

第三條

合衆國ハ日本ニ向テ輸出スル物品ニ輸出税ヲ課セサルヲ以テ此約書實施ノ後ハ日本ニ於テモ亦合衆國ヘ向ケ輸出スル物品ニ輸出税ヲ課セサルヘシ

第四條

安政五年即チ西曆一千八百五十八年ノ條約第六條第一節即チ最初ノ三句現存スル間ハ右現存條約ノ違犯若クハ此約書ニ因テ日本政府ニ於テ時々制定スル海關稅借庫及港ノ諸規則違犯ニ關スル沒入品或ハ罰金ニ付日本政府ノ要求ハ悉ク合衆國領事裁判所ニ訟フ可シ而シテ該國領事ハ各訴訟ヲ公正ニ審按シ右條約及諸規則ノ條款ニ照ラシ之ヲ裁斷ス可シ而シテ右沒入品或ハ罰金ハ日本官員ニ交付スヘシ

第五條

日本沿海貿易統轄ノ權利ハ獨リ日本政府ノミニ屬スル者タルコトハ固ヨリ雙方ノ識認スル所タルヲ以テ此ニ之ヲ明言ス

第六條

然レドモ日本開港場ニ來着スル合衆國ノ船舶ハ日本海關稅則ニ隨ヒ其船載スル物品中幾部分タリトモ其望ニ任セ陸揚

日ヨリ廢棄スヘシ

第九條

從來兩國間ニ結約シタル條約或ハ約書ノ條款中今茲ニ廢棄ヲ明揭セサルモノニシテ此約書ノ條款ニ牴觸スルモノハ悉皆廢棄ス可シ且ツ此約書ハ兩國間現存條約ノ一部分ト爲ス可シ

又右條約中此約書ニ因テ變更若クハ廢棄セサル部分ノ重修并ニ此約書ノ重修ハ此後雙方ノ中ヨリ要求スルヲ得ヘシ又此約書并ニ此約書ニ因テ變更スル所ノ右條約ハ其全部或ハ其部分ノ重修ヲ爲ス時ニ臨ミ廢止若クハ年限ヲ約定スル迄ハ引續キ之ヲ施行ス可シ

第十條

此約書ハ日本ト他ノ締盟各國ト現實此約書ト均シキ所ノ約書或ハ現存條約ノ重修ヲ取結ヒ右現行ノ時ニ至リ實施スヘ

第三節 對英交涉 附對葡交涉

三三四 明治十一年五月十日

上野駐英公使ヨリ
寺島外務卿宛

寺島外務卿時代 三三四

スルヲ得ヘシ而シテ其船舶ハ右陸揚シテ積荷目錄中ニ其事由ヲ記載シタル部分ノ外ハ輸入税其他一切ノ諸税ヲ拂ワスシテ其殘餘ノ物品ヲ載セ出港スルヲ得ヘシ右船舶ハ其後他ノ日本諸開港場ニ航行シ其望ニ依リ殘リノ物品ヲ右諸開港場ニ陸揚スルヲ得ヘシ然レトモ凡テ船舶ノミニ對シ課スル諸稅諸費ハ最初其積荷ノ幾部分ヲ陸揚スル港ニノミ於テ拂フヘシ而シテ該船舶其後引續キ航海シテ到ル所ノ港ニ於テハ其地方港内諸稅ノミヲ入港ノ爲メニ拂フヘシ

第七條

合衆國ハ上文第一條ニ約スルカ如ク日本輸出入品運上目錄運上規則及ヒ其他ノ諸規則ニ關シ讓與スル所アルヲ以テ日本政府ハ互相ノ理ニ基キ左ノ事ヲ讓與ス即チ從前開港場ノ外ニ更ニ二港ヲ此約書實施ノ日ヨリ合衆國人民并ニ商船來往貿易ノ爲メニ開ク可シ

但シ二港中一港ハ下ノ關タルヘシ而シテ他ノ一港ハ此後雙方協議ノ上決定スヘシ

第八條

兩國間ニ結ヘル安政五年即チ西曆一千八百五十八年ノ條約第五條ハ必用ナラスト認ムルヲ以テ右條款ハ此約書實施ノ

シ

此約書ハ批准ヲ要スルモノトス而シテ其交換ハ此約書調印ノ日ヨリ十五ヶ月以内ニ成ル可ク速ニ華盛頓府ニ於テスヘシ

右ノ證トシテ上文記載ノ全權委員各自カラ其名ヲ署シ印ヲ鈐ス

華盛頓府ニ於テ

明治十一年七月二十五日

吉田 清 成(印)

西曆一千八百七十八年七月廿五日

ウキリアム、エム、エウワーツ(印)

對英交涉開始ニ付報告ノ件

明治十一年別信第四號

以別信中進候兼て御指令相成居り候稅權回復の儀に付今午
後英國外務卿と面會の積に御座候就ては右事件に付書翰類
持參篤と開談の心得に罷在候尙委細の儀は追々可申進候得
共先此段不取敢御通知におよひ置候也

明治十一年五月十日

全權公使 上野 景範

外務卿 寺島宗則段

三二五 明治十一年八月六日

寺島外務卿ヨリ
上野駐英公使宛

交渉經過問合ノ件

第十一號 上野公使別信案 八月六日附

以別信中進候然は條約重修一條に付過る五月十日附を以て
即ち同日午後其外務卿へ右關係の書類を携行の上開談可相
成旨御申越其後別信逐次接手候得共該件に付何の御申越も
無之右は其國外務卿伯林會議へ相赴候事故等を以ての事に
可有之と存候得共追々在外我公使よりも夫々彼政府の模様
等も申越候に付獨り貴君而已何たる報知無之各政府の意向
參考にも差支候間不取敢去る三日別紙寫の通電信を以て及

條約改正一件報告第一號

十二月九日到

海關稅重修一件ニ付二月九日附別信第壹號ヲ以テ訓狀併ニ
御内達其他一切ノ書類御送致相成拙者微力ノ及フ丈テ盡
スハ素ヨリノ職責ニシテ且兼テ冀願スル所ナレハ篤ト勘考
訓狀中ノ意味ヲ大別イタシ候處獨立ノ國權ニヨツテ製稅ノ
權ヲ我ニ回復スルハ固ヨリニ候得共國費ノ不足ヲ補ハシカ
爲ニ輸入稅ヲ増加シ内國ノ産業ヲ獎勵センカ爲ニ輸出稅ヲ
廢シ前後ノ文體稍保護稅法ヲ設用セント欲スル趣意ニ相當
リ猶知友ノ者エモ内談イタシ候ニ當國ノ如キ自由貿易ヲ主
張スル人民ノ耳ニハイカニモ穩當ヲ得ザル様相聞得加之訓
狀ノ如キハ他日世論ノ因據トナル可キモノナレハ宜シク天
下ノ輿論ニ基キ其公理ノ歸スル所ヲ可成短正ニ論下シ一讀
以テ正理ニ感スル様相認候儀實ニ緊要ニ有之候然シテ其
細目ニ至リ情實ノ盡サハル所ヲ辨明シ或ハ自家ノ内情ヲ訴
ル如キハ駐劄公使應接ノ手段中ニ相任且新港ヲ開キ輸出稅
ヲ廢スル等ノ个條ハ彼ノ便益ト認ム可キモノナレハ彼若我
ノ請求ニ應セハ酬ユルニ此便益ヲ以テスル等時機ニ應シ總
テ駐劄公使談判上ノ論材トシテ相貯置候方便利ニ有之論談
ノ初ヨリ我ノ可附與便益ヲ彼ニ知ラシムルハ恰モ兩軍相對

御問合候儀に候條爾後追々御報知可相成候其他五六七號中
御申越の條々承知別に逐一細答不致候

追て五月三十日拙宅へ御遣被成候私信中改正一條は別に
公書に御記載被成候云々來示には候得共公書中何とも御
申越無之旁以て前文通申入候次第に候

註 八月三日上野公使宛ノ電信ナルモノ見當ラス

三二六 明治十一年八月十八日

上野駐英公使ヨリ
寺島外務卿宛

稅權回復交渉ニ關スル意見具申竝ニ交渉經過報

告ノ件

附屬書一

明治十一年五月四日上野駐英公使ヨリ英國務
外卿宛書翰寫

稅權回復ノ必要開陳ノ件

二 明治十一年五月十四日上野駐英公使ヨリ英國
外務卿宛書翰寫

改正稅目案送付ノ件

三 明治十一年五月十六日英國外務卿ヨリ上野駐
英公使宛書翰寫

右ニ對シ回答ノ件

帷幕ノ事ヲ敵ニ通知スルト一般決シテ策ノ得タルモノニ非
ラス尤訓狀中國費ノ多端ヲ訴ユル如キハ所謂泣告ノ言辭ニ
屬シ頗ル交際上ノ文體ヲ失候様被考候ニ付斯ノ如キ語句ヲ
省キ百端内國ノ情實ヲ哀訴スルハ駐劄公使ノ口上ヲ以テ說
明イタシ候得ハ體裁モ極メテ宜シカラント存候ニ付義ニ巴
理府エ出張鮫島公使トモ打合同氏ヨリ電報ヲ以テ訓狀中ノ
文義更正方相伺候處右訓狀寫ハ已ニ在日本各國公使等エ御
配達相成候後ニテ時機ニ相後レ今更御聞屆難相成趣實以遺
憾ニハ存候得共最早無據儀ニ付本文ノ儘ニテ取扱候事ニ相
決然シテ當國外務卿エ可差出公翰ノ文案并ニ着手ノ順序等
萬事打合相濟候間直ニ歸英五月十日外務卿ロルド、サリス
ビュリーエ面會一先閣下御下附ノ訓狀寫ヲ出シテ展讀ニ附
シ然シテ日英間條約ハ千八百七十二年ニ於テ改正ノ期ナリ
シニ我國内政上理務ノ都合アリテ今日迄遷延スルニ至レリ
今ヤ其改正ノ用意整頓セルヲ以テ現在條約中ニ掲載ノ權理
ニ基キ公然條約改正ノ儀ヲ英政府ニ通知シ然シテ其改正ノ
方今我國ニ最緊急ナル事情ヲ詳ニ辨明スヘキ旨拙者ニ命令
ヲ下セリ其事情ノ大意ハ書翰ニ認メ爰ニ持參シタレトモ猶
書中意ノ盡サハル所或ハ卿疑問ノ廉アラハ口上ニテ辯解セ

ンカ爲ニ今日面晤ヲ乞ヒシ趣ヲ述ベ即別紙(イ印)ノ書翰ヲ外務卿ニ手渡セシニ卿稍久シク是ヲ査閲シテ曰ク今回條約ヲ改正スルニ重ニ日本政府ノ緊要ナリトスル所ハ輸入税ヲ増加シテ理材ノ便ヲ得併セテ外國品ノ輸入ヲ制限セントスルモノノ如シ然ラハ現ニ保護税法ヲ設用スルモノニシテ抑保護税法ノ商法上ニ害アルヤ古來此國ニ於テ實驗セシ所ナレハ是ヲ以テ國家理財ノ便ヲ得ントスルハ主義大ニ其目的ニ反シ日本ノ爲ニ甚痛ム可キ事ト云ザルヲ得ス且日英間商法ノ實況ハ當國ヨリ輸出スル物品夥多ニシテ日本ニ保護法ノ行ハルハ直ニ當國商民ノ爲ニ直接ノ影響ヲ來タシ其損害甚大ナリトス亦訓狀中ニ輸出税ヲ廢スルノ事アレトモ當國ハ日本ヨリ輸入スル物品少ナキヲ以テ夫ガ爲ニ得ル所尠シ固ヨリ英政府ハ日本ノ爲ニ萬事ノ進歩ヲ計ルハ好ム所ナリト雖モ此度ノ問題ノ如キハ當國ノ爲ニ損益相償ハサルノミナラス一般自由貿易ノ國ニ反シ實ニ一難問タル趣ヲ述ベ頻リニ保護自由兩法ノ得失如何ヲ説諭セラレタリ拙者右ニ答ルニ元來我政府ノ要求スル眼目ハ固有ノ國權ヲ回復スルノ一點ニ止リ外交ノ初日本ニ於テ各國交通ノ規法ヲ不辨時假リニ外國ノ爲ニ抑制セラレタル制稅ノ權ヲ我ニ維持セ

ントスルナリ是一般各國ノ專有スル國權ニシテ已ニ我國ノ外交ヲ初シ以來數十年政府ハ專ラ力ヲ內國開進ノ路ニ盡シ方今大ニ其面目ヲ改メタルハ兼テ卿等ノ我ニ賞讃シ賜ヘル如クナレハ今度條約改正ノ機ニ臨ミ此製稅ノ權ヲ我ニ回復セント望ムハ國權上ヨリ云ハ勿論情實上ヨリ論シテモ決シテ適當ニ非ラサル事明ナリ右製稅ノ權我手ニ歸シタル以上ハ保護自由ノ兩法其適宜ナルモノヲ選定スルハ固ヨリ我政府ノ權内ニ屬スルヲ以テ政府ハ實地商況ノ如何ヲ量酌シテ決シテ日英間通商上ニ障礙ヲ來タス如キ不相當ノ所分ナキハ疑ヲ容レス卿ノ言ノ如ク英國ハ日本ニ輸出スル物品多キヲ以テ其地ニ保護法ノ行ハルハ英國ノ不利ナリト云ハ我國ヨリ云ヘハ日本ハ英國ヨリ輸入品多キヲ以テ保護法ヲ行ハサレバ不利ナリトシ斯ノ如ク自國ノ利ノミヲ五ニ計ツテ天下ノ公道ヲ不顧時ハ終ニ弱國ハ強國ト交通シ能ハサルノ場合ニ至ラン亦保護自由ノ兩法ハイツレモ其國ノ時勢ト商法ノ實況ニ從ツテ得失ヲ異ニスルガ故ニ現ニ今猶歐米其他英國ノ領地中ニモイマタ全ク保護法ヲ棄却セス只英ノ本國ノミ自由貿易ノ適當ナルモ往日保護法ヲ設用シテ內國ノ產業ヲ勵獎シ其結果ニヨツテ各製造所ノ盛大ヲ至セシ後ノ事

ナレハ是ヲ以テ何ノ國ニモ適當スルモノト云難シ則我國ノ如ク近年俄ニ人民ノ體面ヲ一變シ諸事日ニ歐洲文明ノ風習ヲ慕ヒ平常日用鎖末ノ物品ニ至ル迄多ク外國ノ輸入ヲ仰クノ時ニ當ツテハ或品ハ自由貿易ノ主義ニ從ヒ或品ニ對シテハ保護税法ヲ用ヒサル可カラサルモノアリ故ニ一概ニ自由貿易ノミヲ適當ナリトシ能ハサル趣ヲ論シ其他亦外交上ニ關シ國費ノ多端ヲ不厭シテ政府ノ意ヲ用ヒタル所以等拙者ノ及フ丈ケハ辯解イタシ候然ルニ卿亦云ク當國ニ於テ曾テ日本ト條約ヲ取結タル時分ノ茶ノ輸入税ハ方今其半ヲ減シタリ是則日本ノ爲ニ通商ノ繁盛ヲ計リシ一證ナリト(英政府ハ如此日本產物ノ爲ニ輸入税ヲ減セシニ日本政府ハ英國ノ產物ニ對シ何故ニ輸入税ヲ増加セントスル歟ト云ハン計リノ語氣ナリシ)拙者ハ是ニ答ルニ茶ハ曾テ人生ニ必用ノ品ト認メラレス所謂奢侈品目中ニ屬スルモノトナシ酒煙草等ト一般歐洲各國イツレモ高稅ヲ課セリ漸ク近年ニ至ツテ加非等ト等ヲ同フシテ是ヲ用ユル者益多ク稍日用不可缺ノ品ト目セラルルニ至レリ然リト雖モ方今當國ニ於テ其輸入税ハ茶ノ量壹パウンドニ付六ペンスヲ課ス其市價凡壹シルリングナルヲ以テ現ニ五割ノ高稅ヲ拂ニ當ル我國方今ノ輸

入稅額ハ二十年前重ニ從量税法ニ基五分ヲ本トシテ定メタルモノナレハ近來物價ノ騰貴ニ從ヒ其實平均四分ニモ至ラザル事アリ今回條約改定ノ機ニ至リ我政府ニテ輸入税ヲ増加セントスルモ英國ノ茶ニ於ル如キ過稅ハ課セサルヲ信ス卿微笑シテ曰ク實ニ然リ乍併日本ニ於テ輸入税ヲ増加スルハ現ニ當國ノ商民ニ多少ノ損害ヲ蒙ル事ナレハ篤ト通商局等ノ報告ヲ得內閣ノ衆議ヲ盡シ候上ナラテハ返答致シ難ク就テハ日本政府ニテ凡何程迄ニ輸入税ヲ増加可相成歟粗其大體ヲ知ルヲ得ハ內閣ニ於テ評議ノ一助ト可相成尤此儀ハ一二回ノ談判ニテ決局ニイタル可キ事柄ニ無之且訓狀ノ趣意大ニ當國ノ國是ニ反悖スルヲ以テ猶幾度モ談合可致只其請求ノ情實ニ於テハ尤ナル次第ニ付可成速ニ相運候様注意ス可シトノ事ニ有之候然ルニ幸改正稅目草案ヲ所持スレハ內見ニ可入旨ヲ約シ其他各様ノ談話凡五十分時間ノ應接ニシテ辭シ直ニ別紙(ロ印)內書ニ改正稅目草案ヲ附シテ外務卿ニ至セリ此日ノ應接ハ初テノ開談ニシテ格別深奥ノ點迄ニ達セサリシト雖モ外務卿ノ語氣ヲ以テ考察スルニ我國ニ製稅ノ權ヲ相任候テハ忽チ保護ノ過稅ヲ課シ通商ノ妨碍ヲ引起ス可キヲ以テ兩國協議シテ方今ノ輸入税ヲ至當ニ増

加シ是ヲ以テ將來ノ約束トナシ以テ通商ヲ保護セントスルノ意ニ相見得其外ノ个條ニ於テハ別ニ異議ナキ様被察先十中ノ七八分ハ被得可申ト存候

元來當國理財家ノ保護法ヲ嫌忌スル實ニ甚敷近ク其一二例ヲ舉レハ拙者事ニ因テ此事ヲ一二友ニ語ル一人曰ク保護法ヲ英政府ニ迫ルハ「亦ヲ拙テ人面ニ擬スルカ如シ」ト他ノ一人曰ク此法ヲ日本ニ行ハントスルハ「亦ヲ以テ自家ノ首ヲ刎ルニ異ラス」ト二人ノ云フ所恰モ符節ヲ合スルカ如シ殊ニ當國ハ多年ノ經驗ニヨツテ自由貿易ノ國是ニ一定セルヲ以テ斯ノ如キ政府ニ對シテ保護法ノ物產ヲ作興ス可キノ説ヲ喋々スルハ拙者不肖ニシテ寔ニ論議ノ不容易深御勘考可被下候亦是ニ加ルニ當國ニハ諸職人ノ紛擾起リテ一時ニ英國一般ニ蔓延シ人家ヲ燒キ製造所ヲ破壞シ人ヲ暴殺シ其騷動實ニ一方ナラス夫カ爲ニ諸製造所ハ永ク休業セリ抑其原因ヲ尋ルニ職人等協議シテ賃錢ノ増ヲ乞ヒシニ近來米國ヨリ木綿白耳義ヨリ鐵類多分ニ輸入シ價モ當國ニテ製造スルモノニ比スレハ廉ニシテ遂ニ英國製造所ハ是ニ拮抵スル能ハサルヲ以テ職人等ノ望ニ應スル事能ハサリシ依ツテ職人等ハ愈黨類ヲ煽動シ四方ニ檄文ヲ飛シ各地一時ニ起ツテ

此騷亂ヲ釀シ方今稍鎮定ノ模様ニ候得共諸製造家ハ屢々各地ニ集會シテ英政府ノ他各國ニ對スル通商條約ノ不當ヲ駁撃シ遂ニ外務卿自ラ其場ニ臨ンテ説明ヲ加ユルニ至レリ是等モ自然ニ内閣中ニ顧慮ノ念ヲ起シ幾分歟我條約改定ニ妨碍スルノ影響ナシト云難シ曾テ外務卿ハ伯林府ノ大會議ニ出張相成是ハ我條約改定ノ決答遷延ノ原因ニシテ固ヨリ省務ハサーデユリエンボンズホート氏ニ相任有之候間屢々面會可成我ノ趣意徹底候様談話イタシ置候處月餘ニシテ伯林府ノ會議モ局ヲ結外務卿モ歸英相成候ニ付折々面會イタシ候得共イツモ繁忙ノ際ニテ充分ノ談判出來不申候然ルニ一夕同卿ノ夜會アリテ拙者ニモ出張イタシ幸ノ機會ト存候ニ付聊條約改正ノ返書ヲ相促候處伯林府會議ノ爲ニ諸事ヲ拾置出張イタシ候ニ付彼是遷延セリトノ事ニテ夫ヨリ種々ノ世談ニ相涉リ候處傍ラニサー、ロザホルト、アルコック氏アリテ外務卿ニ對シ頻リニ語ヲ接セント欲スルノ趣アリ卿ハアルコック氏ヲ願テ貴下會テ長ク日本ニ在留シ其國情モ委數承知アル可キ事ナリ方今日日本政府ヨリ條約改正ノ儀ヲ通知相成居リ就テハ質問イタシ度事有之候間外務卿ニ出頭アラン事ヲ乞トノ事ニ付拙者ハ其翌日アルコック氏ヲ訪ヒ

我ノ要求スル旨趣ト情實トヲ詳ニ説明シタリ兩日ヲ經テアルコック氏ヨリ書來ル其趣意ヲ概言スルニ同氏外務卿ニ面語アリシニ保護法ノ一點甚難問ニシテ到底輸入稅ヲ増加スルハ日英通商上ノ障礙ニナラサル様取極度トノ趣ナリシ由亦當月十日拙者外務卿ニ面會寬々ノ談話ヲ得申候其大略ハ拙者發言スルニ數月前書ヲ卿ニ致セシ以來我政府ハ其事ノ緊要ナルト時日ノ切迫スルヲ以テ英政府ノ決答如何ヲ屢々問合來リ候間願クハ何分ノ返答アラン事ヲ乞旨ヲ申述シニ卿云ク此事タル實ニ尋常一般ノ事柄ト違ヒ各方ノ報告ヲ得内閣ノ熟議ヲ盡シ候上ニテ取極ムル事ナレハ容易ノ事ニアラス加ルニ伯林府ノ會議ニ出張不致候而不叶事ニ相成東方論ノ如キハ英國直接ノ利害ニ關シ實ニ一大重事件ナレハ他ノ緊要ナル事件モ打捨置出發イタシ候次第ニ歸英ノ後ト雖モ事務イマタ全ク決局ニ至ラスシテ寸暇ヲ不得引續アフガニスタン事件相發シ内閣頗ル繁忙ヲ極メ夫カ爲ニ今日迄遲延シタリ故ニ拙者亦云此事ヲ同時ニ申込タル他ノ政府ヨリハ折々返翰落手イタシ中ニハ其細條ニ至ツテ充分ニ我政府ノ意見ト符合セサルモノアレトモ要領ノ大趣意ニ於テハイツレモ格別ノ異議無之様相見得殊ニ米魯ノ兩政府ハ一

層満足ノ答書ヲ致サレ折々實地更正ニ着手ノ時日相迫リ候間本意ナラスモ斯ク御催促ニ及フナリト我ノ其ノ決答ヲ要スル事ノ切ナルヲ反覆論辯セシニ卿云ク然ラハ内閣ニテ粗決議セシ大略ヲ説明セン抑英國ハ日本ト通商上ノ關係ヲ有スル事他ノ國ニ比スレハ甚大ナレハ其國開進ノ路ニ力ヲ盡スハ實ニ好マシキ事ナレトモ今度日本政府ノ要求ハ過日ヨリ度々陳述セシ如ク當國自由貿易ノ國是ニ反シ殊ニ内借イタシ候改正稅目草案中ニハ當國ノ重ナル產物木綿類ニ最著ルシキ増稅相見得此儘ニテハ日本政府ノ意通リニ承服イタシ候事難相成乍併日本政府ニテ條約ヲ改正スルハ至極適當ナル事ト考ルニ付實地改定ノ時ニ臨ミ通商ヲ制限セサル丈ケノ事ハ何様トモイタシ候方可有之トノ趣ニ有之候依ツテ拙者ハ亦然ラハ條約改正ハ御異存無之然シテ實地改定ノ時ニ臨ミ通商ヲ制限ス可シト思考スル過稅ヲ課スルニ非レハ我政府要求ノ趣旨ニ基キ何程歟ノ増稅御同意ナリト了解イタシ可然歟ト押返シ相尋候處右ハ只内閣ノ内決ヲ談語セシノミニシテ髓ナル事ハ書翰ニ認メ送致可致トノ事ニ有之其他貿易規則港則沿海回航ノ權等談話ニ及候處右等ノ鎖事ハ格別ノ異議無之様相見得亦卿ノ説ニ英國政府ト雖モ他ノ國

ト通商條約アルヲ以テ勝手ニ税目ヲ更正スル事能ハス日本政府モ他ノ政府ト税目ヲ極メ是ヲ約束トナス事差支ナカル可シト拙者ハ是ニ答ルニ我レ政府ノ命ヲ得スト雖モ談爰ニ及ヲ以テ自己ノ意見ヲ陳述ス我政府モ製税ノ權ヲ我手ニ掌握シテ通商ヲ妨ケントスルニ非ラス巨額ノ歳入ヲ要スルニ非ラス必竟其望ム所ノ原因ハ重ニ國權ノ一點ニ關スル譯ナレハ製税ノ權ヲ我ニ得候上ハ互相ノ理ニ基キ適當ノ通商條約ヲ結フハ妨ケナカル可シ右ノ通今日ノ談判殊ノ外都合宜敷候間此方便ニハ慥ナル好報ヲ差上候儀ニ可相成候此段報告如斯御座候 以上

明治十一年十月十八日

全權公使 上野景範

外務卿 寺島宗則段

追テ本文(イ印)ノ書翰ニ對シ假リニ外務卿ヨリ差越

相成候返翰別紙寫(ハ印)差進候

註 一八八參看

附屬書一

イ印

上野ヨリサリスブリー侯ヘノ贈翰

貴我兩國間條約改訂之儀ニ付今般我政府ヨリ拙者ヘ送越セシ訓狀ノ譯文ヲ今爰ニ閣下ニ進達スルニ當リ我政府右改訂ヲ要スル諸般ノ情實併ニ其文ヲ請求スルノ條理ヲ聊カ左ニ開申ニ及ヒ候拙者ヘ宛タル右訓狀中記載ノ通り我政府此改約ニ於テ期望スル所ハ我帝國固有ノ主權就中貿易章程及輸出入税目ヲ整理スルノ權理ヲ擴張セント欲スルニ在リ抑モ獨立國ノ權理タルヤ外國貿易ヲ制定スル如キハ最モ其不可爭ノ權理タリ然ルニ從來日本ニ在テハ條約ノ爲メニ姑ク此權理ヲ行レサリシモ是只一時ノ間絶タルノミ仍テ我政府ハ今ヤ當ニ條約ヲ改訂シテ二十年前事情不通ノ故ニ失フ所ナル此權理ヲ恢復シ施爲ノ自由ヲ要求スヘキノ時ナリトス現ニ此改約ノ權ハ條約面ニ即チ其明文アリ假令其明文之レナキモ元來貿易條約ノ如キハ決シテ永久不易ノモノニ非ス事勢ノ變遷ニ隨テ宜シク之ヲ改正スヘキハ既ニ一般ニ公認セラル、所タリ即チ我國近來大ニ其政略目途ヲ變更シ其狀態ノ昔日ト相同シカラサル實ニ此改訂ヲ要スルニ足レリ加之現今我國新タニ間税ヲ設ケテ歳入ノ額ヲ増シ以テ一ニハ國費ノ需用ニ充テ又一ニ直税既ニ重キニ由リ間税ヲ以テ之ニ代フルノ極メテ必要タルニ至ル且又平均五分以下ノ課税ヲ

税ト云フヘシ

我國ノ貿易ハ我本國ニ於テ與フル所ノ便益ニ向テ其報償ヲ他國ヨリ受ルヲ得ス然レトモ我國ヨリ他國ニ此等ノ便益ヲ與フルモ猶ホ從來ノ税則ノ如キニテハ輸入貿易ノ爲メニ不都合ナシトセス是レ則此税則ヲ改正スルニ於テハ我國ノ外國貿易ニ如何ノ實効アルヘキ乎ノ說ヲ閣下ノ考案ニ供スル所以ナリ尤モ我政府ニ於テハ今般ノ税則改正ニ付テ外國ノ利益ヲ損スルコトアラントハ思慮セス外國貿易ハ却テ之カ爲メニ到底著シキ利益アルヘキヲ信スルナリ其理由左ノ如シ

日本ハ外國品ノ輸入ハ殆ト無税モ同様ノ輕税ナリト雖トモ數年來其更ニ振ハズシテ衰微ノ甚キハ日本トノ貿易ハ全ク利益ナキニ至リタリトノ慨歎ヲ外國人中ニ發スルニ至ル此不景氣ノ原因ハ暫ク之ヲ擱キ日本ヨリ輸出ノ物價ハ之ヲ輸入ノ物價ニ比スレハ常ニ大約二ト三トノ割合ニシテ此差違ヲ償フカ爲メニハ金銀貨幣ヲ輸出セサルヲ得ス外國貿易ノ情況如斯ニシテ尙止マスンバ數年ノ後ハ日本ノ貿易ニ甚シキ禍害ヲ生スベキハ必然タルノミ是レ閣下モ亦了解セラルル所タルヘシ又輸出貿易ニ於テハ輸出税ノ爲ニ妨ケラレ盛

大ナル能ハス然レトモ此稅ヲ廢スルニ至ラハ大ニ之ヲ振起スルヲ得ヘク而シテ日本產物ノ海外ニ其賣高ヲ増加スルトキハ外國品ヲ買入ル可キ國力ヲ擴充シ隨テ輸入ノ需要モ振起スヘキハ決シテ疑ヲ容レサル所ナリ是故ニ我政府ハ請求ノ通り改正條約成ルニ於テハ輸出稅ヲ廢棄セントス仍テ此運ビニ至ラハ日本ノ物貨廉價ト成リ隨テ外國貿易上ノ利益タルヘシ若又萬一ニ前顯貿易改良ノ見込ヲ相違トシ又或ハ貿易ノ不景氣依然トシテ永續スヘシトシ又或ハ輸出入稅共ニ同時ニ改正セサルヘシトノ確說之レアリトモ我政府ニ於テハ如斯キノ想像論ヲ以テ我政府現今ノ見込ヲ破ルヲ得ヘキモノトハ認ムル能サルナリ元來此條約ノ事ハ嘗ニ我國トノ貿易ノミニ係ルモノニ非ス我國ト海外萬國トノ關係ハ永ク只貿易ノ一事ノミニ止ル可キニアサルハ閣下モ之ヲ認許セラルヘキハ疑ナキ所ニシテ目下我國ハ頻リニ文化教育ニ進歩スルノ國ナレハ實ニ其國權及ヒ國益ハ特別ノ認許ヲ得ルニ足レリ依テ閣下ニ於テハ我國ノ情實及其利益トヲ以テ此論件ノ大原因ト認メラレシコトヲ希望ス此猶又條約改正ノ儀ニ付貴政府ノ御目途ヲ通知セラレ度且我國ノ論案貴國ノ嘉納スル所ト爲リ速ニ改正條約實行相成貴我兩國ノ實

In support of this statement I need merely name that, of the various rights consequent on National Independence, not one is more incontestable than the power to fix the conditions under which foreign trade shall be conducted. In the case of Japan, however, that power has been temporarily suspended by treaty. But it is merely in abeyance. My Government thinks that the time has now come when it may reasonably claim, by revision of the Treaty, to resume that power, and to enter again on the freedom of action of which, in ignorance, it possessed itself some twenty years ago.

