

THE CHENGCHIA TUN AGREEMENT<sup>1</sup>

The town of Chengchia Tun is situated some 53 miles northwest of Ssupingkai, which is a station on the South Manchuria Railway. Ssupingkai is about one hundred miles north of Mukden and is to be the junction of a branch railway line to be built through Chengchia Tun to Taonan Fu, a concession for which was granted to Japan in October, 1913. Taonan Fu and Chengchia Tun are situated in a region which until a few years ago was included in Eastern Inner Mongolia, but is now incorporated in the Province of Shengking, the southernmost province of Manchuria.

It is stated that Japanese troops had been stationed in Chengchia Tun for two years when the trouble broke out. The Chinese Government had protested against their presence there and they do not appear to have had the right to be there, since the town is fifty-three miles from the nearest station of the Japanese Railway Zone.

As a result of the Russo-Japanese War, the Japanese fell heir to the privileges previously enjoyed by Russians in South Manchuria. Among these were the possession of the leased territory of the Kwantung Peninsula and the control of the South Manchuria Railway.

The first grant made by China to Russians of a right to construct and operate a railway in Manchuria was that of 1896 for the Chinese Eastern Railway accorded to the Russo-Chinese Bank. This bank was nominally owned by Chinese and Russians, but as a matter of fact it was wholly controlled by Russians and in close relationship with the Russian Government. The agreement as to the Chinese Eastern Railway provided that China and Russia were to establish a railway company. The seal was to be issued by the Chinese Government and the Director General to be appointed by China. But the company in reality was almost wholly Russian and controlled by Russia.

Article V of the agreement stipulated that the Chinese Government should take measures for the protection of the railway line. When, therefore, the company's statutes were issued the paragraph dealing with this subject read as follows:

8. The Chinese Government has undertaken to adopt measures for securing the safety of the railway and of all employed on it against any extraneous attacks. The preservation of law and order on the lands assigned to the railway and its

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appurtenances shall be confided to police agents appointed by the company. The company shall for this purpose draw up and establish police regulations.

Under this provision one would naturally expect a Chinese police force to be established for the protection of the railway, but the company being in reality Russian, a force of Russian railway guards was organized and stationed along the line to function within a limited region along the railway known as the Railway Zone.

After the convention of June 24, 1898, had secured permission to build a branch line from the Chinese Eastern Railway to Port Arthur and Dalny, the same policy was adopted for the protection of that line. By the Treaty of Portsmouth, the South Manchuria Railway from Kuanghengtzu to Port Arthur and Dalny passed into the possession of Japan, and in the treaty with Japan of December 22, 1905, China gave consent to the transfer. On the same day China and Japan entered into another agreement of which Article II stipulates that:

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

These conditions do not appear to have been fulfilled, and consequently no diminution has taken place in the number of the railway guards.

By the agreement from which quotation was just made sixteen towns were added to those in Manchuria already opened to foreign residence and trade.

Immediately after taking over control of the South Manchuria Railway, Japan incorporated the South Manchuria Railway Joint Stock Company and established a government for the leased territory of Kwantung, whose Governor General was given authority to protect the South Manchuria Railway and supervise the affairs of the railway company. Among other provisions, the Imperial Ordinance contained the following:

Article 10. When the Governor General deems it necessary for the maintenance of the welfare and order of the territory under his jurisdiction or for the protection or supervision of the railway lines, he may employ military force.

It was further provided that consular officers in South Manchuria might be appointed Secretaries of the Government-General and that such consular officers should take charge of police affairs along the railway lines.

Some modification of this arrangement has since been made, but the important fact to be borne in mind is that there thus gradually grew up in South Manchuria an exercise of police authority in the railway zone by Japanese consular authorities.

It is well known that Japanese as well as other foreign consuls in China exercise extraterritorial jurisdiction over their own nationals, and in the exercise of this authority foreign consulates must be provided with constables or marshals authorized to make arrests and with officers to serve as judges of the consular courts. In some foreign settlements, therefore, such as Shanghai, where police powers have not been expressly reserved by China, local municipal governments have been established by the foreign residents and foreign police employed to preserve order. Such police exercise jurisdiction not only over the foreign residents, but also over Chinese living in the settlements.

After Japanese consuls had exercised police powers in the railway zone of the South Manchuria Railway without protest, their jurisdiction began to extend beyond the zone. Arrests were made even within the walled city of Mukden, and wherever Japanese consuls were stationed, even in places where no Japanese settlement existed, Japanese police also were apt to be found, with the result that altercations between Chinese citizens and Japanese police became of somewhat frequent occurrence.

