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CHINA AND KOREA

BY

O. N. DENNY,

Advisor to the King, and Director of

Foreign Affairs.

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CHINA AND KOREA.

A vacancy having occurred in the position of Foreign Advisor to the King of Korea, and Inspector of Customs, and His Majesty having requested His Excellency LI CHUNG TANG, Viceroy of Chihli, to procure the services of another, I was in July 1885 invited to the post. I entered upon the duties of Advisor—the Customs' branch of the position having been placed under the Customs of China before my arrival in the East—with the assurance that in my efforts to preserve peace and good order, and in all that pertained to the prosperity of Korea, I should have the cordial support of the Viceroy,—an assurance which, I regret to say, has not been verified. On the contrary, from the very first, I have met with almost every conceivable kind of opposition from Chinese sources. The failure of the Viceroy to keep his promise in this regard, I am at a loss to understand, unless it is due to the Peking Government's disapproval of his Korean policy. In view of this and the fact that China's course seems so unwarrantable and unjust, as well as against the best interest of Korea and China, I determined to avail myself of the present occasion to publicly point out—all efforts of a private character having failed—the dangerous

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ground China is trying to occupy, and to present Korea's side of the controversy, with a view to correcting, if possible, some of the accepted fallacies on the situation in the peninsular Kingdom and its relations with the Celestial Empire, which have been so often misrepresented in the native, and some of the foreign, newspapers in China for the past two or three years, through design or under a misapprehension of the law as well as the facts. In doing this, the harsher the criticisms may appear, the more it is to be regretted that they are merited. First.—I shall notice China's claim to vassal or dependent relations with Korea. Second.—The former's treatment of her so-called vassal. Third.—The charge that the King is weak and unfit to govern the country. And before I have finished, I shall endeavor to show that the former is about as fictitious as the latter is without foundation. As Korea, in the exercise of a right which none but sovereign and independent states possess, concluded a treaty of friendship, navigation, and commerce with Japan, independently of China, and later on with Western countries in accordance with international usage, the rights acquired and the obligations assumed must be determined by the laws which have always governed the enforcement of such compacts. In the light of these defined and well-settled rules, it will be in order to enquire into some of the rights, powers, and responsibilities of a sovereign state, and how vassal relations are established, as

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well as into the duties and obligations a dependent state owes to its suzerain, in order to more clearly determine the political status of Korea. In general terms, a sovereign or independent state is defined by almost all authors on international jurisprudence to be, any nation or people, whatever the character or form of its constitution may be, which governs itself independently of other nations; while WHEATON, who ought to be the best authority in this case, as China has adopted him as her standard author, says:—"sovereignty is the supreme "power by which any state is governed: this "supreme power may be exercised either internally "or externally. Internal sovereignty is that which "is inherent in the people of any state or is "vested in its ruler by its municipal constitu-"tion or fundamental laws. External sovereignty "consists in the independence of one political "society in respect to all other political societies; "and it is by the exercise of this branch of so-"vereignty that the international relations of one "political society are maintained in peace and in "war with all other political societies." A nation which has always managed its internal as well as external concerns in its own way, free from the interference or dictation of any foreign power, is juridically independent, and must be ranked in the category of sovereign states. The unerring test, however, of a sovereign and independent state, is its right to negotiate, to conclude treaties of friendship, navigation and commerce, to exchange public

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ministers, and to declare war and peace with other sovereign and independent powers. These are rights and conditions compatible and consistent with sovereignty which, when possessed by a state, place it in the great family of independent nations; while states which do not possess such powers, must be ranked as semi-independent or dependent according to the expressed terms of the agreement. An advocate of vassalage, in the *North-China Daily News*, some months ago, in support of his position, used substantially the following language:—"At "the end of the 17th and beginning of the 18th "centuries the sanction of the Chinese Emperor "had to be obtained before the successor chosen "by the King of Korea could receive the title of "heir-apparent, and then could not assume the "title of king until it was conferred on him by "Pekin." The correspondent states the case much stronger than the facts warrant. If he had put it in the form of a request, a graceful act by a tributary state, rather than on the basis of an imperative obligation to the Pekin Government, he would have been more in accord with the facts; but whether he over or under stated them makes no material difference, as relations of vassalage were never established by the commands of a superior in exceptional cases or through the deferential acts of an inferior. Liu Kiu, Annam and Burmah, in the history of China's precarious claims to suzerainty over those states, did the same thing, and to-day the first-named forms a part of the sovereignty

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of the Empire of Japan, the second belongs to the Republic of France, while the third recently passed to the sovereign control of Great Britain. WHEATON on the law of nations states the case infinitely stronger against the correspondent than the latter does in favor of China's contention, when he says, "The sovereignty of a particular state is not im- "paired by its occasional obedience to the commands "of other states or *even the habitual influence* "*exercised by them over its councils.* It is only "when this obedience or this influence *assumes the* "*form of express compact* that the sovereignty of "the state inferior in power is legally affected by "its connection with the other." JOHN AUSTIN, a modern writer of considerable celebrity on international law, in one of his able lectures, delivered in London in 1873, states the case with equal clearness when he says, "A feeble state holds its indepen- "dence precariously or at the will of the powerful "states to whose aggressions it is obnoxious, and "since it is obnoxious to its aggressions, it and the "bulk of its subjects render obedience to commands "which they occasionally express or intimate; but "since the obedience and commands are com- "paratively few and rare, they are not sufficient "to constitute the relation of sovereignty and "subjection between the powerful states and the "feeble state with its subjects. In spite of those "commands and in spite of that obedience the "feeble state and its subjects are an independent "political society whereof the powerful states are

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"not the sovereign portion, although the powerful "states are permanently superior, and although the "feeble state is permanently inferior there is "neither the habit of command nor a habit of "obedience on the part of the latter, and although "the latter is unable to defend and maintain its "independence, *the latter is independent of the* "*former in fact or practice.*" The only vassal or dependent relations recognised by the law of nations are those resulting from conquest, international agreement or convention of some kind, and as such relations do not exist between the two countries by virtue of either of these requirements, and in all reasonable probability will never be established by agreement or convention, it remains to be seen whether they will exist in future by conquest. Korea, however, is a tributary state of China: relations which have been sustained in the past with the utmost good faith, and which Korea desires in all sincerity to continue so long as China's treatment is generous, friendly and just. But the tributary relations one state may hold to another do not and cannot in any degree affect its sovereign and independent rights. For this reason, the tribute annually paid by Korea to China does not impair her sovereignty or independence any more than the tribute now paid by the British Government to China on account of Burmah impairs the sovereign and independent rights of the British Empire, or the tribute formerly paid by the principal maritime powers of Europe to the Barbary

