

THE SITUATION REVIEWED

Judge Denny on the Dispute
Between China, Japan
and Corea.

Hon. O. N. Denny, state senator for Multnomah county, is one who has had peculiar and excellent advantages for knowledge of the grounds of dispute between China, Japan and Corea. He spent twelve years in the Orient, the remainder in the service of the king of Corea, as his confidential agent and adviser at his capital. No one knows better the condition of affairs in Corea, or the relations between Corea and her neighbors. Yesterday, Judge Denny came home from his farm in Yamhill county, where he had been attending to his harvest during the week. Called upon by a representative of the Oregonian he made the following statement:

"With some of the Oregonian's comments on the Korean trouble I quite agree, but as to others I take a different view. As you say, it is a pity that this country has no permanent diplomatic service where men are thoroughly trained and equipped to round off sharp points in diplomatic controversy which otherwise often lead to strained relations, or humiliation in order to avoid them. Had there been such a service perhaps the people of this country would not have recently witnessed the revocation of the commission of a duly appointed and accredited plenipotentiary of this government to the court of Peking, simply because the Chinese under British direction regarded the appointee as persona non grata, for having had the courage, while a senator in congress, to express his candid opinion upon a great international question of vital interest to his own country. Then, too, such a service might have saved the people of this government a little later on the humiliation of seeing the law of congress, restricting the coming of Chinese coolies to this country, set at defiance by the China government in pursuance of British advice, supplemented by the lawyers of the Six Companies in New York city. And now it seems we have the third exhibition of Chinese domination of the state department with the aid of her British ally, in what appears to be an attempt on the part of that department to interfere in a treaty dispute between the Japanese and Chinese governments, which not only does not concern the United States, but is couched in such raw and undiplomatic language as to cause strained relations between Japan and ourselves, or an apology on the part of the latter to avoid them. This impertinence on the part of China is becoming too monotonously frequent to be in keeping with the dignity and high standing of a republican government like that of the United States—and it ought to be stopped. Japan is certainly one of the most courageous, prosperous and progressive countries in the Orient, rapidly approaching a republican basis, always dignifying its intercourse with Western nations with candid and courteous treatment. Especially is this true in her relations with the United States, and now to be repaid by what appears to be an attempted interference in a dispute wherein the Japanese are in the right, as I shall attempt to show, simply because the Chinese demand it, is certainly too much for that government to pass over unrebuked.

"You say it appears that Mr. Graham was induced to send his bullying message to Japan by the English and Chinese ministers, both of these nations being interested in maintaining the present government of Corea, which, indeed for 200 years has been a vassal state of China. Herein is to be found the key to the whole difficulty, viz: the vassalage dogma set up by China in the year 1885 through the Chinese minister to Corea, backed by the commands of the British government, the originator of the plan, the idea being that if China can maintain vassalage over Corea, it would be the easiest way for the British to check the southern advance of Russia. In the brief or pamphlet I prepared and published in 1888, while adviser to the king and director of foreign affairs, on the historical and international relation of China and Corea, I pointed out, I think to the satisfaction of every power having treaties with Corea and representation at Seoul except the Chinese and British, that China, measured by those rules of international jurisprudence which have governed Western or civilized nations so long and well, is just as sovereign and independent as China herself; that in the light of those investigations no treaty or vassalage, either by agreement or conquest, was ever established with or over Corea. The only treaty made by

Corea with China, except the one of friendship, commerce and navigation made in 1884, within the last 238 years, is a tributary one, the same under which Corea now annually sends tribute to the Peking court, and which was established in the most anomalous way. Originally it was not a treaty with China at all; it was only become so by ancient custom. This treaty was made in 1636 with a Manchu prince who was in open rebellion against the Ming dynasty, the most popular one the Chinese ever had. This prince and general was also waging war across the Korean border, looting fields and homes, and the king, in order to free his people from these raids, promised not to take any further part in the controversy and as an earnest of faith agreed to send annually to the Manchu rebel certain tribute, which was faithfully done for the eight years of warfare which followed, when the Manchus, in 1644, overthrew the Ming, and have continued to administer the government down to the present time.