The right of revision was stipulated for in the Treaty itself. But even if no such condition were contained in it my Government would still point conclusively to the acknowledged fact that Commercial Treaties are not to be regarded as permanent; that they are, by their nature, open to modification as soon as the circumstances under which they were signed have become seriously altered, and that the great changes which have recently been effected in the policy, the aims, and

益ヲ發生候様致度拙者希望スル所ニ候右得貴意度如斯敬具
千八百七十八年五月四日

上野景範

(右英譯文)

Wooyeno to Lord Salisbury.

May 4th 1878.

My Lord Marquis,

In presenting to Your Lordship a translated copy of the instructions which I have received from my Government with reference to the proposed revision of the Treaty between Japan and Great Britain, I have the honour to add some considerations as to the various motives which animate my Government on the question, and to develop some of the arguments which it adduces in support of its claim.

In the instructions addressed to me, Your Lordship will observe the statement that my Government "expects, by the revision, to come into fuller enjoyment of the Sovereign Right inherent in the Empire," especially of such as relate to the adjustment of Trade Regulations and Custom Tariffs.

the condition of Japan amply suffice to justify such modification.

Furthermore, the situation in which my Country is now placed renders it absolutely in dispensable to augment the revenue by new indirect taxes, in order, on the one hand, to satisfy the financial requirements of the Government and on the other, to substitute fresh indirect imposts for certain actual forms of direct taxation, which weigh heavily on the people.

Another noticeable feature is, that the marked disposition of my Country men to inaugurate new industries is paralysed by the introduction of all kinds of foreign goods at duties which average less than five per cent.

My Government consequently considers that it is its duty to confer on native enterprise a degree of temporary protection sufficient to enable it to commence such new manufactures as local circumstances may justify, without the fear of these being undersold by imported articles, before proper competition is possible.

Again, I have the honour to impress upon Your Lordship that, so long as foreign products enter Japan at nominal duties, it is impossible to impose excise dues on analogous Japanese products. An important and legitimate source of indirect revenue thereby remains closed.

For "urgent reasons, therefore, fiscal, administrative and industrial, the Imperial Government considers that the present position and present necessities of Japan entitle and require her to resume the faculty of fixing her own Tariff as she may think best suited to her needs and interests.

Some other questions will also be brought forward by, my Government during the negotiation, but the Tariff is the point to which it now attaches the most importance.

Having now laid before Your Lordship a short explanation of the motives which have decided my Government to insist on this matter, I venture to call particular attention to the fact that, though the obligation to admit foreign goods at a maximum duty of 5 per cent was imposed on Japan, no Power

accorded to her any reciprocity. Her products have to pay, in all the ports of the world, the full duties chargeable on each category of goods, and it happens that some of her principal staples of exportation—tea and Tobacco for instance—are taxed almost everywhere at exceptionally high rates. Her commerce obtains no compensation elsewhere for the facilities granted at home. Yet, with all these advantages accorded to other countries, this system has not worked well for the import trade. And this brings me, My Lord, to the consideration which I have the honour to Submit to Your Lordship as to the probable effects of a change of tariff system on the exterior commerce of My Country.

The Japanese Government does not conceive that foreign interests would suffer by the proposed alterations of that foreign trade would, at least eventually, considerably benefit by them. It thinks so for the following reasons;

The imports of foreign goods into Japan have been virtually stationary for several years. Notwithstanding the almost total absence of custom

duties there has been no real growth of trade. General complaints have arisen among foreigners that commerce with Japan is ceasing to be lucrative. Now, without entering into all the causes of the existing stagnation, I would mention that thus far, the value of the exports from Japan, as compared with the value of the imports, has been, roughly, as 2 to 3, and that it has been necessary to export bullion in order to make up the difference.

Your Lordship will recognize that the continuance for several years of such a state of foreign trade cannot fail to have produced very damaging effects on the entire commerce of a country in the position of Japan.

Here, however, I must ask permission to draw Your Lordship's attention to the important fact that the export trade has been weighted and restrained by export duties, and to express the opinion that the situation can be remedied, in great part at least, by the suppression of those duties. It cannot be doubted that an increased sale of Japanese products abroad would be induced by such a suppres-

sion; that the buying power of the country would be expanded, and that the demand for imports would thus be stimulated.

It is in this belief that, subject to the signature of a revised Treaty on the conditions claimed, My Government intends to abolish the export duties.

Before quitting this part of the Subject, I would observe that such a measure would have the effect of cheapening Japanese goods and would consequently bestow a corresponding advantage on foreign commerce.

Finally, I am desirous to advance one additional consideration.

Even if it could be foreseen that the expectations which have been set forth here of a decided improvement of trade are illusory, even if it were certain that commerce would continue in an unsatisfactory state; even if it were proved that simultaneous changes in the system of export and import dues would fail to revive it, even then My Government would be unable to admit that such anticipations could be justly invoked against its present

views. Your Lordship will admit, I do not doubt, that other issues are involved here besides those which affect dealers with Japan, and that the relations between that country and the other nations of the world cannot continue to be shaped by exclusively commercial considerations, the national rights and the national advantages of a country which has so energetically entered on a course of progress and education merit special recognition, and I confidently hope that Your Lordship will acknowledge that the necessities and interests of Japan are entitled to be regarded as the foremost elements of the question. It now only remains, My Lord, for me to ask Your Lordship to inform me as to the steps which Her Britannic Majesty's Government proposes to take with respect to the revision of the Treaty, and I venture to trust that this information may be accompanied by the assurance that the position assumed by Japan in this matter meets with the full approval of England, and that thus a revised Treaty may speedily be concluded which will be conducive to the true

interests of both countries.

I have the honour &c., &c., &c.
(Signed) WOORYENO KAGENORI

附屬書二

以手紙致啓上候然者去ル金曜日御面晤之節御申聞相成候趣ニ從ヒ則チ我國ノ税則案及進達候尤右拙者心得ノ爲ニ送越シ候ニテ貴政府ハ照會ノ公翰ニテハ無之候且該案ハ東京ニ於テ既ニバークス氏ト内議ノ上同氏ノ見込ニ應スル様數多變更致シタル由ニ有之候依テ閣下ニ於テハ緊要ナル英國製造品ニ關スルノ税額決シテ過重ニ無之儀御同意可相成ト存候敬具

千八百七十八年五月十四日

上野景範

ロンドン サリスブリー閣下

(片紙譯文)

Wooyeno to Lord Salisbury,

May, 14 1878.

Dear Lord Salisbury,

In accordance with the wishes which you were good enough to express at our interview on Friday

Marquis Salisbury to Wooyeno.

May, 16th 1878.

Sir,

I have the honour to acknowledge the receipt of your letter of the 4th instant, together with its enclosure, upon the subject of treaty revision, and I have to state to you, in reply, that the matter shall receive immediate consideration.

I have the honour &c., &c., &c.
(signed) SALISBURY.

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三十一 明治十一年一月七日 上野駐英公使ヨリ  
寺島外務卿宛

稅權回復要求ニ對スル英國ノ意嚮其他交渉經過報告、新通商條約締結方意見具申竝ニ日米約書締結問題ニ關スル件

附屬書一 明治十一年十月四日英國外務大輔ト在英公使館御雇書記官トノ對話書

日米約書並ニ稅權及法權回復ニ關シ意見交換ノ件

二 明治十一年十月十七日英國外務省ニ於ケル英

last, I enclose draft copies of the new proposed Japanese Tariff which have been sent to me for my guidance and not official communication to the British Government. I am informed that many modifications have already been introduced into the proposed Tariff to meet suggestions made by Sir H. Parkes in private conference with the authorities in Tokio.

I think, My Lord, you will agree that the rates as regards the important British manufactures are not in any way prohibitory.

I am with much consideration  
etc., etc., etc.  
(Signed) WOORYENO KAGENORI.

附屬書三

條約改正之儀ニ付本月四日附貴翰併別紙共落手致シ候早々可及勘考候此段回答迄如斯 敬具

千八百七十八年五月十六日

サリスブリー

上野景範閣下

(右原文)

國外務大輔、在英公使館御雇書記官トノ對話  
書

日米約書締結ニ關シ辯明及意見交換ノ  
件

## 條約改定事件第二號

十二月二十四日到

先般條約改正事件別信第壹號ヲ以テ報告仕置候以來不怠當  
國外務卿輔ニ面會其決答相促候處彼ニ於テハ飽迄モ自由貿  
易ノ主義ニ固著シ日本政府ニテ輸出税ヲ廢シテ輸入税ヲ増  
加セントスルハ必意外國品ノ輸入ヲ制限シテ内國ノ物產ヲ  
保護セントスルノ方略ナリト認メ斯ノ如キハ終ニ其目的ヲ  
達セスシテ却テ兩國間ノ通商ト産業上ニ眼前ノ妨碍ヲ來タ  
シ亦假リニ國費ノ不足ヲ補ハントスルノ趣意ヨリシテ論ス  
レハ輸出税ヲ廢スルハ現ニ日本政府ニ莫大ノ損耗ヲ招クモ  
ノニシテ是カ爲ニ將來通商ノ繁盛ヲ致シ其歲入ヲ増加セン  
ト期スルモ決シテ得可カラスト喋々保護税法ノ非ナルヲ辯  
論相成亦獨立ノ國權ニヨツテ稅權ヲ回復セントスルノ主意  
ヲ駁シテ云ク凡商家ノ商事ヲ營ムニ課税ノ多寡ヲ知ルハ其  
利益ノ如何ヲ豫定スルニ缺可カラザル點ニシテ試ニ稅額ハ  
政府ノ便利勝手ヲ以テ朝暮ニ變更シ得ベキモノトセハ商家

ハ忽チ商業ノ準據タル規矩ヲ失ヒ遂ニ通商ノ停滯ヲ醸ス事  
明ナリ是則方今歐洲各國五ニ通商條約ナルモノヲ結ビ稅額  
ヲ約束スル所以ニシテ一度此約束ヲ爲セハ猥リニ一國ノ便  
利勝手ヲ以テ是ヲ變更シ能ハサルハ勿論ニ有之斯ノ如ク通  
商條約ハ通商上缺クヘカラサルモノニテ已ニ歐洲ニ於テハ  
最普通ノ事ト認ムル事ナレハ則千八百五十八年日英間ニ取  
結タル條約書中通商ノ事件ト海關稅目ノ個條ヲ以テ聊モ日  
本獨立ノ國權ニ抵觸スル所アルヲ知ラス勿論右條約書中從  
來ノ實驗ニヨツテ不都合ノ廉ヲ發見セハ其改正ヲ要求スル  
ハ日本政府ノ適當ナル所分ニ付條約面ニ掲載有之通今ヨリ  
十二月ノ前報(ノーチス)ヲ爲シ其改正スヘキ條目ヲ明  
示アラハ英政府ハ可成其需ニ適スル様相勉ム可シ然レドモ  
其改正ス可キ條目モ亦條約書中ノ “With a View to the  
insertion therein of such amendments as experience  
shall prove to be desirable” ノ意ヲ基礎トシテ可考定モ  
ノニシテ會テ訓狀ニ附シテ拙者ヨリ差出タル書翰(此書翰  
ノ寫ハ過便條約改定事件第一號別信ニ封入シ(イ印)ノ記  
號ヲ附シテ閣下ニ呈シタリ)中ニ在ル保護税法ニ類スルノ  
件ハ一切承諾致シ難シトノ事ニ有之尤右談判中今回日本政

府ニテ條約改正ヲ要求スルハ國費ノ不足ヲ補フカ爲ニ海關  
稅ヲ増加スルノ目的ニ非ラスシテ保護稅法ヲ設用セントス  
ルノ主意ナレハ甚遺憾ナリト繰返シ辯明有之拙者ニモ前述  
ノ個條ニ對シ徵力ノ及丈ケハ反覆駁論イタシ候得共察スル  
ニ到底製稅ノ權ヲ全ク我手ニ掌握イタシ候儀ハ相叶申間敷  
乍併我政府國費ノ多端ニ對シ何程歟ニ稅額ヲ増加シ是ヲ以  
テ互相ノ通商條約ヲ更ニ取結候事ハ外務卿輔ト談判上ノ口  
氣ニヨツテ明ニ推知イタシ候亦過日鯨島公使ヨリノ報知ニ  
ヨレハ佛政府モ粗當國ト同様ノ趣意ニテ最早通商條約ノ事  
ヲ外務卿ヨリ發言爲有之候趣右ノ情實ニ付此上ハ稅權回復  
ノ第一策ヲ姑ク閣置シテ通商條約ノ第二策ニ出候外致方有  
之間敷左候ハハ通商條約取結ノ御委任狀更ニ御下附不相成  
候テハ實際ノ着手不相叶候右等ハ過便鯨島公使ヨリモ委細  
申立相成候趣ニ付急速御評決有之度候  
方今條約改正事件ハ外務大輔サ一、チュリエン、ボンスホ  
ルト氏ノ手ニ相任有之過日同氏ノ咄ニ可成日本ノ請求ニ荷  
擔イタシ度候得共只保護稅ヲ課スルノ一點ニ於テ彼是議論  
面倒且サ一、ハルリ、バークス氏ヨリノ報告書中ニ日本政  
府財政ノ不始末ト條約改正ニ付日本政府ノ主義不適當ナル

ヲ詳ニ申越相成右等ヲ以テ實際主任ノ者其取極方ニ甚困却  
スル旨内話有之候亦今度米國政府ト吉田公使調印イタシ候  
條約書ハ其明細ヲ示サス單ニ「日本政府ハ此度米國ト條約  
ヲ取結ベリ」ト諸新聞紙ニ相見得候ヨリ當外務省ニ於テハ  
日本政府ハ此條約改正ニ臨ミ米政府ト別ニ特別ナル内密條  
約ヲ爲シタルニハ非ラサル歟ト疑念相生候趣ニテ則右條約  
書ノ寫ヲ一見イタシ度旨電信ヲ以テ日米兩國在留ノ英公使  
ニ問合相成候處兩政府共ニ其需ニ應セサリシ是益英政府ノ  
疑念ヲ厚クスルモノニシテ聊氣色ニ觸候模様ニ見受候ニ付  
拙者ハ右條約書ハ米國ニ對シ決シテ特別ノ條約ニアラズ必  
竟米政府ハ我政府ノ請求ヲ正理ナリト認メ悉ク其個條ヲ舉  
ケテ書面トナシ是ニ調印セシ迄ノ事ナリ一口ニ云ヘハ條約  
改正ニ付我政府ヨリ差出候書翰ニ對シ其主意ヲ不殘承諾セ  
リト云返翰ニ外ナラスト辨明イタシ候得共何分ニモ全ク疑  
念ノ氷解セサル所有之様被察此儀ニ打捨置候テハカナラス  
後來ノ障礙ト相成且右條約書ニ付テハ過日電報ヲ以テ鯨島  
公使エ御指揮ノ趣モ有之候間當館御雇書記官レーン氏ヲ以  
テ内々外務大輔ニ面會爲致公然ナラス定約書ノ大體ヲ通知  
イタシ置候分ハ差支無之事ト相考則其通取計候別紙(イ印)

應接書ノ通應答有之候ニ付委細ハ右ニテ御承知有之度尤右條約書ハ公然當國政府ニ相示候ハハ他ノ政府ノ我ノ請求ニ已ニ同意シタルヲ證シ當國政府ノ決答ヲ促スニ屈竟ノ具ナリト相察候ニ付別紙電報寫(往四十四號)差立候處(來四十八號)ノ通御返電相成承知仕候兼テ御申越ノ趣ニヨレハ今度條約改正ノ條件ハ大藏卿ヨリサー、ハルリ、パークス氏エ屢々談判相成粗同氏ニ於テハ同意ノ趣ニ承知イタシ居候處此比同公使ヨリ當國外務卿エ宛タル内報告書ニヨレハ實ニ意外ノ事ニテ稅額ヲ増加セントスルハ薩摩騷亂ノ費用ヲ補ハンカ爲ニシテ既ニ夫カ爲ニハ巨萬ノ紙幣發行相成タリ亦大藏卿大隈氏ノ說ニヨレハ日本政府ノ主意ハ保護稅ヲ行フノ事ヲカリシニ今保護法ヲ行ント英政府ニ請求スルハ我ヲ欺キタル所分ニシテ萬一保護法ノ日本ニ行ハル、ニ於テハ立ロニ商法ノ衰頹ヲ來タスハ不俟論且ツ日本ニ於テハ現ニ國家ノ理財ヲ管スル人ト雖モ經濟ノ道ニハ甚迂活ナルヲ以テ保護稅法自由貿易ノ如何ナル結果ヲ來タスカヲ知ル者ナシ斯ノ如キ不練熟ノ人ニ稅權ヲ取捨スルノ權ヲ勝手ニ相任セハ將來恐ル可キ患害ヲ招クニ至ラン且日本ニハイマタ充全ノ議院モ無之ヲ以テ一切政事上ノ變換取捨ハ僅ニ廟

四號」(十月十七日倫敦發)及「來電第四十八號」(十月二十日倫敦着)ハ何レモ暗號ノ儘ニ付省略

## 附屬書一

イ 印

一千八百七十八年十月四日倫敦外務省ニ於テ  
ソル・ジュリヤン・パウンセフヲート及ヒス  
チュアルト・レーン兩氏對話筆記

一應ノ挨拶既ニ終リテ後レーン氏曰ク予日本公使ノ依頼ヲ受ケ今日御面會ヲ願フタルノ旨意ハ別儀ナラス夫ノ日本條約改正ノ事ニ於ケル米國ノ所爲ニ付テ過日鈴木金藏貴下ヘ面晤ノ節貴下ヨリ申述ラレシ由ナル趣旨ニ據テ判斷スレハ僞說ノ爲ニ貴下意中誤ラル、ノ廉コレ有ルカ如キニ付キ專ラ其廉ヲ辯明センカ爲メナリ

ソルジュリヤン氏曰ク該事件ニ付予敢テ僞說ノ爲ニ誤ラル、所アルヲ覺ヘス實ハ米國及ヒ日本ニ於テモ該條約ノ本文ヲ秘シテ之ヲ我國ニ示スヲ拒絶セラレタルハ甚タ其意ヲ得サル所ナリ然レトモ後ニ聞ク處ニ據レハ其約スル所ノ條款ハ他ノ諸國モ皆共ニ同意スルノ後ニアラサレハ實地施行スヘキニアラサル由ナレハ其廉ハ敢差シタル緊要事ニモ非サ

堂二三大臣ノ權ニ屬シ朝政暮變實ニ定リナキ政府ナレハ是ニ通商統轄ノ權ヲ掌握セシメハ其危篤甚大ナリト云々頻リニ我政府ヲ罵言シ慨歎ニ堪不申候同公使ノ條約改正事件ニ付妨害ヲ爲スハ右等ノ事ニヨツテモ御推知有之度候先ハ右等報告仕候也

明治十一年十一月七日

全權公使 上 野 景 範

外務卿 寺島宗則殿

二白 過日レーン氏ト外務大輔ト内話書ノ寫別紙(ロ印)差出候間御通覽可被下候  
再啓 本文中ニ相認候外務卿ノ說ニ條約改定ノ要求ハ今ヨリ先キ十二月ノ前報(ノーチス)ヲ要スル云々ハ條約改正事件第一號中ニ封入差進候(イ印)拙者ヨリ外務卿エ宛タル書翰ニ閣下ヨリノ訓狀寫相添置候間右ヲ以テ則其前報ト可認モノニシテ右書翰ハ當年五月四日附ニ相成居候間同日ヨリ起算シテ十二月ヲ經ハ實地改正ニ着手スルハ無論ト存其趣ヲ辯解イタシ置候此旨爲念申添候也

註 本文中ニ謂フ別信第一號ハ三二六 尙「往電第四十

ルトナリ

レーン氏曰ク予カ委任ヲ受ケ將ニ貴下ニ辯解セント欲スル所モ即チ其邊ノ事ニ在ルノミ夫ノ新聞紙上ノ說ノ如キハ其誤タル事明白ナレハ日本公使ハ直ニ當外務省ノ誤聞ヲ是正センカ爲メ其手段ニ及ヒタルナリ

ソルジュリヤン氏曰ク假令何等ノ場合タリトモ米國ニ許サル、所ノ利益ハ最優待國ノ條款ニ據リ我國亦之ヲ要求スルノ權理アルカ故ニ我國ニ於テハ初メヨリ此儀ニ一モ不安ノ心ヲ生シタルニ非ス

レーン氏曰ク其レハ固ヨリ事情ニ關スル事ナレトモ今爰ニ其論ヲ發スルヲ要セス只貴下ニ於テハ此條約ノ日本ノ爲メニ實ニ至要タル事ヲ諒セラレン事ヲ乞フ此條約ハ即チ日本ヨリ請求スル所ノ條理ヲ十分ニ認許スル所ノモノナリ

ソルジュリヤン氏曰ク然リ日本稅則改正ノ事ニ付テ米國ノ同意スル所ノ者ナラン

レーン氏曰ク予カ委任セラレタル所ニ超ヘタル言ナカラ右ハ其外ニモ日本ニテ請求スル所ノ條件ヲ皆悉ク十分ニ許容セルモノナリ右ノ請求ハ締盟各國ハモ皆之ヲ同フシ米國ハ現ニ此條約ニ同意スルノ手續ニ及ヘリ

ソルジュリヤン氏曰ク予ハ各國皆共ニ協議ス可シト心得ルナリ實ハ諸國大抵其返答前ニ我國ノ意見ヲ問ヒ合セタルヲ以テ追テ是ヨリ返答スヘキ旨ヲ申送り置キタリ

レーン氏曰ク詳細ノ事項ニ至テハ固ヨリ然ルヘシト雖トモ其主義ニ於テハ各國各自ニ決斷アル可キ事ナルヘシ米國ノ如キハ既ニ之ヲ確斷シ其他ノ諸國モ亦多分ハ同様ナレハ我輩最モ貴國ノ返答ヲ渴望スルナリ

ソルジュリヤン氏曰ク米國ヨリ他ノ諸國ニ於テモ貴國ノ所見ニ同意シタリトナリヤ予ハ諸國カ必ス我英國ノ報ヲ俟チ后ニ返答スルナラント思ヒタリ

レーン氏曰ク若シ誤解セラレテハ恐縮ナリ我公使ヨリ本件ニ付他國ト談判ノ現況ヲ貴下ヘ通知スルモ妨ケナシトノ趣ナリシニ由リ此ニ之ヲ陳述スベシ予近頃巴里ニ在リシカ該府ニ於テハ當時專ラ既ニ本件ノ議論アリタリ我輩ハ今唯英國ノ返答ヲ俟ツノミ而シテ獨リ其返答ノミ必スヤ不惠ナル者ニハ非サル可キヲ確信スルナリ予諸國ノ返答ヲ見ル事ヲ許サレタルニ第一米國ハ十分ニ我ニ同意シ又佛國ノ返答ハ最モ好意ニシテ予カ了知スル所ヲ以テスレハ主義ニ於テハ日本ノ請求ヲ許容シ但タ尙詳報ヲ要セリ而シテ其望ム所ハ

ニ之ヲ迫リ敢テ聊カ怠慢ナキハ予足下ニ對シ保證スル所ナリ併シ予惟フニ此事件ハ諸國一同協議ノ上ニテ決ス可キ事ニシテ諸國返答ノ趣ハ予足下ノ言ニ依テ之ヲ領セシカ日本ニ於テハ必ス各國各異ノ條約ヲ結フノ事ハアラサルヘシレーン氏曰ク此事ニ就テハ只余カ一己ノ説ヲ吐露スヘキノミ日本ハ固ヨリ各國皆共ニ満足スルノ約ヲ求ントス是レ各國ニ對シ同様ノ請求ヲ爲ス所以ナリ併シナカラ他國ニテ至當トナス處ノ議決ニ於テハ假令一國ノ之ニ異論アルトモ其一國ノ意ヲ以テ日本ノ貿易條約ヲ妨止スルヲ得ヘキニアラサル可シ實ニ稅則一條ニ付テ各國ノ多數ト談判整フ上ハ他國之ニ從フ可キ者ナルヘシ

ソルジュリヤン氏曰ク宜シ其論ハ今此ニ議スル處ニアラス兎モ角モ速ニ我國ノ回答ヲ爲ス可シ夫ノ佛國カ開國ヲ求ムルノ説ハ余カ考ニテモ足下ノ云ル、如ク必ス領事裁判論ニ干繋スル者ナル可シ

レーン氏曰ク實ニ然ル可キカ如シ但シ此一條ノ改正ハ今日ニ於テ日本ヨリ輸出セサル所ナレトモ願クハ貴我兩益ノ處分ニ至ラン事ヲ欲ス實ニ今日ノ現狀ニ於テハ甚タ痛歎ス可キモノ渺ラス若シ眞ニ心ヲ用ヒ之ヲ處置セハ其弊ヲ矯正ス

日本内地ヲ開クヲ可トスルニ在リ然レトモ此論ヤ治外法權ノ事ニハ必ス關係アルヘキモ稅則ニ更ニ其關係ナキハ言ヲ俟タサル所ナリ又露國ハ予カ了解スル所ニ據レハ之ニ同意シ既ニ其用意ニ向ヘル者ノ如シ是レ其日本ニ好誼ヲ表スルノ證タリ又白耳義ハ主義ニ於テハ同意ニシテ其所望ハ日本カ自由貿易主義ニ從ハン事ヲ欲スルカ如シ但シフレール、フルバン氏ノ説必ス然ラン又日耳曼ハ未タ返答ヲナサスト考フレトモ其日本トノ貿易ハ僅ニ微々タルモノノミ又葡萄牙モ同様ナレトモ是レハ里斯盆ニ日本公使駐劄セサルヲ以テ彼國ヨリ直ニ日本ニ回答ス可シ然レハ今ヤ萬事遲緩ナルハ只當國ノミ

ソルジュリヤン氏曰ク我輩敢テ徒ニ遲慢ナルニ非サル段ハ足下貴公使ニ保證スルヲ得ヘシ予ハ實ニ事ノ速ナルヲ切望シ既ニ總テ必用ナル書類ハ印行シテ之ヲサリスバリ侯ヘ送りタリ然レトモ現今我輩ノ多忙ナルハ實ニ足下ノ知ラルヘキ所ニシテ常務ノ外ニ先キニハ東邦ノ論件アリ今ハ又亞加業坦ノ事アリ加ルニ書類ニ於テハ極メテ必要ノ分ヲ除外ハ尙未タ一モサリスバリ侯ヨリ返ラス然レトモ他事ハ總ヘテ滯滯セサルハナキモ此事件ニ於テハ予手ヲ盡シテ急

ル難キニ非サルヘシ

ソルジュリヤン氏曰ク足下ノ思考信ニ然リヤレーン氏曰ク然リ譬ヘハ阿片事件等ノ如キ常ニ相絶エサル弊害ノ十中ノ九ハ之ヲ免カル、ヲ得ヘキ方法アルヘシ貴下若シ閑暇アラハ請フ此事件ヲ處スルノ大要ニ就テ聊カ余カ所見ヲ陳ス可シ

ソルジュリヤン氏曰ク足下知ラル、如ク予ハ甚タ多忙ナリト雖トモ願クハ足下ノ高案ヲ聞カン足下ニ於テハ常ニ周密ニ此事ヲ觀察セラル、ニ相違ナシ日外モフランクホルトニ於テ此事ニ就テ設話セラレ(シ)ニハアラサル乎

レーン氏曰ク其際ニ於テハ未タ深意ニ迄ハ至ラサリシモ大ニ改正ヲ可トスルノ意見ダケヲ申述ヘタリ偕テ予ノ考案ト申スハ其主義甚簡易ナルモノニシテ其細目ニ至テハ更ニ難事無ルベシ尤モ予ハ固ヨリ内々ニテ只予カ一己ノ鄙見ヲ述フルノミ而シテ其鄙見タルヲ專ラ知己ノ日本人中最モ有識ノ人々ヨリ始終聞ク所ノ説ニ基ツクモノナリ其説ニ據レハ彼輩ニ於テモ外國人ヲシテ全ク其内國法庭ノ裁判ニ從ハシムルハ其ノ今日ニ行ハレ難キヲ認知スルカ如キモ只現今ノ方法ノ不善ナルニ異論ヲ唱ヘリ實ニ其方法ノ如キハ何人ノ

之ヲ視ルモ陳腐ニシテ無用ニ屬スルモノナルニ似タリ其異論ハ貴下最モ能ク承知セラル所ナリ

ソルジュリヤン氏曰ク予能ク之ヲ承知セリ

レーン氏曰ク現今日本ニ歎賞スヘキノ法律アルハ恐ラクハ貴下既ニ知ル所ナラン其善良ナルハ全ク歐洲諸國ノ法律ニ均シク而シテ却テ之ヨリモ尙簡易トス但シ拿破崙刑典ニ基キテ編制シ之ニ訂正ヲ加ヘタル者ナリ是ニ付テハ必スソルハルリーパークス氏ヨリ貴下ニ詳報アリタルナラン

ソルジュリヤン氏曰ク否會テ來報ナシ

レーン氏曰ク宜シ然ラハ今日日本既ニ善良ノ法律アリトシ或ハ現行ノ法律ヲ尙宜キニ隨テ改革スル事アルヘシトシテ茲ニ予カ考案ヲ陳セン曰ク各國皆其臣民ヲシテ該法律ヲ遵守セシムヘキナリ然ルトキハ則チ締盟各國各異ノ法律ヲ以テ各自ノ訟廳ヲ設置スルノ拙劣ヲ免カル可シ而シテ唯必要トスヘキノ一條ハ當分先ツ外國人被告タル所ノ民事或ハ外國人ニ對スル刑事ニ就テハ日本政府ノ吏員ト爲リテ給料ヲ得ヘキ外國裁判官ヲシテ該法律ヲ實施セシムルニ在ルノミソルジュリヤン氏曰ク予頗ル其說ヲ嘉ニス蓋シ中間ノ便法ナル可シ夫ノ會審裁判法ハ埃及ニ於テスラ猶善ク行ハレサ

スト雖トモ外人ニ適當ノ裁判ヲ施ス事ニハ更ニ異論アラサルナリ

ソルジュリヤン氏曰ク倍審官ノ儀ハ如何

レーン氏曰ク是亦僅ニ小事ノミ現今ノ法ヲ履行スルニ比スレハ又敢テ難カラス素ヨリ輕罪ニ於テハ土耳格ニ行ハル、カ如ク内國ノ裁判官ヲ以テ處置セシメ事ニ寄リテハ又外國裁判官ノ首座タル訟廳ニ控告スルノ權ヲ附與ス可シ且ツ死罪ニ涉ルカ如キハ又之レカ特別ノ法令アル可シ雖然余カ確定スル所ノ論旨ハ本件ヲ満足ニ決定スルノ途ハ只日本ノ法律ヲ採用スルノ一法アルノミ若シ英國ニシテ他國ニ率先シ此旨意ニ基ツキ考案ヲ起ス事アラハ余カ實ニ悦喜スル所ナリ若然ルトキハ米國ノ如キハ是迄外交上往復シタル文書ノ語氣ニヨレハ必ス之ニ同意ス可ク而シテ英國ノ利益モ亦甚大ナルヘシ尤モ今日日本ニ在ルカ如キ本修業ヲ經サルノ裁判官ナラスシテ第一等ノ裁判官ヲ得サル可ラサルナリ貴下宜シク此儀ヲ思慮セラレンヤ

ソルジュリヤン氏曰ク篤ト思考スヘシ先ツ一通リ察スルニ至極妙案ナルカ如シ余之ヲサリスバリー侯ニ談ス可シ然シ日本ハ實ニ之ニ同意ス可シト思ハル、ヤ

ルカ如クナレハ此法ヤ必ス會審裁判法ニ優ル可シ

レーン氏曰ク貴下ノ此言ヲ聞クハ余カ大ニ喜フ所ナリ夫レ埃及ハ殆ト一所不住ノ民相集マルノ國タルモ日本ニ於テハ會審裁判法決シテ適應ス可カラサレハ必ス之ヲ承諾スル事無ル可シ若夫レ會審裁判ヲ行ハントセハ爲ニ新法ヲ設ケサルヲ得ス其制ヤ全ク是レ一國ノ君權ニ反スル者タリ元來外國人ハ顯然不當ノ法律ナルニ非サルヨリハ到ル所其國ノ法律ヲ遵奉スル事當然タルヘシ

