

# OUTER MONGOLIA

## Treaties and Agreements

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE  
DIVISION OF INTERNATIONAL LAW  
PAMPHLET No. 41



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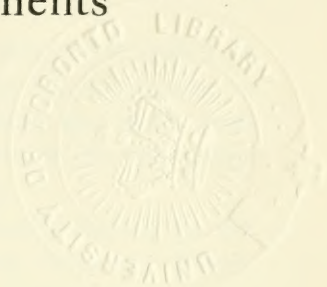


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# OUTER MONGOLIA

## Treaties and Agreements



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OUTER MONGOLIA

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## NOTE

A Conference on the Limitation of Armament was called on August 11, 1921, by the Government of the United States, to meet in Washington on November 11, 1921, the third anniversary of the signing of the armistice between the victorious Allied and Associated Powers and Germany.

The representatives of the Powers originally invited to the Conference were the British Empire, France, Italy and Japan, for the consideration of the question of the limitation of armament, and China for the discussion of Pacific and Far Eastern Questions. Later, representatives of Belgium, the Netherlands and Portugal, were invited to take part in the discussion of questions concerning the Pacific.

The tentative program agreed upon embraces the following subjects:

### *Limitation of Armament*

1. Limitation of naval armament, under which shall be discussed:
  - (a) Basis of limitation.
  - (b) Extent.
  - (c) Fulfillment.
2. Rules for control of new agencies of warfare.
3. Limitation of land armament.

### *Pacific and Far Eastern Questions*

1. Questions relating to China.  
First: Principles to be applied.  
Second: Application.

Subjects:

- (a) Territorial integrity.
- (b) Administrative integrity.
- (c) Open door—equality of commercial and industrial opportunity.
- (d) Concessions, monopolies or preferential economic privileges.
- (e) Development of railways, including plans relating to Chinese Eastern Railway.
- (f) Preferential railroad rates.
- (g) Status of existing commitments.
2. Siberia (similar headings).
3. Mandated islands (unless questions earlier settled).

Under the heading of "Status of Existing Commitments" it is expected that opportunity will be afforded to consider and to reach an understanding with respect to unsettled questions involving the nature and scope of commitments under which claims of rights may hereafter be asserted.

In the belief that the dissemination of information regarding the status of armaments, the collection of official documents throwing light upon the situation in the Pacific, and the furnishing of accurate accounts of the issues involved in some of the more important problems confronting the Conference, would render a service to the public and perhaps even to the delegates to the Conference, the Carnegie Endowment for International Peace has undertaken the preparation and publication of a series of pamphlets of which the present pamphlet is one. The documents have been selected chiefly from John V. A. MacMurray's *Treaties and Agreements with and concerning China*, published in two volumes by the Endowment earlier in the year.

The meeting of so many nations in conference, following upon the close of a great war, is in itself an event of no mean importance. The holding of a conference upon the limitation of armament in succession to the First Hague Peace Conference called to consider the burden of armaments and the means for its decrease, with the possibility of an agreement in conference upon some of the questions of international import in addition to armaments, is an indication that the world is returning to "normalcy" and turning to the experience of The Hague.

That the Conference may be successful in all the phases of its program should be the desire of men and women of good-will in all parts of the world.

JAMES BROWN SCOTT,  
*Director.*

WASHINGTON, D. C.,  
October 10, 1921.

## CHRONOLOGICAL LIST OF DOCUMENTS

Documents mentioned in the list as not printed herein are listed below merely for reference.

DATE	SPECIFICATIONS OF DOCUMENT	NUMBER	PAGE
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December 20, 1911	RUSSIA & CHINA—Treaty fixing Russo-Chinese Boundary, between Tarbaga Dagh and Abahaitu, and along Argun River. (Not printed herein; for text, see MACMURRAY, vol. I, p. 919.).....		
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December 20, 1913	RUSSIA & CHINA—Arrangement regarding Junction of Russian and Chinese Telegraphs at Irkechtam. (Not printed herein; for text, see MACMURRAY, vol. II, p. 1088.).....		
September 30, 1914	MONGOLIA & RUSSIA—Agreement concerning Railways in Mongolia.....	7	28
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June 7, 1915	RUSSIA, MONGOLIA & CHINA—Tripartite Agreement regarding Outer Mongolia....	9	32
June 12, 1915	RUSSIA & CHINA—Protocol of Delimitation along River Horgos. (Not printed herein; for text, see MACMURRAY, vol. II, p. 1245.).....		
January 24, 1916	RUSSIA, MONGOLIA & CHINA—Tripartite Agreement concerning Outer Mongolian Telegraph Line. (Not printed herein; for text, see MACMURRAY, vol. II, p. 1259.) ..		





## No. 1

### RUSSIA AND CHINA

*Treaty respecting the Re-establishment of Chinese Authority in the Country of Ili; Boundary; Consuls; Commerce; Frontier Trade, etc.—Signed at St. Petersburg, February 12/24, 1881.*

[EXTRACTS ONLY]

#### ARTICLE X

The recognized Treaty right of the Russian Government to appoint Consuls at Ili, at Tarbagataï, at Kachgar, and at Ourga is henceforward extended to the towns of Sou-Tcheou (Tsia-yu-kouan) and Tourfan. In the following towns: Kobdo, Ouliasscutai, Khami, Ouroumtsi, and Goutchen, the Russian Government will establish Consulates accordingly as they are called for by the development of commerce, and after coming to an understanding with the Chinese Government.

The Russian Consuls in Mongolia and the districts situated on the two slopes of the Tian-chan will, for traveling purposes and for forwarding their correspondence, make use of the Government postal establishments, according to the stipulations of Article XI of the Treaty of Tien-tsin and Article XII of the Treaty of Peking. The Chinese authorities, when called upon by them for this purpose, will afford them their aid and assistance.

#### ARTICLE XI

Russian Consuls in China will communicate on business matters, either with the local authorities of their place of residence or with the superior authorities of the district or province, accordingly as the nature of the interests respectively intrusted to them and the importance or urgency of the business to be transacted may require. The correspondence between them will take the shape

<sup>1</sup>Translation, as printed in British Parliamentary Paper, *China, No. 1 (1882)* [C. 3134], pp. 13 *et seq.* French text at *ibid.*, pp. 3 *et seq.*; HERTSLET, *Treaties, &c., between Great Britain and China; and between China and Foreign Powers, etc.* (London, 1908), vol. 1, pp. 486 *et seq.*



of official letters. As to the rules of etiquette to be observed in their interviews, they will be based upon the consideration which the officers of friendly Powers owe to one another.

All questions arising on Chinese territory with regard to commercial or other matters between the dependents of the two States will be examined and settled by common consent by the Consuls and the Chinese authorities.

In disputes concerning commercial matters the parties may settle their differences amicably by means of arbitrators chosen by both sides. If by this course an understanding cannot be arrived at, the question will be examined and settled by the authorities of the two States.

Written engagements between Russian and Chinese subjects concerning orders for goods or their carriage, the hire of shops, houses, and other places, or relating to other similar transactions, may be presented for the legalization of the Consulates and of the higher local administrations whose duty it is to legalize documents presented to them. In case of the non-fulfilment of engagements contracted, the Consuls and the Chinese authorities will consider as to measures calculated to insure the execution of such obligations.

## ARTICLE XII

Russian subjects are authorized, as heretofore, to carry on trade free of duty in Chinese Mongolia, in those localities or aïmaks where there are Chinese authorities, as well as in those where there are none.

Russian subjects may likewise carry on trade free of duty in the towns and other localities of the Provinces of Ili, Tarbagataï, Kachgar, Ouroumsi, and others, situated on the northern and southern slopes of the Tian-chan range, as far as the Great Wall. This privilege will be withdrawn when the development of trade necessitates the enactment of a Customs Tariff, in accordance with an understanding to be arrived at between the two Governments.

Russian Subjects may import into and export from the aforesaid provinces of China, products of every kind, no matter what

their origin may be. They may effect purchases and sales either for cash or by barter; they will be entitled to make payments in merchandise of all kinds.

#### ARTICLE XIII

In the localities where the Russian Government is entitled to establish Consulates, as in the town of Kalgan, Russian subjects may construct houses, shops, store-houses, and other buildings on the land they may acquire by purchase, or which may be granted to them by the local authorities, in accordance with what is laid down for Ili and Tarbagataï by Article XIII of the Kuldja Treaty of 1851.

Privileges granted to Russian subjects in the town of Kalgan, where there will be no Consulate, constitute an exception which cannot be extended to any other locality in the internal provinces.

#### ARTICLE XIV

Russian merchants wishing to send from Russia by land goods for the inner provinces of China, may, as formerly, send them by the towns of Kalgan and Toun-Tcheou to the port of Tien-tsin, and thence to other ports and inner markets, and sell them in those different localities.

Merchants will use the same route to export to Russia goods purchased in the towns and ports above mentioned, or in the inner markets.

They will likewise be entitled to proceed on commercial business to Sou-Tcheou (Tsia-yu-kouan), the terminus of Russian caravans, and will there enjoy all the rights granted to Russian commerce at Tien-tsin.

#### ARTICLE XV

Trade carried on by land by Russian subjects in the inner and outer provinces of China will be governed by the Regulations annexed to the present Treaty.