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states affected the sovereign rights and independence of those European powers. WHEATON says, concerning the Barbary States, that "while they "are anomalous in character, yet their occasional "obedience to the commands of the Sultan, accompanied with irregular payments of tribute, does "not prevent them from being considered by the "Christian powers of Europe and America as "independent states with whom the international "relations of war and peace are maintained on the "same footing with other Mohammedan sovereignties." There are good and valid reasons why Korea desires to preserve the traditional relations of close friendship which have so happily existed between the two countries so long. Their geographical positions, under friendly intercourse, make them a source of strength to each other, while the fact that Korea has drawn largely upon China's population, language, religion, laws, education, arts, manners and customs, which have contributed so much to the sum total of Korean civilization, all combine to strengthen the chain of attachment, and cause her to look to China, as in the past, for friendly advice rather than in any other direction; and in my judgment nothing will interrupt this friendship but a continuation of the illegal and high-handed treatment Korea is now receiving at the hands of the Chinese, and their studied and persistent attempts to destroy Korean sovereignty by absorbing the country. It was due to the faith which the King had in China's professions of friendship for

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Korea that induced His Majesty, when the advisability of making treaties with Western countries was pressed upon him, to take counsel of the distinguished Viceroy at Tientsin; and I know of my own knowledge that it was due to a similar faith in the King that induced the Chung Tang to advise the establishment of such relations as the surest means of improving the condition of the country and people, as well as preserving the sovereign rights of his kingdom; and later on, when the first of the Western treaties came to be negotiated, which was with America, the Viceroy was invited as the friend of the King, having the broadest experience in such important matters, to assist in the negotiations. Two drafts were submitted to that Convention for consideration, one by the Viceroy and the other by the special envoy who conducted the negotiations for the United States. The very first clause in the Viceroy's draft was a demand for the recognition of vassal or dependent relations between China and Korea, which the agent of the U.S. Government declined to consider or even discuss further than to say that, as his mission was to make a treaty of commerce and friendship with an independent state, such a treaty he would make or none at all. Notwithstanding this, the Viceroy urged the approval of this dependent clause to a point beyond which he could not go without breaking off negotiations, when he yielded, and the treaty was then concluded upon the same basis with those of other independent states, and was signed at Chemulpo,

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May 22nd, 1882. Even if vassalage had been acknowledged in the American treaty by the negotiators, it would not have received the approval either of the U.S. Government or the King of Korea. The next treaty that Korea made was in October following with China, and at the latter's request; and while this treaty has been denominated "rules for the land and water commerce between the trading populations of China and Korea," and while there is the usual mystification and vagueness pervading it that characterizes all of China's intercourse with the peninsular Kingdom, yet it comes nearer being a treaty of friendship, navigation, and commerce than anything else, as I shall endeavor to point out further on. Treaties with other countries followed in quick succession in the general tenor of the American one, which were however discussed and concluded, not at Tientsin but in Seoul, without reference to the Viceroy or the Chinese Government. Had the relation of suzerain and vassal existed between the two countries, in accord with international jurisprudence, at the time the American treaty was made, does anyone at all versed in public affairs suppose that the Viceroy would have tried so hard to procure its acknowledgment by a friendly power in a public treaty? No, the attempt was based solely on the utter weakness of the contention, which no one appreciated more fully than the Viceroy himself. After the ratification of the American treaty, the question of the dependency of Korea, for the

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moment at least, seems to have been abandoned; at all events, arrangements were at once made for the enforcement of the stipulations of the treaty: ports were opened, a Customs' service established by the King, with inspector, commissioners and a full staff of subordinate officers for the work. Diplomatic representatives were appointed as treaties were ratified, who from time to time presented their credentials and took their respective places at His Majesty's Court in Seoul; and among them was the representative of China, with the title of "His Imperial Majesty's Commissioner" printed on his card, and who was appointed in pursuance of the treaty already referred to. This official continued, in an unassuming way, to represent his Government, upon terms of equality with his colleagues, for more than two years, when he was succeeded by the present Commissioner YUAN, for supposed meritorious services rendered his Government in the Korean disturbance of 1884, and who, for a short time, followed in the footsteps of his predecessor; but the honor so suddenly thrust upon him seems to have inflated him to such an extent that serious consequences might have resulted to him had not his indiscreet enthusiasm found vent in the resurrection of the dependency scheme, which, for the credit of his Government, ought never again to have come to the surface; for, if the conclusion of the Japanese and American treaties upon the basis of Korean independence—every article of the latter having been approved by the Viceroy,

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followed by similar treaties with the leading powers of Europe, and China having shared in their practical operations for two and a-half years —did not honorably settle it, the question ought finally to have disappeared when the LI-ITO Convention adjourned, by the terms of which China disposed of whatever right she had left—without the consent of Japan—to send troops to Korea, the only means, as a last resort, every independent nation possesses of enforcing its sovereign rights when they are assailed or called in question. Some time in 1885, after I had been invited to Korea but before my arrival, a policy of absorption, gradual or otherwise, seems to have been decided upon by the Pekin Government. The position of Advisor to the King and Inspector of Customs was segregated, and the Customs' service passed to the control and direction of the Chinese service, under the plausible assurance that it would be better and more economically administered, and that there was no political significance to be attached to the change; and, while the service has been honestly and well administered under the change, yet no one act, since the conclusion of the treaties, has contributed so much to mislead the public mind in regard to the true relations existing between China and Korea politically, as this ill-advised one on the part of the Korean Government. Neither in the meanwhile was Commissioner YUAN idle, for it was about this time that he adopted as a title for his Legation that miserable misnomer and subter-