ソルジュリヤン氏曰ク足下ノ考案ニテハ言語ハ何國ノ語ヲ用フヘシトセンカ

レーン氏曰ク全ク現存ニ於ルカ如ク外國裁判官ハ英語ヲ用ユ可キ事ト思フナリ

ソルジュリヤン氏曰ク或ハ佛獨ノ如キ他國ノ裁判官ヲ任用スルノ論議發スル事無ルヘキ乎

レーン氏曰ク余ハ以爲ラク然ラス併シ是等ハコレ細事ノミ但余カ說ノ本旨ハ各人ノ爲メ唯一ノ法律ヲラシメ各異二十種ノ法律ニ代ルニ只日本一國ノ法律ヲ以テセント欲スルニ在リ若シ此點ヲ以テ主眼トセハ其他ノ細項則ニ於テハ別段難事ハ之レアラサル可シ元來日本人ハ固ヨリ其國權ヲ重ン

レーン氏曰ク余敢テ之ニ答フルノ權ナシ只余カ一己ノ私說ニテハ日本ハ必ス是等ノ考案ニ同意ス可シ加之ニ此事若シ實際ニ行ハル、ニ至ラハ全國ヲモ開テ外人ノ起業ヲ許ス可シ是レ英國ノ爲メニハ之ニ過ルノ益ナカルヘシ元來日本國ノ農業鑛産ニ富メルハ實ニ驚クヘキ程ナリト雖トモ現今ノ法ニ於テハ外人之ヲ其利益ト爲ス事能ハサルナリ却說稅則論ニ就テハ余尙一事ヲ述フルヲ忘レタリ即チ佛國ニテハ日本ト互相ノ條款ヲ以テ貿易新條約ヲ結フ可キ乎ト商議ニ及ヒタルニワッヂントン氏ヨリ詳細ノ條件整理方ノ如何ニ依ルヘキモノトシテ先ツ明日結約調印ス可シトノ答ヘアリ余此儀ヲ貴下ニ告クヘキ旨我公使ヨリ委任ヲ受ケタリ

ソルジュリヤン氏曰ク貿易ニ關スル條款ヲ除クノ外舊條約ハ其儀ニ存セラル、ノ意カ

ナリ

レーン氏曰ク然リ右ハ互相ノ請求ニ依ルヘキ者トシ而シテ各國ノ新條約ニハ稅則ヲ載セ年限ヲ定メテ之ヲ實施ス可キ

ソルジュリヤン氏曰ク予思フニ是レ今般ノ論ノ要領ヲ決スルニ足ル可シ日本果シテ是ニ満足ス可キヤ



對シテ明言セシ所ナレハ日本ニ於テ恐ラクハ異議ナカル可シ余カ聞知スル所ヲ以テスレハ日本ハ其稅則ヲ制定スルノ國權ヲ得テ恰モ佛國其他諸國ト同様ニ只貿易條約ヲ結フニ此權ヲ實施セント欲スルナリ

ソルジュリヤン氏曰ク貿易條約ノ體裁ヲ爲スノ改正ナルニ於テハ我國敢テ之ニ異論アラサル可シ予必ス此儀ヲ心ニ留ムヘシ

レーン氏曰ク貴下既ニ斯ク余カ言ヲ容レラル、如クナレハ余更ニ語ル可キ事アリ日本公使ハ業已ニ英國ニ於テ諸國ト締盟スル所ノ各國貿易條約中ノ條款ヲ蒐輯シテ稍ヤ其體裁ニ草案ヲ作爲セラレタリ而シテ其諸國中ニハ開明ノ點ニ於テ或ハ日本ト同日ニ比較ス可カラサル者アリ

ソルジュリヤン氏曰ク夫ハ至極ナリ然シサリスバリ侯ニ於テ何ト云ハル、平ハ知り難シ予ハ只予カ一己ノ所見ヲ述フルノミ倍テ裁判權ノ一條ハ其事若シ決定セハ日本ニテ全ク其國ヲ開クヘキ乎足下ノ見込如何

レーン氏曰ク余思フニ裁判權ノ一條ハ後來愈々其ノ決定スルニ於テハ假令別ニ之ヨリ生スル直接ノ利益ハ之レナクトモ是レ最モ緊要ノ一事タリ到底此一事決定セサレハ内國ヲ

開クノ期ナカルヘシ余カ聞ク所ニ由レハ此事若シ決定セハ日本敢テ外國人ヲ内地ニ入レサルノ意ハ更ニ之レナキカ如シ尤モ右ハ稅則事件先ツ満足ニ決定セシ後ノ事ナルヘシ事狀今日ノ儘ニテ内國ヲ開クトキハ紛議益々多カルヘケレハ日本決シテ之ヲ爲サ、ルヘク余輩英人ヲ以テ之ヲ視レハ之ヲ爲スハ實ニ日本ノ愚ト云フヘキナリ

ソルジュリヤン氏曰ク宜シ予足下ノ所見ヲ解得シタリ尙熟考ヲ盡シサリスバリ侯ニ告テ決定ヲ迫ル可シ侯ハ明日内閣會議ノ爲メ當省ヘ出頭ノ筈ナリ足下ノ出サル、所ノ書類ハ之ヲ目次ノ首ニ載ス可シ又此事件ハ我輩之ヲ侯ニ謀リ商法會議所ノ議ニ附スヘシ該所ハ固ヨリ商務ヲ知ル事予輩ノ類ニ非ス我輩既ニ日本ニ在ル商法會議所ヨリハ其意見書ヲ得タリ

レーン氏曰ク之ヲ商法會議所ニ附セラル、ハ望マシカラサル所ナリ會議所ノ議員タルマンチェストルノ諸氏ニ於テハ固ヨリ稅額ノ増スヲ忌ムハ勿論ニシテ之ヲ一目スレハ恰モ輸入ヲ妨止スル者ノ如クナルヘシ依テ大體ダケハ宜シク當省ニ於テ決議セラレ只其細目ニ至テハ該會議所ノ意見ヲ問ハル、モ可ナルベシ

ソルジュリヤン氏曰ク實ニ然リ然レトモ此事件ノ如キハ固ヨリ之ヲ實際ニ考ヘ此改正ヲ施行スルノ結果如何ヲ察セサルヲ得ス故ニ我輩カ會議所ノ意見ヲ聞ント欲スル所ハ足下ノ說ノ如ク日本ニ於テ輸出稅ヲ廢棄シ輸入稅ヲ増加セハ貿易上如何ナル結果ヲ得ヘキ乎ニ在ルナリ米國ハ固ヨリ之ニ同意スル事甚タ容易ナル可シ是レ米國ノ利益ナルカ故ナリ米國ニ於テハ大概日本ノ茶ヲ求ムルカ故ニ其輸出稅ヲ廢スルハ彼國ノ利益渺ラス而シテ其製造品ヲ日本ニ輸入スルハ甚タ僅少ナレハ輸入稅ノ増スモ彼國ニハ大ニ關スル所ナキナリ

レーン氏曰ク是レ固ヨリ然リ雖然米人ハ專ラ利益ノ爲メニスルニ非スシテ眞ノ交際主義ニ依リ常ニ他國ノ權理ヲ主唱セルナリ

ソルジュリヤン氏曰ク雖然米人モ亦時トシテ他國ノ他ニ紛議ヲ醸成セント欲シテ干涉スル事アリ日本ニ在テハ米人我國ノ政略ニ抗スルモノ、如キナリ

レーン氏曰ク或ハ然ル事アラン雖然日本ノ爲メニシテ英國ニ抗セント欲スル者ハ露國殆ト米國ヨリ甚シキ者アルカ如シ新聞紙中或ハ日本ト密約ノ事ヲ載スルハ其實說ニ非サル

ヤ疑ヲ容ル可カラスト雖トモ恐ラクハ其意ナキニ非サルヘク又其考案ヲ出セシモ知ル可カラス故ニ英國ニ在テハ宜シク相對ヲ以テ事ヲ議シ諸般ノ紛議ヲ平定スルノ第一着ヲナス是レソノ良策タルヘシ夫ノモンセイ氏ハ能ク日本ノ事務ヲ了察セラル、ノ人ナルニ今同氏歸國セル由ナルハ實ニ痛歎スヘキ事ナリ

ソルジュリヤン氏曰ク宜シ足下ニ約ス予必ス及フ限ハ力ヲ盡シ此事ヲ決定ニ至ラシム可シ

レーン氏曰ク貴下ノ盡力アルヘキヲ疑ハス我公使近日サリスバリ侯ニ面晤ヲ乞フ可シ依テ其前ニ何分ノ決着アランコトヲ希望ス

一千八百七十八年十月六日於倫敦

(右原文)

Strictly confidential

(It is not attempted to give the exact words)

Notes of an interview at the Foreign Office  
London Oct. 4th 1878 between Sir Julian  
Paunceforte and Mr. Stuart Lane.

After various complimentary remarks Mr. Lane said that he had asked for the present appointment

at the wish of the Japanese Minister in order principally to remove a wrong impression which appeared to exist in Sir Julian's mind, judging from what was reported to have been said when Suzuki Kinzo last saw him, as to the action of the United States in reference to the revision of the Japanese treaty.

Sir Julian: I do not think there is any false impression on my mind on the subject. I own I was surprised to find that the text of the convention was refused to us both in America and Japan but we have received information that this is of small importance as the conditions agreed to are only to come into operation after they are also agreed to by the other powers.

Mr. Lane: That is almost exactly what I was authorized to say to you. The accounts in the newspapers were evidently incorrect, and the Japanese Minister at once took the steps to enable him to correct any wrong impression which they might have created at the Foreign Office.

Sir Julian: We were also not at all uneasy on

we have told them we would let them hear from England about them.

Mr. Lane: That is natural, as to details; but as to the principle involved I conclude each power would decide for itself and this America has done fully, and most of the other Powers have also done so. We are waiting most anxiously for your reply.

Sir Julian: Do I understand you that other Powers besides the United States have agreed to your views? I certainly expected they would wait for communications from England before replying.

Mr. Lane: I should be sorry to be misunderstood. My Minister told me that I might inform you what our present position with the other Powers on this subject is. I have been lately in Paris, and the question has been seriously discussed there. We are now in fact merely waiting for reply from England which it is confidently expected will not be the only unfavourable one. I can speak on this point with some authority, as I have been permitted to see the various replies from the Powers. First, America agrees in the fullest sense, France replies

the subject, as in any case the most favoured nation clause would have entitled us to any advantages given to America.

Mr. Lane: That of course depends on circumstances; but the question as you say could not well arise in this case. I hope however you see the really important value to Japan of this convention. It involves a full recognition of the justice of what Japan claims.

Sir Julian: Yes, I suppose it may be taken to be an assent on the part of the United States to a readjustment of the Japanese tariff.

Mr. Lane: It goes further than that. I am authorized to say that it concedes all that Japan has asked in the fullest sense. I should add that the same demands as to this revision were made to all the treaty Powers and that the United States has now by this convention formally recorded her readiness to accede to them.

Sir Julian: I understood that all the Powers would be negotiated with together. In fact most of them have written to ask our views before replying and

most courteously, and as far as I could understand, concedes the demands of Japan in principles but asks for further information and suggests that Japan should proceed to open up the country which I need hardly tell you is a point which has little or nothing to do with the Tariff matter, but is essentially connected with the question of extraterritorial jurisdiction. Then Russia agrees as I understand, and points to her readiness to do so, as a proof of her good feeling for Japan. Belgium agrees "en principe" but hopes Japan will see the desirability of acting in accordance with free trade principles. This was to be expected from Mr. Frère Orban. I do not think Germany has replied, but her trade with Japan is quite insignificant. The same remark applies to Portugal, who will probably send her answer direct to Japan, as there is no Japanese Minister in Lisbon. So you see that practically everything is kept waiting by this country.

Sir Julian: You can assure your Minister that we are really not to blame. I am most anxious to get the matter pushed on. All the necessary papers

have been printed, and sent to Lord Salisbury but you can easily understand how overworked we all are. In addition to our regular work we have had first the Eastern question, and now the Afghan business. I can get no papers returned from Lord Salisbury except those absolutely required, all other matters are obliged to stand over, but I assure you I have done all I can to get this attended to. I think it must be settled by common consent between the Powers. I observe what you say as to the replies received, but Japan will surely not endeavour to make separate terms with any of them.

Mr. Lane: I can of course only express my personal opinion about this. It seems to me that Japan will most earnestly seek for arrangements which will be satisfactorily to all Powers. This is why she has made identical applications to all of them, but it seems to me that if any one for instance objected to what was considered a fair settlement, that one could not expect to stop the trade arrangement of Japan, indeed an understanding with the

majority of the Powers on the Tariff question would have to be respected by the others.

Sir Julian: Well, that question does not arise now. I promise you you shall have our answer very soon, but as to France asking for the opening of the country, that I suppose is connected as you say with the Consular Jurisdiction question.

Mr. Lane: Yes, certainly as I think. This point has not been put forward by Japan for revision at present. At the same time I wish in the interest both of England and Japan that it could be dealt with. The present state of things is deplorable and might be easily remedied, if taken seriously in hand.

Sir Julian: Do you really think so?

Mr. Lane: Yes I do, and in a way that would get rid of nine-tenths of the sores which are always cropping up, such as the opium cases and so on. If you had time I would like to tell you my views of a basis for the settlement of the matter.

Sir Julian: I am very busy as you know, but I should really like to hear your plan. I am sure

you have looked into it carefully. You have been speaking about it at Frankfort the other day, have you not?

Mr. Lane: It was not gone into deeply, but the opinion expressed was greatly in favour of a change. Well, my plan is a very simple one in principle, and I see no real difficulty in detail. Of course I am speaking to you quite confidentially and expressing simply my own views which are based chiefly on the opinion I hear from time to time of the most intelligent Japanese I meet with. They all appear to me to recognize the impossibility at present of leaving Foreigners and their interests entirely to the native tribunals, but they do object to the present system which seems to every one rotten and unnecessary. No one can know the objections to it better than you do.

Sir Julian: I do indeed, well?

Mr. Lane: You probably know that the Japanese have now an admirable code, quite as good and far simpler than many European codes. It was based on the Code Napoleon, with modifications. I

conclude Sir H. Parkes has sent you particulars about this?

Sir Julian: Eo, indeed he has not.

Mr. Lane: Well, then assuming that Japan has a good code already, or that the one it has can be improved if necessary, so as to satisfy all fair requirements, my proposition is that all the Powers should agree that all their subjects should be bound by it, thus getting rid of the absurdity of having separate courts for each Treaty Powers with different codes. The only stipulation I can see necessary is that for the present this code should be administered as regards civil cases in which foreigners are defendants, or criminal charges against them, by foreign judges who might possibly be paid servants of the Japanese Government.

Sir Julian: I like the idea very much, as a middle course. I think it could work much better than the mixed courts system which does not seem to thrive even in Egypt.

Mr. Lane: I am very glad to hear you say this. Egypt is a sort of cosmopolitan country, but mixed

courts would never answer in Japan. I don't think they would ever be agreed to. A new code, to be used in them would have to be made and the whole system is contrary to the sovereign rights of a country. Foreigners should obey the laws of the countries they go to, unless such laws are obviously unjust.

Sir Julian : How would your plan do as regards language?

Mr. Lane : Quite as well as the present one. I suppose English would be the language used by the Foreign judges.

Sir Julian : Would there not be a question of judges of other countries, France or Germany for instance, being appointed.

Mr. Lane : I can't think so, but these are all details. The basis of the idea is that there should be only one code for every one, and that a national Japanese one, instead of twenty. If this were made the starting point, I do not think any serious difficulties as to details would arise. The Japanese are naturally sensitive as to their rights, but as to

a proper administration of justice to Foreigners they could have no objection.

Sir Julian : How about juries?

Mr. Lane : Only another details. I see no more difficulty, in fact less so, than under the present system. Of course as regards small offenses, these would have to be treated by the native judges as in Turkey, with right of appeal, in certain cases, to courts presided over by Foreign judges. There might also be some special action in cases involving capital punishment, but my thorough convention is that the only satisfactory solution of the question is the adoption of the Japanese code. I should be very glad to see England take the initiative and propose some plan based on it. I am sure America would agree, judging from the tone of their diplomatic correspondence. The advantages to England would be very great. We should have first rate judges instead of the amateur specimens we have now in Japan. Will you think this over?

Sir Julian : I will most certainly. At first sight it seems to me by far the best proposal I have

heard. I will talk it over with Lord Salisbury. But do you think really that Japan would agree to it?

Mr. Lane : I have no kind of right to express more than my own personal opinion, which is that Japan would agree to some such proposal, and more than that I think if it were carried out, that the whole country would be opened out to foreign enterprise, which would be more important to England than anything. The agricultural and mineral wealth of Japan is enormous, but it could not be made available to foreigners under the present system. But to return to the tariff question. I forgot to name that France has been consulted as to whether she would be disposed to make a new commercial treaty on terms of reciprocity with Japan and Mr. Waddington said that subject to adjustment of details, he would be ready to sign one tomorrow. I was authorized to name this to you.

Sir Julian : Do you mean to leave the old treaties as they are, with the exception of the commercial clauses?

Mr. Lane : Yes, subject to reciprocal clauses, and the new treaty to contain a customs Tariff between the Powers, to be in force for a certain number of years.

Sir Julian : I think that might afford a capital solution to the present question. Would it satisfy Japan?

Mr. Lane : I am not able to say, but as the matter has been named to the French Government, I conclude there is a probability that Japan would not object to it. Japan would, as I understand it, obtain its proper rights as to fixing its tariff, and merely exercise those rights in making a commercial treaty just as France and other countries have done.

Sir Julian : I don't think we should make any objection to the Revision taking the shape of a commercial treaty, and I will certainly bear the idea in mind.

Mr. Lane : As you so far seem to like the suggestion, I may tell you that the Japanese Minister has already had it put into some kind of shape,

by having a collection made of the clauses from various commercial Treaties made by England, with various countries, some of which are not to be compared with Japan in point of civilization.

Sir Julian: So far so good. Of course I cannot say what Lord Salisbury may say. I have only expressed my own view, but as to the jurisdiction question is it your opinion that were settled, the country would be thrown open?

Mr. Lane: I think the settlement of the jurisdiction question for some time to come would be a most desirable thing in itself, even if it led directly to nothing else. I am sure till it is settled there is no chance of the country being opened up, on the other hand if it is settled, I think from what I hear that the Japanese would have no wish to exclude foreigners from the interior. Of course I am assuming that the tariff question is first settled satisfactorily, for with things are as they are, I cannot believe the Japanese would further complicate matters by encouraging any serious intercourse with us. I can only say, as an Englishman, they

doing away with the export duties in Japan and increasing the import duties, because that is really what you tell us you propose to do. Of course it is very easy for America to consent, it is her interest to do so. You see, she takes almost all the tea from Japan, and taking off the export duties is all in her favor. She sends again very few manufactured goods to Japan, so that an increase in the import duties does not affect her much.

Mr. Lane: Of course that is so, but I really think the Americans are led by sound international principles more than by interest. They are always the first to stand up for the rights of other nations.

Sir Julian: All right, but I think they interfere sometimes to make difficulties for others. I fancy in Japan they like opposing our policy.

Mr. Lane: Perhaps they do, but I think Russia is far more likely to bid against England for Japanese favor than the United States. No doubt what the papers said about a secret treaty with Japan is not true, but I think they would like to have one, and perhaps proposed it. I am sure it would be

would be very foolish to do so.

Sir Julian: Very well, I understand your views, and will think it all over carefully, and urge Lord Salisbury to a settlement. He is expected here tomorrow for the Cabinet Council, and your papers shall be put at the top of the list. We only want his approval to submit the matter to the chambers of Commerce. Of course they know more than we do as to commercial affairs. We have already received the view of the chambers of Commerce in Japan.

Mr. Lane: I am sorry to hear you are referring this to the chambers of commerce. Of course these Manchester gentlemen will be against any increase of duties, as at first sight it looks like checking imports, but surely the question of principle has to be settled in this office, not by chambers of commerce, they may be useful in advising as to details.

Sir Julian: Very true, but we must of course what will be result of the proposed changes. What we want to know from the chambers of commerce is what they think will be the result on trade of

good policy for England to come to the front and take the lead in settling all difficulties. It is a pity Mr. Mounsey is coming home, for he really seemed to take a fair view of Japanese affairs.

Sir Julian: Well, I promise you I will so all I can in my power to have things settled.

Mr. Lane: I am sure you will. The Minister will ask for an early interview with Lord Salisbury and I hope before then some decision will be arrived at.

London,

6th, October, 1878.

附録三

ロ 田

千八百七十八年十月十七日シロリアンボーンシール  
ト氏トスタンタールトーン氏對話ノ筆記

シロリアンボーン

足下拙者ニ別段面會ヲ要セラルノ由何事件ナル哉

シロリアン

日本條約改正ノ件ナリ足下モ知ラルノ如ク過日我公使  
サリスボリー侯ニ面會ヲ得テ概略満足ノ談判ヲ遂ケテ

レタリ然レトモ其際公使ヨリ今般ノ米國條約ノ事ニ付テハ充分辯解ヲ盡サレタルニ拘ハラス足下及ヒサリスボリー侯ニハ尙未タ之レニ不快ノ意ヲ存セラル、カ如シ

ソル、ジュリヤン云

然リ右一體ノ處置拙者ニ於テハ甚不承知ナリ尤右條約ハ我國竝ニ其他ノ各國モ皆共ニ同意ノ後ニアラサレハ實行サレサル者トハ了知シナカラ之ヲ秘密ニシテ日本及ヒ米國トモ其詳細ヲ我國ニ明示セラレサルハ余等其意ヲ得ス若シ我國ニ於テ日本ノ請求ニ應サセルノ意見ヲ取ルヘキ故ニテモアラハ此處置ニモ及ハルヘキ事ナリ

レイン云

實ハ日本モ宜シカラサリシナリ必竟米國ニ何カ情實アルト見ヘ當分秘密ニナサン事ヲ欲セリ然レトモ右條約ハ足下承知ノ如ク實際只日本ノ請求ニ充分ニ應スル者ニシテ各國ニ對シ請求スル所ノ者ト異ナル事ナク且各國駐劄ノ日本公使ヘ皆同様ノ指令アリタルナリ

ソル、ジュリヤン云

又ハ一昨日ナリシカ在米ノ我英國公使トルントン氏ヨリ書翰ヲ接手シタルニ華盛頓府ノ國務卿エワルド氏ニ於テハ日本カ其稅則ヲ不斷隨意ニ布告ヲ以テ變換セント欲スルノ意ヲ嘲笑シ若シ果シテ如是ンハ貿易忽チ阻絶ニ至ルヘケレハ苟クモ文明國ノ決テ行ヒ能ハサル所ナリト云ヘリトノ趣ナルヲ以テ之ヲ推知スルニ足ルナリ

レイン云

日本ハ其自國ノ稅則ヲ制定スルノ權ヲ要スルノミ敢テ之ヲ不斷變換スルノ權ヲ求ムルニアラス勿論外國ニ於テハ輸入者ノタメニ貿易ヲ確固ナラシメンカ爲メ稅則ノ年限ヲ定メン事ヲ日本ニ向テ望ムハ當然ナルヘシ而テ之ヲ定メンニハ相當ノ貿易條約ヲ日本ト取結フニ在ルヘキナリ

ソル、ジュリヤン云

日本ハ只他國ノ振合即チ佛國カ行フタル如クニスルヲ得ヘキノミ單ニ布告ヲ以テ日々ノ變換行ハルヘキノ事ニ米國カ同意セント唱フルカ如キハ實ニ愚モ亦甚シ

レイン云

夫ハ宜シケレトモ秘密ニスルハ何ノ故乎實際上ヨリシテ視レハ是レ極メテ拙ナリ貴公使ニ於テ米國ノ承諾ヲ得テ後チ公然ト英國ニ來リ夫レヲ先例トシテ英國ニ於テモ速ニ同一ノ決ヲ得ント望マル、ハ術ヲ得タルニ似テ却テ害アルノミ

レイン云

余カ意見ハ貴說ト異ナリ假令處置ノ善否ハ兎モ角モ貿易上緊要ナル事第二等ニ位スルノ國ニ於テ我カ請求ノ至當ナルヲ證認セハ是レ必ス日本ニ裨益ナシトセス即チ右請求ヲ論出スルノ理アルヲ保證ス

ソル、ジュリヤン云

誠ニ然リ然ルモ余ノ最モ不平ヲ鳴ラスヘキハ米國ニアリト云ハサルヲ得ス先キニ曾テ我國竝ニ其他ノ諸國ト共ニ同シク一ノ條約(千八百六十八年ノ條約ヲ云フ)ニ調印シタル國ニシテ今ヤ其他ノ連印諸國ト商議モナク獨リ機密ノ條約ヲ爲ストハ實ニ慣例ニ背違スルノ處置タリ畢竟唯是レ無益ニ己レノ信實ヲ信セシメント欲スルノ巧ミタルノミ但シ此ノ條約ノ其儘ニテ決テ行レ難キハ米國自ラ之ヲ明知セサルニ非ス其故ハ既ニ昨日

米國ニテ日本ノ要求ニ應諾スルハ豫メ其決定スル所ト爲スヲ得ヘシ

ソル、ジュリヤン云

其故如何

レイン云

米國政略ノ意嚮ハ全ク國權ヲ承認スルニ在リ而テ現ニ此ノ條約ノ事ニ就テモ米國外交往復書中ニ其意ヲ記スルモノアリ之ヲ貴閣ニ供スヘシ即チ千八百五十六年ニ於テ最初ノ條約ヲ議定シタルトーンセント、ハルリス氏カ當時ニ記載スル所ヲ視ルニ日本ハ未タ外國ノ事情ニ暗ク自國ノ國益ヲ保護スルノ道ヲ了知セサルヲ以テ此ノ條約ハ只一時ノ假條約ノ如キ者ト看做スヘシトノ事ヲ明示セリ

ソル、ジュリヤン云

然リ條約ハ素リ改正ヲ加フヘキモノト雖モ論ノ在ル所ハ只其改正ノ方法ト其時期トノミ偕テ今日ハ他日面晤ノ節ヨリモ尙充分ニ我國ノ意見ヲ余ニ於テ陳述スルヲ得ヘシサリスボリー侯ニモ申談シタルニ此事ノ談判別段遲延ニ及フヘキノ事故トテハ更ニ之レナキカ如シ

レーン云

余カ長官此由ヲ聞カハ喜悅タルヘシ就テハサリスボリ  
一侯ヨリ話シアリタル如ク右改正ノ事今ヨリ尙一ヶ年  
前ノ報知ヲ要サル、無ラン事ヲ希望ス此方ニ於テハ既  
ニ昨五月中判然報知ニ及ヒ置タルナリ

ソル、ジュリヤン云

サリスボリ一侯モ嚴ニ條約面ノ文意通りナル一ヶ年前  
ノ報知ヲ主張セサルヘキハ余ニ同意セラレタリ然レト  
モ稅則改正ノ條款ニ付テハ之レカ適當ノ報告アラン事  
ヲ要セサルヲ得ス

レーン云

日本政府ハ決テ輸入者ニ對シ不當ノ處置ハ爲サ、ルヘ  
キモ條約竝ニ稅則改正ノ上ハ定期ヲ待チ必ス之ヲ執行  
スヘシ

ソル、ジュリヤン云

誠ニ然リ

レーン云

余カ今朝罷出タル譯合ハ全ク前ニモ述ヘシ如ク米國新  
條約ノ件ニ付足下御不滿ノ意ヲ辯解致サンカタメニシ

此時米國條約ヲ逐款讀過シテレーン氏ジュリヤン氏ニ指示  
シテ曰ク

第一 日本ニテ其自國ノ稅則ヲ制定スル事ヲ充分ニ同意シ  
且ツ港則及ヒ其他ノ規則等ヲ領事ノ關涉ナク設定ス  
ルノ權ヲ認許セルナリ而テ其規則ハ外國人之ヲ遵守  
シ必要ノトキハ領事廳ニテ處置スヘキ所ノモノナリ  
但シ此件ハハルリー、パークス氏ノ說ニ反スルモノ  
ナリ

第二 右條約中治外法權ニ關スル舊規則實行中云々トノ事  
アルハ是レ即チ領事裁判ノ當分ノ者タル事ヲ示セル  
ナリ

第三 舊條約中殘餘ノ條款及ヒ新條約ヲ改正スル專權ノ事  
ニ付亦明約アルナリ

第四 第十條ニ因リ此條約ノ條款實行前ニ各國ノ同意ヲ要  
ストアレトモ若シ各國之ニ同意ノ上ハ米國ニ於テ最  
早此承諾ヲ取消スヲ得可ラサルナリ

右ノ條目ニ付キソル、ジュリヤン、ボンスフオールト氏モ  
亦左ノ意見ヲ陳述シタリ

第一條ニ就テジュリヤン云

テ余公使ノ許可ヲ受ケ右新條約ノ寫ヲ齎ラシ來レリ依  
テ之ヲ一覽アラハ日本聊カ英國ニ對シ不當ノ利益ヲ要  
スルノ意ヲキヲ足下ニ於テ満足セラル、ニ至ラン但シ  
右ハ極メテ秘密ノモノナレハ其寫ヲ足下ニ呈スルハ余  
ノ許サレサル所ナリ

ソル、ジュリヤン云

貴公使ノ用意ニ感佩スル所ナレトモ如是ニシテ之ヲ見  
ルトモ更ニ益ナカルヘシ尤過日貴公使ノ言ト又余等ノ  
聞ク所モアリ右條約ノ條款ヲ了解スルハ容易ナレトモ  
余ヨリサリスボリ一侯ヘ其條款ヲ通知スヘキニハアラ  
サルヘシ

レーン云

否然ラス我公使ハ必ス足下ノ之ヲサリスボリ一侯ヘ通  
知セラレン事ヲ望ム、ナリ尤公使カ自カラ之ヲサリス  
ボリ一侯ヘ持參致サレサルハ却テ余ヨリ公然トナク足  
下ニ之ヲ示ス方大ニ容易ナルヘキヲ思惟セラル、カ故  
ナリ

ソル、ジュリヤン云

然ラハ右寫一覽ヲ乞フヘシ

日本ニテ其内地ノ規則ヲ設立シ領事裁判ヲ以テ之ヲ處  
分スヘキ事更ニ意存ナシ規則違犯ノ罰金ヲ日本ニ納ム  
ルハ固ヨリ至當タリ余レ曩キニ未タ外務ニ奉職セサル  
頃銃獵規則一件ニ係ル書翰ヲ一見シタル事アリ其時ノ  
罰金納方ノ論ハ日本ノ方直ニシテパークス氏ノ曲ナル  
ヲ察シタリ各國皆其自國內地ノ法例ヲ他國ニ在テ施行  
スルヲ得ヘキモノト想像スルハ實ニ愚ノ至リト云フヘ  
シ例ヘハ爰ニ日本國內ニ居住ノ許可ヲ得タル英人アラ  
シニ其國法ニテ國人ノ旅宿ヲ營業トナス者ハ其營業鑑  
札ヲ申シ請ケ鑑札料ヲ納メサルヲ得サルモ英國ニ於テ  
ハ其法則ナク無鑑札ニテ旅館ヲ營業ム事自由ナルニ依リ  
此日本ノ法ハ之ヲ遵守セサルモ可ナリト論スルノ理ハ  
アラサルナリ

第二條ニ就テ同氏又云ク

領事裁判法ハ全ク一時ノ者タリハルリー、パークス氏  
眞ニ其制限ヲ心得サルナリ素ヨリ此法ノ主意タルヤ唯  
公平ノ審判ヲ得ルニ在ルノミト而テ魯國ハ現ニ右領事  
裁判權ヲ日本ニ附與セシトノ事ヲ告知セラル、ニ於テ  
同氏又云ク其裁判權ヲ附與スルハ更ニ非常ノ事ニモア

ラス若シ英國ニ在ル英國ノ人員夥多ニシテ之ヲ要スル至當ノ理由ヲ示サル、ニ於テハ右裁判權ヲ日本人又ハ清國人ニ附與スルニ更ニ異論ハナカルヘシ凡ソ何國ノ人民ニセヨ其自ラ了解シ能ハサル方法ヲ以テスルノ裁判ヲ必スシモ受クヘキノ道理ハアラサルヘシ之ニ因テ領事裁判ナル者ハ其本旨ヲ明ニシ之ヲ處スルニ宜キヲ得ハ決テ國權ヲ犯ス所ノ者ニアラス

レイン云

余ハ足下ノ論說ニ悉クハ同意ナル能ハスト云ヘトモ大ニ其說ノ日本ニ對シ寛大ノ意アルヲ喜フ實ニ此趣意ナルニ於テハ漸々兩國間ノ紛紜モ隨テ消滅ノ期ニ至ルヤ必スヘシ今ヤ日本人民ノ心ニ於テハ其正否ハ兎モ角モ外國人就中英國人ニ待遇セラル、ノ公平ナラサルヲ信用セリ是レ今日ニ政策ノ變更ヲ要スル所以ナリ然ルニ若シ至當ナル日本ノ請求ニシテ承認セラレスンハ漸ク既ニ消滅ニ就キタル外人敵視ノ情必ス再發スルニ至ルヘシ而テ日本ニ於テハ終ニ其目途ヲ達セスシテハ已マサルヘケレハ輸入税ノ如キハ假令今各國ニテ之ヲ拒ミ日本ヲシテ之レカ改正ヲ爲スヲ得サラシムルトモ若シ

上ニテ我カ印刷ノ書類中ヨリ各國ニ要用ナルヘキ分ヲ抜摘シ不日之ヲ各國ニ送致セントス然レトモ我國ニ於テ日本ノ願意ニ抵抗ストハ是レ全クノ虛說ニシテ反テ及フ限りハ其願意ヲ助成セントコソ欲スルナリ尤モ實際ニ事ノ行ハルヘキヤ否ヲ思慮シ我英國貿易ノ利益ヲ成ルヘク保護スヘキハ勿論ノ事タリ

レイン云

足下ノ言余カ満足之ニ過ルモノナシ速ニ此由ヲ我公使ニ報知スヘシ

ソル、ジュリヤン云

余ニ於テハ精々協議ノ熟決ニ至ル様盡力スヘキニ付足下モ亦此意ヲ公使ニ傳言アルヘシ何レモ今後サリスボリー侯ト面會ノ筈ナレハ此談話ノ顛末委細ニ開陳スヘシ最早談判遲延ニ及フ事ハ之レアル間數然シ米國條約ノ寫ヲ當省ヘ御送致アラハ日本ノ願意ヲ達スルニ尙大ニ裨補アラン

レイン云

早速我カ公使ニ告ケ同使ヨリ日本國ヘ電信ヲ以テ親ハル、様致スヘシ

日本ニテ百方内國ノ勸業ニ特別ノ恩惠ヲ與ヘ或ハ外國人ヨリ尙便利ノ法ヲ以テ不開港地ニ輸入ヲ許ルス等ノ事ヲ行ハ、良法トハ云フ可ラサルモ遂ニ其結果ヲ得ヘキニハ相違ナカルヘシ然レトモ公平ニサヘ待遇セラル、ニ於テハ此等ノ處置モ總テ無益タルヘシ

ソル、ジュリヤン斷然トシテ云

英國ハ固ヨリ日本ニ對シ公平ノ待遇ヲナサント欲ス足下宜シク之ヲ信用セラルヘシ

レイン云

余兼テ確實ナル所ヨリ英國ハ其威權ヲ以テ各國ヲシテ日本條約改正ノ要求ヲ容易ク承諾セサラシムトノ事ヲ傳聞シ居タルニ今貴說ヲ聞クニ其ノ全ク然ラサルハ余ノ實ニ喜悅ニ堪ヘサル所ナリ

ソル、ジュリヤン云

右ハ全ク無根ノ風說ナリ決テ信ス可ラス右改正一件ニ付テ我英國ハ曾テ各國ト照會シタル事ナシ唯或ル一國トハ書通シタル事モアレトモ敢テ夫等ノ事ヲ申述ヘタルニアラス尤モ各國ヨリハ此稅則一件ニ付キ我國ノ意見ヲ問ヒ來ルアリ因テサリスボリー侯ノ許可ヲ得タル

ソル、ジュリヤン云

過日貴公使サリスボリー侯ト對談セラレ今又足下ヲ以テ同使ノ趣意ヲ辯明セラレタルニ因テ大ニ事理判然致シタレハ成ルヘク同氏ノ意ニ據リ條約改正ノ儀ニ着手スヘキ旨傳言アラン事ヲ乞フ

於龍動府千八百七十八年十月十八日<sup>(イ)</sup>

(右原文)

Strictly Confidential

(It is not attempted to give the exact words.)