The commercial stipulations of the present Treaty, as well as the Regulations which serve as its complement, may be revised after the lapse of ten years, to date from the day of the exchange of the ratifications of the Treaty; but if, within the course of six

months before that term expires, neither of the Contracting Parties should manifest a desire to proceed to its revision, the commercial stipulations, as well as the Regulations, will remain in force for a further term of ten years.

Trade by sea carried on by Russian subjects in China will come under the general Regulations established for foreign maritime commerce with China. Should it become necessary to modify these Regulations, the two Governments will come to an understanding on the subject.

#### ARTICLE XVI

Should the development of Russian trade by land call for the enactment of a Customs Tariff applicable to goods exported from and imported into China, which shall harmonize better with the necessities of that trade than the existing Tariffs, the Governments of Russia and China will come to an understanding on the subject, taking as a basis for fixing the export and import duties an *ad valorem* rate of 5 per cent.

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#### *Regulations for Trade by Land*

ARTICLE 1. A trade by free exchange and free of duty (free trade) between Russian and Chinese subjects is authorized within a zone extending for 50 versts (100 li) on either side of the frontier. The supervision of this trade will rest with the two Governments in accordance with their respective frontier regulations.<sup>1</sup>

ART. 2. Russian subjects proceeding on business to Mongolia and to the districts situated on the northern and southern slopes of the Tian-chan Mountains may only cross the frontier at certain points specified in the list annexed to these Regulations.

They must procure from the Russian authorities permits in the Russian and Chinese languages, with Mongolian and Tartar translations. The name of the owner of the goods, or that of the leader of the caravan, a specification of the goods, the number of

<sup>1</sup>See note, *post*, p. 11.

packages, and the number of heads of cattle may be indicated in the Mongolian or Tartar languages, in the Chinese text of these permits.

Merchants, on entering Chinese territory, are bound to produce their permits at the Chinese post nearest to the frontier, where, after examination, the permit is to be countersigned (“visé”) by the chief of the post.

The Chinese authorities are entitled to arrest merchants who have crossed the frontier without a permit, and to make them over to the Russian authorities nearest to the frontier, or to the competent Russian Consul, for the infliction of a severe penalty.

In case of the permit being lost, the owner is bound to give notice to the nearest Russian Consul, in order that a fresh one may be issued to him, and to inform the local authorities, in order to obtain a temporary certificate which will enable him to pursue his journey.

Merchandise introduced into Mongolia and the districts situated on the slopes of the Tian-chan, but which have found no sale there, may be forwarded to the towns of Tien-tsin and Sou-Tcheou (Tsia-yu-kouan), to be sold or to be sent farther into China.

With regard to the duties on such merchandise, to the issue of permits for its carriage, and to other Customs formalities, proceedings shall be taken in accordance with the following provisions.

ART. 3. Russian merchants forwarding goods from Kiakhta and the Nertchinsk country to Tien-tsin must send them by way of Kalgan, Dounba, and Toun-Tcheou. Merchandise forwarded to Tien-tsin from the Russian Frontier by Kobdo and Kouï-houa-Tcher is to follow the same route.

Merchants must be provided with transport permits issued by the Russian authorities, and duly *visé* by the competent Chinese authorities, which must give, in the Chinese and Russian languages, the name of the owner of the goods, the number of packages, and a description of the goods they contain.

The officials of the Chinese custom-houses situated on the road by which merchandise is forwarded, will proceed, without delay,



to verify the number of the packages, and to examine the goods, which they will allow to pass onwards, after affixing a *visa* to the permit.

Packages opened in the course of the Customs examination will be closed again at the custom-house, the number of packages opened being noted on the permit.

The Customs examination is not to last more than two hours.

The permits are to be presented within a term of six months at the Tien-tsin Custom-house to be cancelled. If the owner of the goods finds this term insufficient, he must at the proper time and place give notice to the Chinese authorities.

In case of the permit being lost, the merchant must give notice to the authorities who delivered it to him to obtain a duplicate, and must for that purpose make known the number and date of the missing permit. The nearest custom-house on his road, after having ascertained the accuracy of the merchant's declaration, will give him a provisional certificate, accompanied by which his goods may proceed on their journey.

An inaccurate declaration of the quantity of the goods, if it be proved that it was intended to conceal sales effected on the road, or to escape payment of duty, will render the merchant liable to the infliction of the penalties laid down by Article 8 of the present Regulations.

ART. 4. Russian merchants who may wish to sell at Kalgan any portion of the goods brought from Russia must make a declaration to that effect to the local authorities within the space of five days. Those authorities, after the merchant has paid the whole of the entrance duties, will furnish him with a permit for the sale of the goods.

ART. 5. Goods brought by Russian merchants by land from Russia to Tien-tsin will pay an entrance duty equivalent to two-thirds of the rate established by the Tariff.

Goods brought from Russia to Sou-Tcheou (Tsia-yu-kouan) will pay in that town the same duties and be subject to the same regulations as at Tien-tsin.

ART. 6. If the goods left at Kalgan, having paid the entrance duties, are not sold there, their owner may send them on to Toun-



Tcheou or to Tien-tsin, and the Customs authorities, without levying fresh duties, will repay to the merchant one-third of the entrance duty paid at Kalgan, a note to that effect being made on the permit issued by the Kalgan Custom-house.

Russian merchants, after paying transit dues, *i.e.*, one-half the duty specified in the Tariff, may forward to the internal markets goods left at Kalgan which have paid the entrance dues, subject only to the general regulations established for foreign trade in China. A transport permit, which is to be produced at all the custom-houses and barriers on the road, will be delivered for these goods. Goods not accompanied by such permit will have to pay duty at the custom-houses they pass, and *li-kin* at the barriers.

ART. 7. Goods brought from Russia to Sou-Tcheou (Tsia-yukouan) may be forwarded to the internal markets under the conditions stipulated by Article 9 of these Regulations for goods forwarded from Tien-tsin destined for the internal markets.

ART. 8. If it be ascertained, when the Customs examination of goods brought from Russia to Tien-tsin takes place, that the goods specified in the permit have been withdrawn from the packages and replaced by others, or that their quantity (after deducting what has been left at Kalgan) is smaller than that indicated in the permit, the whole of the goods included in the examination will be confiscated by the Customs authorities.

It is understood that packages damaged on the road, and which, consequently, have been repacked, shall not be liable to confiscation, providing always that such damage has been duly declared at the nearest custom-house, and that a note to such effect has been made by that office after it has ascertained the untouched condition of the goods as at first sent off.

Will be liable to confiscation, goods concerning which it is ascertained that a portion has been sold on the road.

If goods have been taken by bye-ways in order to evade their examination at the custom-houses established on the routes indicated in Article 3, the owner will be liable to a fine equal in amount to the whole entrance duty.

If a breach of the aforesaid regulations has been committed by the carriers, without the knowledge or connivance of the owner of

the goods, the Customs authorities will take this circumstance into consideration in determining the amount of the fine. This provision only applies to localities through which the Russian land trade passes, and is not applicable to similar cases arising at the ports and in the interior of the provinces.

When goods are confiscated the merchant is entitled to release them by paying the equivalent of their value, duly arrived at by an understanding with the Chinese authorities.

ART. 9. On the exportation by sea from Tien-tsin to some other Chinese port opened to foreign trade by Treaty of goods brought from Russia by land, the Tien-tsin Customs will levy on such goods one-third of the Tariff duty, in addition to the two-thirds already paid. No duty shall be levied on these goods in other ports.

Goods sent from Tien-tsin or the other ports to the internal markets are subject to transit dues (*i.e.*, half of the Tariff duty) according to the general provisions laid down for foreign trade.

ART. 10. Chinese goods sent from Tien-tsin to Russia by Russian merchants must be forwarded to Kalgan by the route indicated under Article 3.

The entire export duty will be levied on these goods when they leave the country. Nevertheless, reimported goods bought at Tien-tsin, as well as those bought in another port and forwarded *in transitu* to Tien-tsin to be exported to Russia, if accompanied by a Customs receipt for the export duty, shall not pay a second time, and the half reimportation duty (coasting duty) paid at Tien-tsin will be repaid to the merchant if the goods upon which it has been paid are exported to Russia within a year from the time of such payment.

For the transport of goods in Russia, the Russian Consul will issue a permit indicating in the Russian and Chinese languages the name of the owner of the goods, the number of packages, and the nature of the goods they contain. These permits will be *visé* by the port Customs authorities, and must accompany the goods, for production when they are examined at the custom-houses on the road.

The rules given in detail in Article 3 will be observed as to the term within which the permit is to be presented to the Custom-

house to be cancelled, and as to the proceedings in case of the permit being lost.

Goods will follow the route indicated by Article 3, and are not to be sold on the road; a breach of this rule will render the merchant liable to the penalties provided for under Article 8. Goods will be examined at the custom-houses on the road in accordance with the Rules laid down under Article 3.

Chinese goods bought by Russian merchants at Sou-Tcheou (Tsia-yu-kouan), or brought by them from the internal markets to be forwarded to Russia, on leaving Sou-Tcheou for Russia, will have to pay the duty leviable upon goods exported from Tien-tsin, and will be subject to the regulations established for that port.

ART. 11. Goods bought at Toun-Tcheou, on leaving that place for Russia by land, will have to pay the full export duty laid down by the Tariff.

Goods bought at Kalgan will pay in that town, on leaving for Russia, a duty equivalent to half the Tariff rate.