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fuge "Residency," and in the most insolent way claimed to advise and even direct the King in long but empty memorials, and, upon public and official occasions, to assume the rôle of host instead of guest, on the flimsy pretext that he is "at home" in Korea. But it is asserted that vassalage is distinctly acknowledged by Korea in the treaty sometimes called "the overland trade regulations," above alluded to. Now I assert with much confidence that, if that convention establishes anything so far as this question is concerned, it is exactly the contrary to this. While there are only eight rather lengthy articles in that treaty, yet, as already observed, they cover about all that is necessary in an ordinary treaty of friendship, commerce and navigation. Under the first article China has dispatched her Commissioner with diplomatic powers to Seoul, and consuls to all the open ports to guard the interests of Chinese merchants. The second article yields to China ex-territorial privileges for her subjects, similar to those enjoyed by the citizens and subjects of the most favored nations. Article third permits the merchant-ships of both countries to visit the open ports of the other, fixes the duties to be paid, provides for relief in case of shipwrecks, regulates the conduct of fishing-vessels, etc. Article fourth permits merchants of either country to visit the open ports of the other, for the purposes of trade, where they may purchase lands and houses, provides tonnage-dues as well as re-export tariff, inhibits trade at

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the capital of both countries, compels merchants wishing to purchase native produce in the interior to first obtain permits of their consuls, while persons desiring to travel in either country for pleasure, must be provided with passports. Article seventh provides for the dispatch once a month to Korea of a vessel belonging to the China Merchants Company, and permits Chinese men-of-war to repair to the open ports of Korea for the purpose of protecting Chinese consuls and other residents. In the text of this treaty there is not only no reference to vassalage or dependency, but the demands and concessions made exclude the existence of such relations at the time it was concluded. If China believed in the validity of vassal relations, can it be supposed that provisions would have been made for ex-territorial privileges and passports for Chinese subjects in Korea? Certainly not, for to have done so would have presented the spectacle of a sovereign state demanding ex-territorial rights and privileges for her own subjects within her own sovereignty, which is the very acme of absurdity. The only reference to vassalage, as interpreted even by the Chinese, is in a preamble, published at the head of this treaty, which may or may not have been in its present form at the time the treaty was signed. This extraordinary preamble rendered as follows:—"Korea has long been one of *our* vassal "states, and in all that concerns rights and obser- "vances there are already fixed prescriptions which "require no change." Can this be the language of

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a high joint convention created, not to sign away the sovereign rights of a nation, but to protect them in its intercourse with a neighboring state? It seems rather the *ex-parte* assertion of a fallacy than any proof of the existence of a fact. But the closing paragraph of this preamble, if anything, is still more remarkable. It reads:—"It is "understood that the present rules . . . are to be "viewed in the light of a favor granted by China "to a dependent state, and are not in the category "of favored nation treatment applied to other "states." Is it a favor to Korea for that state to grant ex-territorial privileges to the subjects of China while the latter lays claim to suzerainty over the former? Is it a favor to Korea to permit Chinese men-of-war to repair to her open ports to protect Chinese consuls and other residents? And, finally, is it a favor to overrun the Korean capital with Chinese merchants while there is not a Korean merchant in all China? There is an additional reason why this preamble must be erroneous, and that is this: As the Viceroy was one of the plenipotentiaries who concluded the treaty, it is quite out of the range of reason to believe that that distinguished official could have been a party to the assertion that the rules alluded to in the preamble "are not in the category of favored nation treatment applied to other states," for, hardly five months before this, he discussed and sanctioned, as the professed friend of Korea, the 14th Article of the American treaty, which provides that:—

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"The high contracting powers hereby agree that "should at any time the King of Chosen grant "to any nation or to the merchants or citizens of "any nation any right, privilege or favor connected "either with navigation, commerce, political or "other intercourse which is not conferred by this "treaty, such right, privilege or favor shall freely "inure to the benefit of the United States, its "public officers, merchants and citizens." Not only does the approval of this favored nation clause by the Viceroy destroy the integrity of this part of the preamble alluded to, but what becomes of China's claim to suzerainty over Korea when it is enforced by the treaty powers. Would it not irresistibly follow that the latter would have as many suzerains as she has treaties, every one of whose accredited Ministers abroad would have the same right to advise, direct and control the Korean Ministers accredited to other courts in pursuance of those treaties as the Chinese Ministers abroad have?

Nor is this all. For under its enforcement whatever may have been stipulated or may be stipulated between China and Korea—not in the line of favored nation treatment—which is opposed to the spirit or the expressed provisions of the general treaties, or which in any way contravenes the rights, immunities and privileges already vested by such agreements in other powers, either for themselves or for their citizens or subjects, is void and of no effect. But, said the most eminent

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statesman of the Celestial Empire recently, "Korea "is a vassal of China's because upon the conclusion "of treaties with Western countries the King gave "to the plenipotentiaries who conducted the "negotiations autograph letters to be conveyed "to the heads of their respective Governments, in "which such relations were admitted." Here again I must take issue with the assertion, even though it is made by so eminent a personage as LI CHUNG TANG. It is true that, just prior to signing the American treaty, an autograph letter was handed down by the King to be delivered with the treaty to the President of the U.S., but that letter admitted nothing more than the King now asserts, namely, that Korea is a tributary state of China, but which, as I have endeavored to point out, does not affect, much less destroys, the sovereign rights of a state, while it asserts in language that cannot be misunderstood the sovereign and independent character which the Korean Government has always maintained, and upon the conditions of which rest all the treaties concluded with Western powers. Subsequent autograph letters given by His Majesty were in effect the same as the first one, so far at least as the relations of Korea to China are concerned. The following is a correct translation of the letter of the King to the President of the U.S.:—

"His Majesty, the King of Chosen, herewith "makes a communication. Chosen has been, from "ancient times, a state tributary to China; *yet*

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" *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 now by
" mutual consent a treaty, are dealing with each
" other upon a basis of equality. The King of
" Chosen distinctly pledges his own sovereign
" powers for the complete enforcement in good
" faith of all the stipulations of the treaty *in accord-*
" *ance with international law.* As regards the
" various duties which devolve upon Chosen as a
" *tributary* state to China, with these the U.S.
" has no concern whatever. Having appointed
" envoys to negotiate a treaty, it appears to be
" my duty, in addition thereto, to make this
" preliminary declaration.

" To the President of the United States.

" May 15th, 1882."