Note of an interview on the 17th of October 1878 between Sir Julian Pauncefote & Mr. Stuart Lane.

Sir Julian. I understand you wished particularly to see me. What was it about?

Mr. Lane. About the Revision of the Japanese treaties. As you know the Minister had an interview the other day with Lord Salisbury, which in most particulars seems to have been very satisfactory to him, but he still believes that in spite of the Explanations which have been given, there remains an unsatisfactory impression on Your mind and



also on Lord Salisbury's, as to the late American Convention.

Sir Julian. Well, I will not disguise from you that the whole proceeding has created a bad impression here. I am of course aware that the conditions of the convention were not to take effect until they had also been agreed to by us and others but it is unintelligible why there should have been all this secrecy about the matter, and all details withheld from us both in Japan and in America. If anything could have made us wish to take an unfavorable view of the claims of Japan, it would have been these proceedings.

Mr. Lane. Allow me to say that would not have been just to Japan. The United States, apparently for some reason best known to themselves, wish their arrangement to remain private at present but as you have been informed, this convention is practically only a full adhesion to the demands of Japan, as made to all the Powers. The same instructions were sent to all the Japanese Representatives, at least so I believe.

co-signatories. This is contrary to all usage. It is (rather excitedly) simply a sharp trick to make you all believe in their good nature in a way that costs them nothing. They know perfectly well that this convention never can or will be operative as it stands. We had a despatch from British Minister in Washington Thornton yesterday or the day before which distinctly allows this. In fact Thornton tells us that Everts, Secretary of State in Washington, simply laughed at the idea of Japan altering its tariffs as it might like from day to day *by proclamation*. As he said, it would stop all trade, and could not be done by any civilized state in such a way.

Mr. Lane. Japan claims the right to fix her own tariffs, not to alter them from day to day. It seems to me quite natural that other nations should ask Japan to settle her tariffs for some definite time, so as to make trade safe for importers, but that would be done, if proper commercial treaties were made with her.

Sir Julian. Japan can only expect to do as other countries have done, like France, and I say it is all

Sir Julian. Very good, but then again why this mystery? It seems to me a most unwise business, looking at it in a diplomatic point of view. It would have been a fine move for your Minister to have come openly to England with America's Consent, and to have used this as an encouragement to us to decide in the same way at once. As it is, it only does you harm.

Mr. Lane. There I must differ from you. It may or may not have been the best way of proceeding, but it must do the interests of Japan good, for the second most important country (commercially) to have acknowledged the justice of all the claims. In fact it stains authoritatively the right to put them forward.

Sir Julian. Yes certainly, and perhaps I should say that it is of the United States we ought to complain the most. Here is a country which has signed a treaty or convention jointly with ourselves and other Powers—I mean the one of 1868—and which goes and makes a secret arrangement without consulting us or as far as I know any of the

nonsense the Americans (are?) pretending they are willing to agree to the possibility of daily changes as I said by mere proclamation.

Mr. Lane. You see the assent of the States to the Japanese demands might be taken as a foregone conclusion.

Sir Julian. Why so?

Mr. Lane. Because the whole tendency of their policy is to recognize the right of nations, and in this particular case they were so to say committed by their diplomatic correspondence, which I should be happy to show you.

Townsend Harris, who negotiated the first serious treaty in 1856, writes at the time most clearly that he considers it only of a temporary character that the Japanese had then no knowledge of foreign affairs to enable them to protect their own interests &c.

Sir Julian. Yes of course, the treaties have to be revised, the question is how and when. Bye the by I can say more to you about our views now than I could when I last saw you. I have talked

the matter over with Lord Salisbury, and we see no cause for delay.

Mr. Lane. My chief will be glad to hear that, but I hope I may understand that you are not going, as Lord Salisbury suggested, to expect a further year's notice of the Intention to revise. We consider that quite clear notice was given last May.

Sir Julian. Lord Salisbury agreed with me that England should not wish to insist on what he thought was the strict interpretation of the treaty about this, but we should expect proper notice of the changes in the tariff would be given.

Mr. Lane. I feel sure the Japanese Government would not wish to deal unfairly with importers, but the treaty could be revised, and the alteration in the tariff become operative after a given time.

Sir Julian. Just so.

Mr. Lane. My real reason for calling this morning was as I said to try and remove any unfavorable impression on your mind, as to the new American Convention, and to do so, the Japanese Minister authorized me to bring with me a copy of it, so

that if you like you might satisfy yourself that there has been no wish to take any undue advantage over England. Of course it would be treated in the strictest confidence, and I can not (be?) permitted to offer you a copy of it.

Sir Julian. I do not see any advantage in my seeing it in thus way, though I am very much obliged by Your Minister's courtesy. His assurance the other day, and our own information make us quite easy as to its contents. I conclude I should not even be at liberty to name its contents of Lord Salisbury.

Mr. Lane. On the contrary, I am sure my Minister would wish you to let Lord Salisbury know about it. His reason for not taking it to him himself is that he considered I could 'show it to you more easily in quite an unofficial manner.

Sir Julian. Well then I shall be glad to see it.

The American convention was then read clause by clause. Mr. Lane pointed out to Sir Julian I, that besides agreeing in the fullest sense to the Japanese fixing their own Tariff, it recognized their

right to make harbour and other regulations without interference by consuls, which would be binding on foreigners, and carried out when necessary by the Consular Courts, that this was contrary to the apparent pretensions of Sir H. Parkes. II, that the convention infers clearly the temporary character of the Consular Jurisdiction, by stating that certain things will happen, *while* the old regulations respecting extraterritorial jurisdiction remain in force.

III, that full power of revision as to the rest of the old treaties and as to the new convention is expressly stipulated for. IV, that although by Article X the adhesion of the other powers was necessary before the conditions were operative, at the same time America could now no longer withhold her consent to those or similar conditions, if agreed to by the other Powers. On these points some interesting remarks were made by Sir Julian Paunceforte to the following effect.

On the first point Sir Julian said that he saw no kind of objection to this, that Japan ought to be able to frame her own internal regulations, and

that these should be enforced by Consular Courts, that he was glad to see the fines for then infractions were payable to Japan, that this was as it should be, that he had read some despatches received before he joined the Foreign Office, about the shooting question, and that he considered Sir H. Parkes was entirely wrong and Japan entirely right as to the payment of the fines, that it was ridiculous to suppose that each country could carry about with it its own internal or municipal laws, for instance he said, "supposing an Englishman were allowed to settle in Japan, and a law existed which obliged natives to take out and pay for a license for keeping an hotel, it would be absurd to contend that an Englishman could ignore this law, because it did not exist here and claim to start an hotel without taking a licence." On the II, point Sir Julian said: "no doubt the system of consular Jurisdiction was a temporary one; that Sir Harry Parks evidently did not understand its real limit; that its object was only to secure justice," and on this being reminded that Russia had actually accorded

it to Japan, he said, "that there was nothing extraordinary to him in that, that he could see no reason if it were wanted, and fair grounds could be shown, why it should not be granted to Japanese or Chinese in England, if they were numerous, that he did not think that people should have justice administered to them anywhere in a way they could not understand, that Consular Jurisdiction properly understood and administered was no infringement of national rights."

Mr. Lane. On this said that even if he could not fully agree with all Sir Julian had said, he was delighted to recognize the extremely liberal spirit which his remarks evinced towards Japan, which he was sure would tend to do away with all difficulties between the countries that a change in policy was eminently wanted, as the Japanese people rightly or wrongly, believed they were not fairly treated by foreigners, particularly by the English, that a want of fair recognition of Japanese claims might well reproduce all the hostility towards foreigners which had been dying out, and

Mr. Lane, this is false, totally false. There has been little or no correspondence on the subject with any powers, only I think with one, and in that case nothing of the kind was suggested. The other Powers have naturally enough applied to know our views as to the tariff, and with Lord Salisbury's consent, I had extracted from our printed documents, the information, I think likely to be useful to them, and this will be shortly sent them. It is totally false to assume that we wish to go against the wishes of Japan. On the contrary we wish to further them as much as we can. Of course we have to look at what is practicable and to protect the interests of British trade as much as possible.

Mr. Lane. Nothing can possibly be more satisfactory than your statement which I shall at once report to my Minister with the greatest pleasure.

Sir Julian. You can also assure him from me that I will do all I can to promote a fair settlement. I will make a point of seeing Lord Salisbury this afternoon and I will tell him what has passed. I see no reason for delaying the negotiations. But

that it could do no good as the Japanese were sure to gain their ends ultimately, that as to import duties, even if the Powers succeeded in preventing Japan from altering them, the result could be arrived at, though not so well, by giving bounties to native industries in one way or another, or even by permitting natives to import say into some closed ports on better terms than foreigners, but that all this was unnecessary if Japan were fairly met.

Sir Julian then said in a most decided tone, "me wish to treat Japan fairly in every sense. You can say so with the fullest confidence."

Mr. Lane. I am really delighted to hear this, for I may now tell you that it is quite contrary to the general opinion, particularly abroad. I have even been told, in quarters where there ought to be no possibility of any mistake that England had been using her influence with other Powers to prevent their acceding, as readily as they would be inclined to do, to the demands of Japan on the revision question.

Sir Julian (most positively.) I can assure you,

I may tell you that I consider it could assist the views of Japan materially, if a copy of the American Convention could be sent to the Foreign Office. I am sure of this.

Mr. Lane. I will of course name this to his Excellency and urge him to telegraph to Japan for instructions.

Sir Julian. Please also to tell him that I consider his last interview with Lord Salisbury and his permitting you to explain his position as you have done has cleared away many difficulties and that we are ready to arrange for a Revision of the treaties as far as possible in the sense he wishes.

London, 18th Oct. 78.

(sic)

三十一 明治十一年十月十八日 上野駐英公使ヨリ  
寺島外務卿宛

交渉経過報告アリ新通商條約締結アリ關ヶ國誌  
ノ件

附屬書 明治十一年十一月二日英國外務卿ヨリ上野駐  
英公使宛書翰寫

稅權回復要求ニ對スル英國ノ意嚮回答

ノ件

二 明治十一年十一月十三日上野駐英公使ヨリ英

國外務卿宛書翰寫

右ニ對シ辯駁ノ件

條約改定事件別信第三號報告 十二年一月六日到

稅權回復一件ニ付テハ先便別信第二號ヲ以テ報告仕置候以來猶屢々當政府ノ決答催促ニ及候處別紙寫(イ印)ノ通外務卿ヨリノ答翰落手イタシ候間其不充分ナル个條ニ對シ別紙寫(ロ印)ノ通辯駁ノ書翰差出申候右答書ノ主意ハパークス氏ノ意見報告書ヲ其儘摘用シ來ルモノニシテ甚満足ス可ラサル言辭ニ屬スルガ如シト雖モ先號報告書ニモ記載イタシ置候通到底英政府ノ趣意ハ日本政府ニ勝手ニ稅額變更ノ權ヲ相委候テハ不練熟ナル理財家ノ考案ヲ以テ朝暮ニ稅額ヲ改換シ直ニ通商ノ停滯ヲ釀スカ如キ事有ル可キヲ以テ千八百五十八年ノ條約書ニ附屬ノ稅額ヲ方今日日本政府理財ノ緊要ニ對シ幾分力適當ニ増加シ其増加ノ額ヲ以テ更ニ通商條約ヲ結バントノ譯ニ相決シタル様被察勿論パークス氏ノ不満足ナル報告ヲ爲セシハ此條約改定ニ多少ノ妨碍ヲ與

評議有之度候此事件ニ付當府ニテ有名ナル萬國公法家サ1、タラウル、チユウイス氏エモ屢々意見相尋候處我政府ノ要求ハ適當ナルモノニ付飽迄モ其斯クセザル可カラサルノ理ヲ主張シ他政府ノ不同意アラハ之レヲ仲間ノ政府ニ托シ仲裁ノ法ヲ以テ決ヲ取ル可シ方今ノ時勢ニ於テ通商上ノ混雜兩議ノ合セサルヨリ構戰ヲ釀ス等ノ事ナキハ萬々疑フベカラザル事ニ付一步モ自己ノ論旨ヲ屈スルニ及ハスト委細ハ後便ニ報告可仕候以上

明治十一年十一月十三日

全權公使 上野景範

外務卿 寺島宗則殿

附屬書一

イ印

貴我兩國間條約改正ノ件ニ付貴政府ヨリ閣下へ送致アリタル訓狀ノ寫竝ニ右ニ付閣下ノ見込書相添へ去ル五月四日附貴翰俱ニ接手熟讀致候然ルニ早速我政府ノ意見可申進ノ處貴國駐劄我公使へ照會ノ爲メ時日ヲ消過シ止ヲ得ス貴酬及延引候扱今般貴政府ニテ條約改正ヲ要セラル、ヤ其歲出ヲ償ハンカ爲メ相當ニ歲入ヲ増加スルノ目的ニ非スシテ保護

エタル事疑ハザル所ニ有之候得共亦歐洲一般通商國互ノ關係ヲ以テ考ルニイヅレモ商家ノ準據トナル可キ通商條約アラサルナシ故ニ英ヨリ互相ヲ理ニ基キ通商條約ヲ爲サント企望セハ我政府モ固ヨリ之ヲ拒絕スルノ理由無之様被相考候尤英政府ハ我ヨリ此通商條約ヲ企謀スルノ手段ニセント欲スレトモ拙者ニ於テハ固ヨリ其權理ヲ有セサルヲ以テ彼方ヨリ發議有之候様外務大輔等エモ内談イタシ置候今回外務卿ヨリ答書ノ意味ニヨレハ本年五月四日附ヲ以テ閣下ヨリノ訓狀相添拙者ヨリ外務卿エ差出候書翰ハ條約改正ヲ要求スルノ報知書ト不被認姿ニ相見得實ニ意外ノ事ニ有之候此儀ニ付テハ拙者外務卿エ談判ノ節モ詳ニ申述置猶亦先便差出候御雇書記官レイン氏ト外務大輔サー、ボンズホート氏ト内話應接書中ニモ記載有之通ノ次第ニテ則拙者ヨリ外務卿宛ノ辯駁書中ニ委細辯論イタシ置候間右ニテ御了解可被下候尤英政府ニ於テハ拙者ノ辯駁書落手イタシ候上ハ此儀ニ付殊更ニ異議無之事ハ充分ニ信用イタシ候最早方今ノ模様ヲ以テ考ルニ前述ノ通商條約ヲ結ムノ外他ニ手段有之間敷然ラハ其爲御委任狀御渡無之テハ實際ノ談判相叶不申候間先便ニモ相伺置候通速ニ御委任狀御下附ノ儀御

政策ヲ實行致サレントノ主意ナルニ於テハ貴我兩國ノ利益上甚タ乍遺憾我政府ノ所望スル能ハサル所ニシテ何分貴翰中御論旨ノ廉ニテハ貴國ニテ保護稅法ヲ採用セラルルヲ至當トハ看認メ難ク且貴國於テ產出シ得ベキヨリ之ヲ買フニ尙廉價ナル外國品ノ輸入ヲ抑壓シ以テ內國ノ產出ヲ保護致サレントスルハ却テ兩國ノ工業上ニ不測ノ大害ヲ與フル事明白ニ有之候將又貴國現行ノ收稅法ニシテ貿易上更ニ衰微ノ徵候アルヲ見ス實ニ我政府ノ聞ク所ニ由レハ千八百七十七八年度ノ歲入豫算ト其實際收額トハ凡ソ五百萬ドルノ超過ヲ致シ其內關稅ノ超過四十五萬ドルニ下ラザルノ趣然ルニ今輸入稅ヲ重クセハ右様漸々繁盛ニ赴ク處ノ貿易頓ニ夫レカ爲メニ防害セラレ隨テ其衰微ヲ來タスヘキハ勿論ニ有之且ツ輸出稅ヲ廢スルハ貴我貿易上ニ更ニ著シキ利益ナキノミナラス却テ貴政府ノ損害タル可ク候又貴政府ハ現行ノ條約ニ於テ僅ニ五分ヲ高度トスルノ輕稅ヲ以テ外國品ノ輸入ヲ許ルスモ他國ニ在テハ之ヲ日本貿易ニ報ヒス茶煙草ノ如キハ到處殆ト皆苛稅ヲ課スルヲ愁訴セラレ候得共此言未タ當ヲ得タリト爲ス可ラス其故ハ我國ニ於テ日本產ニ稅ヲ課スルハ單ニ茶煙草ノ二品ノミ而テ日本ヨリ年々茶ヲ輸出

スルノ價額ハ大約百萬磅ノ高ナルニ其大概ハ合衆國ニ輸入スル所ニシテ同國ニ於テハ其品無税ニ屬ス夫ニ比スレハ煙草ノ輸出ハ年々平均五萬磅ニ上ラサル實ニ僅少ナル高ニシテ我國ニ輸入スルハ僅ニ其一部ニ有之其他我國ニ輸入ノ日本產物ハ悉ク無税ナリト雖モ却テ貴國ニ輸入スル我國產物ハ僅カ二三ヲ除クノ外盡ク税アラサルハナシ然シナカラ此等ノ論ハ姑ク擱キ閣下ハ日本ノ國權ニ屬スル者トシテ自國ノ需要ト利益トニ應シ税目ヲ制定スルノ自由ヲ要求セラレ候處右ハ關稅賦課ノ事ニ係ル諸條約中ノ條款ヲ免レ何ノ時ヲ問ハス貴國ノ意見ニ隨テ勝手ニ其貿易税目ヲ改正スルノ自由ヲ得ントノ趣意ナル乎果シテ然レハ如是ノ方法ハ貿易ノ盛衰ニ關スル所ノ税則ニ(デ)確實ナル基本相立スシテ(ハ)到底貿易ノ衰微ヲ來タスノミナラス太々通商各國ノ通慣ニ悖反致候儀ニ候元來歐洲各國五ニ貿易章程ヲ締成スルモノハ專ラ此ノ確實不易ノ大本ヲ失ハサランカ爲メナリ且又貴政府ニテ千八百五十八年ノ條約中貿易關稅ノ條款ガ日本ノ國權ヲ犯スモノトセラル、ハ抑モ何ノ原由ニ依テ然ルカ我政府ノ更ラニ解セサル所ニ候尤モ千八百五十八年ノ條約第二十二條ニ基キ改正ヲ要求セラル、日本ノ權理ハ我

テ貴國ノ會計上且一般ノ利益ノ爲メ至當ト思惟スル者ハ成ヘク貴政府ノ意ニ應シ熱議可致候故ヲ以テ貴政府ヨリ要求致サル、改正ハ五月四日附貴翰中ノ意見ノ如キニ基クモノナラスシテ我國及萬國ノ貿易ヲ益繁盛隆昌ニ至ラシメタル貿易通法ノ主義ニ尙一層適應スル所ノ者ヲ以テセラレン事我政府ノ冀望致ス所ニ候

千八百七十八年十一月二日

サリスボリー手記

(折原文)

Lord Salisbury to Wooyeno

Foreign Office,

November 2, 1878.

Sir,

Your letter of the 4th of May last, containing a copy of the instructions which you have received from Your Government on the subject of the proposed revision of the Treaty between Great Britain and Japan, together with your observations thereon, have been carefully considered. Some time has

政府ニ於テモ充分之ヲ認許スト雖モ告ケラル、カ如キ貴政府ノ政策ナルニ於テハ我政府ニテモ右个條ノ文面ニ依リ論セサルヲ得スシテ條約中ニ明示スルモノヨリ尙便益ナラサル改正ハ敢テ我政府ノ承允致シ難キ所ニ候即チ該條約第二十二條ノ文左ノ如シ

兩國ニテ條約ノ實地ヲ驗シ改革センコトヲ求ルトキハ其一年前ニ通達シテ再驗ヲ爲スヘシ其事ハ千八百七十二年七月一日以後ニアルベシ

然ルニ貴政府ヨリ七ヶ年以前右改正ノ通知ハアリタリト雖モ其期ニ至テ之レカ談判ニ着手スルノ意ヲ抛却シタルニ因リ今般尙現行條約ノ改正ヲ請求セント欲セハ改メテ同十二月前ノ通知ヲ爲ス事至當タル可シ我政府ニ於テ此條款ヲ固守スルノ由縁ハ獨リ條約ノ文面然ルカ爲メノミナラス且ハ現存ノ税目ヲ信シテ豫シメ巨額ノ金員ヲ支出シタル商人モアルヘキニ依リ公平ニ其利害ヲ保護センカ爲メニ有之候將又條約ニテ要スル所ノ通知ニハ實驗上改革ヲ要スル條款ヲ載スヘキナレハ日本政府ハ何々條款ノ改正ヲ要スト其旨ヲ明示セサルヲ得ス

我政府右ノ通知ヲ得ルニ於テハ貴政府所要ノ改正條款果シ

necessarily elapsed in order to enable me to communicate with Her Majesty's Representative in Japan, and therefore I have not at an earlier date been able to lay before you the views of Her Majesty's Government upon the important questions raised by it.

In the first place I must express their deep regret that the revision of the Treaty is sought for by Your Government, not for the purpose of obtaining a reasonable addition of revenue to meet the increasing national expenditure, but with the avowed object of carrying into effect a policy of protection, which, in the interests of both countries, Her Majesty's Government can not too strongly deprecate. They are unable to admit that the adoption of protective duties by Japan is called for or justified by any of the considerations urged in your letter, and they are convinced that any attempt to protect native industries by shutting out foreign manufactures which can be purchased at a cheaper rate by the Japanese people than they can be produced at home would be attended with the

most injurious results to the industries both of England and Japan.

Nor do Her Majesty's Government Consider that the present revenue system of Japan has shown any indications of commercial stagnation. Indeed, as they are informed, it is working so well that the estimates of revenue for the Year 1877-78 have been exceeded by the receipts to the amount of about five million dollars, and that the Foreign Customs have shared in this increase to the extend of no less than four hundred and fifty thousand dollars.

It cannot be doubted that this gradual development of trade would be immediately checked, and trade itself paralyzed by the imposition of high import duties, while the abolition of export duties would involve a serious loss to the Japanese Government without giving any sensible impetus to the trade with this country.

You complain that the trade of Japan obtains no compensation in other countries for the facilities granted by the existing Treaty obligation of the

this it is meant that Japan should be relieved from all Treaty stipulations as regards the imposition of customs duties, and should have the unrestricted faculty of altering her commercial Tariffs at her free will and discretion whenever it may suit her views so to do, I have only to observe that such a system would be fatal to the interests of commerce by depriving it of that element of certainty in the matter of customs duties which is indispensable to the development of a sound trade, and that it would, moreover, be entirely at variance with the usages of Commercial States.

It is for the very purpose of securing that certainty and stability that commercial treaties are made between European States, and Her Majesty's Government are at a loss to perceive how the clauses of the Treaty of 1858, relating to trade and revenue, can be deemed to infringe the Sovereign rights of Japan.

Her Majesty's Government fully admit the right of the Japanese Government to demand a revision of the Tariff under article XXII of the Treaty of

Japanese Government to admit foreign goods at a maximum duty of five per cent, and that, for instance, tea and tobacco are taxed almost everywhere at exceptionally high rates. I would point out however, that this complaint is not well founded. Tea and tobacco are the only Japanese products which pay duty in England, and nearly the whole of the annual export of tea from Japan, which may be valued at one million pounds sterling, goes to the United States, where it pays no duty at all, while the average value of the annual export of tobacco from Japan is insignificant, being under fifty thousand pounds, and only a portion of that goes to England.

Every other articles of Japanese production is admitted free into Great Britain, whereas, with some trifling exceptions, there is a duty on the importation of all British goods into Japan.

But, putting aside all these considerations, you claim for Japan, as incident to her Sovereign rights, the liberty to fix her own tariff as she may think best suited to her needs and interests. If by

1858. But they feel constrained, in view of the policy which the Japanese Government have announced, to adhere literally to the text of that article; and they cannot accept a revision of it in any form less favorable than the Treaty itself indicates.

By article XXII it is stipulated as follows: "Either of the High Contracting Parties to this Treaty, on giving one year's previous notice to the other, may demand a revision thereof on or after the 1st July 1872, with a view to the insertion therein of such amendments as experience shall prove to be desirable."

A notice was given seven years ago by the Japanese Government, but when the year had expired they abandoned their intention of proceeding to a revision. It will be necessary, therefore, that a full twelve months notice should now be given before the Japanese Government will be in a position to demand the modification of the existing arrangements. Her Majesty's Government are compelled to lay stress upon an exact observance of this

stipulation, not merely out of respect for the letter of the Treaty, but in order to guard equitably the interest of merchants who may have adventured large sums of money on the faith of the Tariff as it now stands. Further, the notice required by the Treaty being "with a view to the insertion therein of such amendments as experience shall prove to be desirable," it must specify what, in the view of the Japanese Government, those amendment should be.

Upon receipt of such a notice, Her Majesty's Government will proceed to consider the amendments suggested by Your Government, with the utmost desire to meet their wishes so far as they may be reasonable, having regard to the financial requirements of Japan, and to the general interests of all concerned.

I would therefore, in conclusion, express the hope of Her Majesty's Government that the amendments which may be proposed by Your Government will not be based on the views advocated in your letter of the 4th of May, but that they will be more con-

sistent with those principles of sound commercial policy, the adoption of which has so vastly developed the trade of this country, and has\* promoted commercial prosperity all over the world.

I have the honour, etc.