Goods bought by Russian merchants in the internal markets, and brought to Toun-Tcheou and Kalgan to be forwarded to Russia, will moreover be subject to transit dues, according to the general rules established for foreign trade in the internal markets.

The local custom-houses of the aforesaid towns, after levying the duties, will give the merchant a transport permit for his goods. For goods leaving Toun-Tcheou, this permit will be issued by the Dounba Customs authorities, to whom application is to be made for it, accompanied by payment of the duties to which the goods are liable. This permit will mention the prohibition to sell goods on the road.

The rules given in detail in Article 3 relative to permits, the examination of goods, etc., will apply in like manner to goods exported from the places mentioned in this Article.

ART. 12. Goods of foreign origin sent to Russia by land from Tien-tsin, Toun-Tcheou, Kalgan, and Sou-Tcheou (Tsia-yu-kouan) will pay no duty if the merchant produces a Customs receipt acknowledging payment of the import and transit duties on those goods. If they have only paid entrance duties, the competent Custom-house will call upon the merchant for the payment of the transit dues fixed by the Tariff.

ART. 13. Goods imported into China by Russian merchants, or exported by them, will pay customs duties according to the General Tariff for foreign trade with China, and according to the Additional Tariff drawn up for Russian trade in 1862.

Goods not enumerated in either of those Tariffs will be subject to a 5 per cent. *ad valorem* duty.

ART. 14. The following articles will be admitted free of export and import duty:

Gold and silver ingots, foreign coins, flour of all kinds, sago, biscuits, preserved meats and vegetables, cheese, butter, confectionery, foreign clothes, jewelry and silver plate, perfumery and soaps of all kinds, charcoal, firewood, candles of foreign manufacture, foreign tobacco and cigars, wine, beer, spirits, household stores and utensils to be used in houses and on board ship, travellers' luggage, official stationery, tapestries, cutlery, foreign medicines, glass ware and ornaments.

The above-mentioned articles will pass free of duty on entering and on leaving by land; but if they are sent from the towns and ports mentioned in these Regulations to the internal markets, they will pay a transit duty of  $2\frac{1}{2}$  per cent. *ad valorem*. Travellers' luggage, gold and silver ingots, and foreign coins will, however, not pay this duty.

ART. 15. The exportation and importation of the following articles is prohibited, under penalty of confiscation in case of smuggling:

Gunpowder, artillery ammunition, cannon, muskets, rifles, pistols, and all fire-arms. Engines and ammunition of war, salt, and opium.

Russian subjects going to China may, for their personal defence, have one musket or one pistol each, of which mention will be made in the permit they are provided with.

The importation by Russian subjects of saltpetre, sulphur, and lead is allowed only under special license from the Chinese authorities, and those articles may only be sold to Chinese subjects who hold a special purchase-permit.

The exportation of rice and of Chinese copper coin is forbidden. On the other hand, the importation of rice and of all cereals may take place duty free



ART. 16. The transport of goods belonging to Chinese merchants is forbidden to Russian merchants attempting to pass them off as their own property.

ART. 17. The Chinese authorities are entitled to take the necessary measures against smuggling.

Done at St. Petersburg, the 12/24th February, 1881.

(Signed)	NICHOLAS DE GIERS.	(Signed)	TSENG.
	(L. S.)		(L. S.)
(Signed)	EUGÈNE BUTZOW.		
	(L. S.)		

### Note

The duty-free zones of fifty Russian versts on either side of the frontier, provided for in Article 1 of the regulations for trade by land<sup>1</sup> annexed to the St. Petersburg treaty of February 12/24, 1881, between Russia and China, were subsequently abolished. See, in this connection, the following translation (from the Russian text as printed in *Izvestia*, 1912, vol. vi, p. 74) of a note addressed by the Russian Minister at Peking to the Wai Chiao Pu under date of August 24/September 6, 1912:<sup>2</sup>

#### Abolition of 50-verst duty-free frontier Zone, September 6, 1912

"On October 25/November 7, last year the Imperial Russian Government handed to the Chinese delegate its counter-proposals for the revision of the St. Petersburg treaty of 1881, which up to the present still remain without answer. The repeated reminders of the Imperial Government as to the necessity, in the interests of the trade of both countries, of coming to a conclusion of the negotiations already commenced for the revision of the said treaty, have not led either to the receipt of the consent of the Chinese Government to the Russian counter-proposals or to any other new proposals regarding the question. The attempt of the Imperial Government to come to an agreement with the Chinese Government regarding the date up to which the St. Petersburg treaty should be left in force has likewise remained without result.

"Such a situation reacts in the most injurious manner on the Russo-Chinese overland trade which, having a biennial or even triennial turnover, has need of settled procedure more than any other trade. The continued uncertainty as to how long the existing system of trade relations on the frontier of Russia and China will last, evokes just complaints from all sides.

"In view of the above, having come to the conclusion that the Chinese Government is either unable or unwilling to negotiate a revision of the St. Petersburg treaty, and considering that the Chinese Government has

<sup>1</sup>*Ante*, p. 4.

<sup>2</sup>J. V. A. MacMURRAY, *Treaties and Agreements with and concerning China, 1894-1919* (New York, 1921), vol. 1, p. 650.



not availed itself of the right to a revision of trade regulations conveyed under Article 15 of the said treaty, the Imperial Russian Government, desirous of establishing a sound system for Russo-Chinese overland trade, hereby declares that it is compelled to consider the St. Petersburg treaty of 1881 as remaining in force for a further period of ten years, *i.e.* to 7/20 August, 1921, in conformity with the stipulations contained in Article 15 of the treaty.

"Of the proposals communicated by the Chinese delegate in August last year, the Imperial Government has taken note of the desire of the Chinese Government to abrogate the special privilege of duty-free trade in the fifty-verst zone on each side of the land frontier between Russia and China. The Imperial Government recognizes that under the present conditions when along the land frontier a series of populated districts has grown up, the existence of a fifty-verst free zone, established at a time when the frontier was uninhabited, has become in many places abnormal. This is confirmed by the series of difficulties which have arisen latterly as to the true meaning of the privileges connected with the existence of this zone.

"Desiring to meet the above mentioned wish of the Chinese Government, expressed through its delegate for the revision of the St. Petersburg treaty, and recognizing the inconvenience of leaving the question of the fifty-verst privileged zone without decision for ten years, the Imperial Russian Government hereby informs the Chinese Government that the privileged zone on the Russian side of the land frontier between Russia and China will be abolished from 1/14 January, 1913.

"It goes without saying that the Imperial Government will not object to the simultaneous abolishment of the privileged fifty-verst zone on the Chinese side of the frontier."

## No. 2

### GREAT BRITAIN AND RUSSIA

*Identical notes exchanged with regard to railway interests in China.*<sup>1</sup>—  
*April 28, 1899*

SIR C. SCOTT TO COUNT MOURAVIEFF

The Undersigned, British Ambassador, duly authorized to that effect, has the honour to make the following declaration to

<sup>1</sup>Text as printed in *British and Foreign State Papers*, vol. 91, p. 91. Printed also in *British Treaty Series*, 1899, No. 11; *American Journal of International Law*, Supplement, 1910, p. 298; HERTSLET, *Treaties, &c., between Great Britain and China: and between China and Foreign Powers*, etc. (London, 1908), vol. 1, p. 586; PERCY H. KENT, *Railway Enterprise in China* (London, 1908), p. 220; *Recueil des documents diplomatiques concernant l'Extrême-Orient, 1894-1905* (St. Petersburg, 1905), p. 358; ROCKHILL, p. 183; MACMURRAY, vol. 1. p. 204.

His Excellency Count Mouravieff, Russian Minister for Foreign Affairs.

Great Britain and Russia, animated by a sincere desire to avoid in China all cause of conflict on questions where their interests meet, and taking into consideration the economic and geographical gravitation of certain parts of that Empire, have agreed as follows:

1. Great Britain engages not to seek for her own account, or on behalf of British subjects or of others, any railway concessions to the north of the Great Wall of China, and not to obstruct, directly or indirectly, applications for railway concessions in that region supported by the Russian Government.

2. Russia, on her part, engages not to seek for her own account, or on behalf of Russian subjects or of others, any railway concessions in the basin of the Yangtze, and not to obstruct, directly or indirectly, applications for railway concessions in that region supported by the British Government.

The two Contracting Parties, having nowise in view to infringe in any way the sovereign rights of China or existing Treaties, will not fail to communicate to the Chinese Government the present arrangement, which, by averting all cause of complications between them, is of a nature to consolidate peace in the Far East, and to serve the primordial interests of China herself.

CHARLES S. SCOTT.<sup>1</sup>

ST. PETERSBURG, *April 28, 1899.*

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#### SIR C. SCOTT TO COUNT MOURAVIEFF

In order to complete the notes exchanged this day respecting the partition of spheres for concessions for the construction and

In connection with the exchange of notes, see also the note of the Tsung-li Yamen to the Russian Minister, June 1, 1899 (*post*, p. 15); agreement between Russia and China concerning Manchuria, April 8, 1902 (MACMURRAY, vol. I, p. 326); agreement for the transfer of the Peking-Shanhaikuan Railway to the Chinese Civil Administration, and the additional agreement respecting the management of the northern railways, April 29, 1902 (MACMURRAY, vol. I, p. 331), and the note of the Wai-wu Pu to the Russian Minister, June 10, 1902, attached thereto.