Whatever interpretation the advocates of the vassalage of Korea may choose to put upon the plain, candid and unmistakeable language contained in the above letter, or however much they may attempt to twist or pervert its meaning, it is perfectly clear that the American Government has given it a construction strictly in accord with its phraseology as well as spirit, for they now hold that, under the treaty of friendship and commerce which accompanied it, the question of Korea's vassalage to China has been definitely settled, so far at least as that Government is con-

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cerned. In paragraph 64, Vol. I of WHARTON's *Digest of International Law of the U.S.* the following language is used by the Government:—" The " existence of international relations between the " two countries (the U.S. and Korea) as equal con- " tracting parties, is to be viewed simply as an " accepted fact," and " the independence of Korea " of China is to be regarded by the U.S. as " now established." Neither does the American Government stand alone in this regard, for at least two other great powers claiming relations with Korea, equal in importance politically as well as commercially to those claimed by China, insist on maintaining the same sovereignty for Korea that the United States does, while the solemn joint declaration of Japan and Korea, as expressed in the first article of their treaty concluded February 1876, declares that, " Chosen being an independent " state, enjoys the same sovereign rights as does " Japan, and that their intercourse shall thencefor- " ward be carried on in terms of equality and " courtesy." Independently of the treaties which have been made with Korea, the historical relations of that country with China do not admit the existence of any such conditions toward each other as suzerain and vassal. Tributary treaties Korea has signed, but none of vassalage. It has been suggested that Korea signed a treaty in 1636 wherein vassalage was acknowledged. This however is a mistake, as that treaty was also a tributary one, and even then it was in no sense a treaty with

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China. It was a treaty of capitulation made with a Chinese subject, a Manchu Prince, who was in open rebellion against the Chinese Government and against whom Korea fought on the side of the last Chinese Emperor of the Ming Dynasty, as in 1636 the Mings were still Emperors of China, and no treaty of vassalage was ever signed with them. It was not until 1644, eight years later, that the Manchus ascended the throne at Peking, since which time no vassalage treaty has been signed or agreed to by Korea.

When such relations are held by states in the legal international acceptation of the term, that which disturbs the heart of the sovereign affects the pulse of the vassal, and yet so far as is known neither the wars which have been waged against China by foreign states, nor her rebellions, nor internal dissensions have apparently disturbed or concerned Korea any more than if one nation had been located near the North Pole and the other in the tropics. And yet it was the duty of Korea as a vassal of China to have furnished an army from her hundreds of thousands of soldiers which she has had or could have raised at any stage of her civilization, as well as munitions of war, to aid China in the hour of her greatest need; but not a soldier, gun, or dollar seems to have crossed over from Korea to China for that purpose. In addition to this important fact, if such relations ever existed they ought certainly to have left their imprint on the civilization of Korea, either upon the national

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emblems, coins, laws, or in some other way, as public notice to other nations of China's responsibility when grievances were to be redressed or wrongs atoned, as well as an acknowledgment on Korea's part of the acceptance of such relations. To those who are versed in international affairs Korea cannot be considered a dependent state, for the reason that the law and the facts have placed her in the column of sovereign and independent states, where she will remain, unless, through the force of superior numbers, she is taken out of it. Korea has the right of negotiation,—a vassal state has not; Korea has concluded treaties of friendship, commerce and navigation with other sovereign and independent states, without reference to China, which a vassal cannot do; and in virtue of those treaties has dispatched public Ministers to the courts of her respective treaty powers, while vassal states cannot even appoint Consuls-General but only Consuls and commercial agents. Korea has the right to declare war or peace, which a vassal cannot do except through its suzerain. China under her treaty is represented at the Korean Court by a diplomatic officer, and by consuls at all the open ports, and when the interests of the Korean Government demand it, they will be similarly represented in China, or friendly intercourse will surely cease to exist between the two Governments. The following language of BLUNTSCHLI, a modern international jurist of great clearness, is forcibly applied here. He

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says:—" Inasmuch as sovereignty tends to " unity, such distinctions between vassal sover- " eignty and sovereign sovereignty cannot subsist " long. History shows us the truth of this prin- " ciple. During the middle ages a number of " vassal states existed both in Europe and Asia. " To-day they have nearly all disappeared because " they have been transformed into sovereign " states or have been absorbed by more powerful " states. International law ought to keep an " account of their development. It ought to " respect it. It ought not to contribute to retard " it by seeking to perpetuate the unsustainable " formalities of an antiquated jurity." International law will keep an account of their development too, and in its vigilance for the rights of the weak, will keep an account of Korea also in her struggle for the maintenance of independent statehood. After having been by the great nations of the international world literally dragged from that seclusion which had for so many centuries enveloped the little kingdom in mystery, to join the family of civilized nations, under the expressed guarantee of assistance in the event of oppression or unjust treatment, those powers will surely not permit the stultification of this assurance by allowing their younger member to be strangled at the very threshold of its international life.

China's friend and ally Korea desires to be, but her voluntary slave she never will consent to become. The Austro-Hungarian Minister of State,

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M. KALNOKY, lately said :—"A vassal state in the nineteenth century is an anachronism." However this may be, the time will indeed be sadly out of joint when China succeeds by her peculiar methods in establishing vassalage with Korea ; not only so, but when she does a new chapter will have to be added to international jurisprudence, the principles of which such well-known expounders as GROTIUS, VATTELL and WHEATON never comprehended. Even at this late date, after China and Korea having joined the family of nations as sovereign and independent states, and after the former having yielded sovereign control over Korea in the conclusion of treaties, and until recently having acquiesced in the execution of all of the provisions of those treaties, declining responsibility for Korea's conduct at times when responsibility stood for something, and having concluded a treaty with Korea herself, now to claim the existence of dependent relations is not only to abuse language and offend intelligence but it is also an attempt to defy international precedents. Nor is this all, for China's contention becomes even grotesque in character when it is claimed for her that in the discussion and final adjustment of the issue she is above and beyond the range of human reason and long experience, as evinced in the formulation and adoption by the civilised nations of the West of that code of international jurisprudence which has guided those nations so well in the past in their intercourse with each other and by which China, of

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her own volition, through the conclusion of her treaties consented to be governed and controlled in all of her intercourse with other treaty powers.

