels approaching them, and in order to prepare charts showing the positions of island, rocks, and reefs, as well as the depth of water, whereby all navigators may be enabled safely to pass between the two countries, any U.S. mariner may freely survey said coasts.

**Article VII.**

His Majesty the King of Chosen hereby promises and agrees, that no other kind or higher rate of tonnage dues or duties for imports or coastwise trade shall be imposed or levied in the open ports of Chosen upon vessels wholly belonging to citizens of the U.S., or upon the produce, manufactures, or merchandise imported in the same from the U.S., or from any foreign country, or upon the produce, manufactures, or merchandise exported in the same to the U.S. or to any other foreign country, or transported in the same from one open port of Chosen to another, than are imposed or levied on vessels of any other nation, or on those of subjects of Chosen.

The U.S. hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be imposed or levied in the ports of the U.S. upon vessels wholly belonging to the subjects of His Majesty, and coming either directly or by way of any foreign port from any of the ports of Chosen which are open to foreign trade, to ports of the U.S., or returning there from either directly or by way of any foreign port to any of the open ports of Chosen; or upon the produce, manufactures or merchandise imported in the same from Chosen or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the U.S. in tonnage dues or duties imports, exports, or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the U.S.

His Majesty the King of Chosen hereby further agrees that the duties leviable on merchandise imported to, and exported from the open ports of Chosen shall in no case exceed the maximum rate of 10 percent ad valorem, and that such duties of import and export shall be paid only once for all at the ports of entry or shipment, and that on further dues or internal taxes shall be levied on such merchandise in transit.

**Article VIII.**

The Government of Chosen and of the United States mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the U.S., and citizens of the U.S. shall not be permitted to import opium into any of the
open ports of Chosen. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by other persons or transportation of opium, shall be enforced by appropriate legislation on the part of Chosen and the United States and benefit of the favoured nation clause in existing treaties shall not be claimed by the citizens or subjects of either Power as against the provisions of this Article.

Article IX.

Friendly relations having been established between the two contracting parties, it is necessary to prescribe trade regulations for the benefit of the merchants of the respective countries.

Such trade regulations, together with detailed provisions, to be added to the Articles of the present Treaty to develop its meaning, and facilitate its observance, shall be agreed upon at the Capital of Chosen, or at—in the country, within eighteen months from the present date by special commissioners appointed by the two countries.

Article X.

The two contracting parties hereby agree that should at any time the King of Chosen grant to any nation, or to the merchants or citizens to any nations, any right, privilege or favour connected either with navigation, commerce, political or other intercourse, which is not confined by this Treaty, such right, privilege and favour shall at once freely inure to the benefit of the U.S., its public officers, merchants, and citizens.

In faith whereof the Respective Plenipotentiaries have signed and sealed the foregoing at.... in English and and Chinese, being those originals of each text of even tenor and date, the ratifications which shall be exchanged at.... within one year from the date of its execution.

No. 2. Draft of Treaty, between the U.S. and Corea: purporting to have from the Government of Corea, and modified by H. Ex. Li Hung-chang.

The Kingdom of Chosen and the U.S. of America being sincerely desirous of establishing abiding relations of amity and friendship between their respective peoples, have
therefore appointed:

That is to say the King of Chosen.....as his Commissioner Plenipotentiary, and the President of the U.S. .....as his Commissioner Plenipotentiary, who having reciprocally examined their respective full powers have agreed upon the several Articles as under.

**Article I.**

Chosen being a dependent state of the Chinese Empire, has nevertheless hitherto exercised her own sovereignty in all matters of internal administration and foreign relations. After the conclusion of this Treaty, the King of Chosen and the President of the U.S. shall treat with each other upon terms of perfect equality, and the subjects and citizens of the two nations shall maintain perpetual relations of friendship. If other Powers deal unjustly or oppressively with either Government, the other shall render assistance and protection, or shall act as mediator in order to the preservation of perfect peace.

**Article II.**

After the conclusion of this Treaty of Commerce and Amity, the High Contracting Powers, may each appoint Diplomatic Representatives at the court of the other, and may each appoint Consular Authorities at the open ports of the other 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 Authority of the two Governments shall receive mutually all the privileges rights and consideration without discrimination which are ascended to the same class of representatives from the most favored nation. Consuls shall exercise their functions only after receipt of an exequatur from the Government to which they are accredited. The Consular Authorities shall be bona-fide officials, and 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 other Powers may be invited to act, provided that no merchant shall be allowed to assume the duties; or the provisions of this Treaty may in such cases be enforced by the local authorities. In the relations between the people of the two nations if matters shall arise which are offensive to the local authorities and people, the Consular Authorities shall not arbitrarily interfere. If Consular Representatives conduct their business in an improper manner, their exequatures may be revoked in conformity with the rules of international procedure.
Article III.