<sup>1</sup>The same, *mutatis mutandis*, was sent the same day by Count Mouravieff, Minister of Foreign Affairs of Russia, to Sir Charles Scott.

working of railways in China, it has been agreed to record in the present additional note the arrangement arrived at with regard to the line Shanghaikuan-Newchwang, for the construction of which a loan has been already contracted by the Chinese Government with the Shanghai-Hongkong Bank, acting on behalf of the British and Chinese Corporation.

The general arrangement established by the above-mentioned notes is not to infringe in any way the rights acquired under the said Loan Contract, and the Chinese Government may appoint both an English engineer and an European accountant to supervise the construction of the line in question, and the expenditure of the money appropriated to it.

But it remains understood that this fact cannot be taken as constituting a right of property or foreign control, and that the line in question is to remain a Chinese line, under the control of the Chinese Government, and cannot be mortgaged or alienated to a non-Chinese Company.

As regards the branch line from Siaoheichan to Sinminting, in addition to the aforesaid restrictions, it has been agreed that it is to be constructed by China herself, who may permit European—not necessarily British—engineers to periodically inspect it, and to verify and certify that the work is being properly executed.

The present special Agreement is naturally not to interfere in any way with the right of the Russian Government to support, if it thinks fit, applications of Russian subjects or establishments for concessions for railways, which, starting from the main Manchurian line in a southwesterly direction, would traverse the region in which the Chinese line terminating at Sinminting and Newchwang is to be constructed.

CHARLES S. SCOTT.<sup>1</sup>

ST. PETERSBURG, *April 28, 1899.*

<sup>1</sup>The same, *mutatis mutandis*, was sent the same day by Count Mouravieff, Minister of Foreign Affairs of Russia, to Sir Charles Scott.

## No. 3

## RUSSIA AND CHINA

*Note of the Tsung-li Yamen to the Russian Minister at Peking in regard to the construction of railways northward and northeastward from Peking.*<sup>1</sup>—June 1, 1899.

## YOUR EXCELLENCY:

We discussed with Your Excellency a few days ago the subject of a railway connecting the Manchurian Railway with Peking, and explained the difficulty felt by the Chinese Government in acceding to the proposal. But we stated clearly that no other Government would be allowed to construct such a railway.

We now wish to reiterate in the plainest terms that China agrees that if railways are in future built from Peking to the north or to the northeast towards the Russian border, China reserves the right to construct such roads with Chinese capital and under Chinese supervision, but if it is proposed to have such construction undertaken by any other nation, the proposal shall be first made to the Russian Government or to the Russian syndicate to construct the railway, and on no consideration will any other Government or a syndicate of any other nationality be allowed to construct the railway.

We ask Your Excellency to communicate this message to the Foreign Office of Your Excellency's Government.

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**Note**

The following is a translation from the Chinese version of the acknowledgment addressed to the Tsung-li Yamen by the Russian Minister (Mr. de Giers) under date of June 17, 1899:

**Reply of Russian Minister in regard to Railways Northward and Northeastward from Peking.—June 17, 1899**

“Receipt is acknowledged of Your Excellencies' note of the twenty-third day of the fourth moon of this year (June 1, 1899), stating that the Chinese Government would not allow any other Government to construct a railway to Peking, and furthermore agreeing that if railways are in future built from Peking to the north or to the northeast towards the

<sup>1</sup>MACMURRAY, vol. 1, p. 207. Translation from the Chinese text. See note on this page.



Russian border, no matter in what direction, China reserves the right to construct such roads with Chinese capital and under Chinese supervision, but if it is proposed to have such construction undertaken by any other nation, the proposal shall first be made to the Russian Government or to the Russian syndicate to construct the railway, and on no consideration will any other Government or a syndicate of any other nationality be allowed to construct the railway.

"The statements above set forth were communicated, in accordance with your request, to my Government, and I have now received a reply from Count Mouravieff, as follows:

"The assurances of the Chinese Government have been respectfully noted. While the Russian Government will not at once ask for the construction of a road connecting the main line of the Manchurian Railway with Peking, the demand of Russia for the construction of this road was based on the responsibility assumed by the Chinese Government in its note of the thirteenth day of the sixth moon of last year (July 31, 1898), which is direct and incontrovertible, the failure to fulfil which involves an indemnity. This responsibility cannot therefore be allowed to lapse."

In connection with this note, see the Anglo-Russian exchange of notes of April 28, 1899 (*ante*, p. 12); agreement between Russia and China concerning Manchuria, April 8, 1902 (MACMURRAY, vol. I, p. 326); agreement for the transfer of the Peking-Shanhaikuan Railway to the Chinese Civil Administration, and the additional agreement respecting the management of the northern railways, April 29, 1902 (MACMURRAY, vol. I, p. 331), and note of the Wai-wu Pu to the Russian Minister, June 10, 1902, attached thereto.

## No. 4

### MONGOLIA AND RUSSIA

*Agreements in regard to relations between Russia and autonomous Mongolia (with attached Protocol concerning Russian trade).<sup>1</sup>*  
—November 3, 1912.

#### AGREEMENT

In accordance with the desire unanimously expressed by the Mongolians to maintain the national and historic constitution of their country, the Chinese troops and authorities were obliged to

<sup>1</sup>Translations, as printed in British Parliamentary Paper, *China, No. 1 (1913)*, from French texts. French texts also printed in Russian, *Izvestia Ministerstva Inostrannikh Del* (bimonthly publication), 1913, vol. II, p. 16; translations in *American Journal of International Law*, Supplement, 1913, p. 180; *The Far Eastern Review* (Shanghai), vol. IX, p. 318; TYAU, *The Legal Obligations arising out of Treaty Relations between China and Other States* (Shanghai, Commercial Press, 1917), p. 247; MACMURRAY, vol. II, p. 992.



evacuate Mongolian territory, and Djebzoun Damba-Khutukhta was proclaimed Ruler of the Mongolian people. The old relations between Mongolia and China thus came to an end.

At the present moment, taking into consideration the facts stated above, as well as the mutual friendship which has always existed between the Russian and Mongolian nations, and in view of the necessity of defining exactly the system regulating trade between Russia and Mongolia;

The actual State Councillor Jean Korostovetz, duly authorised for the purpose by the Imperial Russian Government; and

The protector of the ten thousand doctrines Sain-noin Khan Namnan-Souroun, President of the Council of Ministers of Mongolia;

The plenipotentiary Tchinsouzkou Tzin-van Lama Tzerin-Tchimet, Minister of the Interior;

The Plenipotentiary Daitzin-van Handa-dorji, of the rank of Khan-erdeni, Minister for Foreign Affairs;

The plenipotentiary Erdeni Dalai Tzun-van Gombo-Souroun, Minister of War;

The plenipotentiary Touchetou Tzun-van Tchakdorjab, Minister of Finance; and

The plenipotentiary Erdeni Tzun-van Namsarai, Minister of Justice;

Duly authorised by the Ruler of the Mongolian nation, by the Mongolian Government and by the ruling Princes, have agreed as follows:

ARTICLE 1. The Imperial Russian Government shall assist Mongolia to maintain the autonomous régime which she has established, as also the right to have her national army, and to admit neither the presence of Chinsee troops on her territory nor the colonisation of her land by the Chinese.

ART. 2. The Ruler of Mongolia and the Mongolian Government shall grant, as in the past, to Russian subjects and trade the

In connection with this agreement, see the Russo-Chinese Declaration in regard to Outer Mongolia, November 5, 1913 (*post*, p. 25); Russo-Mongolian Agreement concerning railways, September 30, 1914 (*post*, p. 28); and tripartite Agreement, among Russia, Mongolia and China, concerning Outer Mongolia, June 7, 1915 (*post*, p. 32).

enjoyment in their possessions of the rights and privileges enumerated in the protocol annexed hereto.

It is well understood that there shall not be granted to other foreign subjects in Mongolia rights not enjoyed there by Russian subjects.

ART. 3. If the Mongolian Government finds it necessary to conclude a separate treaty with China or another foreign Power, the new treaty shall in no case either infringe the clauses of the present agreement and of the protocol annexed thereto, or modify them without the consent of the Imperial Russian Government.

ART. 4. The present amicable agreement shall come into force from the date of its signature.

In witness whereof the respective plenipotentiaries, having compared the two texts, Russian and Mongolian, of the present agreement, made in duplicate, and having found the two texts to correspond, have signed them, have affixed thereto their seals, and have exchanged texts.

Done at Urga on the 21st October (O. S., *i. e.*, November 3), 1912, corresponding to the 24th day of the last autumn month of the 2nd year of the reign of the Unanimously Proclaimed, according to the Mongolian calendar (November 3, 1912).