But perhaps one of the most careless and inexcusable assertions in relation to this question is the one that the Korean Government admit vassalage without any qualifications whatever, for nothing is further from the truth; and when the King under well-considered advice appointed a Minister to Japan, and afterwards the plenipotentiaries to Europe and America, in order, if possible, to break up the pernicious meddlesomeness of the Chinese with Korean affairs, and which met with such stubborn opposition from the Pekin Government as well as adverse criticism in certain public journals in the East, His Majesty emphasized by that public act his denial of this fallacious statement. Apparently there is no limit to the devices resorted to by the advocates of vassalage. A correspondent of the *Mainichi Shimbun* (Japanese journal) writing to that paper on the 17th of November last, seems to have fallen a victim to one of these, for he says:

"It appears that a convention on the appointment
"by Korea of Ministers to foreign countries has
"been concluded between her and China and that
"it consists of the following three articles. 1st.—
"The Korean Minister of State shall, before
"sending a Minister abroad, ask advice of the
"Chinese Minister in Korea. 2nd.—Should the
"Korean Minister abroad have occasion to com-
"municate with the representative of any other

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" foreign power in the same country on a matter
" of business, he shall consult with the Chinese
" Minister in that country. 3rd.—The Korean
" Minister of State shall, no matter what the official
" rank of a Minister appointed by them to a foreign
" country may be, not allow him to take precedence
" over the Chinese representative in the same
" country." The only document which could be tortured into anything like the above articles, is the following telegraphic instructions from the Viceroy to Commissioner YUAN, about the 5th of November last. 1st.—" After arriving at his post the Korean
" representative has to call at the Chinese Legation
" to ask the assistance of the Minister and to go
" with the Korean representative to the Foreign
" Office to introduce him, after which he may call
" where he likes. 2nd.—If there happen to be festi-
" vities at the court, or an official gathering, or any
" dinner, or the health of someone is drunk, or in
" meeting together, the Korean representative has
" always to take a lower place than the Chinese
" representative. 3rd.—If there happen to be any
" important or serious question to discuss, the
" Korean representative has first to consult secretly
" with the Chinese Minister, and both have to talk
" over the matter and think together; this rule is
" compulsory, arising from the dependent relations,
" but as this does not concern other governments
" they will not be able to enquire into the matter.
" At present the question (sending Ministers) has
" not been decided by Imperial decree. They (the

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"Koreans) have to be advised in a friendly spirit. "China and Korea have to cherish for each other "feelings of relationship. Ministers are selected "from among the Mandarins of reputation, there- "fore confidence and respect has to be shown "them, and this is the way Korean representatives "should treat the representatives of China. This "has to be communicated to the Korean Foreign "Office, then to be handed over to the King, who "must order his representatives to act accordingly." But notwithstanding the above command the King did not "order his representatives to act accordingly." His Majesty replied substantially that, while his Ministers would be instructed to show due respect and deference to the Ministers of China, yet as he had appointed in pursuance of all treaties with Korea full Ministers, he could not now change their titles without giving cause for unfavorable comment as well as unjust suspicions. Having therefore appointed full Ministers they should, in their presentation at court, be governed by the rules of etiquette which govern the presentation of the Ministers from other countries; accordingly the original instructions to the Ministers, which do not contain any of the above conditions, were permitted to stand.

In this connection I take the liberty of quoting the following from an able letter written by a fearless and impartial correspondent on the independence of Korea some months ago. "The present action "of China in this instance is an attempt to crush

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"out the liberty of Korea, and comes within the "scope of Art. 1st of the United States Treaty, "which provides that if other powers (including of "course China) deal unjustly or oppressively with "Korea, America will use its good offices in her "behalf. What Great Britain would do in the "similar case of an envoy being appointed by the "King of Korea to the Court of St. James being "stopped by China from going there, may be safely "inferred by its treaty stipulations with Korea, "which in Art. 2nd provide that Korea as a high "contracting party (no mention being made of the "high suzerainty of China or of Korea being a vassal "state) may appoint *a diplomatic representative to "reside permanently in England with all the "privileges and immunities that are enjoyed by "the diplomatic functionaries in other countries.*

"Great Britain could not legally refuse to receive "an envoy from Korea under her treaty. France, "Germany, Italy and Russia have no doubt similar "clauses in their treaties with Korea, and it re- "mains to be seen how they will suffer and resent "such preposterous interference on the part of "China with Korea's right of Embassy after those "powers have recognised it, should China presume "to claim any pretext for limiting such right when "Korean envoys are appointed to them.

"To all lovers of liberty and of principles in "consonance with this grand mainspring of "national life, it is surprising how this question of "Korean liberty is treated by the British Press in

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" China and Japan. Compare it with the excite-
" ment and declamations over the liberties of
" Bulgaria with its two millions of inhabitants and
" Roumelia with hardly one million of inhabitants.
" both composed of a motley mixture of semi-savage
" peoples. And yet Korea has twelve millions of
" people, all of the same race and civilized at least
" to an equal level with China and, forsooth, Korea
" is to be swallowed up by China and to be allowed
" to disappear from among the Eastern nations
" amidst the criminal silence and indifference of
" the humanitarian powers who are grief-stricken at
" even the possibility of the same happening in the
" corner of Eastern Europe. Does the effort of
" Korea to assert her liberty find favor with the
" British Press in China? Is there one clear,
" outspoken word to show that the public organs
" in the East are on the side of Korea in her
" struggle with China."

As a matter of fact the Korean Minister to Washington was promptly and without any question presented to the President by the Honorable Secretary of State, and to the Secretary of State independently of the Chinese Minister, notwithstanding the many careless and untruthful assertions to the contrary, and just as the Minister to the European courts will be presented upon his arrival. If the Chinese Ministers in Europe were to attempt the anomalous proceeding of presenting the Korean Minister to those Courts it would not be carried out, for there is no country of respec-

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tability, jealous of its national honor, that will care to attempt to set the absurd and unprecedented example of receiving a plenipotentiary, envoy or minister of any sort from a vassal state. Even the so-called memorial (letter) which the King addressed to the Emperor of China, in answer to questions from Peking, explaining his reasons for as well as his right to send Ministers to Europe and America, is regarded by China and by vassalage advocates as another link in the chain by which they hope to bind Korea irretrievably to the Celestial Empire. The trouble seems to arise from this: the language used by the King to express his *tributary* relations, is persistently and erroneously interpreted to mean *vassal* relations by China and her supporters. When the King refers, in the so-called memorial to the Emperor, to tributary envoys and plenipotentiaries, he is entirely consistent with international jurisprudence as interpreted and followed by other nations in their intercourse with each other, while China's appellation of vassal envoys and plenipotentiaries is a misnomer because entirely inconsistent with the laws of civilised nations. Such laws do not recognise vassal envoys, plenipotentiaries or ministers of any kind, for the reason that vassal states have the power to create only consuls and commercial agents. In this connection there is another device which deserves attention, and that is this: letters or documents, written or translated to suit the occasion, are frequently published by the press in China, purporting to be