If the vessels of either nation meet with stress of weather or one cast ashore upon the coast of the other, the local authorities upon being informed of the fact shall devise measures for their rescue and protection. All reasonable facilities shall be afforded by the local authorities of either country to vessels of war of the other to make necessary repairs and to purchase supplies at the ports open to trade. But merchant vessels, except when forced by stress of weather, shall not be allowed to enter ports not open to foreign trade, and shall be liable to penalties for violation of this provision.

Article IV.

The subjects of Chosen who desire to proceed to the various parts of the U.S. for purposes of commerce shall conform to the laws and regulations of the U.S. and the U.S. agrees to grant to them all the rights, privileges, and immunities which are accorded to the subjects or citizens of the most favored nation.

According to the internal laws recognized by the European and American Governments, citizens of the U.S. who may frequent Corean ports open to foreign trade should be subject to the jurisdiction of the native authorities.

But as Chosen has not yet arranged with the U.S. to modify the laws and procedure of the former in conformity with the laws of Western nations Chosen agrees temporarily that citizens of the U.S. in Chosen, shall be subject to the jurisdiction of their Consular Authorities. If persons from vessels of the U.S. create disturbance on shore, the local Authorities shall consult measures with the Consul for suppressing it.

Article V.

Merchants and merchant vessels of Chosen visiting the U.S. for purposes of traffic shall pay tonnage dues and duties and all fees according to the Custom Regulation of the U.S.

Merchants and merchant vessels of the U.S. visiting Chosen for purposes of trade, shall pay duties upon all imports and exports. But as the particular rate of duty to be levied upon each class of merchandise, has not yet been fixed, it is for the present agreed that upon such imports as are necessities of life an advalorem duty of 10% shall be levied, and that upon such as are luxuries, as foreign wine, tabacco, clocks & watches an advalorem duty of 30% shall be levied. Native produce exported shall pay an advalorem duty of 5%.
American merchant vessels entering the ports of Chosen shall pay tonnage dues at the rate of five mace per ton, payable once in three months according to the Chinese calendar.

**Article VI.**

Subjects of Chosen who may visit the U.S. for purpose of commerces shall be permitted to reside and to rent, purchase, construct residence or warehouses in all parts of the country. They shall be permitted to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

Citizens of the U.S. resorting to the open ports of Chosen, are permitted to reside at such ports to rent houses or land and to erect buildings, but no coercion or intimidation may be exercised. The land thus leased remains an integral part of the Kingdom of Chosen and the administrative functions of the local authorities shall not be interfered with.

Native produce and foreign imports not contraband may be brought and sold at the ports open to trade. But American merchants are not permitted either to transport foreign imports to the interior for sale, or to proceed to the interior to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port. Violations of this rule will subject vessel and cargo to confiscation and the merchant offending will be handed over to his Consul to be dealt with.

The importation of opium is strictly forbidden. Persons who bring it to the open ports shall be punished by the Authorities of Chosen.

**Article VII.**

All crimes and suits at law which may arise in Chosen in which the subjects and citizens of the two Powers are concerned shall be tried in the Court and by the law of the defendant's nationality. In the case of thefts and debts the proper officers of the two Governments will make effort to arrest and punish the guilty parties and to secure restitution or payment, but will not be held personally responsible for any losses incurred.

Should the plaintiff in any action be dissatisfied with the judgment he may appeal through his official to the official of the defendant for a new trial.

**Article VIII.**

The officers and people of either nation residing in the other shall have the right to
employ natives for all lawful word. Should subjects of Chosen guilty of violation of the laws of the Kingdom, or against whom any action had been brought conceal themselves in the residences of American officials or citizens, or in warehouses or on board American merchant vessels, the local Authorities shall, on the one hand, notify the Consul, and on the other dispatch constables to make the arrests.

American officials or citizens shall not be permitted to harbour such persons. Students of either nationality who may proceed to the country of the other in order to study the language, literature, laws, or arts shall be given all possible protection and assistance in evidence of good will.