PROTOCOL ANNEXED TO RUSSO-MONGOLIAN AGREEMENT OF THE  
21ST OCTOBER (3D NOVEMBER), 1912

By virtue of the enactment of the second article of the agreement, signed on this date between Actual State Councillor, Ivan Korostovets, Plenipotentiary of the Imperial Russian Government, and the President of the Council of Ministers of Mongolia, Sain-noin Khan Namnan-Souroun, the Protector of ten thousand doctrines; the Plenipotentiary and Minister of the Interior, Tchinsouzouktou Tzin-van Lama Tzerin-Tchimet; the Plenipotentiary and Minister for Foreign Affairs, Daitzin-van Handadorji of the rank of Khan-erdeni; the Plenipotentiary and Minister of War, Erdeni Dalai Tzun-van Gombo-Souroun; the Plenipotentiary and Minister of Finance, Touchetou Tzun-van Tchakdorjab; and the Plenipotentiary and Minister of Justice, Erdeni

Tzun-van Namsarai, on the authority of the Ruler of Mongolia, the Mongolian Government, and the Ruling Princes; the above-named Plenipotentiaries have come to an agreement respecting the following articles, in which are set forth the rights and privileges of Russian subjects in Mongolia, some of which they already enjoy, and the rights and privileges of Mongolian subjects in Russia :

ARTICLE 1. Russian subjects, as formerly, shall enjoy the right to reside and move freely from one place to another throughout Mongolia; to engage there in every kind of commercial, industrial, and other business; and to enter into agreements of various kinds, whether with individuals, or firms, or institutions, official or private, Russian, Mongolian, Chinese, or foreign.

ART. 2. Russian subjects, as formerly, shall enjoy the right at all times to import and export, without payment of import and export dues, every kind of product of the soil and industry of Russia, Mongolia and China, and other countries, and to trade freely in it without payment of any duties, taxes, or other dues.

The enactments of this (2nd) article shall not extend to combine Russo-Chinese undertakings, or to Russian subjects falsely declaring themselves to be owners of wares not their property.

ART. 3. Russian credit institutions shall have the right to open branches in Mongolia, and to transact all kinds of financial and other business, whether with individuals, institutions, or companies.

ART. 4. Russian subjects may conclude purchases and sales in cash or by an exchange of wares (barter), and they may conclude agreements on credit. Neither "khoshuns" nor the Mongolian Treasury shall be held responsible for the debts of private individuals.

ART. 5. The Mongolian authorities shall not preclude Mongolians or Chinese from completing any kind of commercial agreement with Russian subjects, from entering into their personal service, or into commercial and industrial undertakings formed by them. No rights of monopoly as regards commerce

or industry shall be granted to any official or private companies, institutions, or individuals in Mongolia. It is, of course, understood that companies and individuals who have already received such monopolies from the Mongolian Government previous to the conclusion of this agreement shall retain their rights and privileges until the expiry of the period fixed.

ART. 6. Russian subjects shall be everywhere granted the right, whether in towns or "khoshuns," to hold allotments on lease, or to acquire them as their own property for the purpose of organising commercial industrial establishments, and also for the purpose of constructing houses, shops, and stores. In addition, Russian subjects shall have the right to lease vacant lands for cultivation. It is, of course, understood that these allotments shall be obtained and leased for the above-specified purposes, and not for speculative aims. These allotments shall be assigned by agreement with the Mongolian Government in accordance with existing laws of Mongolia, everywhere excepting in sacred places and pasture lands.

ART. 7. Russian subjects shall be empowered to enter into agreements with the Mongolian Government respecting the working of minerals and timber, fisheries, &c.

ART. 8. The Russian Government shall have the right, in agreement with the Government of Mongolia, to appoint consuls in those parts of Mongolia it shall deem necessary.

Similarly, the Mongolian Government shall be empowered to have Government agents at those frontier parts of the Empire where, by mutual agreement, it shall be found necessary.

ART. 9. At points where there are Russian consulates, as also in other localities of importance for Russian trade, there shall be allotted, by mutual agreement between Russian consuls and the Mongolian Government, special "factories" for various branches of industry and the residence of Russian subjects. These "factories" shall be under the exclusive control of the above-mentioned consuls, or of the heads of Russian commercial companies if there be no Russian consul.

ART. 10. Russian subjects, in agreement with the Mongolian Government, shall retain the right to institute, at their own cost,



a postal service for the dispatch of letters and the transit of wares between various localities in Môngolia and also between specified localities and points on the Russian frontier. In the event of the construction of "stages" and other necessary buildings, the regulations set forth in article 6 of this protocol must be duly observed.

ART. 11. Russian consuls in Mongolia, in case of need, shall avail themselves of Mongolian Government postal establishments and messengers for the dispatch of official correspondence, and for other official requirements, provided that the gratuitous requisition for this purpose shall not exceed one hundred horses and thirty camels per month. On every occasion, a courier's passport must be obtained from the Government of Mongolia. When travelling, Russian consuls, and Russian officials in general, shall avail themselves of the same establishments upon payment. The right to avail themselves of Mongolian Government "stages" shall be extended to private individuals, who are Russian subjects, upon payment for the use of such "stages" of amounts which shall be determined in agreement with the Mongolian Government.

ART. 12. Russian subjects shall be granted the right to sail their own merchant-vessels on, and to trade with the inhabitants along the banks of, those rivers and their tributaries which, running first through Mongolia, subsequently enter Russian territory. The Russian Government shall afford the Government of Mongolia assistance in the improvement of navigation on these rivers, the establishment of the necessary beacons, &c. The Mongolian Government authorities shall assign on these rivers places for the berthing of vessels, for the construction of wharves and warehouses, for the preparation of fuel, &c., being guided on these occasions by the enactments of article 6 of the present protocol.

ART. 13. Russian subjects shall have the right to avail themselves of all land and water routes for the carriage of wares and the droving of cattle, and, upon agreement with the Mongolian authorities, they may construct, at their own cost, bridges, ferries, &c., with the right to exact a special due from persons crossing over.

ART. 14. Travelling cattle, the property of Russian subjects, may stop for the purpose of resting and feeding. In the event of prolonged halts being necessary, the local authorities shall assign proper pasturage areas along travelling cattle routes, and at cattle markets. Fees shall be exacted for the use of these pasturing areas for periods exceeding three months.

ART. 15. The established usage of the Russian frontier population harvesting (hay), as also hunting and fishing, across the Mongolian border shall remain in force in the future without any alteration.

ART. 16. Agreements between Russian subjects and institutions on the one side and Mongolians and Chinese on the other may be concluded verbally or in writing, and the contracting parties may present the agreement concluded to the local Government authorities for certification. Should the latter see any objection to certifying the contract, they must immediately notify the fact to a Russian consul, and the misunderstanding which has arisen shall be settled in agreement with him.

It is hereby laid down that contracts respecting real estate must be in written form, and presented for certification and confirmation to the proper Mongolian Government authorities and a Russian consul. Documents bestowing rights to exploit natural resources require the confirmation of the Government of Mongolia.

In the event of disputes arising over agreements concluded verbally or in writing, the parties may settle the matter amicably with the assistance of arbitrators selected by each party. Should no settlement be reached by this method, the matter shall be decided by a mixed legal commission.

There shall be both permanent and temporary mixed legal commissions. Permanent commissions shall be instituted at the places of residence of Russian consuls, and shall consist of the consul, or his representative, and a delegate of the Mongolian authorities of corresponding rank. Temporary commissions shall be instituted at places other than those already specified, as cases arise, and shall consist of representatives of a Russian consul and the prince of that "khoshun" to which the defendant

belongs or in which he resides. Mixed commissions shall be empowered to call in as experts persons with a knowledge of the case from among Russian subjects, Mongolians, and Chinese. The decisions of mixed legal commissions shall be put into execution without delay, in the case of Russian subjects through a Russian consul, and in the case of Mongolians and Chinese through the prince of the "khoshun" to which the defendant belongs or in which he is resident.

ART. 17. The present protocol shall come into force from the date of its signature.

In witness whereof, the respective plenipotentiaries, finding, upon comparison of the two parallel texts of the present protocol—Russian and Mongol—drawn up in duplicate, that the texts correspond, have signed each of them, affixed their seals, and exchanged texts.

Executed at Urga, the 21st October, 1912 (O. S., *i. e.*, November 3), and by the Mongolian calendar, on the twenty-fourth day of the last autumn moon, in the second year of the administration of the "Unanimously Proclaimed."

In the original follow the signature of M. Korostovets, Minister Plenipotentiary; and in the Mongol language the signatures of the President of the Mongolian Council of Ministers, and the Plenipotentiaries, the Ministers of the Interior, Foreign Affairs, War, Finance, and of Justice.

## No. 5

### MONGOLIA AND RUSSIA

*Agreement for a concession for the construction of a telegraph line between Kosh-Agatch and Kobdo.*<sup>1</sup>—May 25, 1913

With a view to facilitating communications between the Russian frontier and the town of Kobdo, the Mongolian Govern-

<sup>1</sup>MACMURRAY, vol. II, p. 1038. Translation from Russian text as printed in *Izvestia Ministerstva Inostrannikh Del*, 1914, vol. 3, p. 4.

In connection with this agreement, see the Monda-Uliassutai Telegraph Agreement of September 30, 1914 (*post*, p. 30).

ment grants to the Russian Chief Administration of Posts and Telegraphs the concession to build a telegraph line between Kosh-Agatch and the above-named town on the following basis:

1.—The Chief Administration of Posts and Telegraphs takes upon itself the expense and labor of constructing the said line, receiving in return for this the right of exploitation and complete control.

2.—The work of joining up Kosh-Agatch and Kobdo shall commence upon the signature of the present agreement, and the Mongolian Government shall give the Chief Administration every assistance in such construction, namely, in the felling and transport of timber and necessary materials, payment for which shall be fixed at the market prices.

3.—The Mongolian Government permits, along the whole line, wherever it is deemed necessary, the construction of buildings for telegraph stations or for other requirements of the line, and will set aside suitable places for this purpose.

4.—The Mongolian Government binds itself not to build for its own account, nor to grant to others the right to build, lines competing with the said line.