Though this tributary treaty was made with a rebellious leader, the kings of Corea have kept this tributary pledge, perhaps because the traitor became a patriot by becoming the head of the government. The mistaken notion of Corea's vassalage has grown out of the fact that most people regard tributary and vassal as synonymous terms; whereas all writers on international jurisprudence make the broadest possible distinction, assigning to vassal states the same relation to the suzerain state that the slave holds to the master, while the tributary state is assigned all the elements of sovereignty with reference to internal and external affairs that the superior state possesses. The vassal derives absolutely no authority except from the suzerain, while the strict obligations of tributary states are discharged when the tribute is paid. If tributary relations constitute vassalage then Great Britain is the vassal of China by reason of the tribute she pays the Chinese government for account of Burma.

So also were the European states vassals of the British states by reason of the tribute they paid those states to keep their black pirates from molesting their commerce. I might mention other similar instances, but these are sufficient. The unerring test, however, of a state's sovereignty and independent character is its right to negotiate, to conclude treaties of friendship, navigation and commerce, to exchange public ministers, to declare war or peace with other sovereign and independent powers. These are rights and conditions consistent with sovereignty which, when possessed by a state, place it in the great family of independent nations, while states which do not possess such powers must be ranked as semi-independent or vassal, according to the terms of the agreement. Corea has in the past exercised and is now exercising all the functions of a sovereign and independent state.

In 1876 Corea in her sovereign capacity concluded a treaty of friendship, navigation and commerce with Japan, without contention on the part of China on the score of vassalage. Six years later, on May 22, 1882, the American treaty was signed at Chemulpo (Jensen). It is true that the preliminary discussions over the provisions of this treaty Viceroy Li, who had been requested by the king to aid in its formation, brought up for discussion the subject of vassalage. Two drafts were submitted to that convention, one by the viceroy and the other by the American envoy. The first clause in the viceroy's draft was for the recognition of vassal or dependent relations between China and Corea, which the agent of the United States declined to consider or even discuss further than to say that, as his mission was to make a treaty with an independent state, such a treaty he would have or none at all. Notwithstanding this, the viceroy urged the adoption of the dependent clause to a point beyond which he could not go without breaking off negotiations, when he yielded, but thereafter in all the treaty conventions which followed not one word was heard from China on the subject of vassalage. Neither was it mentioned in 1883, when the treaties were concluded with Great Britain and Germany, nor in 1884, when those with Russia and Italy were made. In 1886 when the treaty with France was concluded, I was one of the king's negotiators, and in all the discussions which followed the subject of vassalage was not mentioned or even thought of so far as I know. Not only were all these treaties made with Corea on the basis of a sovereign state, but each treaty convention pledged its government to the preservation of Korean autonomy, and that in the event of any nation acting unjustly with Corea to lend their good offices or assistance in righting the wrong. Yet not one word was ever

heard from China about vassalage.

"In 1883 Great Britain and Germany concluded treaties with Corea, and the subject of vassalage was never mentioned. Russia and Italy in 1884, France in 1886, concluded treaties also. In the latter convention I was one of the plenipotentiaries for the king, and in all the discussions the subject of vassalage never was mentioned, or even thought of, so far as I know. I do know, however, that since China has undertaken openly to enforce her vassalage scheme, the rights, privileges and concessions guaranteed by Corea in her treaties with Japan and western powers have been greatly encroached upon and abridged, simply because the Korean government is bullied into it by threats of war and general intimidation influence from the Chinese.