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from the King of Korea, inferentially if not positively admitting Korea's vassalage. In answer to such statements I am informed upon the very best authority that the King has never admitted in documents or otherwise the existence of such relations, and further, *if anything has been admitted by any official of the Government at any time which even implies vassalage, it is without authority and void.* The King knows only too well the object of the insidious conduct of China towards his country; aside from this, he cannot be induced or intimidated into admitting a national fallacy. Even if dependent relations could be created by admissions, and the King, under the threatening, violent and criminal treatment of China for two and a-half years past, were to admit vassalage in the most abject way, it should not be binding upon his Government, for admissions under duress are not only no evidence of a fact but they are no admissions. Other independent states, with but few commercial interests to protect and no questions of sovereignty to settle, dispatch to foreign countries public ministers and nothing is said against it, but when the King of Korea, in accordance with the expressed stipulations in all the treaties with other independent powers, does the same thing, a perfect shower of invective greets the public ear from some quarters while from others, more mild, the act is characterised as mischievous and ill-advised; that it was forcing to the front a question which ought to have been kept in the background

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while the King and his advisors turned their attention to the development of the resources of the country. It is quite true that the question was forced to the front, not by the King and his advisors but by the tyranny and oppression of China, largely through the conduct of Commissioner YUAN, which, for petty schemes, criminality, injustice and brutality has seldom, if ever, been equalled in the annals of international intercourse. With a view to placing the heel of China on the neck of Korea, he has not only opposed almost every effort which has been made in the direction of internal development but he has, through the mercenary brigade which he always keeps about him, attempted to bring failure and ridicule upon almost every effort the better class of Koreans have made to transact business for the government or themselves, in order to make it appear that the Koreans are but a nation of helpless children who can never learn business and who, for that reason, need a Chinese guardian over them. He has threatened the King repeatedly through certain Korean officials with the Chinese army and navy and with the vengeance of the Viceroy, in order to compel compliance with his wishes and demands, while to weaken the royal authority in the eyes of officials and subjects alike he has abused and trampled upon the long-established and sacred customs of the court by riding in his chair into the Palace almost up to the very entrance leading to the presence of the King, accompanied

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by his coolies, servants and horsemen, who at times have conducted themselves in a disorderly manner; while in the excitement of July and August of 1886, which he was the principal cause of, arising out of his attempt to force the government to admit that the King was the author of a letter his Majesty never wrote, and which was said to contain a request for the protection of a friendly power against the aggressions of China, the language and conduct of China's representative would have done credit to the chief of braggadocios. In some of his conduct he has been more or less applauded and encouraged by one or two foreign officials, while in all of his disreputable work he has been much assisted by a few petty Chinese officials as well as by certain of China's gun-boats sent to the open ports in Korea for the purpose of "protecting Chinese consuls and merchants" as stipulated in their treaty, and as alleged and published in the preamble to such treaty "*as a favor granted by China to a dependent state*," which have been detected in some of their attempts to smuggle red ginseng out of the country. These gun-boats also on their arrival from China are in the habit of bringing more or less cargo which their officers demand shall be landed without examination, while the Customs' authorities urge the right of inspection as in ordinary cases to see whether or not it contains dutiable goods. Invariably when disputes of this character arise the Chinese Consul takes up the side of the gun-boat people and in their behalf

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appeals to Commissioner YUAN in Seoul, who in turn threatens the President of the Foreign Office until the order is given to pass the goods without examination. The last case of smuggling ginseng by one of these gun-boats, so far as is known, occurred in October, when several thousand dollars worth of the drug were seized, the largest chest of which, *was covered by the seal and signature of Commissioner Yuan.* The Chief Commissioner of Customs has done all in his power to break up these lawless and fraudulent practices. He has appealed to the President of the Foreign Office, to the Viceroy at Tientsin and to the Inspector-General of Customs in China to aid him in enforcing the laws and regulations of the Korean Customs service, but thus far without avail. The President of the Foreign Office frankly says he is powerless as against the Chinese in these matters. Even with the fraudulent treatment it has received, the Customs revenues for the year just closed amounted to the sum of $250,000.00, a sum which, under legitimate and fair treatment, would have been considerably increased. But the culminating act of China's representative, for cold-blooded wickedness, lays in his plot, exposed in July last, to dethrone and carry off the King to make temporary room for a pliant tool. The execution of this diabolical business involved riot, arson, bloodshed and probable assassinations, besides imperiling the lives of all the foreigners in Seoul as well as those of many native people. Every detail of this conspiracy is in possession of

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the King, and which would no doubt have been carried out but for the integrity and loyalty of Prince MIN YONG IK, one of the ablest and truest of Korean subjects, who, with the knowledge of the King, had been let into the plot, and who faithfully reported its different phases from time to time to His Majesty as well as myself, enabling us thereby to control and defeat it. Perhaps the most extraordinary part of this infamous business is the draft of it, which was to have been submitted to the Viceroy for his approval or rejection.

The principal features of this draft were as follows:—Native soldiers were to be drilled at Kaug Wha under the pretext of garrisoning the point against the "outside barbarians." These soldiers were to be reviewed by the Chinese representative in order that they might readily recognise their commander at the critical moment. They were to be placed conveniently near to the palace. Then the Tai Wan Kiun or ex-regent's palace or house was to be fired and the work of the incendiary laid at the door of the King, which was to be the signal for an uprising of the ex-regent's following, who hate the queen and her party with intense bitterness. The rioters were to attack the palace, when Commissioner YUAN was to appear on the ground, as he did in 1884, and in command of the troops already referred to, under the pretence of quelling the rioters, was to take possession of the person of the King and carry him out of the palace, and then declare the son of the King's elder brother heir-apparent and

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the ex-regent regent, until the heir agreed upon attained his majority, thereby enabling the Chinese, under the direction of the regent, to thoroughly invest the government and country. Neither did China's representative neglect the financial part of the scheme, for he placed in the hands of a certain General 3,000 Taels (about $4,500.00) out of which the expenses of drilling and moving the troops were to be paid. This sum was however returned to the Chinese Legation after the departure of MIN YONG IK and the collapse of the conspiracy.