5.—In case it should be desired to carry a telegraph line in any other direction whatsoever, the Mongolian Government binds itself first of all to offer such concession to the Russian Chief Administration of Posts and Telegraphs.

6.—The tariff per word for telegrams exchanged between Kobdo and the Russian lines is fixed at 15 kopecks, of which 10 kopecks go to the Chief Administration, and 5 kopecks to the Mongolian Government.

7.—Mongolian employees shall be appointed to the telegraph line and shall receive their salaries from the Chief Administration and be under the control of the Russian telegraph officials at the various stations.

8.—Upon the expiry of thirty years, the Mongolian Government shall have the right to buy out the line by mutual agreement with the Chief Administration at an equitable valuation. Upon the expiry of fifty years, if the line has not in the meanwhile been



brought up, the line shall pass without payment into the ownership of the Mongolian Government.

9.—The method of making up accounts and technical details of maintenance and operation of the line shall be fixed by additional agreement.

10.—The present Agreement, written in two copies in the Russian and Mongolian languages, is confirmed by the seals and signatures of

*The Mongolian Minister for Foreign Affairs*

(Sgd.) KHANDA-CHIN-WANG.

*Commissioner accredited by the Russian Government*

(Sgd.) KOROSTOVETZ.

URGA, May 12/25, 1913.

## No. 6

### RUSSIA AND CHINA

*Declaration, and accompanying Exchange of Notes, in regard to Outer Mongolia<sup>1</sup>—November 5, 1913*

The Imperial Government of Russia having formulated the principles which it took as the basis of its relations with China as regards Outer Mongolia, and the Government of the Chinese Republic having stated its approval of the said principles, the two governments have agreed upon the following:

I.—Russia recognizes that Outer Mongolia is under the suzerainty of China.

II.—China recognizes the autonomy of Outer Mongolia.

III.—Recognizing the exclusive right of the Mongols of Outer Mongolia to provide, themselves, for the internal administration

<sup>1</sup>MACMURRAY, vol. II, p. 1066. Translation from French text as printed in the Bulletin of Laws and Ordinances of the Russian Government (*Sobranie Uzakonenii i Rasporiajenii Pravitelstva*), No. 270, Sec. 1, December 6/19, 1913. French text printed also in *China Year Book, 1914*, p. 633. Translation printed in *American Journal of International Law*, Supplement, 1916, p. 246; *The Far Eastern Review*, vol. x, p. 224; TYAU, *The Legal Obligations arising out of Treaty Relations between China and Other States* (Shanghai, Commercial Press, 1917), p. 253.

In connection with this declaration, see also the Russo-Mongolian agreement of November 3, 1912 (*ante*, p. 16), and the tripartite (Russo-Mongolian-Chinese) agreement of June 7, 1915 (*post*, p. 32).

of Autonomous Mongolia and to settle all questions of a commercial and industrial nature relating to that country, China binds itself not to intervene in these matters and consequently will not send troops into Outer Mongolia, nor will it keep any civil or military official there, and it will abstain from colonizing in that country. It is understood, however, that a Dignitary sent by the Chinese Government may reside at Urga, accompanied by the necessary subordinates and an escort. The Chinese Government may, moreover, in case of need, keep in certain localities of Outer Mongolia, to be determined in the course of the conferences provided for in Article V of the present agreement, agents for the protection of the interests of its subjects.

Russia, on its side, binds itself not to keep troops in Outer Mongolia, with the exception of consular guards, and not to intervene in any branch of the administration of this country, and to abstain from colonizing.

IV.—China declares itself ready to accept the good offices of Russia for the establishment of its relations with Outer Mongolia, in conformity with the principles above set forth and with the stipulations of the Russo-Mongolian Commercial Protocol of October 21, 1912 (November 3, 1912).<sup>1</sup>

V.—Questions pertaining to the interests of Russia and of China in Outer Mongolia and resulting from the new state of affairs in this country will be the subject of subsequent conferences.

In faith whereof the undersigned, duly authorized to this effect, have signed the present Declaration and have affixed their seals thereto.

Done at Peking, in duplicate, October 23/November 5, nineteen hundred and thirteen, corresponding to the fifth day of the eleventh month of the second year of the Chinese Republic.

(Signed) SUN PAO-CHI.  
[L. S.]

(Signed) B. KROUPENSKY.  
[L. S.]

<sup>1</sup>*Ante*, p. 16.

*Note of the Russian Minister at Peking to the Chinese Minister for Foreign Affairs<sup>1</sup>*

In proceeding to the signature of the Declaration under today's date relating to Outer Mongolia, the undersigned Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, duly authorized to this effect, has the honor to declare, in the name of his government, to His Excellency Mr. Sun Pao-Chi, Minister of Foreign Affairs of the Chinese Republic, the following:

1.—Russia recognizes that the territory of Outer Mongolia forms a part of the territory of China.

2.—As regards questions of a political and territorial nature, the Chinese Government shall come to an agreement with the Russian Government through negotiations in which the authorities of Outer Mongolia shall take part.

3.—The conferences provided for in Article V of the Declaration shall take place between the three interested parties, who shall designate for this purpose a place where their delegates shall meet.

4.—Autonomous Outer Mongolia shall comprise the regions which have been under the jurisdiction of the Chinese Amban of Urga, of the Tartar General of Uliassutai, and of the Chinese Amban of Kobdo. Inasmuch as there are no detailed maps of Mongolia and as the boundaries of the administrative divisions of this country are uncertain, it is agreed that the exact boundaries of Outer Mongolia, as well as the boundary between the district of Kobdo and the district of Altai, shall be the subject of the subsequent conferences provided for in Article V of the Declaration.

The undersigned takes advantage of this opportunity to renew to His Excellency Mr. Sun Pao-Chi the assurances of his very high consideration.

(Signed)      B. KROUPENSKY.

<sup>1</sup>The Chinese Minister for Foreign Affairs simultaneously addressed to the Russian Minister a note embodying, *ipsisssimis verbis*, the four paragraphs set forth in the note here printed.

## No. 7

## RUSSIA AND OUTER MONGOLIA

*Agreement concerning railroads in Mongolia.*<sup>1</sup>—September  
30, 1914

Recognizing the necessity, in view of the development of commercial relations in Mongolia, of insuring a connection between the Mongolian railroads and the nearest railroad system, the Imperial Russian Government and the Mongolian Government have amicably agreed on the following:

ARTICLE 1. The Imperial Russian Government recognizes the perpetual right of the Mongolian Government to build railroads within the confines of its territory.

ART. 2. The Imperial Russian and the Mongolian Governments shall jointly deliberate and decide upon the most advantageous direction in which the railroads are to extend which are to serve Mongolia and Russia, as well as upon the manner in which the construction of such railroads is to be proceeded with.

ART. 3. The Imperial Russian Government shall extend its cooperation to the Mongolian Government in effecting the construction of alternate railroads, whether they be constructed with national funds of the Imperial Russian and the Mongolian Governments, or with private capital.

ART. 4. In constructing railroads which connect with the Russian frontier railroads, the Imperial Russian and the Mongolian Governments shall enter into negotiations concerning the conditions on which the Russian and Mongolian railroads are to be connected, and concerning the rights and revenues of the country.

<sup>1</sup>MACMURRAY, vol. II, p. 1178. Translation from the official Russian text as printed in the Bulletin of Laws and Ordinances of the Russian Government (*Sobranie Uzakonenii i Rasporiajenii Pravitelstva*), No. 2719, Sec. 1, October 28/November 10, 1914. Russian text also printed in the Review of the Russian Ministry for Foreign Affairs (*Izvestia Ministerstva Inostrannikh Del*), 1915, vol. I, p. 3; translation printed in *Peking Gazette* of December 8, 1914, and in TYAU, *The Legal Obligations arising out of Treaty Relations between China and Other States* (Shanghai, Commercial Press, 1917), p. 256.

In connection with this agreement, see also the Russo-Mongolian agreement and attached protocol of November 3, 1912 (*ante*, p. 16).



ART. 5. In view of the fact that the Mongolian Government has a right to construct railroads within the confines of its territory, the Imperial Russian Government shall not interfere if the Mongolian Government should desire to construct a useful railroad with its own means. However, as regards the granting of railroad concessions to anyone, the Mongolian Government shall, by virtue of the relations of close friendship with the neighboring Great Russian Nation, previous to granting the concession enter into conference with the Imperial Russian Government and consult with it as to whether the projected railroad is not injurious to Russia from an economic and strategic standpoint.

ART. 6. The present agreement is written in two copies, in the Russian and Mongolian languages, one copy being kept, after signing and sealing, in the Russian Consulate General in Mongolia, and the second copy in the Mongolian Ministry for Foreign Affairs.

KIAKHTA, *September (17) 30, 1914.*

(Translation  
of the  
Mongolian  
signatures) :

*Minister of the Interior of the Mongolian Nation,*  
 BILIKTU GUN LAMA (Sgd.) DAMCHAB.  
  
*Minister of Finance,*  
 TUSHETU TSIN-VAN (Sgd.) CHAKDURCHAB.  
  
*Associate of the Minister for Foreign Affairs,*  
 KHICHIENGUI-GUN (Sgd.) TSIRENDORCHI.  
  