(Signed) SALISBURY

附圖書二

ロ印

貴我兩國條約改正ノ件ニ付去ル五月四日附拙翰ヘノ貴答トシテ本月二日附貴翰致領收候陳者貴政府ニ於テハ我政府該條約改正ヲ請求スルノ權理ヲ充分ニ認許相成某體裁ノ通知ヲ得ラル、上ハ我財政上ノ要用并ニ關係者一般ノ利益ノ爲メニ至當タルヘキ分ハ我政府ノ意ニ應セン事ヲ切望シ我政府ノ改正案ヲ熟考致サルヘキ旨御報之趣致承知候然ルニ右通知一條ノ論ハ姑ク之ヲ措キ貴政府ニ於テ斯ク厚意ヲ表セラル、段實ニ喜悅ノ至リニ堪エス尤モ初メヨリ其然ルヘキヲ期セサリシニハ非スト雖トモ我政府之ヲ聞カハ満足スル所ニ可有之依テ公然可及通達ノ處貴政府ニ於テハ今回ノ改正ニ付我政府ノ政略ヲ誤解シ論ヲ立テラル、ノ意判然タルニ由リ拙者ニ於テ其誤解ヲ正スノ答辯ヲ爲スハ拙者ノ職務

タリ僭今般我政府ニ於テ條約改正ヲ要求スルノ主意相當ノ歲入増加ヲ得ントスルノ目的ニアラスシテ保護政策ヲ行ハント欲スルニ在ルハ貴政府ノ深ク悲歎セラル、所タル旨ヲ閣下第一ニ申述ラル、カ故ニ去ル五月四日附拙翰并ニ之ニ相添ヘタル我政府ノ訓狀中ニ於テ右御悲歎ヲ醸生スヘキ文意有之カト調査スレ共更ニ其儀無之保護政策ノ事ニ涉ルハ只左ノ一項ノミ「爰ニ又一ノ著明ナル事情ハ平均僅ニ五分ニ滿タサルノ輕稅ヲ以テ各種ノ物貨皆外國ヨリ輸入シ來ルカ故ニ我國人新ニ工業ヲ興ント欲スルノ氣力大ニ之レカ爲ニ妨ケラル仍テ我政府ハ内國人ノ創業ニ一時保護ヲ與ヘ以テ地方ノ形勢ニ應シテ新工業ヲ起ス事ヲ得セシメ相當ノ競争ヲ爲スニ至ルマテ輸入品ニ賤賣セラル、ノ患ナカラシメン事ヲ政府ノ義務ト信スルナリ」

凡ソ輸入稅適度ヲ得ルノ新業ヲ繁盛ナラシムルニ裨益アルハ故人ジョン スチュアルトミル 以下諸家ノ充分ニ確認スル所ナリ而シテ其事タル閣下ノ非議セラル、所謂ル保護政策ニ涉ルヤ至テ僅少ノミ且ツ夫レ初發大ニ輸入稅ヲ課シテ充分ニ保護ヲ加ヘサルノ國ニシテ工業繁昌スル者ハ未タ嘗テ之アラサルナリ日本豈ニ一二外商ノ利益ノ爲ニ此主義

ヲ舍テ、他ヲ試ミル事ヲ願ハンヤ請フ又去五月四日附拙翰ニ述フル所ヲ見ヨ我歲計上及ヒ施政上ニ關スル其他ノ理由ヲモ之ヲ開示シ我政府輸入稅ノ増額ヲ要用ト爲スノ所以ヲ說キタリト雖モ貴報遂ニ此事ニ及ハス尤モ經驗上宜キニ隨テ我稅則改正ヲ請求スルノ機我國ニ之レアルハ疑ヲ容ル可キニ非スト雖トモ不當ノ輸入稅ヲ課シテ外國貿易ヲ妨止スルカ如キハ固ヨリ我政府ノ好ム所ニ非ス是レ拙者ノ閣下ニ保證スル所ナリ當今我日本ノ海關稅額ハ僅ニ歲入ノ四分ニ宛リ而シテ貴國ハ其額二割六分ニ至ル此割合タルヤ歐米諸國普通ノ者ニ比スルモ亦遙ニ下流ニ居レリ將來ニ在テハ我日本ハ外國トノ條約ニ依テ益々其政略ヲ改メ現今他ノ數國或ハ貴國殖民地ニ實施スル所ノ者ヨリモ尙一屬寬大ヲ示サント欲スルノ意タルハ拙者ノ確信スル所ナリ閣下ハ又我日本現時ノ歲入ヲ視レハ貿易不景氣ナルノ徵候ナシトシ之ヲ證センカ爲メニ一千八百七十七年ヨリ七十八年ニ至ルノ歲入ハ其豫算ニ比スレハ凡ソ五百萬弗ノ超過ヲ致シ其内四十五萬弗ハ海關稅ノ増額ナリトノ說ヲ引用セラル、ト雖トモ拙者ニ於テハ尙我外國貿易不景氣ナルノ論ヲ主張セサルヲ得ス歲入ノ豫算ニ超過スルヲ以テ貿易不景氣ニ非ス又輸入

稅ヲ増スヲ要セストハ拙者其ノ何故タルヲ解スル能ハス日本ノ外他ノ諸國ニ於テハ年々ノ歲入常ニ其豫算ニ超過シ海關稅モ亦之ニ與ラサルニ非ス雖然今豫算ハ暫ク擱キ晩近五ヶ年間ノ我海關稅歲入ノ實數左ノ如シ

|          |            |
|----------|------------|
| 一千八百七十三年 | 一、七三六、一〇八圓 |
| 一千八百七十四年 | 一、六三一、四四五圓 |
| 一千八百七十五年 | 一、七四四、八三七圓 |
| 一千八百七十六年 | 一、七六二、五五四圓 |
| 一千八百七十七年 | 一、七六七、一三九圓 |

右員數ヲ以テ考レハ海關稅ニ四十五萬弗ヲ増加シタリトハ其說ノ妄ナルヲ知ルヘク又此員數ヲ細別シテ輸出ノ別タハ愈々拙者ノ議論ヲ證明スルニ足レリ實ニ價格數量トモニ非常ノ増加ヲナシタル生糸ノ一品ヲ除ノ外ハ其他ノ貿易皆悉ク大ニ衰頹ヲ致シ輸入貿易ニ於テハ特ニ甚クシテ貴政府ノ說ニ於ケルカ如ク中々漸次昌盛ノ勢ニ非ス若又假令然ラサルニセヨ我政府ニ於テハ尙別ニ確實ナル理由アリテ輸入稅ヲ増スヲ必要トスルナリ又閣下ハ我政府輸出稅ヲ廢スルノ議ヲ非トシ却テ日本ニ大損害ヲ生シ貴國トノ貿易ニハ敢テ著シキ利益ナカル可シトセラル我政府ハ固ヨリ貴我兩

國ノ貿易ヲ以テ最モ緊要ト爲スト雖トモ他ノ諸國亦既ニ條約アリ其諸國トノ關係モ亦之ヲ訂較セサル可カラス且ツ歲計上實ニ止ムヲ得サルノ事故アルニ非サル限ハ輸出稅ヲ存スルハ萬國經濟ノ眞理ニ悖ルカ如シ一國若シ輸出ヲ競争セント欲スルモ同種類ノ物產ヲ無稅ニテ輸出スル所ノ國ニ當テ能ク其勝ヲ制スルヲ得可ラス輸出多カラサル者ハ輸入亦多キ事能ハサルナリ雖然閣下ノ此意見ニ就テハ我政府必スヤ尙詳細考スル所アル可シ偕又我國ニ於テハ其稅則ヲ以テ貿易ノ便利ヲ他國ニ與フルモ他國ヨリハ其報酬ヲ得ル事ナキノ說ハ拙者尙之ヲ主張セサルヲ得ス又閣下ニ於テハ我國一二物產ノ輸入ヲ某國ニテハ無稅トナス旨ヲ指示セラルルモ是レ當テニス可ラサルノ事ニシテ彼我同例ノ證ニ非ス今我日本ハ非常ノ低稅ニ制限セラルレトモ他國ハ我國ニ對シ輸入稅ノ制限更ニアラサルナリ又我國ヨリ茶及ヒ煙草ヲ當國ニ輸入スルノ少キハ其事情寧ロ拙者ノ論旨ヲ證スル所ノモノタルノミ今貴國我日本茶ニ課スルノ稅ハ大約原價ノ五割又煙草ニ課スルノ稅ハ二十五割以上ニ至ル如斯ノ重稅ニシテ何ゾ日本ニ其出產ヲ盛ナラシメ又英國之レカ輸入ヲ多ラシムルヲ得ンヤ生糸ト米トハ當國ニ於テ實ニ無稅ナル

モ米ハ收穫過剩アルノ時ニ非サレハ輸出セス我輸出物貨ハ無稅品ヲ合セテ之ヲ通算スルニ貴國ノ稅則ニ依リ我物產ニ課スルノ輸入稅ハ平均一割以上ヨリ頗ル多シ我國敢テ此點ニ於テ請求ヲナシ進歩ニ悖ルノ政策ヲ施スノ意ナシト雖トモ我國ト稅則條約ヲ立テ一モ我ニ讓與スル所ナキ國ニ對シ大ニ我ヨリ讓與スル所以ナキ理由ヲ辯スルニ當リテハマタ是等ノ事實ニ觀察ヲ乞ハサルヲ得ス又一千八百五十八年ノ條約我日本ノ國權ヲ犯ストハ貴政府ノ了解セラレサル所ニシテ且我國ニ於テ隨意ニ自國ノ稅則ヲ制定セン事ヲ請求スルハ大ニ貿易ニ妨害ヲ來タシ通商各國ノ慣例ニ違フ者ナリトノ閣下ノ御論ニ於テハ拙者我政府ノ爲ニ之ヲ辯セサルヲ得ス抑モ我國ニ於テハ他ノ文明諸國ノ例ニ悖ル所ノ請求ヲ爲スノ意毫モ之レアル事ナシ却テ將來日本ノ條約ヲシテ正義分明ノ者タラシメント欲スルナリ故ニ締盟諸國ノ此希望ニ應スルニ於テハ商業ヲ進ムル爲メニ實ニ必要ノ說ハ何事ト雖トモ我政府必ス之ニ同意セサル事無ルヘキナリ然ルニ江戸條約ノ如キハ實ニ偏倚不正ノ者ニシテ一千八百五十八年ニ在テハ多少止ムヲ得サルノ實アリテ然リシ者ナルヘキモ今ヤ既ニ其情實アル事ナシ而シテ從來我國嚴ニ該條約ヲ

遵守スル者ハ各國ノ誠實好誼ナル必スヤ之ヲ改正スルノ時ニ方テハ其短所ヲ補正スル事アラシク信スレハナリ實ニ該條約ハ抑其起本既ニ汚辱ナル者ニシテ正當ナル條約ノ要領タル行爲ノ自由ヲ缺キ結約ノ兩國共ニ其趣旨ヲ充分ニ解得セサル所ノ者タルハ即チ其書ヲ以テ之ヲ證スヘキノミ而シテ該條約中使節派遣等ノ權ヲ附スルノ外一モ我國ノ爲メニ設クルノ事項ナシ但シ使節派遣ノ權ノ如キハ假令之ヲ約セサルモ敢テ辭スル事能ハサル者ナリ其外兩國同例ノ件更ニ之レアル事ナシ此點ニ付キ拙者又茲ニ一證ヲ掲ケテ貴答ヲ乞ハン前ノ在日本貴國公使ノ文ニ云ヘルアリ曰ク日本トノ條約ハ總テ威力ヲ以テ結ヒタル者ナレハ宗教上威力ヲ慎ムノ手段ヲ以テ之ヲ保持セント欲スルモ得ヘカラスト又一千八百五十八年ニ米國總領事タリ後ニ同國公使タリシタウセンセントハルリス氏ハ日本ト該國トノ條約ヲ議定シタル人ニシテ其條約ハ實ニ貴我兩國條約ノ基本タルノミナラス殆ト之ニ異ナル事トナシ而シテ同氏ノ曾テ云ヘル言ニ曰ク江戸條約（一千八百五十八年）ニ附スル所ノ稅則ハ全ク余カ手ニ成リ一ト條款ト雖トモ更ニ議論ナク又一モ日本委員ニ於テ改正ヲ加ヘタル者ナシ如斯未會有ノ所爲ニ至ル者ハ



畢竟日本人ガ輸出入税則ノ何モノタルヲ知ラス又關稅ヲ收入スルノ法ヲ知ラサルニ因ル者ニシテ正直ニ其事ニ暗キヲ打明ケ余ニ於テ敢テ不當ノ處置ナキヲ信シテ之ヲ余カ所爲ニ任セタリ云々中略又余ハ常ニ日本委員ニ語テ曰ク此條約ヲ改正スルノ時ニ至ルノ前ニハ日本人必ス實檢ヲ經テ自カラ事ヲ辨スルヲ得ルニ至ルヘシト又之ニ説ク二十年ノ星霜ハ人間ノ一生ニ取テハ大要部ナリト雖トモ一國ノ命脈ニ於テハ敢テ久シキニ非サル事ヲ以テセリ余ハ決シテ他國ノ内政ニ係ル事項ニ干涉スル權ヲ求メシ事ナシ之ニ干涉スルハ之ヲ征略國ニ施ス可ク國際ノ權理上ニ於テ爲スヘキ所ニ非スト由是觀之ハ一千八百五十八年ノ條約ハ果シテ我日本ノ國權ヲ犯スヤ否閣下ノ論旨ニ對シ辯論ヲ費ヤスモ無用ニ屬スルカ如シ依テ新條約ヲ以テ該條約ノ缺失ヲ何程迄ニ改良スルヲ得可キカヲ思考スルノ寧ロ利ナルニ如カス此儀拙案ヲ以テセンニ治外法權及ヒ之ニ伴フ内地居住ノ禁トヲ除キ其他ハ總ヘテ貴我兩國互ニ中外人民ノ權利特許及ヒ其義務ヲシテ皆之ヲ同一ニシ毫モ其間ニ差違無ラシムルノ約ヲ立ルヨリ善キハナカルヘシ現行ノ條約ヲ改正シ若クハ新條約ヲ以テスルトモ此約行ハル、ニ於テハ其細目ニ至テハ我政

報告ニ御異論無之事ト決スルモ不可ナシ故ニ速ニ各國トノ條約ヲ改正スルノ手續ニ及ヒタルニテ各國ニ於テハ右報告ノ書體ニ付テ當國ノ如キ異論アル事ナシ

第四 右報告中ニ改正ノ條款ヲ詳悉シ可シトハ條約第二十條ノ明文中共事アルヲ見ス經驗ニ依リ宜シク改正スヘキノ件ヲ改正ス可キニテ我政府ハ只其件ヲ發議シ期ニ至テ其改正ノ緊要ナル所以ヲ論スヘキノミ若シ我政府ニ於テ數多ノ締盟諸國ニ改正ノ條款ヲ詳悉シ改正ノ十二ヶ月前ニ之ヲ報告ス可シトセハ我政府ノ不便實ニ言フ可カラサルナリ將又俄ニ稅則ヲ變スルトキハ外國商人ノ利益ヲ妨害ス可シトノ論ニ於テハ新條約或ハ改正條約中ニ一款ヲ設ケ十分猶豫ヲ與フル布達ヲナス後ニ非サレハ之ヲ實施セサル可シトセハ其害ヲ妨クヲ得可シ閣下之ヲ發議アラハ我政府ハ敢テ是ノ如キ至當ノ儀ニ異論ハ無ル可キナリ

右ノ次第ニ付前顯報告ノ論ハ閣下斷然之ヲ廢絶セラレ條約改正ノ談判満足ニ整頓スルノ好手段ニ於テ貴政府ノ意見ヲ速ニ通知有之度切望ニ堪エス然ルトキハ我政府ハ勉メテ其旨意ニ應シ他ノ各國トモ商議ニ及フヘシ而シテ特ニ願フ所ハ總テ是等ノ商議事情ニ於テ不都合ナキ限リハ貴國ト共ニ

府更ニ異議スル所ナク且貿易ヲ便宜ナラシムルノ事ハ必ス之ヲ承允スヘキヲ確信スルナリ現ニ貴國ハ我日本ヨリモ緊要ノ事項ニ於テ遙ニ劣ル所アル諸國ト至當ナル互相ノ條約ヲ結ハル、ニ非スヤ何ソ日本ト互相ノ條約ヲ結ヒ難シトセラル、ノ謂レアラシヤ今爰ニ結尾ニ臨テ貴翰中論セラレタル就中我國條約改正ヲ要スルノ報知一件ニ付テ論セン閣下ニ於テハ我政府ニテ尙今後改メテ一ヶ年前ノ報知ヲ爲サ、ル可ラス而シテ其報知ニハ改正ヲ要スル條款ヲ詳記セサルヲ得スト論セラル是レ拙者ノ遺憾トシ且同意シ能ハサル所ナリ其理由左ノ如シ

第一 條約改正ヲ請求スルノ報知ハ即チ去ル五月四日附拙翰并ニ閣下ヘ進達シ置キタル我政府ノ訓狀ニテ既ニ十分ナリト信ス且ツ此件ニ付テハ閣下ト面晤ノ節ニモ我政府請求ノ主意十分ニ申述ヘ置キタリ

第二 我政府ハ五月四日ヨリ以前ニ前顯訓狀ノ寫ヲ東京駐劄貴國公使ニ送致シ且ツ改正請求ノ主意判然通知ニ及ヒタル由ナリ

第三 我政府ノ希望ヲ陳述シテヨリ以來時日ヲ經ルコト既ニ久シキニ其報告不充分ナリトノ通知ハ曾テ無之ヲ以テ該

力ヲ合セテ事ヲ謀リ又我國ニ於テハ固ヨリ貴政府ノ意ヲ達スルニ力ヲ盡シ以テ我國ノ進歩ト貴國ノ地位ト相背カス細大皆共ニ至當満足ナルノ條約ヲ結ビ兩國ノ交誼ヲシテ愈鞏固ナラシメン事偏ニ所冀ニ候如此敬具

千八百七十八年十一月十三日

上野景範手記

(右英譯文)

Japanese Legation,  
London,  
November, 13th 1878.

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's note of the 2nd instant, which replied to mine of the 4th of May last, on the subject of the Revision of the Treaty between Japan and Great Britain.

Your Lordship informs me that Her Britannic Majesty's Government fully admits the right of the Government of Japan to demand the revision in question, and will, on receipt of a notice framed in a certain indicated shape, proceed to consider the

amendments suggested by My Government, with the utmost desire to meet its wishes, so far as they may be reasonable, having regard to the financial requirements of Japan, and to the general interests of all concerned.

Reserving, for the moment, the questions connected with the notice above referred to, it is a pleasing duty to me to commence my remarks by requesting Your Lordship to believe in my warm appreciation of these courteous expressions of Her Majesty's Government. They were not unexpected, but will none the less be received with satisfaction by my Government, now that Your Lordship has placed me in a position to communicate them officially.

As, however, it is evident that Her Majesty's Government is prepared to base its attitude in reference to this Revision on an erroneous view of the policy of the Emperor's Government, it is my duty to reply to Your Lordship's remarks in a way which I trust will remove any such inaccurate impression.

Your Lordship in the first place expresses the deep regret of Her Majesty's Government that the Revision of the Treaty is sought for, not for the purpose of obtaining a reasonable addition of revenue, but with the avowed object of carrying into effect a policy of protection.

I search, My Lord, in vain for any statement in my letter of the 4th of May, or in the instructions of my Government handed to Your Lordship with that letter, which in any way calls for, or justifies, such regret. The only allusion to a policy of protection appears in the following clauses of my letter: "Another noticeable feature is that the marked disposition of my countrymen to inaugurate new industries is paralysed by the introduction of all kinds of foreign goods at duties which average less than five per cent. My Government consequently considers that it is its duty to confer on native enterprise a degree of temporary protection sufficient to enable it to commence such new manufactures as local circumstances may justify, without the fear of these being undersold by imported ar-

ticles before proper competition is possible."

The advantages accruing to young industries from a proper scale of import duties has been fully recognized by the late John Stuart Mill and other authorities. The system has little in common with the so-called policy of protection on which Your Lordship animadverts. It has moreover in its favor the consideration that manufacturing industries have prospered in no countries, in which they have not been, in the first instance, protected by sufficiently high import duties. Japan, at any rate, has no wish to make the experiment, on other principles, merely in deference to the supposed interests of a few foreign traders. I would also recall to Your Lordship's memory that in my letter of the 4th of May I pointed out several other reasons, fiscal and administrative, which induced My Government to consider an increase of import duties desirable and necessary. These Your Lordship has not referred to. But, though Japan has an undoubted right to demand such changes in her Tariff, as her own experience may have shown to be desirable, I have

no hesitation in assuring Your Lordship that My Government has no wish to impose such duties as would unduly check foreign trade. At the present time the Customs duties barely amount to 4 per cent of the revenue of the country, while in Great Britain they approximate to 26 per cent. The rates themselves are also much below those generally current in Europe and America. As regards the future, I am confident that Japan would be prepared to show, in her treaty arrangements with other nations, a more liberal policy than that now in force in most of them or even in the British colonies.

Your Lordship states that Her Majesty's Government does not consider that the present revenue of Japan has shown any indication of commercial stagnation and in support of this view Your Lordship advances the information that the revenue for 1877-78 has exceeded the estimates by about five million dollars, of which the Customs contributed four hundred and fifty thousand dollars. I regret notwithstanding that I must adhere to my statement as to the unsatisfactory condition of the foreign trade of

Japan. I am at a loss to see how an excess over estimated revenue would tend to disprove it, or could be considered to indicate that no increase in import duties is necessary. Other countries besides Japan have from time to time a revenue in excess of their budgets, and are still not independent of the returns from Customs duties.

But, leaving estimates for actual figures, the revenue from Customs for the last five years have been :

|      |               |
|------|---------------|
| 1873 | 1,736,108 yen |
| 1874 | 1,631,445 "   |
| 1875 | 1,744,837 "   |
| 1876 | 1,762,554 "   |
| 1877 | 1,767,139 "   |

These figures sufficiently dispel the illusion that there has been any such increase as 450,000 dollars in the late customs returns, and they would have been still more confirmatory of my contention, if they had been subdivided into exports and imports. Except for a very large and exceptional increase in the value and amount of silk, there would have been

regards their scale of import duties. The circumstance that only Small quantities of tea and tobacco are imported into this country accentuates rather than disproves my contention. The duties here on Japanese tea amount to about 50 percent on the cost, and on tobacco to over 250 percent. Such duties are not calculated to encourage either the production of these articles in Japan, or their importation into Great Britain Silk is certainly admitted free, and so is rice, but this latter article is only exported in seasons of Superabundant harvest; and the fact remains, that taking as the basis of calculation the actual exports, including those admitted free, an average import duty of considerably over 10 percent is chargeable by the Tariff of the United Kingdom on all Japanese products. My country has put forward no demand on this score, and has no wish to adopt a retaliatory policy; but she is fully justified in invoking a consideration of these facts as affording a reason why countries which concede nothing in their tariff arrangements with her, should not themselves expect exaggerated

a heavy falling off in the total trade, and particularly in the imports, instead of the gradual development referred to by. Her Majesty's Government. But, had this been otherwise, my Government would still, for other valid reasons, have deemed it necessary that the import duties should be raised. Your Lordship discourages the proposal of my Government to abolish the export duties, as involving a serious loss to Japan, and not likely to give any sensible impetus to the trade with this country. My Government naturally attaches the highest importance to the trade between Japan and Great Britain, but it must be borne in mind that Japan has treaty relations with many other countries, and that the effect on all these countries has to be taken into calculation. It also appears contrary to sound principles of international economy to maintain export duties, unless pointed out by Your Lordship, that some of her products are admitted without duty into certain countries, is no proof of reciprocity. While Japan is fettered by an exceptionally low tariff, other Powers are not in any way bound to her as

concessions from her. Her Majesty's Government is at a loss to perceive how the Sovereign Rights of Japan are infringed by the Treaty of 1858, and Your Lordship considers that the claim of my country to fix her own Tariff, at her own free will and discretion, would be fatal to the interests of commerce and at variance with the usages of commercial states. I disclaim, My Lord, on behalf of my Government, any intention to advance any demands not consonant with the usages of other civilized states. It is, on the contrary, its desire that in future the Treaty arrangements of Japan should rest on the most just and enlightened principles and Your Lordship may be assured that if this desire is fairly met by the Treaty Powers, the Government of the Emperor will accede to any suggestions which may be shown to be indispensable to the development of a sound trade. The treaty of Yeddo, was, on the contrary onesided and unjust. This may have been to some extent a necessity in 1858. Certainly that necessity no longer exists. My country has however strictly respected that treaty, being

assured that the honor and good feeling of the other Powers, would, on its revision, cause its apparent defects to be remedied I am justified in declaring that the Treaty of Yeddo was tainted in its very inception. It was wanting in the conditions essential to a just Treaty—freedom of action, and a full comprehension of its contents, on the part of both the High contracting Parties. The Treaty itself affords internal evidence of this assertion. With the exception of one clause conferring on Japan the right of Embassy etc., a right which even if not thus conceded, could not have been refused, there does not appear one single condition in favor of my country. There is not the slightest reciprocity in any part of it. But I am further able to submit to Your Lordship evidence on this point which must be admitted to be unanswerable. The late British Minister in Japan thus writes; "All treaties made with Japan have been forced upon it; and it is vain to expect that treaties so entered into can be maintained by a religious abstinence from the use of force as a means." Again Mr. Townsend Harris, in

important part of a man's life, it was as nothing in the life of a nation. I never, for a moment, claimed a right to interfere in matters which purely belong to the municipal affairs of every nation. Such interference is the result of absolute Conquest, and not of any international right."

It seems, therefore, unnecessary for me to enter into the question, raised by Your Lordship, as to whether this treaty of 1888 infringed the Sovereign Rights of Japan. It would be more profitable to consider how far all the defects inherent to it can be remedied by new Treaty arrangements. If I were to formulate a basis on which this could, in my opinion, be best arrived at, it would be one, by which, excepting as regards the question of Extra-territorial Jurisdiction and the concomitant closing of a great part of Japan to foreign enterprise, there should be no distinction between the rights, privileges and obligations of natives or foreigners in either Japan or Great Britain respectively. Whether this is carried out by a Revision of the existing Treaty, or by an entirely new one, I am decidedly

1858 Consul General, and subsequently Minister for the United States, who negotiated the treaty between Japan and that country, which was not only the basis, but was almost the counterpart of the treaty between Japan and Great Britain thus refers to the subject: "The Tariff appended to the Treaty of Yeddo (1858) was made entirely by me. Not one of its provisions was the subject of discussions, nor were any amendments to it offered by the Japanese Commissioners. This unprecedented proceeding arose from the necessities growing out of the ignorance of the Japanese of a tariff of duties on imports, and of the manner in which customs should be collected. They frankly avowed their want of knowledge in the matter, and placed themselves in my hands, relying, as they said, on my doing them justice. X X X X X

I constantly told the Japanese Commissioners that before the time came around for revising the treaty, they would have gained such experience as would enable them intelligently to deal with this matter themselves ; remarking that while ten years was an

of opinion that no difficulties as to details will be raised by the Government of the Emperor and that the conveniences of trade will be fairly considered. I need hardly point out to Your Lordship that treaties of a fair and reciprocal nature have been concluded between Great Britain and countries far less advanced than Japan in all essential particulars.

Lastly, my Lord Marquis, I have to refer to the remarks in Your Lordship's letter, especially affecting the notice given by Japan of its wish to proceed to a Revision of the Treaty. I understand that Your Lordship contends that a further notice of one year should be given, which should contain particulars of all amendments suggested by my Government. I much regret that Your Lordship should have adopted this view. I cannot acquiesce in it on the following grounds :

I. I consider that full notice of the demand to revise was given, both by my letter of the 4th of May last, and by the instructions of my Government, handed to Your Lordship. I also hold that I sufficiently stated the demand of my Government in

my interview with Your Lordship on the subject.

II. I am informed that my Government transmitted to Her Majesty's Representative in Tokio a copy of the above-named instructions even previously to the 4th of May, and distinctly informed him of the demand for revision.

III. The length of time which had elapsed since the wish of my Government was stated, without any intimation having been made that notice was considered incomplete, entitled it to conclude that no objection to such notice existed, and in consequence steps have been taken to prepare for an early Revision of the Treaties existing with the other Powers, none of whom have objected to the form of notice, similar to that given in the case of this country.

IV. The claim that details as to all amendments prepared should be embodied in the notice itself, does not appear to be warranted by the terms of the clause XXII of the Treaty. The amendments are to be such as experience should prove to be desirable. The Government of the Emperor will

only suggest such, and will be prepared to maintain their desirability at the proper time. Your Lordship will also not fail to recognize the extreme inconveniences which would arise if my Government were called on to state in detail twelve months before revision, to the numerous Powers with whom it has Treaties, all the alterations it demands.

As regards the consideration that the interests of foreign merchants might be injured by any sudden change in the Tariff, I would point out that this might be guarded against by a stipulation that the clauses in any new or revised Treaty should not become operative until after sufficient notice had been given. My government would not object to such a fair condition, if suggested by Your Lordship.

I therefore, with respectful persistence, venture to request Your Lordship to waive any objection to the notice above-named, and to inform me without further delay, what are the views of Her Majesty's Government as to the best steps to be taken towards placing the treaty arrangements on a satisfactory footing. My Government will then at once proceed

三二九 明治十七年一月十六日

寺島外務卿ヨリ  
上野駐英公使宛(電信)

條約改正ノ時期ニ關シ英國ノ意圖返電方訓令ノ件

Wooyeno,

Japanese Legation,

London,

Has the British Government agreed as to the notice for Treaty Revision in accordance with your note of 13th November last to British Minister for Foreign Affairs.

Answer by telegraph.

Terashima.

1, 18th '79

三三〇 明治十七年一月二十日

上野駐英公使ヨリ  
寺島外務卿宛(電信)

條約改正ノ時期ニ關シ英國ノ意圖回報ノ件

Terashima,

Gaimusho,

to meet such suggestions as far as possible, in connection with its negotiations with the other Powers. It is especially desirous that all these negotiations should be made as far as circumstances will allow, in full concert with Great Britain, and I am justified in assuring Your Lordship that every effort will be made to give effect to the wishes of Her Majesty's Government on this important matter, so that a fresh impulse may be given to the friendly relations between the two countries, by the speedy conclusion of treaty arrangements, in their nature and details, just and satisfactory;—worthy alike of the progress of Japan and of the position of Great Britain.

I have the honor to be, with the highest consideration,

My Lord Marquis,

Your Lordship's most obedient,  
humble servant.

(Signed) WOORYENO KAGENORI

Tokio.

English Government agreed to accept the notice as explained in letter 13 November.

WOODYENO.

London 20th Jan. '79.

三三三 明治十一年一月二十日 寺島外務卿ヨリ  
上野駐英公使宛

### 交渉續行方訓令ノ件

上野公使宛別信案第二號 一月廿二日附

以別信中進候條約重修稅權獨操の儀に付兼て以訓狀及指令候通夫々談判被及候末其任國政府外務卿と數度往復書面及對話の始末等委曲御報稟猶所見の趣縷述到底貿易條約締結の外手段無之様被中立右委任狀御所望の旨數次の別信にて承知いたし候然るに該件に付ては御承知の通米國とは既に協議調印に迄運居候事故右に例し猶一層談判に及候方可然との見込を以吉原重俊佛國派遣の次を以該書類齎往貴君初鯨島青木兩公使とも會議便宜從事可有之旨申合既に發途の後前文別信等落手候に付猶其表議決の趣一消息を得候上詮議可及積を以當時不及返答見合居候末一月六日附電報を以

### 地等ニ關スル交渉經過報告ノ件

#### 附屬書一

明治十一年十二月二十一日英國外務卿ヨリ上野駐英公使宛書翰寫

條約改正豫告及改正條項實施條件ニ關

シ申入ノ件

二 明治十一年十二月二十七日上野駐英公使ヨリ

英國外務卿宛書翰寫

右ニ對シ回答ノ件

三 明治十一年十二月十八日上野駐英公使ヨリ英

國外務卿宛書翰寫

往翰所載ノ我國輸出入額ニ關シ辯明ノ

件

四 明治十一年十二月三十一日英國外務卿ヨリ上

野駐英公使宛書翰寫

右ニ對シ回答ノ件

明治十二年別信第二號 三月十九日達ス

條約重修一件に付英政府よりの返翰并に拙官より再應同政府え掛合の書翰は兩通共寫相添會て報告仕置候通に有之候然るに右返翰にも記載有之通條約改正の豫告(Notice)の點に於て英政府は最初閣下より御差遣の訓狀に拙官の見込

寫附 鯨島公使より報知有之候間更に廟議を可被盡に付貴君十一月十三日其任國外務卿へ被差出候書<sup>2</sup>面に對し返答の趣承知致度以電<sup>3</sup>線御問合および昨二十一日其地よりの答電<sup>4</sup>も落手重修期限承諾の儀は相分候へ共地所の儀も慥に無之且右答電の趣にては前書十三日附書簡に對し其外務卿より確乎たる返答も可有之被察候間右御報知を待決議可及心得に候且最前其外務卿より返簡寫の文面にては只管我請求に對し抗論候而已にて更に彼方の意衷を不示貴君御申立の通其論點全く貿易條約締結に傾居候事と見受かたく候間猶此上とも彼方の意嚮如何將貿易條約取結候共互相の權利を操候場合等何様の術略を挾居候哉等篤と御探偵此方參考の爲詳悉御報知有之度候右此迄數次の別信及電信に對御報如此候也

尙本文の儀に付電信往復寫爲御心得茲に相添候也

註 一月六日附電報三六七參看、其他234 夫々三一

八、三九、三三〇參照

三三三 明治十一年一月二十日 上野駐英公使ヨリ  
寺島外務卿宛

### 條約改正豫告、英國政府ノ改正條件及談判開催

と相違の見解を下たし論旨兩端に相分れ申候則外務卿サリスビエリーの見込にては訓狀の初條に於て千八百七十二年日本政府より條約改正の豫告爲有之事を陳べ續て第四條に於て「已に請求したる條約を決局せんか爲に」(to accomplish the desired revision)云々とあり然して更に今回改正を豫告するの文意相見得ず故に其文面によれば日本政府は千八百七十二年の豫告を以て今に効力を有候ものと御考認相成居候様被相考元來現存條約第二十二條によれば改正豫告の日より一年の間は是非とも舊條約を遵行新定の條約は其後に至りて發行す可き譯なれば若千八百七十二年の豫告を以て今に有効のものと認むるに於ては現存條約は已に履行す可きの權力を失したるものと相成實際に大なる不都合有之候右の情實に付日本政府今回條約改正の企望あらは更に條約第二十二條に基き一年の豫告有之事緊要にして拙官より昨年五月四日附を以て訓狀相添同卿え宛差出候書翰は其豫告とは難被認趣に有之候成程訓狀の文面を反覆考究するに同卿の見解も理なきに非らざるが如しと雖も亦閣下より訓狀と同時に御遣の内達中第二條に「條約重修の主意申陳せし日より一ヶ年後」云々とあるを以て見れば素より

我政府にては今回の訓狀を以て豫告と御考定相成居候事判然に有之候間拙官には其御趣意を確守して外務卿とも屢々面談の末然らば千八百七十九年十二月一日前には新定の條約を發行する事なく現存の條約を遵行す可しとの約束にて遂に昨年五月四日附拙官より同卿宛の書翰を豫告と認相成候事決定則其往復書翰別紙寫(イロ印)二通差出申候

(註) 十三ノ議カ 三二八附卷三參照

昨年十一月二日附にて拙官より當國外務卿へ差出候書翰中此寫ハ先報告書中 千八百七十三年より八年に至る迄日本に於テ封入差出申置候 千八百七十三年より八年に至る迄日本に於テ毎年輸出入の額跡相違の廉見出候間將來の論柄豫防の爲別紙寫(ハ印)の通書翰差出候處(ニ印)の通返翰有之候右十一月二日附の書翰に對し全體の答書はいまだ落手不致候得共方今專商法局にて取調中の由にて過日外務卿と面談の節我の請求に對し粗同卿丈けの見込は承り得申候間假令此後右返翰落手いたし候ても決して其趣意の外に出てざる可しと信用いたし申候則其大略は

第一 日本政府にて保護法と公言して海關稅を増課相成候事は同意難相成事

第二 日本政府其國費の多端に對し要用の海關稅を相當に増課相成候は異論無之事

充分同氏を信用せざる者多々有之候間餘り勝手の論も主張難相成情實有之大に我の便利と相考中候猶追便に巨細報告可仕候也

十二年一月三十一日

全權公使 上野 景範

外務卿 寺島宗則殿

附屬書一

(余カ)  
上野公使

十二年第二號別信附屬一

イ 印

サリスブリー侯ヨリ上野宛

貴我兩國間條約改訂之義ニ付過日外務省於テ御面晤ノ節申述置候通本年五月四日閣下ヨリ御差越相成候書翰ヲ以テ我政府ノ要求スルヲ得ヘキ相當ナル改約豫告トハ爲ス可ラストノ意見ニ於テハ敢テ變更不致義ニ候得トモ右ニ付尙又貴政府へ御稟議相成候テハ夫カ爲時日遷延ニ及ヒ且其他差障ノ廉過日御演述之趣モ有之候ニ付我政府ハ右異論ヲ止メ前件ノ書翰ヲ以テ即チ其豫告ト看認メ承知可致候尤閣下口上ニテ御承諾相成候通協議ノ上決定致スヘキ現存條約改正ノ

第三 日本政府は直に改正條約案を起草し互に實際の改正に取掛千八百七十九年十二月一日迄には新定の條約を發行の用意有之度事

第四 改正の場所は日本政府の便利に相任候得共願くは歐洲にて取極め度事

右改正の場所はいつれの地を日本政府にて御撰定可有之歟の旨外務卿より尋有之候間拙官一己の見込を以て云へは歐洲にて取極候方便利なる可しとの趣を相答置申候右の都合に付斷然歐洲にて改定の事に御決議至急相當の御委任御附與有之度左候へは條約の條款等は鮫島其他の同僚等と協議し税額の事は吉原重修に相談を遂げ徴力の及丈けは相盡可申候拙官に於ては已に右改正案も起稿いたし置候間次便を以て高覽に備可申候日本在留英公使當國に於て不評遂に一旦歸英の事に相決候趣は先報を以て通知仕置候尤同氏の歸英は條約改正を名義といたし候儀に候得共一度歸英の上は再任不相成事は慥なる所より聞込申候併萬一日本にて條約改正の事に御決議相成候は、同氏歸英の事も其決局迄は遷延可致と相考申候右に反し當國にて改定の事に御決議相成候はは假令同氏條約改正に關係有之候とも外務省官員中に

條款ハ何等ノ事情有之トモ來ル十二月一日ヨリ前ニハ決テ實施不致トノ取極ニ因リ右様承知候義ニ有之候此段得御意度如斯敬具

千八百七十八年十二月二十一日

サリスブリー手記

(右原文)

Lord Salisbury to Wooyeno.