The Chinese Government cannot plead ignorance of the conduct of their officials in Korea, for they have been fully advised from time to time through different channels. Twice I visited Tientsin under authority from the King, when the fullest discussions were had with the Viceroy with respect to the extraordinary conduct of the Chinese representative and the policy of the Pekin Government towards Korea. In my first interview, in September 1886, I urged an amicable understanding between China and Russia as well as Japan, in regard to the political affairs of the peninsula, as the surest means of preventing irritation and disorder, and before my return the Viceroy assured me that such an understanding would not only be reached but that China would change her representative, as YUAN was too young not only in years but also in experience for such a post; in fact, said the Viceroy, the position has already been tendered to the present Taotai of Tientsin

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and the Taotai who has just been appointed at Chefoo, but that both had declined. On the occasion of my second visit, in October of last year, to discuss Korea's right to send public ministers abroad and to open ports in the interest of trade, as well as to protest against YUAN's latest conspiracy against the King, if it became necessary, in one interview, finding that the Viceroy turned a deaf ear to everything reflecting in any way upon that official, I was about to dispose of him once for all, as I supposed, by presenting the indisputable evidences of his recent treasonable conduct, when, to my amazement, the Viceroy coolly informed me that he knew all about the dethronement scheme; that while YUAN was in it, yet it was all the fault of MIN YONG IK, who laid the plot and induced YUAN to go into it, and that for his stupidity in letting himself be drawn into such a thing he had been severely reprimanded. And still, in the face of this criminal record, YUAN continues the representative of China to Korea, in violation of the closing paragraph of the first article of the treaty between the two countries, which says:—"Should any such "officer disclose waywardness, masterfulness or "improper conduct of public business, the Superin- "tendent of Trade for the Northern Port and the "King of Korea respectively will notify each "other of the fact *and at once recall him*." In view of all this the inquiry naturally suggests itself, why is the Commissioner kept in Seoul? Is it because China, desiring to take possession of

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Korea and having no excuse in the eyes of civilized nations for doing so, expects him, through his violent conduct, to furnish one? It is to be hoped not. Nor is this all; what must be the moral status of a government which insists on being represented at the court of a neighboring state by a smuggler, conspirator and diplomatic outlaw? I submit the language is not too strong, in view of the facts and the following historical record applicable to them, copied from a well-known author on international law:—"Several instances " are to be found in history of Ambassadors being " seized and sent out of the country. The Bishop " of Ross, Ambassador of Mary Queen of Scots, " was imprisoned and then banished from England " for conspiring against the Sovereign, while the " Duke of Norfolk and other conspirators were " *tried and executed.* In 1584 De Mendoza, the " Spanish Ambassador in England, was ordered to " quit the realm for conspiring to introduce troops " to dethrone Queen Elizabeth. In 1684 De Bass, " the French Minister, was ordered to depart the " country in 24 hours, on a charge of conspiring " against the life of Cromwell. In 1717 Gyllen- " borg, the Swedish Ambassador, contrived a plot " to dethrone George I. He was arrested, his " cabinet broken open and searched and his papers " seized. Sweden arrested the British Minister at " Stockholm by way of reprisal. The arrest of " Gyllenborg was necessary as a measure of self- " defence, but on no principle of international law

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" can the arrest of the British Minister by Sweden
" be made justifiable. For similar reasons, Calla-
" mare, Spanish Ambassador in France, was in
" 1718 arrested, his papers seized and himself
" conducted to the frontier by military escort. So
" recently as 1848 Sir H. Bulwer, the British
" Ambassador in Spain, had his passports returned,
" and was requested to leave Spanish territory by
" the government. Certain disturbances had taken
" place in certain parts of Spain, and the Govern-
" ment persuaded themselves that Sir H. Bulwer
" had lent his assistance to the disaffection." And had the Korean Government possessed the national strength to enforce their rights, another case of far more recent date would have been added to the above list in the person of Commissioner YUAN. The Chinese authorities seemed to be considerably exercised over the surrender of KIM OK KIUN by the Japanese Government, in order that he might be justly punished for his conspiracy, and who would doubtless have been willingly given up by that government were not international precedents against the surrender of political offenders; and yet the conspiracies of the Chinese representative are of a far graver character than those of KIM OK KIUN, for the former's were directed against the King, the head and front of all government in the kingdom, while the latter's were directed more against certain high officials than otherwise.

If the Chinese authorities were sincere in their

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efforts to have KIM OK KIUN properly punished for his crimes, then they surely will not condone the greater offence of their own representative against the King now. The oppressive conduct of China is not confined alone to her small officials in Korea, nor to those who periodically visit the country in gun-boats, for it extends to Tientsin and Pekin.

After my return from the northern part of Korea, where I went to inspect the natural resources of the country, I recommended among other things that as Ping Yang is the centre of a large section of country, rich in agricultural and mineral wealth, legitimate trade would be encouraged and increased, the Customs' revenues largely augmented, the smuggling carried on in and out of the Tatong river checked, while the preliminary work of opening the valuable coal and other mines located near there—already determined upon by the government—would be facilitated by establishing an open port at or near that city. The proposition was also warmly supported by the Chief Commissioner of Customs, and subsequently that efficient officer was instructed by the King to take the preliminary steps. A steamer was dispatched with a Customs' officer on board to survey the river and to locate the port at the nearest practical point to Ping Yang. While this work was going on the Chief Commissioner was informed by China's representative that the Viceroy LI would not permit a port to be opened at that place. The Chief Commissioner, humiliated by this unjust and