 (Sgd.) A. MILLER,  
*Imperial Russian Diplomatic Agent and Consul-  
 General in Mongolia.*

## No. 8

## RUSSIA AND OUTER MONGOLIA

*Agreement to grant to the Russian Central Postal and Telegraph Department the concession for the construction of a telegraph line from Monda to Uliassutai.*<sup>1</sup>—September 30, 1914.

In order to facilitate the relations between the Russian boundary and the city of Uliassutai, as well as between the said city and Urga, capital of the Mongolian Nation, the Mongolian Government hereby grants to the Central Postal and Telegraph Department in Russia the concession for the construction of a telegraph line between Monda and Uliassutai on the following bases:

1.—The Central Postal and Telegraph Department shall assume the expense and work of constructing said line, receiving in return the right to operate and fully control it.

2.—The connection between Monda and Uliassutai shall be established after the signature of the present agreement, the Mongolian Government affording the Central Department all possible assistance in such establishment, notably in cutting and transporting timber and the necessary materials, for a payment to be arranged in accordance with existing prices.

3.—The Mongolian Government shall permit, along the whole line and wherever deemed necessary, the construction of buildings as telegraph stations and for the other requirements of the line, allotting suitable sites for the purpose.

4.—The Mongolian Government undertakes not to construct on its own account, or allow others to construct, lines competing with the said line.

5.—In case it is desired to construct a telegraph line in any other direction, the Mongolian Government agrees to offer such concession first of all to the Russian Central Postal and Telegraph Department.

<sup>1</sup>MACMURRAY, vol. II, p. 1179. Translation from the official Russian text as printed in the Bulletin of Laws and Ordinances of the Russian Government (*Sobranie Uzakonenii i Rasporiajenii Pravitelstva*), No. 2720, Sec. 1, October 28/November 10, 1914. Russian text printed also in the Review of the Russian Ministry for Foreign Affairs (*Izvestia Ministerstva Inostrannikh Del*), 1915, vol. I, p. 3.

6.—The rate per word for telegrams exchanged between Uliasutai and the Russian line is hereby fixed at 15 copeks, of which 10 copeks shall revert to the Central Department and 5 copeks to the Mongolian Government.

7.—The Mongolian Government shall be charged 5 copeks per word for telegrams sent from one point in Mongolia to another across Russia.

8.—The Mongolian employees on the telegraph line shall be appointed to the service by and receive their salary from the Central Department, being under the supervision of the telegraph officials at the proper stations.

9.—After the lapse of 30 years the Mongolian Government shall have a right to buy the said line by mutual agreement with the Central Department and according to an equitable appraisal. Upon the expiration of 50 years, if the line has not been bought before, it shall become without payment the property of the Mongolian Government.

10.—The technical details in regard to maintaining and operating the line shall be provided for in an additional agreement.

11.—The present agreement, in the Mongolian and Russian languages, in two copies, shall be provided with seals and signatures, and one copy shall be preserved by each party.

KIAKHTA, *September (17) 30, 1914.*

(Translation  
of the  
Mongolian  
signatures) :

*Minister of the Interior of the Mongolian Nation,*  
BILIKTU GUN LAMA (Sgd.) DASHICHAB.

*Minister of Finance,*  
TUSHETU TSIN-VAN (Sgd.) CHAKDURCHAB.

*Associate of the Minister for Foreign Affairs,*  
KHICHIENGUI-GUN (Sgd.) TSIRENDORCHI.

(Sgd.) A. MILLER,  
*Imperial Russian Diplomatic Agent and Consul-  
General in Mongolia.*

## No. 9

## RUSSIA, MONGOLIA AND CHINA

*Tripartite agreement in regard to Outer Mongolia.*<sup>1</sup>—June 7, 1915

The President of the Republic of China.

His Imperial Majesty, the Emperor of all the Russias, and

His Holiness the Bogdo (Great) Cheptsun (Venerable) Damba (Sacred) Hut'ukht'u (Reincarnated) Khan (Ruler) of Outer Mongolia.

Animated by a sincere desire to settle by mutual agreement various questions created by a new state of things in Outer Mongolia, have named for that purpose their Plenipotentiary Delegates, that is to say:

The President of the Republic of China, General Pi Kuei-fang and Monsieur Ch'ên Lu, Envoy Extraordinary and Minister Plenipotentiary of China to Mexico;

His Imperial Majesty the Emperor of all the Russias, His Councillor of State Alexandre Miller, Diplomatic Agent and Consul General in Mongolia; and

His Holiness the Bogdo Cheptsun Damba Hut'ukht'u Khan of Outer Mongolia, E'êrh-tê-ni Cho-nang Pei-tzu Sê-lêng-tan, Vice-Chief of Justice, and T'uhsieh-t'u Ch'in Wang Ch'a-K'o-tu-êrh-cha-pu, Chief of Finance,

Who having verified their respective full powers found in good and due form, have agreed upon the following:

ARTICLE I. Outer Mongolia recognizes the Sino-Russian Declaration and the Notes exchanged between China and Russia of the 5th day of the 11th month of the 2nd year of the Republic of China (23 October 1913).<sup>1</sup>

<sup>1</sup>MACMURRAY, vol. II, p. 1239. Translation from the French text as printed in the Bulletin of Laws and Ordinances of the Russian Government (*Sobranie Uzakoneniî i Rasporiajenii Pravitel'stva*), No. 221, pt. 1, August 3/16, 1915. French text printed also in the Review of the Russian Ministry for Foreign Affairs (*Izvestia Ministerstva Inostrannikh Del*), 1915, vol. v, p. 6; translation printed also in *American Journal of International Law*, Supplement, 1916, p. 251; *The Far Eastern Review*, vol. XII, p. 13; TYAU, *The Legal Obligations arising out of Treaty Relations between China and Other States*, p. 240.

In connection with this agreement, see the Russo-Mongolian agreement of November 3, 1912 (*ante*, p. 16), and the Russo-Chinese declaration and exchange of notes of November 5, 1913 (*ante*, p. 25); also the Sino-Russo-Mongolian agreement concerning the Outer Mongolian Telegraph Line, January 24, 1916 (MACMURRAY, vol. II, p. 1259).

<sup>1</sup>*I.e.*, November 5, New Style (*ante*, p. 25).



ART. II. Outer Mongolia recognizes China's suzerainty, China and Russia recognize the autonomy of Outer Mongolia forming part of Chinese territory.

ART. III. Autonomous Mongolia has no right to conclude international treaties with foreign powers respecting political and territorial questions.

As respects questions of a political and territorial nature in Outer Mongolia, the Chinese Government engages to conform to Article II of the Note exchanged between China and Russia on the 5th day of the 11th month of the 2nd Year of the Republic of China (23rd October 1913).

ART. IV. The title: "Bogdo Cheptsun Damba Kut'ukht'u Khan of Outer Mongolia" is conferred by the President of the Republic of China. The calendar of the Republic as well as the Mongol calendar of cyclical signs are to be used in official documents.

ART. V. China and Russia, conformably to Articles II and III of the Sino-Russian Declaration of the 5th day of the 11th month of the 2nd year of the Republic of China (23rd October 1913), recognize the exclusive right of the Autonomous Government of Outer Mongolia to attend to all the affairs of its internal administration and to conclude with foreign powers international treaties and agreements respecting all questions of a commercial and industrial nature concerning autonomous Mongolia.

ART. VI. Conformably to the same Article III of the Declaration, China and Russia engage not to interfere in the system of autonomous internal administration existing in Outer Mongolia.

ART. VII.<sup>2</sup> The military escort of the Chinese Dignitary at Urga provided for by Article III of the above-mentioned Declaration is not to exceed two hundred men. The military escorts of his Assistants at Uliassutai, at Kobdo, and at Mongolian-Kiachta are not to exceed fifty men each. If, by agreement with the Autonomous Government of Outer Mongolia, Assistants of the Chinese Dignitary are appointed in other localities of Outer Mongolia, their military escorts are not to exceed fifty men each.

<sup>2</sup>Regulations for the office of the Resident General, and for the office of the Deputy Resident General were approved by presidential order, September 5, 1915.

ART. VIII. The Imperial Government of Russia is not to send more than one hundred and fifty men as consular guard for its representative at Urga. The military escorts of the Imperial consulate and vice-consulates of Russia, which have already been established or which may be established by agreement with the Autonomous Government of Outer Mongolia, are not to exceed fifty men each.

ART. IX. On all ceremonial or official occasions the first place of honor is due to the Chinese Dignitary. He has the right, if necessary, to present himself in private audience with His Holiness Bogdo Cheptsun Damba Kut'ukht'u Khan of Outer Mongolia.

The Imperial representative of Russia enjoys the same right of private audience.

ART. X. The Chinese Dignitary at Urga and his Assistants in the different localities of Outer Mongolia provided for by Article VII of this agreement are to exercise general control lest the acts of the autonomous Government of Outer Mongolia and its subordinate authorities may impair the suzerain rights and the interests of China and her subjects in Autonomous Mongolia.

ART. XI. Conformably to Article IV of the Notes exchanged between China and Russia on the 5th day of the 11th month of the 2nd Year of the Republic of China (23rd October 1913), the territory of autonomous Outer Mongolia comprises the regions which were under the jurisdiction of the Chinese Amban at Urga, of the Tartar-General at Uliassutai and of the Chinese Amban at Kobdo; and connects with the boundary of China by the limits of the banners of the four aimaks of Khalka and of the district of Kobdo, bounded by the district of Houlounbouis (*i.e.*, Hailar) on the East, by Inner Mongolia on the South, by the Province of Sinking on the South-West, and by the district of Altai on the West.