December 21st 1878.

Sir

With reference to the communication which I had the honor to hold with you at our interview at the foreign office the other day upon the subject of the revision of the existing treaty between this country and Japan, I have to state to you that, while maintaining the opinion which I then expressed, that the letter which you did me the honor of addressing to me on the 4th of May last does not constitute such a notice of Revision as Her Majesty's Government are entitled to receive yet, having regard to the delay which as you pointed out at the time, would be caused by a further reference to your Govern-

ment on the point and to the other difficulties to which you adverted at our interview; Her Majesty's Government are disposed to waive their objections and to accept the letter above referred to as a notice. They do so, however, on the understanding which you have verbally accepted, that no modification in the existing Treaty which may be agreed upon later, shall come into force under any circumstances at an earlier date than the 1st of December next.

I have the honor etc., etc.

附屬書二

ロ 印

上野ヨリサリスブリー宛

本月廿一日附貴翰落掌貴我兩國間條約改訂之義本年五月四日ノ拙翰ヲ以テ即チ我政府右改約ヲ要スルノ豫告トナスハキ旨貴政府於テ御承諾相成候趣致領承候雙方協議ノ上可致決定所ノ改正條款ニ於テハ來十二月一日後ナラテハ實施可不致旨御約定及ヒ候事ハ聊相違無之年併右様御約定申候トテ改正ノ着手之カ爲ニ遅延不相成様致度存候又改正條款ハ十二月一日前可成速ニ公告致候方ニ般ノ關係者殊ニ商人

munity, that the change to be introduced should be made known as long before the 1st of December as possible.

I have the honor etc., etc.

(signed) WOYENO KAGENORI.

附屬書三

ハ 印

貴我兩國間條約改訂之義ニ付去十一月十三日呈書以來尙通知ヲ得候次第有之依テ前書中ニ致記載候千八百七十三年ヨリ千八百七十七年迄ニ至ル我國輸出入税額表ハ實際ニ收入シタル税額ノ精密ナルモノトハ御看做シ不相成様願度候且又千八百七十七八年ノ税關收入金額ニ於テハ、シル、ハルリーパークス氏ノ被揭示候程迄ニハ無之モ豫算ヨリハ頗ル増額相成候由ニ有之候尤モ税關報告書ニ此増額有之候ハ爰ニ贅述ヲ要セサルノ原因アリテ然ル義ニシテ決テ我政府條約改訂論ノ見込ヲ變更セシムヘキ者ニハ無之候右得御意度如斯敬具

千八百七十八年十二月十八日

上野景範手記

等ノ爲ニ利益不勝ハ判然之義ニ有之候右御答等如斯敬具  
千八百七十八年十二月廿四日

上野景範手記

(中英雜文)

Wooyeno to Lord Salisbury.

Dec., 27, 1878.

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's note of the 21st instant, informing me that in the circumstances Her Britannic Majesty's Government now accept my note of the 4th of May last as a notice of the demand on the part of the Government of the Emperor for a Revision of the Treaty between Japan and Great Britain.

I willingly confirm the understanding that any modifications in the Treaty arrangements, which may be agreed to, shall not become operative before the 1st of December next.

I trust, however, My Lord, that this understanding may not prevent early steps being taken to carry out the Revision. It is evidently in the interest of all concerned, and especially of the trading com-

(中英雜文)

Wooyeno to Lord Salisbury.

Dec., 18th, 1878.

My Lord,

I have the honor to remark that since writing to Your Lordship on the 13th of November on the subject of the Revision of the Treaty between Japan and Great Britain I have received information which leads me to request that the figure quoted in my note as to the Export and Import duties in Japan for the years 1873 to 1877 may not be taken as accurately representing the duties received. I further have been informed that there has been a considerable increase in customs receipts for 1877-78 over the estimates though not to the extent stated by Sir Harry Parkes.

I will only add that such increase in the customs returns, brought about by causes to which I need not now further allude, in no way modifies the views of my Government on the Revision Question.

I have the honor etc., etc.

(signed) WOYENO KAGENORI



附屬書四

ニ印

本月十八日附貴翰領掌貴我兩國間條約改訂之義ニ付閣下通知ヲ得ラレ候趣有之由ニテ去月十三日ノ貴書中ニ御掲載相成タル千八百七十三年ヨリ千八百七十七年ニ至ル貴國輸出入税額ノ義ハ實際收入額ノ精密ナル者ト看做サノル様御申越且又千八百七十七八年間ノ税關收入額ハ在東京我英國公使ノ揭示候程迄ニハ無之モ豫算ヨリハ頗ル増額ニ至リ候旨閣下ヘ報知有之候由是又承知致候右回答迄如斯敬具

千八百七十八年十二月三十一日

サリスブリー手記

(右原文)

Lord Salisbury to Wooyeno.

December 31st, 1878.

Sir,

I have the honor to acknowledge the receipt of your letter of the 18th instant stating with reference to the question of the Revision of the Treaty between Great Britain and Japan, that you have received information which leads you to request that the figures

quoted in your communication of the 13th ultimo as to the Export and Import duties in Japan for the years 1873 to 1877 may not be taken as accurately representing the duties received, adding that you have been informed further that there has been a considerable increase in the Customs Receipt for 1877-78 over the estimates, though not to the extent stated by Her Majesty's Minister at Yedo.

I have the honor etc., etc.

(signed) SALISBURY.

三三三 明治十二年二月六日

寺島外務卿ヨリ  
上野駐英公使宛(電信)

條約改正商議ノ場所及時期ニ關スル英國政府ノ  
意嚮問合ノ件

Wooyeno,

Japanese Legation,

London.

Has British Government agreed to fix Tokio as the place of negotiation for Revision and the month of May as the time to open it.

Terashima.

Tokio 6, Feb. 79.

三三四 明治十二年二月六日

上野駐英公使ヨリ  
寺島外務卿宛(電信)

英國政府ニ於テハ條約改正商議ノ場所未決定ナルモ近ク倫敦會議開催方通告アルヘキ旨回答ノ件

Place of revision has not yet decided Pouncefort informed me to communicate soono officially, British Government is proposing to open Conference in London in view of moral obligation to joint powers signing tariff Convention 1866.

WOYENO.

London 6th Feb. 79.

三三五 明治十二年三月十七日

寺島外務卿  
英國公使對話書

倫敦會議開催ニ關シ交渉ノ件

明治十二年二月十七日寺島外務卿ト英公使パークス對話  
一、條約改正に付龍動府會議の事

寺島外務卿時代 三三四 三三五

今般拙者歸國の命令を受取候右は條約改正に付龍動にて會議を開候に付ての用向有之故と申來り候此儀に付上野公使より何も不申來候哉  
會議の事は先達て一寸申來り候へとも右は貴政府より公然たる御報告にては無之外務次官より内話の趣に申來候尤も決定次第猶又可申入との事に御座候  
外務次官よりは如何の談振に候哉  
何の國々といふ事は御談示無之唯歐羅巴各國と申合せ龍動にて會議を開くべしとの趣に候  
貴國も御加り相成候儀歟  
其邊上野よりは未た何も不申來但獨逸國よりは我國も會議に加るべしと申來居候元來此會議は六十六年のタリフコンウエンションに調印せし各國會議する趣なりと上野よりは申越候へとも獨逸は六十六年の方に關係なし併し今度の集會には同意と相見候  
然れば今度の會議六十六年の約束改正の爲に候哉  
未た其如何を知らず

貴國は此會議に御加入相成候哉  
獨逸よりは已に申越居候得共上野よりの公報を待ち束ねて

決答可及積りに候

獨逸よりの報知は公然たる事か

然り之は青木へ遣したる電信に御座候

此末文千八百七十八年二月八日云々相分り兼候

右は昨年同人へ達したるインストロクシオンを云なり

其意味は如何

其意は税則を除く他の件を御相談致す事を可申通旨申達したり如何となれば課税は其國固有の権理に屬するものなればは様にいたし度趣意なり尤も課税を専らにする趣意へは貴國と佛國との間に行はるゝ税額の上に超過する高は決して不取立積に候

其儀は上野公使へも御達相成候哉

然り去年五月頃上野より貴政府へ申立置たり右に付各國え税目等一々當方に取調有之響へは貴國の綿の如きも米國の税はプロテクションの趣意より出れば甚た高し我意素よりプロテクトの意に非れば他國に其趣意にあらずして取立る税則に習て收徴する積に御座候故に我國の税を高しとすれば他國の方も高しと言はざるを得ず

其御談示に據れば税則は御相談不被成との御趣意と相

貴國の御容子にては六十六年の改正と相見へ獨逸よりもタリフレビシオンと申來居候へとも當方にてはツリーテールビシオンの心得に御座候

大抵同じ事なるべし條約にも六十六年程の委數ものには無之候へとも税則は附し有之故に條約を改正すれば税則も亦改正せざるを得ず

先般差上候上野より貴政府へ差出し候インストロクシオンの寫を御熟覽可被下候

諾當時拜見いたし候節充分明了ならされとも税權を貴國にて御專有なされされは御國是不相成との趣なりき先般上野より貴政府へ申入候節貴政府にては税目屢變換致候ては貿易衰微すといふ御懸念有之よし故上野より屢變換すへきものに無之旨辯解いたし候趣又高きに可過との疑問は前刻より御談示致候通プロテクトの意に無之を以て御了解有之度候

然り  
其事は我政府より上野公使へ談判有之たる儀歟

上野公使よりは屢御報告有之候歟  
右の辯解を貴政府へ差出候後の儀は貴政府の返簡はいまた

見ゆ

然り此儀は最初より申出し置候事なり税目を會議に附するは我望に無之但し輸出税を取らぬはプロテクトの意なるべしと云御議論も可有之なれとも他國其例なるは皆プロテクションに基づくといふにあらず

プロテクションより取立る國の例に従はぬといふの御趣意なれとも最初拜見致候書付には右の廉相見不申細には認無之御望なれば逐々可申入候

此度の會議は六十六年の分を改正するの意なるへければ税則を除ては外に議すへき簡條なかるべし併し今般我國より申出したるは條約改正に付税則改正には無之税則の外に議すへき廉種々あり

外に可議の廉とは如何

既に取調置候ものも有之候彌其御談示に可取懸儀なれば逐々可申入候

自心得迄に承り度候

唯今一々暗記不致候

今日の論題は此度の會議は最初の條約を改正する爲か又は六十六年の分迄改正する爲かの二ツなり

何も不申來

何つ頃に候哉

客歳十月頃の事なるべし

上野公使より返答有之たる後何か談判ありて會議の運に及ひたる様に被相考候會議は好事なれとも出席の前に可議簡條を同意せねは不都合なり

然り

定て上野公使と談判中なるべし

未た上野より確報無之を以て見れば或は然らん併し獨逸にては既に表向通達致候を以て考ふれば上野へも何か御通達可有之筈なり

併し上野君は最早承知の事なるべし

先般外務次官の御尊には不公然の趣なり

次官よりの御談なれば公然たるにあらずや

如何ならん夫故いま返答不申遣候

彌上野君へ御達有之節は此電信と同様に候哉  
タリフコンウエンションに候得は同様に御座候貴方えは何も電信にて御申越は無之哉

唯會議を催すと云而已に御座候拙者の心得にては本國

政府の見込は税則改正なるへし

上野よりも左様に申來居候

會議開席相成一方は税則を議せんとし貴國委員は之を拒めは大なる不都合なるべし

獨逸よりは明了に申來候スペースヒックデューチーを承知のものを委員として可差出云々并に青木よりもタリフレビシヨんと申來居候間右にて意味は能く相分り候

此電信にては會議は御斷りの方に候哉

否タリフコンウエンシヨンなれば出席を辭すれども條約改正の爲なれば素より之を辭せず

評議の箇條を不取極して會議するは寧ろ會議せざるを勝れりとす今の處にては甚た曖昧なり

然りタリフレビシヨんと申來候意味は曖昧とも相考候如何となれば青木よりの來狀には獨逸政府は成丈け日本政府の意味を助る様に可致との言も有之候なり

三二六 明治十二年十月十八日 上野駐英公使ヨリ  
寺島外務卿宛(電信)

英國政府倫敦會議開催方希望申入ノ旨報告竝ニ

Wooyeno,  
Japanese Legation,

London.

Inform the Minister for Foreign affairs that Japan is inclined to agree to enter a Conference with any of the Treaty Powers for Treaty Revision with the express understanding that the principles embodied in my letter of February 1878 shall be first distinctly recognized and that the necessity of resuming its right to establish its own Tariff in an independent manner by Japan will not be questioned by the Powers represented. A specific revision of the Tariff need not therefore be discussed, but this Government will renew the pledge contained in my instructions not to impose any higher duties on the merchandise of the respective countries than are found necessary by some of them. Send copies of this to Sameshima and Nishi.

Terashima.

Tokio, 21, Feb., '79.

右ニ關シ請訓ノ件

To Terashima,

London, 18, 2, '79.

English Minister of Foreign affairs writes that English Government wishes conference for revision in London and asked other interested powers whether they are disposed to attend. English Minister of Foreign affairs asks whether this arrangement agreeable to us and if so when we can submit to English Government text of our proposed amendment. I personally understand this conference is proposed to ascertain how far all powers may agree with our desire and see no great objection to it provided separate treaty is concluded with each power. Do you agree with above proposal, do you authorize us to make said text to be submitted to English Government or do you send it? Give full instruction for future step after consulting Matsugata.

WOYENO.

三二七 明治十二年二月二十日 寺島外務卿ヨリ  
上野駐英公使宛(電信)

倫敦會議開催ニ關シ回訓ノ件

三二八 明治十二年二月二十日 寺島外務卿  
英國公使對話書

倫敦會議及條約改正範圍等ニ關シ交渉ノ件

附屬書一 明治十二年二月二十日英國外務卿ヨリ英國公使宛電信寫

倫敦會議ニ對スル帝國政府ノ意嚮打診

方訓令ノ件

二 英國公使ヨリ英國外務卿宛電信案

右ニ對シ回答ノ件

明治十二年二月廿二日寺島外務卿と英公使パークス對話

一 條約改正并會議の事

昨日本國政府より會議の義に付電報到來候に付參上仕候處既に御退出の後なりし故森君に拜顔致候同君仰には貴方へも上野氏より電報有之たる由

一昨日落手致

我外務長官よりは如何申出候哉拙者方へ申越候分と照

し合せ度候

即之れなり 上野よりの  
電信を示す

此御返事は如何御申遣し相成候哉

此通り 上野へ答へし 兩通とも御寫に不及差上可申候  
電文を示す

拙者へ申越たる電信は之なり

我政府より兼て獨逸へ答へし通りに貴國政府へも答へるか  
との意に候歟

然り

青木へ申遣したるより上野へは猶一層委敷申遣し候即唯ブ  
リンシブルと而已にては不明了に付更に下條を加へ置候  
上野へ答へし電  
文を指し言之

成程

タリフレヴィジョンといふ事は上野よりは不申來唯レビシ  
ョンとあるのみ併し獨逸よりは其廉判然申來居候獨政府より  
當地の代理公使へ來り候電信は御覽相成候歟

已に一覽致候レヴィジョンといへは條約改正の事なれと  
も税則も其一部分なれば之を議するの意味は内に籠り  
居候併し貴政府は税則を議するを要せられず

然り

改正の草案は上野へ御遣し可相成哉

最初當方より申入たる趣意未相定且改正會議の目的判然な  
らされは難差遣候

其御趣意相定り候上は上野にて草案をこしらへ候哉又  
は此地にて御取定相成候哉

當地にて起草致し候積り

松方歸國相成候へは御起草相成候哉

松方歸國せされは難出來との譯も無之くも同人如何様の義  
を開込居候哉も不被測

元來我政府の見込は十二月の後東京にて改正を議する積  
り即我公使へは訓狀の外に其義をも申遣し置たり素より東  
京にて御相談致候義なれば預め訓狀の意に對したる明言を  
不承とも宜し如何となれば直に政府の下に在て之を議する  
故なり併し今は之に反し龍動にて會議する事となりたれば  
見込の相違せるより預め訓狀の意をも確かめざるを得ず又  
政府を離れて事を議する故夫丈けの用意も致さるを得ず  
候加之最初は各國互に條約を議定すへき見込に候處貴國の  
新趣向にてコンフエレンスと相成候は我に於ては意表の義  
なり

上野公使への訓條に十二月の後といふ事も不相見場  
所及び時の義は公使より其政府と打合せ取極むへしと  
有之候

然り別に公使へは申遣し候事も有之候へとも素より場所と  
時は其政府の都合も有之事故強て之を論せず

先議題を取極置不申ては場所も時も無用のものなるへ  
し

最初東京に於てする積りなれとも其議題さへ取極り候へは  
何方にて之を議するも可なり素より龍動へ出るを否むに非  
らず

御尤に候

猶其上不審なるはどれたけの國々にて會議するやも相分り  
兼候貴國政府より案内ありし國は當方にて知り得たるは獨  
逸露西亞兩國あるのみ

又最初我より申込たる意味に對して返答を得たるは露西亞  
伊太利にて此兩國は東京に於てするを同意し又瑞典那耳回  
は伯林にて致度と申來れり右等の譯故此コンフエレンスに  
はどれたけの國々より相集候哉未だ判然ならず

若歐羅巴にて致候事と相成候はは何程の日數を用意の  
爲要せられ候哉

航海日數を除き凡一ヶ月も費し候はは用意出來可申併し未  
た取極めざる前故確言しがたし

外務長官より差越候電信の返答を抄し候に貴國政府は  
税則を自分勝手に改正する義を各國にて見認むるに非  
れば會議を要せずと申遣し候て然る哉  
然り其上に拙者より上野へ申遣たる電信の最後の意を御加  
へ相成度素より他國に行はるゝ所の高き税より高きを徵せ  
ぬといふ御約束丈けは可致積りなれば勝手自儘といふ程に  
は無之なり

諸此内 上野への電 信を指す  
いつれの處より書加へ可申哉  
but の字より以下の意を御加へ相成度候

此ソムオフゼムと有之候ソムの字文をなさずエネート  
御改相成候ては如何

右はかねて申遣し置候意味も有之右様相認候なり

ソムにては何分文をなさず

エネーと改め拙者の意に合すれば宜したとへは各國の内貴  
國の如きはフリーツレードにて素より例と不相成又米國の  
如きは其税高しと雖も之を據とせず茲に一國ありて砂糖の  
税甚た高くして他の一國は太た安し併し他の一國は田葉粉  
の税を取る却て高し即ち我趣意は各國にて行はるゝ所の高  
き税を取て例となすに在り

御都合に依ては米國同様の税も御取立なさる事もあるへし

右様細密に涉り候ては纔の文章の盡す所に非らず

詰り各國税目の内にて貴政府の氣に入たるを取るといふの御趣意なるへし

然り

ソムと云時はどの國を指すかと云問を起す様相成候エネーといへは廣くして宛も貴意に同じ

宜し

輸出税は一時停止して又御取立なされ候事も有之候歟否永久不取立つもりに候

他國より高く取立ぬと云時は出入ともに係り候様相聞へ候

輸出の義は訓狀にも已に之を言へり故に貴政府にても其輸入而已たる義は御了解相成候事と存候

外國の望なれば輸出税は可廢と仰られ候様に存候

然り

我外務長官よりの電信併に唯今認候返答の寫差上候右にて畢る

三二九 明治十年二月十四日

寺島外務卿ヨリ  
英國公使宛

英國公使ヨリ英國外務卿宛電信案中訂正方要  
求ノ件

英國公使へ 二月廿四日達ス

一筆致啓上候陳は一昨日御談示の貴國政府へ御答電の案文猶熟考いたし候處其末文 any other country 字義我趣意と文法上聊か相違致候様被存候に付ては我政府に於ては矢張り最前上野公使へ差遣候訓狀中に有之通 some の義を主といたし即別紙の通に有之候間此段貴國政府へ御通知有之度候敬具

But—than is imposed by some of the Treaty Powers.

註 別紙見當ラス

三三〇 明治十年二月十五日

寺島外務卿ト英國公使  
館書記官トノ對話書

電信案文訂正ニ關シ交渉ノ件

寺島外務卿時代 三二九 三三〇

註 右會談中ニ現ハル英國外務卿ヨリ英國公使宛電信  
寫及同公使ヨリ英國外務卿宛回答電信案左ニ附記ス

附屬書一

London, Feb. 50, 5 p. m.

German Govt. have been informed by Japan (Govt.) that they will not take part in the conference here except on understanding that they are free to regulate their own Tariff as they please.

Ask Minister for Foreign Affairs whether he wishes to make similar intimation to Her Majesty's Government.

SALISBURY.

附屬書二

Foreign Minister authorize me to state that Japanese Govt. will not take part in London conference except on understanding that they are free to regulate their own Tariff as they please. But they will engage not to impose a higher import duty on any goods than is imposed by any other country.

十二年二月廿五日英國公使館サトウ同公使代として來省外務卿と對話

サトウ

過日我政府への電信案中ソムと言ふ語をエニーと致度旨公使より申上御同意候處昨日御斷り越有之ソムとするもエニーとするも同様の義にてソムと致候事は語をなさず候

或は語をなさざるべけれども解し様によつてはエニーは大にソムと字義相違せり

如何なる國をソムと言ふ哉承知致度

エニーとする時は何れの國よりも低税ならねばならぬ様に相聞へ候様被存候

然らざるべし

貴方にて左様被考候へは御勝手たるへけれども其邊懸念に存候故及御斷候也

當方に於てはエニーとするも矢張或る國々の税より上には騰らざる様に相聞候事と存候

此方にてソムとせしは其條約國の内或る國よりは高くせずと言ふ内にも最も高税なる國よりは其上に超へずと言ふ意

味なり

此方にてエニーと申せしも同様也譬へは五ヶ國あれば其内何れをとるとも最高の國よりは超へずと言ふ意味なり

併しエニーとする時は最も低税なる國よりも超ゆべからざる様の意味もあれば若し其邊の間違あらん事を恐れ御斷及置候也

ソムにては意味不相分候

當方にては最も高税の國と同様致度と申譯には無之候得共最低税の國より超ゆべからずと言ふ意味に相聞候ては不相成候に付字義或は不充分なるもソムと致度申候事に有之候然らば其旨公使え申入べく候

三三二 明治十二年二月十六日

寺島外務卿ヨリ  
上野駐英公使宛

商議開催地問題ニ關シ訓令ノ件

上野公使別信案第三號

二月廿六日附

以別信中進候條約重修の儀に付ては去月廿二日附第二號別信を以中進候通萬次便御稟報の次第に依更に詮議可及積有

知可有之候

藥劑阿片規則に付御電報の趣承知候右は富田書記官委曲相心得居候事に付同人着英相成候上萬御聞取可被成候右に付往復電信寫茲に相添候也

追啓案

逐て英公使より本國外務卿へ指出候電信中エネーゾル  
コイントレーと有之候エネーの字拙者より貴下へ指進候  
電文の意味に據ればソムと可有之候處對話書中に有之候  
應接振にて英公使於てエネーと認替候へとも猶熟考候へ  
はエネーの字義何分不都合に有之候依て矢張りソムの字  
義を主と致候旨更に別紙(註 別紙對話書)の通り同公使へ懸合置候此段爲  
御心得申添候也

註 添附書類省略ス

三三三 明治十二年二月十七日

上野駐英公使ヨリ  
寺島外務卿宛(電信)

倫敦會議ニ關シ英國外務大輔ヨリノ聞込報告ノ件

Tokio, Feb. 28, 1.17 p.m.

To Terashima,

Am consulting Sameshima contents of telegram

寺島外務卿時代

三三三 三三三

之候處右重修に付締盟各國政府より全權を派し倫敦おゐて

會議可取聞旨英國政府の立意を以各國とも打合せ相成候に付右結約に付充分の訓狀御所望の旨以電信御申立有之尤松方大藏大輔とも御協議の趣有之候由に付同氏歸朝の上は委詳承り糾し御回答可申次第も可有之候得共兎に角去年二月九日附訓狀に附候内達書に掲明候ことく我政府條約重修に付最要の所望は海關稅獨操の一點に有之各國政府於て右所望に協同可致の確答候はは右に付重修談判方に取懸り其細目をも考覈商議可及儀にてさ候へは地を撰候譯にも無之英京にて會議候も無妨候得共將又協同不致歟又は同不同とも確答不及候歟又新規の發題等有之候はは其段は委細御稟報の上此方廟議を可被盡筋にて貴君御所任の處にては専ら前訓狀の主意を主張被致到底條約重修談判を可開旨を望みこれを我東京に會議すへきの趣意に開陳可有之筋に有之右は固より篤く御合被成候事に可有之に付右我政府の趣意を貴君主張被成候に對し彼政府より右電信の通に申立は了解致かたく候條即前段の趣意に基き不取敢及電答候尤在留英國公使よりも本國政府より申越候趣有之候由にて申立候旨も有之候得共前條の意を以應答及置候別紙應接書寫にて御承

21, consequently not yet communicated English Minister of Foreign Affairs. Have demanded interview with English Minister of Foreign Affairs to inquire basis of conference and other particulars. Meanwhile privately informed by Gaimutayu that S. Parkes telegraphed that Japan objects to conference in London and consequently English Minister of Foreign Affairs telegraphed S. Parkes not to leave Japan at present, also that British Govt. has not invited United States because Convention with her already signed.

WOYENO.