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unwarrantable interference, was compelled to direct the vessel with the Customs' officer to return. At first the King declined to believe that such an order could emanate from the Viceroy, but direct communication with the Chung Tang through myself confirmed the statement of China's representative. In the discussion of this subject the Viceroy based his objection upon the erroneous and illogical grounds that, as Ping Yang is near the port of Newchwang in China, an open port there would seriously interfere with Chinese trade. In the first place, Newchwang is several hundred miles from Ping Yang, and secondly, there is not annually a thousand dollars worth of trade carried on between the two points. But if there were even one million dollars worth or ten for that matter, are the revenues of the Korean Government entitled to no consideration by China? Or was it the object of the Pekin Government in getting control of the Customs service of Korea to so direct and manipulate it as to make the natural resources and wealth of the country subserve the interests of China instead of Korea? The right of every state to increase its wealth, population and power by opening ports for the stimulation and encouragement of trade, the extension of its navigation, the improvement of its revenues, arts, agriculture and commerce, is incontrovertible and is recognized by every civilized nation under the sun, and the sooner China is compelled to recognize the fact also, the better it will be for the family of nations whose comity and

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friendship she essays to share, as well as for her own interests. Neither do the commands of the Viceroy stop at opening ports, for His Excellency asserts that Korea cannot negotiate loans with which to aid in the development of the natural resources of the country, or transact in her own way, as she has for centuries past, the business of the government, without first asking and obtaining the consent of China. In view of such a long train of cruel, unjust and tyrannical conduct as is here presented, China's professions of friendship for Korea, under the claim of suzerainty, become simply monstrous in their sincerity. Nor do the mischievous consequences of such meddlesomeness stop here; for if the Viceroy in his commands to the Korean Government can practically defeat the commercial part of the treaties made with other countries, His Excellency can, by similar commands, nullify every stipulation of those agreements, whether they apply to the appointment of public ministers, opening ports for the convenience of trade, the collection of duties, or to the rights of citizens and subjects of the treaty powers, whether of person or property. How long the treaty rights of other countries and the lives of their nationals are to be jeopardized and trifled with, or how far China will be permitted to go in the direction she now seems to be heading before a halt is called, depends entirely upon the faith and value other powers besides the United States attach to their stipulations with Korea. I say other powers besides the United States because

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that government, with no political interests in the peninsula to protect has, through their distinguished Secretary of State, having in mind the faith pledged in the first article of the American treaty, informed China that, as the former has concluded a treaty of friendship and commerce with Korea on the basis of a sovereign and independent state, they expect the rights and privileges so acquired to be respected. Were the national autonomy of China endangered or the rights and immunities of her subjects threatened with destruction by the continued independence of Korea, and China were for that reason to proceed openly to annex the country instead of assuming relations with it which do not exist and endeavoring by false pretences to sustain the assumption, the case would be different. For the right of self-preservation is just as inherent in a nation as it is in individuals, while the most solemn and responsible obligation it owes to its people is the guarantee of all their rights under a stable and well-administered government.

The King having appointed and dispatched public ministers to all countries in treaty relations with Korea,—a course so fatal to the claim of vassalage,—the time has surely come for China to quit masquerading with the Korean question and frankly announce in unmistakeable terms her policy toward the peninsula; for until the question is settled one way or the other, it will not only continue as now to be a very serious and disturbing element in the politics of the East but it will delay,

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if not prevent, internal development and the reformation of long-established abuses in Korea. But with the question settled in favor of the continued independence of the country, and entire responsibility for the duties and obligations already assumed through the government's international agreements, and with labor made honorable by royal decree and idleness condemned as it is in Western countries, where the fact is recognised that the only key to real greatness, permanent prosperity and national strength, lies in the recognition of the truth that, to engage in all branches of labor and business enterprises is not only respectable but it is more, it is laudable and worthy of the highest commendation and encouragement. Then with the idle Yang Ban class (so-called gentlemen), which are now feeding upon and exhausting the labor of the country because it is considered dishonorable for them to do any work, compelled to earn the bread they eat, and the agricultural classes stimulated and encouraged by the protection of their surplus products from the squeezing and other illegal exactions now made upon it—sure to follow sooner or later under settled political conditions—Korea would then enter upon that era of prosperity which the natural wealth of the country so justly merits.

A few words now in reply to the stale charge that the King is weak and vacillating in character and I leave the subject of Korea's sovereignty and grievances to those who are better able to protect

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and right them. And upon this point, two years' experience as His Majesty's Foreign Advisor and and Vice-President of the Home Office (Privy Council) should enable me to speak advisedly; for during that time some of the most trying phases of the Korean problem have presented themselves for solution, and through them all the King has shown a firmness, cheerfulness and patience worthy of a ruler of a great nation. Often his language and bearing have indicated great anxiety but never weakness or anger. It is true that, since Korea's contact with Western people, dazzled by the glitter and novelty of the change and encouraged by the smooth words of some adventurers and some unscrupulous persons, the government have been led into undertaking impracticable ventures whose failures have created a reputation for extravagance and fickleness which will perhaps take years of prudence and economy to remove; but every Asiatic nation has had to pass through such an experience and Korea must have hers also. After dispatching the ministers to Europe and America against the Imperial protests of China, the King ought not to be longer accused of either fear or a want of firmness of character. His Majesty received the protest with that quiet dignity which had characterised his bearing in other important matters and after hearing and carefully weighing China's objections—relying on his right as expressed in and guaranteed by the treaties, as well as by

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the law of nations—the ministers were ordered to leave for their respective posts, against the ultimatum of the Pekin Government and the positive conditions prescribed by the Viceroy, as well as in the face of the blustering conduct and diplomatic antics of Commissioner YUAN, supplemented by the persistent efforts of a few cowardly Korean officials, whose well-beaten track between the palace and the Chinese Legation indicates the character of their patriotism as well as their devotion to their King. No, from my own knowledge I should rather say that His Majesty is far too strong in character to suit those whose purposes it serves not to have it so. It must be borne in mind also that His Majesty has no kingdom to gain through an arrogant exhibition of *strength*, but he has one to lose through an exhibition of weakness or fear. The King's character for universal kindness may have been mistaken for weakness. Even some of his subjects say His Majesty is too kind for the good of the public service. His habits are those of perfect sobriety and industry, and being progressive in his nature, he is constantly seeking information which will aid him in directing his subjests into those paths that lead to the higher plains of civilization which have done so much to humanize and Christianize the Western World. Unfortunately in this great work the King, with a few exceptions, stands alone. Those who are in sympathy with Western progress are, as a rule, without influence or following, while those who possess both adhere to

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the traditions of the past with a loyalty worthy of better things. Under these circumstances the King of Korea surely deserves the sympathy and support of all good people.

O. N. DENNY.

Seoul, Korea,
February 3rd, 1888.

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