The formal delimitation between China and autonomous Mongolia is to be carried out by a special commission of delegates of China, Russia and autonomous Outer Mongolia, which shall set itself to the work of delimitation within a period of two years from the date of signature of the present Agreement.

ART. XII. It is understood that customs duties are not to be established for goods of whatever origin they may be, imported

by Chinese merchants into autonomous Outer Mongolia. Nevertheless, Chinese merchants shall pay all the taxes on internal trade which have been established in autonomous Outer Mongolia and which may be established therein in the future, payable by the Mongols of autonomous Outer Mongolia. Similarly the merchants of autonomous Outer Mongolia, when importing any kind of goods of local production into Inner China, shall pay all the taxes on trade which have been established in "Inner China" and which may be established therein in the future, payable by Chinese merchants. Goods of foreign origin imported from autonomous Outer Mongolia into "Inner China" shall be subject to the customs duties stipulated in the Regulations for land trade of the 7th year of the Reign of Kuang-Hsu (1881).

ART. XIII. Civil and criminal actions arising between Chinese subjects residing in autonomous Outer Mongolia are to be examined and adjudicated by the Chinese Dignitary at Urga and by his Assistants in the other localities of autonomous Outer Mongolia.

ART. XIV. Civil and criminal actions arising between Mongols of autonomous Outer Mongolia and Chinese subjects residing therein are to be examined and adjudicated conjointly by the Chinese Dignitary at Urga and his Assistants in the other localities of autonomous Outer Mongolia, or their delegates, and the Mongolian Authorities. If the defendant or the accused is a Chinese subject and the claimant or the complainant is a Mongol of autonomous Outer Mongolia, the joint examination and decision of the case are to be held at the Chinese Dignitary's place at Urga and at that of his Assistants in the other localities of autonomous Outer Mongolia; if the defendant or the accused is a Mongol of autonomous Outer Mongolia and the claimant or the complainant is a Chinese subject, the case is to be examined and decided in the same manner in the Mongolian yamen. The guilty are to be punished according to their own laws. The interested parties are free to arrange their disputes amicably by means of arbiters chosen by themselves.

ART. XV. Civil and criminal actions arising between Mongols of autonomous Outer Mongolia and Russian subjects residing

therein are to be examined and decided conformably to the stipulations of Article XVI of the Russo-Mongolian Commercial Protocol of 21st October 1912.<sup>1</sup>

ART. XVI. All civil and criminal actions arising between Chinese and Russian subjects in Autonomous Outer Mongolia are to be examined and decided in the following manner; in an action wherein the claimant or the complainant is a Russian subject and the defendant or the accused is a Chinese subject, the Russian Consul personally or through his delegate participates in the judicial trial, enjoying the same rights as the Chinese Dignitary at Urga or his delegate or his Assistants in the other localities of Autonomous Outer Mongolia. The Russian Consul or his delegate proceeds to the hearing of the claimant and the Russian witnesses in the court in session, and interrogates the defendant and the Chinese witnesses through the medium of the Chinese Dignitary at Urga or his delegate or of his Assistants in the other localities of Autonomous Outer Mongolia; the Russian Consul or his delegate examines the evidence presented, demands security for "revindications" and has recourse to the opinion of experts, if he considers such expert opinion necessary for the elucidation of the rights of the parties, etc.; he takes part in deciding and in the drafting of the judgment, which he signs with the Chinese Dignitary at Urga or his delegate or his Assistants in the other localities of Autonomous Outer Mongolia. The execution of the judgment constitutes a duty of the Chinese authorities.

The Chinese Dignitary at Urga and his Assistants in the other localities of Autonomous Outer Mongolia may likewise personally or through their delegates be present at the hearing of an action in the Consulates of Russia wherein the defendant or the accused is a Russian subject and the claimant or the complainant is a Chinese subject. The execution of the judgment constitutes a duty of the Russian authorities.

ART. XVII. Since a section of the Kiachta-Urga-Kalgan telegraph line lies in the territory of Autonomous Outer Mongolia, it is agreed that the said section of the said telegraph line constitutes the complete property of the Autonomous Government of Outer Mongolia.

<sup>1</sup>*I.e.*, November 3, New Style (*ante*, p. 16),



The details respecting the establishment on the borders of that country and Inner Mongolia of a station to be administered by Chinese and Mongolian employees for the transmission of telegrams, as well as the questions of the tariff for telegrams transmitted and of the apportionment of the receipts, etc., are to be examined and settled by a special commission of technical delegates of China, Russia and Autonomous Outer Mongolia.<sup>1</sup>

ART. XVIII. The Chinese postal institutions at Urga and Mongolian-Kiachta remain in force on the old basis.

ART. XIX. The Autonomous Government of Outer Mongolia will place at the disposal of the Chinese Dignitary at Urga and of his Assistants at Uliassutai, Kobdo and Mongolian-Kiachta as well as of their staff the necessary houses, which are to constitute the complete property of the Government of the Republic of China. Similarly necessary grounds in the vicinity of the residence of the said staff are to be granted for their escorts.

ART. XX. The Chinese Dignitary at Urga and his Assistants in the other localities of Autonomous Outer Mongolia and also their staffs are to enjoy the right to use the courier stations of the Autonomous Mongolian Government conformably to the stipulation of Article XI of the Russo-Mongolian Protocol of 21 October 1913.

ART. XXI. The stipulations of the Sino-Russian Declaration and the Notes exchanged between China and Russia of the 5th day of the 11th month of the 2nd year of the Republic of China (23 October 1913), as well as those of the Russo-Mongolian Commercial Protocol of the 21 October 1912, remain in full force.

ART. XXII. The present Agreement drawn up in triplicate in Chinese, Russian, Mongolian and French comes into force from the day of its signature. Of the four texts which have been duly compared and found to agree, the French text shall be authoritative in the interpretation of the Present Agreement.

Done at Kiachta the 7th day of the Sixth Month of the Fourth Year of the Republic of China corresponding to the Twenty-Fifth of May (Seventh of June), One Thousand Nine Hundred Fifteen.

<sup>1</sup>See the Sino-Russo-Mongolian agreement concerning the Outer Mongolian Telegraph Line, January 24, 1916 (MACMURRAY, vol. II, p. 1259).

KIACHTA, *May 25/June 7, 1915.*

The undersigned Delegate Plenipotentiary of Russia to the tripartite negotiations at Kiachta has the honor to acknowledge to their Excellencies Messieurs Pi Kuei Fang and Ch'ên Lu, Delegates Plenipotentiary of the Republic of China to the tripartite negotiations at Kiachta, the receipt of the following note of this day's date:

“The undersigned Delegates Plenipotentiary of the Republic of China to the tripartite negotiations at Kiachta, duly authorized for this purpose, have the honor, on proceeding to sign the tripartite agreement of this day's date relating to Autonomous Outer Mongolia, to declare in the name of their Government to His Excellency, Mr. Miller, Imperial Delegate Plenipotentiary of Russia to the tripartite negotiations at Kiachta, as follows: From the day of signature of the present Sino-Russo-Mongolian agreement the Government of the Republic of China grants a full amnesty to all the Mongols who submitted to the Autonomous Government of Outer Mongolia; it leaves to all the Mongols of Outer Mongolia as of Inner Mongolia the freedom as before of residence and travel in the said regions. The Government of the Republic of China will not place any restraint upon Mongols going in pilgrimage to Urga to testify their veneration to His Holiness Bogdo Cheptsun Damba Hut'ukht'u Khan of Outer Mongolia.”

The undersigned seizes this occasion to renew to the Delegates Plenipotentiary of the Republic of China the assurances of his very high consideration.

(Signed) A. MILLER.

To

MM. General Pi Kuei Fang  
and  
Ch'ên Lu,  
Chinese Delegates Plenipotentiary.

[TRANSLATION]

KIACHTA, *May 25/June 7, 1915.*

The undersigned Imperial Delegate Plenipotentiary of Russia to the tripartite negotiations at Kiachta, duly authorized for this purpose, has the honor, on proceeding to sign the tripartite agreement of this day's date relating to Autonomous Outer Mongolia, to declare in the name of his Government to their Excellencies Messieurs Pi Kuei Fang and Ch'ên Lu, Delegates Plenipotentiary of the Republic of China to the tripartite negotiations at Kiachta as follows:<sup>1</sup>

It is agreed that all the telegraph offices which are situated along that section of the Kalgan-Urga-Kiachta line which lies within Outer Mongolia and of which mention is made in Article XVII of the Agreement of Kiachta, are to be handed over by the Chinese officials to the Mongolian officials within a period at most of six months after the signing of the Agreement; and that the point of junction of the Chinese and Mongolian lines is to be fixed by the Technical Commission provided for in the aforesaid article.

The above is at the same time brought to the knowledge of the Delegates Plenipotentiary of the Autonomous Government of Outer Mongolia.

The undersigned seizes this occasion to renew to the Delegates Plenipotentiary of the Republic of China the assurances of his very high consideration.

(Signed) A. MILLER.

To

MM. General Pi Kuei Fang

and

Ch'ên Lu,

Chinese Delegates Plenipotentiary.

<sup>1</sup>A note of identical tenor was simultaneously addressed to the Mongolian delegates; and replies embodying the same declaration were addressed by both Chinese and Mongolian delegates to the Russian delegate under the same date.









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