三三三 明治十二年二月十六日

上野駐英公使ヨリ  
寺島外務卿宛

條約改正豫告、談判開催地、新通商條約締結及  
連合會議等ニ關シ交渉經過報告ノ件

附屬書一

明治十二年二月十五日英國外務卿ヨリ上野駐

英公使宛書翰寫

倫敦會議開催ニ對スル帝國政府ノ意嚮

照會ノ件

二 明治十二年二月二十七日鈴木書記官ト英國外務大輔トノ對話書

倫敦會議提議ノ事情問合ノ件

明治十二年別信第九號

四月十五日到

條約重修一件豫告の點に英政府異論の廉は拙官屢々當國外務卿と談判の末先報第二號別信を以て申進置候通當年十二月一日前には決して新定の條約を發行する事なく現存條約を互に遵行すべしとの約束にて決局に至り此上は速に改正の實地に不取掛候ては右日限迄に新定の條約發行いたし候事相叶申間敷右の情實にて當政府より瀕りに實地改正の着手を相急候模様有之候然るに改正場所の儀に付別紙寫(イ號)の通外務卿より公翰落手いたし候間不取敢別紙寫(ロ號)の通暗號電信差立候處別紙寫(ハ號)の通御回電有之槪に落手仕候

右御回電の趣意は直に當國外務卿へ通知可及筋に候得共鮫島公使には會て通商條約取結の儀閣下へ申立相成候趣承り居其通商條約なるものは我政府の自由を以て何時にても勝手に稅額を増減する事不相叶譯に有之候間今此御回電の趣意を當外務卿へ申込候方可然歟否の點に於ては猶同氏の見

の請込前述の通にて迎も稅權專握の儀同意不致は判然に有之候則方今の處にては互に自家の主義を主張いたし居候姿にて我に於ては稅額は日本政府君主の特權を以て何時なりとも勝手に増減す可きを以て別に稅目議して約束とするを要せずと彼に於ては稅目の約束なき時は直に商法の標準を失し通商上の障礙となる可きを以て之に従ふ能はずと雙方の論旨いまた一定の場合に至らず然るに稅額を何程歟に増加す可しとの點に於ては各國粗同一に同意相成候に付今此稅權專握の一點兩議の不合よりして改正の全局烏有に屬候様にては實以遺憾の至に存候に付左に愚存陳述仕候

稅權專握の儀各政府にて不肯は前述の通にて已に判然いたし候間此上我政府の手段は現存條約を破棄する歟又は一步

*Denounce*

を讓り歐洲通商國の慣習に倣ひ互相の通商條約を結ぶの二策にあり其初策は最危險を冒すの所分にして我に於ても斷然の決心あるに非らされは容易に行ふ可き事にあらす故に拙官の考にては其第二策に出て稅額を極め年限を定め互相の權理を以て通商條約を結に至らば我君主權に抵觸する所なきは勿論且其年限後は稅權專握も全く我に歸候様相成實際に頗る穩當なる所置と相考候右に反し我に於て是非とも

込も可有之と一先相談に及候處近日松方大藏大輔にも日本え到着巨細の情實説明可有之候間不遠通商條約取結方の申立に對し閣下よりの御指揮可申來夫迄は當外務卿へ申込方見合候方可然との返答有之候依つて其儘相控置申候

右御回電の趣意は最初の訓狀より一步も退かず稅額は我君主の特權を以て何時なりとも勝手に増減す可しとの事を御主張相成素より拙官に於ては其御趣意に基き此迄當國政府に數回の辯論相費候得共到底實際の情實米國の如き結果を得候事無覺束相考(改正事件に付昨年吉田公使米都にて調印の内條約書を云)其次第は獨り英のみならず佛、獨も同様の事にて會て其外務卿等より差越相成候返翰(英の返翰は昨年十一月二日附にして其寫は會て差進置候他二國の分も鮫島青木の兩公使より送致相成居候事と存候間御見合可有之候)并に拙官より折々差立置候別信中にも委敷記載職人の紛擾各所に起り之れ他國に保護法の行はるる故なりと喋々辯論するもの多くありて殊更に他國の稅務には注目致居已に佛國砂糖製造保護法の事に付同政府に嚴重の掛合いたし居いまた決局に至らざる程の事に有之候

拙官は飽迄も我政府の御趣意に基き辯論致居候得共各政府

稅權專握の主義に固着いたし候はは彼も亦自己の主義を押し張り到底改正の期は見る可からざるに至らん然る時は現存條約破棄の危險を冒すの外我志を達するの目的無之候故に今此の危險を冒すと通商條約を結ぶと其利害の如何は深考慮を費さる可からざる事にて當府公法家サー、タラウル、チュウイス氏の說に近來歐洲に於て通商上に關する事件の葛藤は他の國の仲裁に決を仰くの例多く決して之を干戈に訟る等の事ある事なしと然るに今回改正事件の如きは米、魯は我請求に充分同意致聊同志を得候姿に付英、佛に對しては飽迄も稅權專握の旨意を押し張り反覆討論して彌充分の決局を得ざるに於ては前述の危險を冒すも果して無智の策と云可からず併斯の如きは詰り干戈を手にするの決意にあらされは爲し能はざる事なれば百方の術策已に盡き望み斷えて後の手段にして容易に行ふ可からざるなり

我政府にて通商條約取結の儀御決議相成候得は稅則も各政府と協議せざる可からざる譯に付稅務に關する事件と稅額の多少を豫定するは吉原大藏大書記官在歐中に付同人え御下命其他の條款は在歐各同僚中協議の上に取極至當の條約取結候様御委任有之度候

當府にて此度我條約改正に付公會の催ある所以を尋るに千八百六十六年の改稅約定と題するものは英、佛、米、蘭、四ヶ國結同の調印に相成居候に付今此を更正せんとするに當りても右四ヶ國は互に協議せざる可からざるの義務を有し且其協議の爲に一々書翰を以て往復候ては多分の時日徒費するのみならず萬事の事連も新定條約發行の期限迄には打合相繼る間敷寧ろ一地に公會を開き各政府にて何程丈け日本政府の請求に可應歟を認定候はは改正の落着も可速との事にて要するに交誼上の義務と事務延滞の憂を免かれんとするの二點にありと然るに米國えは此公會の儀何とも掛合不相成其譯は米國は已に昨年獨歩して日本と條約を取結ひたるを以て殊更に相除きたるなりとの事に有之他各國中獨、伊、白耳義等は會同同意の旨返答爲有候由に承り候此公會は改稅約定中に調印せし各政府の委員を會同するの目的なりとせは何故に獨、伊、白耳義の如き右約定に關係なき政府に對して會同を需めし歟の疑に對しては改正の事件各國利害の均しきを以て右等の政府えも一應通知相成たるとの事に有之米國の此公會に關せざるは甚以て不審に存候得共前述の通り獨歩條約を取結たる云々の事柄にして別

相成候間（ト號）の通返電仕置候

元來此公會の催ある事は拙官には四五週前に聞込居候得共いつれ當國外務卿より公然の通知可有之其上にて閣下えも報告可仕と存し數日相待居候ても何たる儀無之に付過日外務大輔え面會其實否相尋候處同太輔には餘程愕然の様子にて此比各般の事務多忙にて拙官え通知の儀手抜相成候趣謝せられ此上は速に公然の掛合有之様可取計との約束にて然して本文（イ號）の公翰落手いたし候次第に有之候

註 1 2 3 4 5 電信ハ夫々 三三六 三三七 三三九 三三三  
三、三三四ナルニ付參看

附屬書

（朱本）  
「別信第九號附屬

（イ號）」

サリスボリー侯ヨリ上野公使宛書翰

昨十二月廿一日附拙翰并ニ右ニ對スル同月二十七日附貴答之儀ニ付申進候扱我英政府ハ貴政府ヨリ御要求相成候英日條約改正ノ商議ヲ當英國ニ於テ相開度希望候ニ付我政府ヨリ右關係ノ各國ヘモ龍動府ニ於テ設クヘキ右改正ノ集議ニ加入スル存意ノ有無承知致度旨照會致置候就テハ貴政府ニ

寺島外務卿時代 三三三

に格別の儀聞出不申候

昨日鈴木書記官を外務省に遣し大輔ボウンスホート氏え面會公會の内情探偵爲致候處別紙（ニ印）の通應接書差出申候猶拙官には明日午後外務卿え面會の約有之候間公會にて可議簡條并に公會の趣意其他改正事件に付て一層相迫り外務卿の意見承り得申度其模様は次便に可申述候右報告仕候也

十二月二月廿八日

全權公使 上野 景範

外務卿 寺島宗則殿

追啓 本文（ニ號）應接書にも記載有之通條約改正の事に付パークス氏に歸英の儀達相成候處同氏よりの返電に日本政府にて此度龍動の公會異論なりとの趣申來故に追て當政府より令有之迄は日本發途見合候様兩日前外務卿より再電信差立相成候趣に有之此公會に付パークスは何様の儀を閣下え申立相成閣下は何様の御返答爲有候歟其邊は委敷承知仕度候尤右に付昨日別紙寫（ホ）號の通暗號電信差立置申候  
會て改正場所の儀に付別紙寫（ハ號）の通電信御差立

モ右ノ方法御同意ニ候哉若シ御同意ニ候ハ、何時頃マデニ我英政府ヘ右改正案御差出相成候哉御通知有之度此段御依頼旁申進候敬具

於外務省千八百七十九年二月十五日

サリスボリー手記

（右原文）

Lord Salisbury to Wooyeno.

Foreign Office,

February 15, 1879.

Sir,

With reference to my letter of the 21st of December last and to your reply thereto of the 27th of the same month, I have the honor to acquaint you that Her Majesty's Government are desirous that the consideration of the amendments which your Government intend to propose in the Treaty between Great Britain and Japan should take place in this country, and they have accordingly placed themselves in communication with the other Powers interested, in order to ascertain whether they are disposed to take part in a conference to be held for that purpose in



London.

I now have to request that you will be good enough to inform me whether this arrangement will be agreeable to your Government, and if so, within what period you will be in a position to lay before Her Majesty's Government the text of the proposed amendments.

I have the honor etc., etc.

(signed) SALISBURY.

附屬書二

(ニ號)

鈴木書記官英外務大輔ボンスホート氏ト内談筆記

最初通常ノ挨拶終リテ

大輔

上野公使近來御機嫌宜シキヤ

鈴木

難有フ今日ハ少々伺度儀有之同氏自分被罷出度ノ處此兩三日風邪ニテ引籠リ被居夫故僕代リニ推參候不相變御多忙ナラン

大

然ラハ此會ニハ我公使等モ出席可致御見込ナルヤ

大

勿論ノ事ナリ公使等ハ別ニ何某ヲ引列相成トモ其邊ノ處ハ隨意ニテ聊カ差支無之依テ此會ハ通例「コンフェランス」ト唱ヘル大會ニハ非ス唯各國打集リ貴政府ヨリ申出ノ件ニ付親シク御互ニ咄シ合雙方損害ナキ公平ノ論ヲ取り各員同意スル處ニヨリ萬事取定度トノ趣意ナレハ貴政府ノ爲御不利ノ事ハ決シテ有之間敷必ラス御心配ニハ不及

鈴

仰ノ如ク六十六年連合調印ノ改稅約定ニモ關シ此會御開キトアレハ其時ハ英佛米蘭連合調印相成居候ニ付勿論米政府モ此會ニ御招キ相成タル事ナラン

大

否ラス御承知ノ通米政府ハ右連合調印ノ義務ニモ關セス獨歩シテ私ニ貴政府ト既ニ新條約調印相成候儀ナレバ共ニ會同スルニ不及依ツテ同政府ヘハ案内不致候一體米政府ニテハ彼ノ條約中悉ク貴政府ノ請求ニ應候様見ユレトモ第十箇條ニ至リ他ノ條約國不同意ノ時ハ此條約實地施

御推察ノ通りナリ僕ハ當省ニテ萬事ニ預リ殊ニ法律ニ關スル事ハ惣テ僕ノ引受ナレハ隨分忙カ敷事ニ候

鈴

時ニ此度當府ニテ我條約改訂ニ付公會ヲ被開度トノ由元來如斯事件ニ付如此公會ヲ設ル等ノ例ハ會テ承ハラサル事右ニ付テハ何ニカ深ク御趣意モ可有之カ預シメ御見込モ承リ置度一體此會ハ貴政府ニ於御企ノ事ニ候ヤ

大

然リ此會ハ我政府ニテ企タリ其故ハ六十六年改稅約定ノ時ニ他國連合ニテ調印セシ譯モアリ其上今度貴政府ヨリ條約改訂御請求ニ付テハ他歐洲各國ヨリ我政府ヘ書通シテ曰ク「貴國ハ東洋トノ關係最モ大ナルヲ以日本ノ情實モ亦能ク御承知ノ事ナラン依ツテ此度同國ヨリ中立タル條約改訂ニ付テハ諸事貴政府ノ御處分通りニ致度ニ付御見込承リ度ト」右様各政府ヨリノ依頼ニハ候得共前述ノ連合ニテ調印シタル譯ヨリシテ無據義務アリ殊ニ稅目等ニ關スル事件ハ容易ナラサル事ナルヲ以我政府一議ニテ決スル譯ニモ參ラス詮方ナク此會ヲ企テ候儀ニ御坐候

鈴

行ス可ラストノ意アルヲ以テ見レバ一時日本ニ對シ米政府ハ好ヒ顔ヲ見セ機嫌ヲ取りタル様ニ見ユレトモ若シ他國同意セサル時ハ彼ノ條約ハ全ク塵紙同様ノモノトナラン其時ハ何ノ甲斐モナキ事ト被思候大輔又曰ク<sup>是ハ内々</sup>迄ノ咄實ハ此度當府ニテ會同ヲ催スニ付テハ我公使バークス氏ヘ電信ヲ遣シ至急歸國候様相達儀處其返答ニ日本政府ニテハ此會同ニ付何カ異論ヲ起シタル由申來候ニ付再ヒ電信ヲ打チ當方ヨリ更ニ指令候迄ハ出發見合セ候様申遣置タリ抑此異論ハ如何ノ事ニ有之候ヤ上野公使ニハ何ニカ御承知ニ候ヤ

鈴

僕ハ好ク存不申去右ニ付テハ上野氏未タ何タル報知ヲ不被得ト存候此儀ハ早速同氏ヘ相通可申候

大

僕モ貴政府ノ御爲右様コンフェランス等ヲ設條約改訂モ速ニ結局ニ至候様心掛居候最中右様御異論等有之様承リ候テハ誠ニ以貴政府ノ爲氣ノ毒ニ存候

鈴

今日ハ好キ御報知ヲ得難有存スルナリ御多忙ヲモ不顧失

敬仕候

大

決シテ不然何時ニテモ御用ノ節御來駕被下度及丈ノ事ハ  
御相談可申上候

我條約改訂ニ付當府ニテ集會可相成會同ノ儀ニ付昨日英外  
務大輔ボンスホート氏へ面會應接ノ次第右ノ通ニ御座候

十二年二月廿九日<sup>ハル</sup>

書記官 鈴木 金藏

全權公使 上野景範殿

三三四 明治十二年三月三日

上野駐英公使ヨリ  
寺島外務卿宛(電信)

税目改正ニ關スル英國政府ノ意嚮報告ノ件

Tokio, 4 Mar. 1879 11.40 p/m.  
London, 3 Mar. 1879 5.26 p/m.

Terashima,

Gaimusho,

Tokio.

English Minister of Foreign Affairs stated that to  
alter tariff at discretion impossible but will agree

し堅く遵守可致との事にては結局六十六年江戸約書と五十  
歩百歩の差にて好む所に無之旨は篤と御了解相成度候第一  
右税目議定可致との見込は我方おゐて格外の厚税取立可申  
哉の懸念より相起候筋にも可有之候得共右は訓狀中にも明  
言候通他國おゐて取立候税額より餘分の税は取立不申筈に  
付右主意徹底候は、即今強て各種税目を協議候には及申間  
布此約束を設候は既に已に我より一步を譲り自から束縛に  
甘し候儀にて此上に各種税目を協議せは猶一層の束縛を受  
候は即國權にも差響可申筋に有之候尤右税目各國輸入税の  
最高を比例し我撰定する所に從ひ雙方を協議に不出條約に  
附して遵守可致體裁のものに無之上は固より商法變動の害  
を避んか爲兩國政府にて満足する時限を定め税額増加せる  
を實施する以前に必條約國に通知可及筋にて決て朝暮轉換  
候様の事無之旨を確證約束候分は差支無之將又右税目も米  
國のことく保護の主義に基譯譯に無之訓狀中申陳候通理財  
上不得已場合より收税増加の義中同様増加致度是即保護  
の意に非ざるを證するに足るべく候即第三十九號布告の通  
内地に於ても從來無税の物品に課税相成候右の理合熟慮被  
致度く御辨明御談判被及候は、英政府にも一定の税目を承

to new fixed tariff. Will telegraph again after con-  
sulting Sameshima.

WOORYENO.

三三五 明治十二年三月五日

寺島外務卿ヨリ  
上野駐英公使宛

税目協定問題ニ關シ訓令ノ件

在英上野公使へ別信案第四號 三月五日附

以別信中進候條約重修に付英京にて會議可及云々は先便に  
詳悉候通會て附與及候訓狀の旨趣に基不申上は我政府の所  
望に無之段は既に御領悉可相成候右に付在我英公使とも談  
判の次第も有之既に同公使より其政府へ申立英國外務大輔  
より語次其尊有之候段二月廿七日附電信にて御申越承知致  
候處猶本月一日附電信を以云々御申越有之一體毎度も申遣  
候通貴君御所任の所は専ら被附與候訓狀の主義に基き幾重  
にも辯論可被及筋に有之候尤此程松方大藏大輔歸朝有之篤  
と遂面議其地於て夫々議論を被盡候様子も能々領悉候得共  
到底我廟議所在は最前訓狀に外ならず候縱令貿易條約取結  
候運に立至候共雙方協議を以輸出税目取極是を條約に附

知致度等との發議は有之間布筈と存候前文の趣鯨島公使へ  
も申遣有之候得共猶御打合御盡力可有之青木公使へも先便  
申遣候旨意に不外其後の異狀も無之様子に付今便は別段不  
申遣候條貴君より御通知御協議相成度候  
(中略)

右申進度如此候也

尙以本文の大意は明日以電信申遣候積りに有之候

註 「本月一日附電信」トアルハ三月三日附電信三三四ヲ指  
スカ

三三六 明治十二年三月六日

寺島外務卿ヨリ  
上野駐英公使宛(電信)

税目協定問題及條約改正商議ノ場所ニ關シ訓  
令ノ件

Wooyeno,

Japanese Legation,

London.

Press emphatically upon the notice of British  
Government our guarantees not to lay higher duty  
on imports than is levied by some of the Treaty

Powers and that no changes of tariff rates hereafter established shall be made until a notice of such time as may be agreed upon has first been given to maintain commercial stability and that it is the present policy of Japan to adopt tariff not for protection but revenue only. Therefore no necessity for Commercial Treaty with import tariff annexed. Finally our desire is to open negotiation for revision in Tokio. Show this to the Foreign Minister and intimate to him also that American and Russian tariffs are exempt from our consideration. Communicate to Sameshima and Aoki so that they may act immediately upon this as my instruction to them also.

TERASHIMA.

Tokio, 6th Mar. '79.

三三七 明治十二年三月十日

上野駐英公使ヨリ  
寺島外務卿宛(電信)

英國政府各國政府ニ對シ倫敦會議招請狀ヲ遂ニ  
ヤル旨報告ノ件

Received at Gaimusho the 8th

Mar. 79. 10. 10 a/m.  
Given in at London the 7th  
Mar. 79. 5. 7 p/m.

Terashima,

Gaimusho, Tokio.

Received to-day letter from Paunceforte partly correcting his previous statement which telegraphed 27 February. He says 13 powers including United States of America were invited to conference by circular dated 6th January. United States of America, Russia and some other have not yet replied.

WOORYENO.

三三八 明治十二年三月十日

鯨島駐佛、上野駐英兩公使ヨリ  
寺島外務卿宛(電信)

稅權回復ノ困難ナル旨報告並ニ通商條約締結方  
評議アリ度旨稟請ノ件

Tokio, March 11th 10.15 a/m.  
Paris, March 10th 11.37 a/m.

To Terashima,

Foreign Office.

Most of European Powers particularly English and

German are manifesting opinion that revision is impossible as long as Japan maintain claim to fix her own tariff freely. Hitherto we have been insisting upon the claim but we are persuaded it is useless to do so. If you are maintaining claim there will be an end to all prospect of revision for the present. We urgently entreat you to consider concerning orderless Commercial Treaty.

Answer by telegraph immediately.

SAMESHIMA.

WOORYENO.

三三九 明治十二年三月十日

寺島外務卿 對話書  
英國公使

條約改正商議ノ場所及稅權問題等ニ關シ會談ノ件

明治十二年三月十日英公使來省外務卿と對話拔萃

一、條約改正一件

大隈大藏卿は條約改正御用掛被命候由新聞に見へたり

然り

夫は何等の爲なるや

別段の旨意も無之候得共其掛り無くんばあらざる故に有之

候

其後上野公使より何ぞ電信有之候哉

コンフェレンスの事に付ては一向申越無之候

過般上野公使へ御返答御申遣相成候處右我國外務卿へ  
申入たと申事は同公使より不申參候哉

此方より申遣候事を貴外務卿へ一覽に入れしとは不申參候  
得共多分御覽に入れしなるべし

過日電信を以貴外務卿と面談の旨申越せり

其時の應接は如何の模様なるや

當方へ稅權を任せるは何分不同意に見ゆ

夫は幾日程前に參りしや

三日計前の事なり

前の御返答は幾日程其前なるや

夫より三日計り前なり

過日御示しの通上野公使へ御申遣相成候得は今般のコン

フェレンスは止めになるべし

拙者も止めになるべく存す

何卒早く極る様致たし

上野公使よりの電信に閣下御歸國の義御見合可相成様申越

せり

拙者は何事も遅々として取極らざるに困却せりコンフエレンスを止めるなれば止めると早く極ればよろし若しコンフエレンスか止めにならば貴政府は如何被成候哉

我政府は始より東京に於て協議したき旨貴政府へ申上置けり然るに龍動於て會議するとの事に付其儀は訓狀に御同意ならば宜しと申上候處右に付コンフエレンスは止めると申車ならば其迄の事に有之候當方於ては東京にて協議する譯ならば訓狀の旨意御同意あるなきに拘らざるべし

東京にて協議する時は各國と御協議なるや

否コンフエレンスならば各國と會議する譯なれども只其國と協議する迄の事なれば各國一同會議する譯には無之候

併し各國一同同時に會議せば大に都合宜しかるべし拙者は條約改正の事は已に厭けり岩倉大使歐行の時分より今日に至る迄已に數年を経たり何卒早く取極たきものなり

岩倉大使を各國へ御遣し相成候は如何の思召なりしや其節は同大使にて直に改正の事に取掛る積りに無之一通り

ありしか其節は都合有之御答に不及其儘に相成居候處今般は我改正せんと欲する旨意并に其廉等併せ申上置候義に付今般我望を御承諾難相成義に候とも委細東京にて協議の上御中間可有之義と存候

今日の處にては未だ如何相成候哉不相分候得共此次に面晤の時迄には何れにか取極候様致度候

上野公使より二度目貴外務卿へ書面差出候後は貴政府の御都合何とも不申越候に付其後の事は相分り不申同公使と貴外務卿と初度の往復は閣下も御承知なるべし

他の各國にては東京にて協議の儀承知なるや

然り伊露の如きは承知也獨逸も當地在留の公使は承知の事と存候

三四〇 明治十三年三月十三日 寺島外務卿ヨリ  
上野駐英公使宛(電信)

條約改正談判ノ東京ニ於テ開始方ニ關シ英國政府ノ意嚮問合ノ件

Wooyeno,  
Japanese Legation,

寺島外務卿時代 三四〇 三四一

各政府へ協議に及ぶ積りに有之候處是亦他國に在ては取調方不行届か故に終に其儘立歸り申候

其節各政府へ條約改正の事を御談判の旨御報知有之候は如何

其節は都合により御協議可及事も可有之旨申進置けり

其節英國外務卿は必ず條約改正の爲めなりと思ひ他え旅行すべきの處之か爲め止り居りし程の事に有之候

其頃よりは已に五ヶ年も經過致候

其事は彼の訓狀に記載せり

於龍動會議するとも税則の事を會議する譯なれば御不承知の旨被仰候就ては東京に於ても同斷なるや

當方の考へは何れにても同斷なり併し其都合によるべし

此間は其會議の主義を前に御取極相成度旨御申聞有之候

夫は於龍動會議する時の事なり

於東京も同様なるべし

東京に於ても前に申通り各國と會議は當方の望む所にあらす

先年條約改正の儀申上候節何等の箇條を改正すべき哉御尋

London.

Has the British Government agreed to open negotiation for Treaty Revision in Tokio? Answer immediately.

TERASHIMA.

13th March '79.

三四一 明治十三年三月十四日 寺島外務卿ヨリ  
上野駐英公使宛(電信)

倫敦會議發議撤回方竝ニ東京ニ於テ談判開始ニ關スル英國政府ノ意嚮問合方訓令ノ件

Wooyeno,

Japanese Legation,

London.

By your letter of 31 January it seems that the London Conference was first moved by you contrary to my private instruction of 9th February 1878 in which our desire to open the negotiation in Japan is clearly stated. Therefore try to withdraw your statement by explaining that it was only your personal view and ask when the British Government

will be ready to commence the negotiation in Tokio.

TERASHIMA.

Tokio, 24th March '79.

三四二 明治十三年三月十六日 寺島外務卿ヨリ  
上野駐英公使宛

保護關稅及談判開催地問題ニ關シ訓令ノ件

上野公使別信案第五號 三月廿六日附

別信第二號本月十九日接到披見致候陳は條約重修豫告の點往々御辯論相成候末昨年五月四日附貴君より英政府え御差出の書翰を豫告と認候由右に付往復英文書翰寫御送致相成承知致候將又十二月二日附貴君より英外務卿え被差出候書翰え未だ返答無之候ても同卿の見込應接の御被聞取候由にて四个條被中越右第一第二の條々は本月五日附別信にて申進置候通我政府は保護稅の論趣にて海關稅を増課いたし候譯に無之素より國費多端に依て海關稅其他増課致候趣意に有之候上は異論無之筈に被相考候第四條條約重修場所の儀は最前附與致し置候内訓狀中重修談判の爲全權の委員を我國え派遣すへきを請ふへし云々申進置候に付ては其意貫徹

三四三 明治十三年三月十六日 上野駐英公使ヨリ  
寺島外務卿宛(電信)

英國政府東京會商ニ同意セル旨回答ノ件

Received at Gaimusho the 29th  
March 1879 12.-.  
Given in at London the 28th  
March 1879 5.45. p.m.

Terashima,

Gaimusho,

Tokio.

Communicated your telegraph seventh to English Minister of Foreign Affairs. He is willing that negotiation for Revision shall take place at Tokio, am promised shortly replies on other points of telegraph, this telegraph *abound* English Minister of Foreign Affairs incentively. English Government has abandoned London Conference.

WOORYENO.

註 七日ノ電信トアルハ「三三六」ヲ指スモノト認メラル

三四四 明治十三年三月十八日 上野駐英公使ヨリ  
寺島外務卿宛

寺島外務卿時代 三四三 三四四

いたし候様盡力可有之處不料英外務卿え應接の際貴君一己の見込にて改正場所の儀歐洲に取極候方便利なる様委任外の儀御話相成不都合至極實に不得其意次第に候併事此に至り候上は貴君全く一己にて同外務卿え御話の譯を確乎辨明被致彌以全權委員を本邦え派出いたし東京にて右談判相開候儀元來我政府の趣意たる旨徹底候様厚く御注意御辯論可有之候

一 本月十日鯨島公使御連名にて別紙甲<sup>1</sup>號寫の通御電報相成是亦同様度々申進置候次第もあり且は本月五日發別信相達候上は廟議所在明細に御了解相成候事に付殊更に電報にて御答不致候右に付別段鯨島公使え不申遣候條左様御承知可有之候就ては別紙乙<sup>2</sup>號寫の通條約重修應接の儀東京に於て相聞候事に英政府は異論無之歟御尋に及置候條必ず否御報有之候事と存候  
右件々申進度如此候也

尙以本文の議に付一昨廿四日發線の電信寫<sup>3</sup>丙號及ひ在我公使對話書丁<sup>4</sup>號の通爲御心得差進候也

註 1 2 3 4 夫々三三八、三四〇、三四一、三三九參看

關稅引上限度ニ關スル交渉經過並ニ東京ニテ條約改正談判開始方英國政府同意ノ旨報告ノ件

附屬書 明治十二年三月二十六日上野駐英公使ヨリ英國

外務卿宛書翰寫

稅則改正及談判開催地ニ關シ辯明ノ件

十二年別信第十號 五月十二日到

條約重修一件に付本月七日別紙(イ印)の通暗號電信到來(「イ」印)の通翻譯いたし早速英外務卿へ相示候處兎角確答遷延に及び尙本月十三日別紙寫(ハ印)の通重修場所の儀に付御問合の電信到來候に付早速同卿へ掛合面晤の日を期し去る廿六日面會を遂げ更に右(ロ印)電信寫を示し且書翰にても別紙寫(往七號)の通辯解飽迄も我政府の御趣意を奉し及討論候處東京を以て改正場所と相定候儀丈けは同意相成候に付別紙(ニ印)の電信案を一往同卿へ相示し承認を得候上今日發電いたし候尤稅權專有の廉に對し「米魯を除き他の條約國に於課する處の稅より過重の稅は日本政府に於課せざるべし」との點に於ていまた慥なる返答は得不申候へ共應接中の口氣を以察するに實に難事と被相考いづれ内閣の衆議を経候上近日中確答可有之筈に付其上にて

委曲御報知可申上候

一本月廿四日別紙寫(ホ印)の通龍動公會は最初卑官より中立候様電信を以御申越相成右は何様の行違より左様御了解相成候や甚不審に被存候本年別信第九號中封入差進候英外務卿よりの書翰落手候迄は更に此公會に付當國政府と公私に限らず談判に涉候儀無之本年別信第二號を以中進置候通改正場所の儀に付同卿よりの間に應し唯卑官自己の見込を申述たる事有之候へ共決して夫か爲後害を醸す様の事無之は勿論に有之候尤今日發電申上候通右公會は既に取止相成東京にて商議の事に相運候に付ては別段御電報の趣意を英外務卿へ相通候にも不及と存候右申進候也

十二年三月廿八日 全權公使 上野 景範

外務卿 寺島宗則殿

註 1 2 3 4 夫々三三六、三四〇、三四三、三四一參看

附屬書

往第七號寫

以手紙申述候陳者我政府ヨリ電報到着致候ニ付則右寫進達併せて其趣意辨明ノ爲メ少々左ニ申添候扱我政府ニ於テ輸

千八百七十九年三月廿六日

在英公使館

上野 景範

ロルド、サリメン、ノー公閣下

(右席大)

(No. 7)

Copy Wooyeno to Lord Salisbury.

Japanese Legation.

March 26th 1879.

My Lord,

In reference to the telegram from my Government, a copy of which I have the honour to leave herewith, I venture to place on record some considerations, which tend to explain its imports.

Your Lordship will no doubt recognize that the Government of the Emperor in proposing that the duties on imports into Japan shall not, in any case, exceed those chargeable on similar imports into their own countries, by some of the Treaty Powers, is animated by the desire to prove that there is no intention that the new Japanese Tariff should be in any way prohibitory. Still further to demonstrate

入品ニ賦課スル税額ハ條約國ニテ同種類ノ輸入品ニ賦課スルモノニ超過セサル可キ旨ヲ申出候譯ハ新定ノ税則ヲ以テ決テ貿易之妨害タラシムルノ意ニ無之義ヲ證明セント欲スルカ爲メニ有之其邊ハ無論閣下ニ於テモ御承知ノ事ニ可有之故ニ我政府ハ尙ホ此意ヲ確證セン爲メ米魯兩國現行ノ税額程迄ニモ其輸入税ヲ増スノ權理ヲ棄ルノ心得ニ有之候且又客年九月二日附貴翰ヲ以テ御申越之通り擅ニ或ハ俄ニ輸入税ヲ變更候事有之テハ兩國ノ貿易不確ニ付右改正ノ節ハ前以其旨報知シ日限ノ義ハ商人ニ不都合無之様協議ノ上取極候様被致度閣下御意見ノ趣モ我政府之ニ應スヘキ由ニ有之候

將又我國ニテ條約改正ノ商議ヲ相開キ度トノ我政府ノ趣意ハ全ク一體ノ取調我國ニ於テスル方便利ノ故ニ可有之且此義ハ先般面晤ノ節閣下ノ御説ニ何レニ於テ相開候トモ貴政府ニテ差支有之間敷趣ニ有之候ニ付今日ニテモ尙其御説ニ候旨我政府ニ通知可致ト存候我政府要求ノ無論至當ニシテ且貿易ノ所要ニ應セント欲スルノ意充分御了解ノ上報酬ノ御處置可有之ヲ信シ則前文我政府現今ノ趣意深ク閣下ノ御注意ヲ仰キ候此段得御意度如斯敬具

this desire my Government is prepared to resign the right of raising these import duties even to the level of those in force in the United States or in Russia.

I have further the honour to point out that my Government now exhibits its readiness to meet the views expressed in Your Lordship's note of the 2nd of Nov. last, as to the desirability that the trade between the two countries should not be exposed to the uncertainty which arbitrary or sudden alterations in the tariff might produce, by offering to stipulate that any changes in the rates of duties which may be considered desirable, shall be preceded by an adequate notice, the length of which can no doubt be agreed upon so as to preclude any inconvenience in this particular to traders.

Lastly my Government, in expressing its wish that the revision of the Japanese Treaties should take place in Japan, probably considers that it will be more easy to ascertain in that country any details connected with the subject of its trade. As Your Lordship stated to me on previous occasion that it

appeared of no importance to the British Government whether the revision were to take place in Japan or in England, I apprehend that I may inform my Government that this still remains the view of Your Lordship.

I commend the attitude now assumed by my Government in reference to the revision of its Treaty arrangements to Your Lordship's careful attention in the belief that the indispensable fairness of its demands, and its manifest desire to meet the requirements of trade will be fully recognized and frankly reciprocated.

I have the honour etc,  
(Signed) WOYENO KAGENORI.