"As China claims to be the sovereign of Corea, she now undertakes to abolish or render nugatory the solemn stipulations of all the Korean treaties, and that is what Japan is resenting by her invading armies, as she intends to compel the Koreans to keep the faith already pledged. While I was in the service of the king of Corea there was hardly a week passed that the Japanese minister did not call my attention to clear violations of the treaties, directly traceable to the intimidating influence of the Chinese minister to Corea, and on numerous occasions did I lend my personal and official efforts to smoothing down the irritation between the two governments from this cause. On the occasion of my last visit to the great viceroy at Tien Tsin, I pointed out with all the earnestness I could command the certain serious trouble which would come to Corea as well as his own government, if this recent policy of absorption of the little country was persisted in by the Peking government; that the concessions made in the Korean treaties would not be surrendered by the treaty powers, especially by Japan, except at the point of the bayonet; and now as the conflict appears to be on in earnest, I am not at all surprised, as I knew it must come. There are two parties in Corea, as there are in China and Japan; one the brigade of corrupt officials who infest the king's court, two cowardly to resist insult to their king, and who are entirely without loyalty to his majesty or devotion to their country, the same who packed their effects ready for flight to the mountains at the first intimation of the defeat of the government forces in a mere preliminary skirmish, ready to abandon the king to the tender mercies of the opposition; the other party, and the one supporting the Japanese, are the progressive Koreans, who are making war on the corruptionists, but who are loyal to the king, because they believe, as I believe, him to be a loyal and patriotic ruler. This party also believes Corea to be just as sovereign and independent in law and fact as China or any other country.

"While the Chinese are a great people, with wonderful business capacity and energy, yet they lack the patriotism and esprit du corps which the Japanese possess, which makes the latter better soldiers, and with their absence of fear of death, and the aid of their short two-edged sword, in the contest which seems already on, they will leave many a battle-field strewn with the bodies of their enemies. In a long contest, however, the odds are against Japan, as she is not only a small country, but financially weak, while China literally swarms with her hundreds of millions of people. Besides she has no national debt to speak of, and she can raise ample means with which to carry on the war.

"As to Russia and France, neither is prepared just now to enter the contest, although there is a determination on the part of both these states not to permit China to render nugatory through her vassalage notions the provisions with Corea.

"Neither do I believe that Russia now has the slightest idea of encroaching upon the Korean peninsula. In 1860 Russia took from China a strip of territory down to the Amoor, including the Ussuri river, and on the Tumen river, which now forms the boundary for 40 or 50 miles between Russia and Corea, and which includes the fine harbors of the Possietie, 60 miles north of the Tumen, and which is open the year around, as well as the harbor of Vladivostok, further north and now the base of Russian operations on the Pacific. These harbors give Russia all the facilities she needs, without further encroachment upon either China or Corea, and at the same time relieves her from the responsibility of defending the 1500 miles of Korean coast, 600 miles of which are next to China, on the gulf of Pichili, which, with a war on her hands, Russia could not defend, while in times of peace the coast would need

no defense at her hands. What Russia may do when her great Siberian railway is completed, no one can tell, not even Russia herself.

"As Corea is regarded the keystone to the political arch in the East, the outcome of the present complications will be watched with deep interest and in some quarters with intense anxiety. But whatever the result between China and Japan, poor little Corea is to be pitied. Being the battle-ground, her people will be plundered, robbed and murdered, while the country will be laid waste, the government bankrupted, if not entirely wiped out of existence. The king, being loyal to his people, as well as sober, industrious and progressive, is constantly seeking information on which will aid him in directing his subjects into those paths which lead to the higher plane of civilization which have done so much to humanize and Christianize the Western world—efforts which are a source of constant irritation to the Chinese. While in the service of the king of Corea I discovered and exposed two plots of the Chinese minister which had for their object the overthrow and destruction of the king. The Japanese well understood the desire of the Chinese to get rid of all government in Corea, and if there is truth in the dispatch that they have carried the king off to Japan, it is for the purpose of having a live king to restore to the throne after the war is over, if there is a throne left."

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