When in May, 1915, Japan and China signed a treaty respecting South Manchuria and Eastern Inner Mongolia, Japanese subjects were granted the right to reside, travel and engage in business in those regions, but it was expressly stipulated that such Japanese subjects should be required to have passports, register with the local authorities and submit to Chinese police laws and ordinances and to the taxation of China.

Notwithstanding the treaty, Japanese police forces continued to enlarge the field of their operations. The force at Chengchia Tun remained in spite of Chinese protests. Some excuse perhaps may be found in the disturbed condition of the region, infested as it was by Mongol bandits. Another excuse may be found in the fact that the survey of the proposed railway branch line was begun last summer,

and if a railway line may be policed why not a party of railway surveyors in a prospective railway zone?

The quarrel which very easily occurred under these circumstances in Chengchia Tun led to certain demands by the Japanese Government. Following the precedent set in the case of the twenty-one demands presented to China in 1915, a portion of the demands made in relation to Chengchia Tun were put down as *desiderata*.

There were four demands as follows:

1. Punishment of the general commanding the 28th Division.
2. The dismissal of the officers at Chenchiatun responsible for the occurrence, as well as the severe punishment of those who took direct part in the fracas.
3. Proclamation to be posted ordering all Chinese soldiers and civilians in South Manchuria and Eastern Inner Mongolia to refrain from any act calculated to provoke a breach of the peace with Japanese soldiers or civilians.
4. China to agree to the stationing of Japanese police officers in places in South Manchuria and Eastern Inner Mongolia where their presence was considered necessary for the protection of Japanese subjects. China also to agree to the engagement by the officials of South Manchuria of Japanese police advisers.

The *desiderata* were also four:

1. Chinese troops stationed in South Manchuria and Eastern Inner Mongolia to employ a certain number of Japanese military officers as advisers.
2. Chinese military cadet schools to employ a certain number of Japanese military officers as instructors.
3. The Military Government of Mukden to proceed personally to Port Arthur to the Japanese Military Government of Kwantung to apologize for the occurrence and to tender similar personal apologies to the Japanese Consul General in Mukden.
4. Adequate compensation to be paid by China to the Japanese sufferers and to the families of those killed.

In the final settlement, as will be seen, the first three demands were granted in substance; reproof was substituted for punishment in the case of the general commanding the 28th Division, and the officers instead of being dismissed and severely punished, were to be punished according to law, and only severely punished if the law so provided.

The fourth demand was rejected by China and withdrawn by Japan. The first two of the *desiderata* were refused by China and withdrawn by Japan. Instead of requiring the Military Governor of Mukden to proceed to Port Arthur in person and apologize for the occurrence, as expressed in the third of the *desiderata*, it was agreed that he might send a representative to express his regret.

As for the fourth of the *desiderata*, a solatium was allowed to one Japanese only. An important item of the agreement is that stipulating that the Japanese soldiers in the district should be withdrawn.

The withdrawal of the obnoxious demands reflects credit upon the Japanese Government as evidencing an unwillingness to enforce exorbitant demands of an unjust character, and the agreement to withdraw the troops shows a desire to remove the root of the difficulty and to respect the sovereignty of China.

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THE ROLE PLAYED BY THE STATE DUMA IN THE FORMATION OF  
THE NEW RUSSIA <sup>1</sup>

The first State Duma was called on April 27, 1906. Hundreds of thousands of people gathered on the streets of the capital to greet the representatives of the people. At this solemn moment in Russia's history, the representatives of the country gathered for the first time in the Winter Palace to meet the Czar. In the foreground vivid court uniforms, and in the background modest black coats, stood out strikingly. The deputies awaited the speech of the Czar, standing ready to meet him. The Czar spoke. It was a speech replete with reticence and noteworthy for its omissions, and the answer of these modestly-dressed people was their silence. "The silence of people is a lesson for kings," said Mirabeau at the end of the eighteenth century. But the lesson availed not this time.

Despite the fact that sentiment throughout the country was in favor of the first State Duma, the Duma was dismissed seventy-two days after its calling, by order of the monarch. A réélection was ordered by the Czar's decree in the hope of securing more conservative deputies. But the results of the election did not justify the expectations of the conservative element in Russia, for the second Duma was even more radical than the first. Then, on the initiative of the Prime Minister, P. A. Stolypin, the government availed itself of a privilege to which it no longer had any right, in accordance with the laws it had itself enacted. On June 3, 1907, the Czar issued a new decree, by which the franchise was granted almost exclusively to the most conservative classes — the nobility and clergy. And although public opinion was

<sup>1</sup> This note kindly contributed by Dr. B. E. Shatsky, of the University of Petrograd.