三四五 明治十二年三月十二日

寺島外務卿  
英國公使對話書

條約改正談判開催地及其ノ期日等ニ關シ應答ノ件

明治十二年三月卅一日英公使來省外務卿對話

一、條約改正一件

龍動會議ノ儀ニ付上野公使ヨリ其後電報無之候哉

申入無之候

右申入シ哉否ハ同人ヨリ判然申越無之候

今般我書記官ケンネデー氏出立ノ際上野公使ヨリ頻リニ倫敦ニ於テ改正ノ儀談判最中ナリシト申事ニ有之候  
今迄ニ東京ニテ協議ノ事承知相成候國ハ何レノ國々ナルヤ

獨露伊等ナリ

佛國ハ如何

佛國ハ同國ニテ致度ト申事ナリ

右ハ何頃申越相成候哉

昨年十月巴利發ノ公信ニテ申越セリ尤モ右ハ同政府ヨリ書簡ニテ申越候義ニ無之同國外務卿トノ對話中被申聞候事ニ有之候

今般東京ニテ協議ノ事ニ決シ候上ハ來ル十二月頃正ニ

御取懸リ相成候思召ナルヤ

否十二月前ニ相始可申候

夫ヨリ前トハ何程前ナルヤ

其邊ハ貴政府ヨリモ閣下へ御申越相成居ヘシ其前條約重修相成候共十二月一日迄ハ實施セサルヘキ約束ニ相成居候ニ

然リ參リ居レリ只今御覽ニ入ルヘシ

此時卿公上野公使ヨリノ三月  
廿八日附電信略文ヲ示サル

右ハ何日ニ御落掌相成候哉

一昨土曜日來著セリ右文中貴外務卿東京ニナサント欲セラ  
ル旨御話シアリシ趣申越有之候就テハ先ツ龍動ノ方ハ止  
メニ相成候譯ナリ

昨年上野君へ御遣シノ訓狀中ニ其政府ト協議ヲ遂ケ時  
ヲ期シ場所ヲ定メル様御申遣シ有之儀テ龍動ニ於テ會  
議スヘシト申出セシナリ若シ不然ハ東京ニ於テシタシ  
ト始ヨリ御申入可相成答ト存候

在外我公使等へ期限ハ壹箇年ノ後場所ハ東京ニ致度旨別ニ  
申遣シ置候

上野公使ヨリ我政府へ其邊御申入無之由ニ候

併シ上野公使ヨリ場所ノ儀ハ貴政府ト御約束致候旨申越有  
之候獨逸政府モ已ニ東京於テ協議スル事ヲ承知相成乃其旨  
同國外務卿ヨリ青木公使へ以書面回答相成候事ニ有之候尤  
モ我公使在留無之國ハ未タ不相分所モ有之候得共瑞典那威  
國政府ヨリハ已ニ協議ノ場所ヲ問合有之候

東京ニテ致度ト申事ハ決シテ上野公使ヨリ我政府へ御

付改正協議ノ儀ハ可成速ニ着手致度存候

先ツ龍動會議ノ儀ハ止メル事ニ相成候得共全ク上野公

使ノ御望ヨリ龍動ニ致スヘシト申出候譯ニ有之候

貴政府於テハ何ニモ都合ニ可任候得共可成龍動ニ被成度ト  
ノ事ニ付上野公使ヨリ龍動ニ致候テモ宜シト申上シ旨同人  
ヨリ此方へ申越有之候

貴政府ト上野君ト御考違ヒシナラン

不然我政府於テモ最前當方ヨリ申入レシ訓條通り貴政府於  
テ御承知ナレハ何レニテモヨロシク候

條約モ稅則モ不殘御改正ノ御積ナルヤ

然リ

三四六

明治十二年四月四日

上野駐英公使ヨリ  
寺島外務卿宛

關稅引上限度及新稅則豫告ニ關スル交渉經過竝

ニ之ニ對スル英國政府ノ態度報告ノ件

附屬書一

明治十二年四月一日英國外務卿ヨリ上野駐英  
公使宛書翰寫

東京ニ於テ談判開始方同意ナル旨回答

ノ件

明治十二年三月二十七日上野駐英公使ヨリ英  
國外務卿宛書翰寫

英國政府東京ニ於ケル談判同意ナル旨

ノ電信案確認方申入ノ件

三 明治十二年四月一日英國外務卿ヨリ上野駐英  
公使宛書翰寫

右ニ對シ回答ノ件

明治十二年別信第拾三號

六月六日到

本年三月七日附電信を以て御指令の電文中東京を以て條約改正の場所と御定相成度一箇條は當國政府にて無異議同意然して龍動公會の企は斷念相成候趣先便別信第十號を以て報告仕置候然るに同電文中「米魯を除く外他の條約國にて課するより多くの税は日本政府にて課せざる可し」との限定 Maximum 并に「税則を改正する時は至當の時日を以て豫告を爲す可し」との豫告 Notice の二箇條に對しては其時迄は判然の決答を得不申候得共拙官外務卿と談判の際其口氣を以て察するに實に難問と被相考其譯は凡交際上の事件は何事によらず先づ自國より派出せる公使の意見に基き所

分有之候は當國の習慣にして則條約改正論の如きも當外務省に於ては第一にパークス氏の意見に據りて論旨の基礎とせざる可からざる情實有之候然るにパークス氏は頻りに日本現今の形勢を誹議し萬一英政府にて我請求に應ずる様の事あらは通商上直に甚しき損害を見るに至る可しと反覆其不可なるを論辯相成候間假令我請求の其當を得たるものにもせよ即時に是に同意難相成模様有之候去り迎我の請求は一般普通の條理に悖らず殊に此度申込の限定と豫告との如きは既に我より一步を彼に譲り候姿にて稍其穩當なる事は彼に於て飽迄も承認相成候事なれば全く是を拒絶する事も相成兼万今當政府の内意を概言すれば情實に於てはパークス氏の意見を全く廢物と爲す能はず亦條理上に於ては我請求を被棄す可き充分の辭柄無之所謂情實と條理との中間に立ち大に其所分に相苦居候模様に見受候

拙官より三月廿六日を以て當國外務卿へ差出候書翰に此書寫ハ先便別信第十號中ニ封入 對する返翰とし昨夜別信寫（イ號）落手其文中「東京を以て條約改正の場所と相定候に付ては最早電文の考案 告ト云に對して拙者の意見を陳述するを要せずと雖も只右考案は我政府當分の考には一致不致

候云々」と有之然らば「當分の考には」の句は此後實際に於て變更する歟も知らされどもとの意を暗に自ら含蓄いたし居加之「一致」の語も字義甚弱く斯の如く曖昧の言辭を以て聊も何故に我的請求に應ずる事能はざる以所の道理を陳述せざるは其實明に之を辯明するの辭柄に乏しきと一は當府に於て此論鋒を避け我請求得失の如何は都て東京の條約改正實地に於てパークス氏の考定に委ね可成其面働を免かれんとする意の外ならずと被察候

右の如く曖昧の返翰落手いたし候に付ては何等の道理ありて我的請求に一致し能はざる歟其以所を究問致候は至當の筋に有之候得共方今此事件に付當政府の情況を察するに已に東京を以て條約改正の場所と相決候上は最早其改正に附す可き箇條を 限定ト豫告ト云當府にて討論するも無益に屬し何事も改正實際の都合によつて決定する方可然との趣意相見得右の情實に付今拙官より押して是を追論し其決答を促さは彼亦何歟の論柄を設け最初の論源に遡り決して是に應し能はざるの旨を以て答るは必然に有之候然る時は改正の實際に不取掛内に兩議の不合事判然いたし則東京の條約改正も無益と可相成姿にて斯の如き事情より改正の全局烏有に歸

し候様にては頗る遺憾の次第と相考候に付故らに強て其以所を究問不致候

過日外務卿の咄に此度日本政府より申込の電文中米魯の税則是限定中に加入せざる可しとの趣に候得共日本と條約國中にてスペインの如き高税の國あれば「米魯を除く外他の條約國に於て課するより多くの税は日本政府にて課せざる可し」との限定は當國の爲には頗る難問に有之候との趣拙官之に答るに萬一スペインの税則も米魯の分と同様限定中より除却し其他の條約國の税則によつて限定相定候事卿の御要求に候はは拙者は電信を以て其趣を我政府に問合す可しと相迫り候處卿亦云く獨り右の情實のみならず其他種々の内情あるを以ていつれ近日中書翰を以て何分の事申遣す可しと則其書翰ハ此書中ニ封入ノ（イ號）ニ有之候

過日拙者外務大輔ボウンスホート氏え面會の折此度我政府の請求する箇條は決して各國に類例なき事に非らず所謂獨立國一般の公法に基くものにして已に布哇島さへも僅人口十萬人に過ぎざる小島にして制税の權は其政府に專有するに非らずや然るに人口三千萬餘の日本にして何故に布哇島丈の權理を得られざるや英の日本を遇するに布哇島の下



に置くは決して日本人民の満足し能はざる所にして之を以て親睦の所爲と爲す能はず亦政略上に於ても英日の間は將來大に關係あるを以て之等も照考有之度旨相咄候處同氏の咄に布哇島の條約の如きものに候ははかならず當國政府にて異議無之と信す乍併猶近日自ら其細目を調査して内々見込も報知す可しと約束有之候 英國ト布哇島ノ條約、Herts-Jingo treaties, Vol. IV, Page 685 枚目ニアリ御照覽有之度候

亦同大輔より雇書記官レーン氏并に鈴木金藏に對しての咄に「米魯を除くの外他の條約國に於て課するより多くの税は云々」の限定は日本と條約の他各國の税目を一々調査せされは難決其中には支那あり白露あり西班牙ありて頗る實際事務の不便を來たす可し且如此簡條は條約の體裁に於て類例なき事なれば寧ろ其代りに凡今歐洲中にて課する所の税額に據り何割より多からざる税は日本政府にて課せざる可しと慥に其高を記載して限定と爲さは却て簡便なる可しと右の如く英政府は我請求を以て都て不適當なるものと認めざるのみならず可成は其需に應度本旨は明に相見得居候得共何分にもパークス氏よりの報告書時に不満足の事のみ申來り全く其報告書を廢紙と爲す能はざる情實有之方今

右報告仕候也

明治十二年四月四日

全權公使 上野 景範

外務卿 寺島宗則殿

二白、條約改正に付獨佛は日本内地相開度旨申越相成候趣に候得共當國に於ては今日迄、右様の談話爲有候事無之萬一パークス氏自己の考にて其儀閣下え相迫り可申候も難計候間爲念此段申添置候

註 「別紙暗號電信」ニ號「ハ暗號ノ儘ナルニ付省略但シ發信日附ハ四月九日トアリテ本號文書ノ日附ト矛盾ス

附屬書一

(朱印)  
(イ印)」

サリスボリー侯ヨリ上野公使宛書翰

去月廿六日附貴翰竝ニ條約改正一件ニ付貴政府ヨリ閣下へ御示令之電報寫トモ慥ニ落掌且右ニ付閣下御來示之趣委細致領承候我英政府ハ右御來書之趣ニ隨ヒ於龍動府該件談判候儀ハ相見合候事ニ相決シ貴政府御希望之通於東京談判候義御同意致候就テハ右電報中貴政府ヨリ御考案ノ件々ハ我英政府現今之見込ニ符合不致義申進候迄ニテ別段右ニ對シ

寺島外務卿時代 三四六

の處僅ニパークス氏の論旨を不充分ながら相聞居候のみに過ぎず故に東京に於て何程パークス氏の激論有之候とも決して我論旨を屈けず強く條理によつて御辯論何様にしても我政府の論旨は動かす可からざる斷然の御決意を彼に御示相成候ははかならず我請求は成就可致此儀に付何程強くパークス氏え御論辯相成候とも決して夫か爲に兩國交際上の危篤を醸す様の事無かるべき事は外務大輔等と談話中の口氣にて慥に信用いたし候間パークス氏と御談判の際其邊は御含居相成度存候

東京に於て條約改正有之候に付ては多分パークス氏え全權委任可相成猶慥なる事は近日聞合候上報告可仕同氏は曾て御報知申上置候通一旦歸英被申付候得共東京にて改正の事に相決候に付ては過日電信を以て出發見合候様外務卿より指令爲有候趣依つて同氏は此改正決局に至り候迄は歸英無之事と相考候

先便第十號中に封入差進候電文案當國外務卿の承認を得候爲別紙寫(ロ號)の通書翰差出候處別紙寫(ハ號)の返翰落手いたし候間爲御心得差進申候

過日差立候別紙暗號電信(ニ號)差進候

意見ハ不申述候拜具

千八百七十九年四月一日

サリスボリー

(右原文)

Lord Salisbury to Wooyeno.

Foreign Office,

April, 1st 1879.

Sir,

I have the honor to acknowledge the receipt of your letter of the 26th ultimo, inclosing a copy of telegraphic instructions addressed to you by Your Government in relation to the proposed Treaty Revision, and containing your observation thereon.

In view of that communication and of the wishes thereon expressed, Her Majesty's Government have decided to abandon the Project of a conference in London and they are willing to accede to the desire of your Government that the negotiations for the Revision of the Treaty should take place at Tokio.

In these circumstances I do not propose to offer any remarks on the suggestions contained in the

telegram beyond observing that they are not in harmony with the present view of Her Majesty's Government.

I have the honour etc., etc.

(Signed) SALISBURY.

附屬書二  
(朱印)  
「(ロビ)」

上野公使ヨリサリスボリー侯宛書翰

以書翰啓上致候陳者昨日御面話致置候趣意ニ依リ別紙ニ通リ我政府ヘ電報致度存候處拙者於テ貴意誤解之懸念無之様爲念一應入御覽候ニ付協議之趣意右文面之通ニ相違無之哉御報示被下度存候謹具

千八百七十九年三月二十七日

上野景範

電 信 寫

御電報之趣外務卿ヘ通知セリ同卿ニハ條約改正ノ談判ヲ東京ニ於テスル事同意致サレタリ且右電報中其他ノ件々ハ不日充分ノ回答アルヘキ旨約束相成タリ

(右原文)

Wooyeno to Lord Salisbury

March 27th 1879.

My Lord,

I have the honour to call Your Lordship's attention in reference to our interview of yesterday, to the annexed Copy of a telegram which I propose to send to my Government.

But before doing so, in order to prevent the possibility of my having misunderstood Your Lordship, I shall be glad to learn that it correctly interpretes the result arrived at.

I have the honour etc., etc.

(Signed) WOORYENO KAGENORI.

Copy of telegram

I have Communicated Your telegram to Foreign Minister. He is willing that negotiations for Revision of Treaty should take place at Tokio. Am promised shortly full replies on other points of the telegram.

附屬書三  
(朱印)  
「(ロビ)」

サリスボリー侯ヨリ上野公使宛書翰

去月廿七日附貴翰ヲ以電信文寫御送致相成同月廿六日及御面談候儀右之通貴政府ヘ御申遣可相成ニ付協議之趣旨右文意ニ相違無之哉御承知被成度趣致承知候只右文中ニ記載アル回答之上ノ充分ナル二字刪除相成候ハ、御面晤協議之主意ニ聊相違無之候此段回答得貴意候敬具

千八百七十九年四月一日

サリスボリー

(右原文)

Lord Salisbury to Wooyeno

Foreign Office,

April 1st 1879.

Sir

I have the honour to acknowledge the receipt of your letter of the 27 ultimo, calling my attention, and with reference to our interview of the 26th instant, to a telegram, copy of which you annex, which you propose to send to Your Government and you further request, before doing so, to be informed whether it correctly interprets the result arrived at.

三四七 明治十二年四月九日

寺島外務卿ヨリ  
上野駐英公使宛

倫敦會議開催發議ノ顛末詳報方訓令ノ件

上野公使別信案 四月九日附

以別信申進候條約重修場所東京に相極候儀に英政府同意致候云々電報去月廿九日別紙寫の通相達致承知候扱は重修談判は本邦に於て相開度任國政府之申入候様去年二月九日附内訓狀にて相達置候に付ては其旨英外務卿之談判を重ねられたるは無論に可有之候然るに如何の次第柄にて條約重修場所歐洲に取極候方便利云々貴君一己の見込を被致談話候哉殊に英政府は重修會議を龍動に於て相開度趣意にて歐洲締盟各國の存慮等尋合せ候事に至りたるは何等の因に起りたるか情實景況更に相分兼不都合の至に候依て右場所の儀

に付種々相變候譯柄並談判往復の順序月日等に至る迄始終の顛末不洩様委細に至急御申越可有之候右申進候也

註 別紙寫三四三參看

三四八 明治十二年四月九日 上野駐英公使ヨリ  
寺島外務卿宛(電信)

英國政府ノ東京會商ニ對スル態度ニ關シ報告ノ件

10th April, 1879.

Terashima,

Gaimusho, Tokio.

English Minister of Foreign Affairs writes that as negotiation for revision will take place at Tokio he does not propose to offer any remark on other points of your telegram of March, beyond abscond that suggestions are not in harmony with present view of British Government but I have good reason to believe that the British Government may finally yield at all essential points if you refuses firm with S. Parkes (Gwain?)

London, 9th April '79.

一條約改正一件閣下英公使パークス氏本年二月十七日廿二日御對話書被相廻熟讀候處彼我意見に異同瞭察被致爲心得頗る緊要に候間以後は應接毎に御指送相成度候

一 本月十五日別紙寫の(電信)落手致候に付一昨十六日爲

聞合拙者外務省え出頭候所外務卿不在に付次官ボスンホー  
ト氏に出會條約重修は我東京に於て會議候事先叛御協  
議相調候間其次第我政府に申立候處委任誰某に被命何頃  
より實地改正に被懸取候や御打合致候様我外務卿より電  
信落手候間參上候段申入候處委曲承知長官に申聞不日御  
答可申多分パークスに可相成と愚考致候由ボンスホー  
ト氏申聞候間確答得候はは即電信を以可申進候右談判の序  
に同氏曰兩三日前パークスより書信到來條約改正一件貴  
外務卿と應接候報告を得候處貴國の御見込なれば稅權を  
充分御回復被成度との事に付千八百六十六年條約中の稅  
則は改正談判中において議するに不及との御趣意に相見  
得且右報告は貴政府の御請求に甚だ反對せる意見認め有  
之様也萬一も我議員より今般改正に係る書類請求被致候  
節は當省にて右書類取纏め不持出は不相成候處さ様相成  
候はば派遣公使パークス の報告第一に各議員の意想到徹

三四九 明治十二年四月十五日 寺島外務卿ヨリ  
上野駐英公使宛(電信)

東京會商開始ノ期日ニ關シ英國政府ニ問合方訓  
令ノ件

Wooyeno.

Inquire how soon will British Government be prepared to open negotiation for treaty revision in Tokio.

Tokio 15th April '79.

TERASHIMA.

三五〇 明治十二年四月十八日 上野駐英公使ヨリ  
寺島外務卿宛

東京會商開始ノ期日英國側委員等ニ關スル交渉  
經過報告ノ件

十二年別信第十四號

六月六日到

以別信拜呈本年二月廿四日第三號別信過る十二日接手來示  
の趣拜承條約重修場所已に東京に相決候は一々不及御答候  
條

し可申旨内話有之候之れ即パークス氏の報告書は我政府  
の請求に對し議員中に異論を引起候程の文意と申意味内  
話の間に暗に含居候依て拙者の辯解に我政府は素より千  
八百五十八年の條約改正を請求致候事に於て千八百六十六  
年の改稅約定は其部内に屬し候故本文の改正に就て其部  
内不用のものは取除き有用のものを増加致度即改稅約定  
の如きは現今我國の時勢に對し不適當なるを以て除去せ  
ん事を欲する譯に候且パークス氏より如何様の報告指出  
候哉は勿論不得心候得共我政府の主意先前より申述候通  
り貴國と布哇國との條約より超過せる權理を回復せん事  
を請求の意に無之次第は疾に御承知被下候事なるへし我  
國三千五百萬の人口ありて纔に拾萬口ある布哇よりも權  
理なき條約取結居候はは我人民不満足を拘き候事尤の次  
第に無之哉と夫々辯解候處ボンスホー  
ト氏曰先日右の御  
談話有之候故布哇の條約寫を取調候尤昨今拔萃刊行長官  
に指出候用意中なりと返答有之候乍序此段も申述置候  
一條約重修會議當國は已に東京と協議相調候處其他ノ同盟  
國モ一同に集會を我政府より御請求相成る御合か又は各  
自の見込に任せ自國又は東京と申様別々に會議被相開御

見込か其邊も豫め承知致置度候

一我新聞紙より譯出候ものにも候哉四五日已前當所一二の新新聞紙に我内閣諸君御陪食の節諸般修奢不相成様との内勅有之云々刊行候處我國にては外國輸出品拒絶する意と暴想候輩も有之已に兩三名より被開合次第に候現今稅權回復談判に際し動もすれば我政府の内意ブルテクションに有んかと貿易者の疑念抱き居候場合に候間前件の如き事件は成丈新聞紙等に掲載不相成様御注意被下度候右申進候也

明治十二年四月十八日

全權公使 上野 景範

寺嶋外務卿殿

三五一

明治十二年四月十八日

寺島外務卿ヨリ  
上野駐英公使宛

會商地及稅目協定問題ニ關シ訓令ノ件

在英上野公使へ別信案第九號

四月十八日附

別信第九號落手條約改正ノ公會ヲ龍動ニ於テ可開運ヒニ至候順序并ニ二月十三日附電信ヲ以及指令候旨趣鯨島公使ヨ

一前條ニ申述候如ク東京ニ於テ條約重修ノ談判相開候ニ付英政府着手ノ順序如何可有之哉別紙寫ノ通發電候右ハ不日御回電有之事ト存候

尙以條約改正ノ義ニ付英公使ト對話筆記別冊爲御心得  
(註三四七)

差進候也

註 本號文書ニ謂フ「二月十三日電信」ナルモノ見當ラス又

「別紙」往電ハ三四九ヲ指スモノト認メラル

三五一

明治十二年四月二十五日

上野駐英公使ヨリ  
寺島外務卿宛

東京會商ニ關シ英國政府ト打合せノ件

附屬書一

明治十二年四月二十一日英國外務卿ヨリ上野駐英公使宛書翰寫

改正案英國公使ニ提示アラハ本國政府ニ於テ他ノ條約諸國ト商議ヲ遂クヘキ旨回答ノ件

二

明治十二年三月二十六日在英日本公使館御雇

書記ヨリ英國外務大輔宛書翰寫

條約改正ニ關スル意見開陳ノ件

別信第十六號

六月七日到

リ建言ノ趣モ有之候ニ付英政府へ通知方抑留被致候事情共被申越候へ共是迄モ既ニ申進候如ク龍動ニ於テ會議ヲ可開トノ儀ハ元來我政府ノ冀望ニ無之候得共英政府ニ於テ之ヲ冀望ノ趣ニ致承知候故我政府ニ於テ改正ヲ求ムルトノ要點ヲ右會議ニ與カル各國政府ニ於テ豫メ是認スル事ナレバ我政府モ右ニ與カルベキ方ニ相決シ發電ニ及候儀ニ有之候就テハ我政府ニ於テハ右我電信ノ旨趣英政府ニテ諾否ノ答ニ依リ龍動ニテ開談スルト我邦ニ於テスルトノヲ可決見込ニ有之候處鯨島公使建言ノ爲メニ抑留被致候テハ不都合ニ存候殊ニ鯨島公使建言ノ通商條約ノ儀ハ互相ノ約我方ニテ利不利ノ譯會得不能内ハ今我本意ニ無之段ハ從前ヨリノ指令上ニ於テ明瞭ニ有之候將又右別信中ニ我政府ニ於テ稅權專握ノ主義ヲ主張候テハ各國ニ於テモ反對ノ主義ヲ主張シ改正ノ期ハ到底不可見トノ御見込モ有之候得共右ハ畢竟開談後ノ事ニテ從令其事ニ成否アルモ今日開談ニ先チ各政府ノ意嚮ヲ豫定シ條約中公認スル所ノ改正ノ權利ヲ放棄候儀ハ難致候間執レニモ最前ヨリ決定ノ如ク本邦ニ於テ各國委員ト開談ニ及ヒ改正ノ目途ヲ達シ度積ニ有之候間此意御承知可有之候

以別信拜啓陳は條約重修會議東京に於て實地相開候時日竝に英政府より指出候委員等當外務省開合中に有之候云々過る十八日第十四號別信を以申進置候處一昨廿二日別紙寫(イ印)の書翰當外務長官サルスヘレより落手致候間翌廿三日別紙寫(ロ印)の通り電信を以御報知に及置候一三月五日出別信第四號本月十九日接手來示の件々領承御指令の通り青木公使へも通信可致候

(中略)

明治十二年四月廿五日

全權公使 上野 景範

寺島外務卿殿

追啓條約重修一件に付過日當館御雇書記レオン氏より當國外務大輔え指出候書翰寫別紙(ハ印)指進申候元來同氏は英國人なるを以當國政府に對しては公然たる交際官の特典得る能はざるは先前申進置候通りに付此書翰は眞に私事と可認ものなれとも外務大輔より直に當國外務卿え指出相成且同大輔の咄に之れ大に内閣の議を助るに足る可しと能き受込に有之候也

註 別紙ロ印(四月二十三日上野公使來電寫)ハ暗號ノ儘

ナルニ付省略

附屬書一

〔(案)〕  
〔(手印)〕

サリスブリー侯ヨリ上野公使ヘノ書翰寫

拜啓陳者我英國政府ハ條約改正ノ談判直ニ東京ニ於テ可相開意得ニ候哉トノ事實政府ノ旨ニ依リ御問合ノ本月十六日附貴翰致落手候倫敦府ニテ右會議開設ノ儀ハ相見合セ本件此上ノ談判ハ東京ニ於テ可致事ニ我政府貴政府ノ御所望ニ致同意候旨既ニ貴國駐劄我英國公使ヘ及通達置候就テハサ一、エツチ、パークス氏ニ於テ何時モ本件ノ談判御申出相成候貴政府ヨリ改正ヲ要セラル、條約ヲ諸條款若クハ稅則丈ノ事ニテモ其考案ヲ承リ申スヘク然ル上同氏ヨリ我政府ヘ右通知越候ハハ他ノ條約諸國共商議ヲ遂ケ速ニ可及熟考候此段回答申進度如斯敬具

千八百七十九年四月廿一日

サリスブリー(手記)

〔右原文〕

Lord Salisbury to Wooyeno

Copy

April, 21, 1879.

(Signed) SALISBURY.

附屬書二

〔(案)〕  
〔(手印)〕

レーン氏ヨリパオンズフォート氏ヘ贈リタル

書翰寫

本月二十一日余鈴木金藏同伴ニテ貴下ニ面接ノ際改約一件ニ付テハ日本政府ノ意見ヲ書面ニ相認ムヘキ旨御演述之レアリシ處退テ深慮スルニ此事甚タ障礙アリ因テ我公使ニ於テモ日本政府ニテ其輸入稅ニ關スル考案中ニ現今更正ヲ加ント欲スル趣旨ノ唯概要ノミヲ短翰ヲ以テ陳述サレタル所以ニシテ今詳細之ヲ書面ニスルモ多クハ已ニ往復ノ公翰中ニ開陳スル所ヲ反復スル迄ナルヘク且却テ之カ爲ニ後日ニ至テハ自ラ無用ニ屬スヘキノ議論ヲ醸生スルニモ至ルヘキナリ然トモ余尙自分一己ノ責ヲ以テ聊カ爰ニ鄙見ヲ陳述セントス

外交上ノ爭議ハ措テ之ヲ問ハス唯本論ノ主題ニ就テ論スレハ其區域ハ甚タ狹隘ニシテ凡ソ兩獨立國ノ間ニ稅則ニ關スル互同條約ヲ締結スルニハ蓋シ左ノ三主義ニ出サルヘシ

第一 完全ナル自由貿易即チ兩國ノ間ニ互ニ輸入稅ヲ課

Sir

In reply to the inquiry which you addressed to me on the 16th instant, by desire of Your Government, as to whether Her Majesty's Government are prepared to open negotiations at once at Tokio for the Revision of the Treaty, I have the honour to state that Her Majesty's Minister in Japan has been informed that the proposed conference in London has been abandoned, and that Her Majesty's Government have acceded to the wish of Your Government that that the further discussion of this question should take place at Tokio.

Sir H. Parkes is therefore prepared to receive any proposals either in respect to changes of the Treaty generally or of the Tariff in particular which Your Government, who have taken the initiative in opening negotiations on this subject, may desire to make; and those proposals, when communicated by him to Her Majesty's Government, will receive their immediate and careful consideration, in communication with other Treaty Powers.

I have the honour etc, etc.

セサル事

第一 兩國相互ニ他ノ一方ノ產物ニ課スヘキ稅則ヲ制定シ時期ヲ限リ之ヲ施行スル事

第三 兩國互ニ時々其必要ト思考スル所ニ從テ各自ノ輸入稅ヲ改正スル事ヲ自由ナラシムル事

今一般ニ締盟各國ニ關シ右三主義ノ第一第二條ヲ考察スルハ無益タリ蓋シ日本ハ右二條ノ内何レニテモ同意スヘシ然トモ今般日本ノ要求スル所ハ即チ其第三條ニアリ而シテ英國ノ之ニ對シテ異論ヲ起セルハ若シ如是クセハ日本ニ於テ擅ニ稅則ヲ變換シ且重稅或ハ禁止稅ヲ賦課スル事アルモ期ス可ラサレハ商賣ノ利益ニ大害ヲ生スルノ怖アリト云フニ外ナラス是ヲ以テ日本ハ此異論ヲ解除センカ爲メ條約ニ因テ左件ヲ確定セン事ヲ發言シタリ

第一 日本ハ豫メ相當ナル報告ヲナス事ナクシテハ決テ隨意ニ其稅則ヲ變換スル事無ルヘシ

第二 貿易ヲ妨害スル程ノ重稅ハ必ス課スル事ナク其課稅ハ目今改約ノ協議中ナル締盟諸國ニ於テ各種ノ輸入品ニ課スル所ノ稅額ヨリ超過セサルヘシ殊ニ各國ノ内魯國ト米國ハ其稅額實ニ非常ナレハ此兩

國ヲ以テ敢テ比例ニハ取ラサルヘシト  
且公認セラレタル税額ノ極度ヨリハ  
決テ超過セサルヘキ事ヲ發言シタリ

右特許ノ委曲ニ至テハ尙改正ヲ申出ス事アルヘキハ無論ナ  
リト雖トモ既ニ其發議スル所ヲ以テスレハ英國ノ貿易上ニ  
生スヘシト云フソノ損害ヲ除クノ方法ヲ表示シ且更ニ互同  
ノ報償ナキニ特別ノ利益ヲ附與スルノ趣意ナリ

又余ノ聞ク所ニ依レハ日本政府ハ其要求スル所ノ權理ニ就  
テハ現行條約ニ約スル所アル一項ニ於テノミ議論ノ生スヘ  
キ事ヲ想像セリ然トモ假令果テ之レアルモ其議論ハ左ノ理  
由ニ依リ全ク行ハル可ラサル所ノモノタリ

夫ノ實驗ニ依リ必要ト思惟スル所ノ改正ヲ加フヘシトアル  
條約改正ノ事ハ都テ變換ノ何タルヲ問ハス悉ク之ヲ包括ス  
ヘキ者トナサ、ルヲ得ス若シ此改正ヲ締盟兩國ニテ同意ス  
ヘキ丈ケノ變換ニ限ルモノトセハ此改正權ハ恰モ無効ニ屬  
シ兩國ノ内孰レニテモソノ改正ヲ拒絕スルヲ得テ我論理ノ  
ミヲ主張シテ止マズンハ到底何時迄モ原狀ノ儘ニ之ヲ永續  
セシムル事ヲ得ヘキナリ是ノ如キハ實ニ公道通義ニ反スル  
ノミナラス亦有名ナル法律家ノ萬國公法ニ反悖スト爲セル  
所ナリ若シ改正ヲナサント欲スルニ當リ他國ノ其意ヲ承諾

スルヲ必要トセハ改正權ノ條款ハ何ノ爲ナリトセンカ假令  
其條款ナキモ雙方ノ之ヲ承諾スルニ於テハ何ノ時ヲ問ハス  
固ヨリ改正シ得ヘキ筈タリ然ルカ故ニ凡ソ條約改正ハ永久  
親睦ヲ約スル等ノ如キ所謂定式ノ簡條ノミヲ保存シ其他ノ  
各款ハ若シ締盟國ノ一方ニテ其自國ノ利害ニ關シ要用ナリ  
ト主張スルトキハ之ヲ廢止シ或ハ改正スルヲ得ヘキ意ヲ包  
含セサルヲ得サルナリ而シテ今日日本ノ論スル所ノ通義ニ於  
テ是ナリトセハ初メ此條約ヲ締結シタル時ノ事情ヲ察スル  
ニ於テハ尙愈其然ルヘキヲ知ルヘシ抑千八百五十八年ノ條  
約タルヤ當時日本ハ殆ト全ク其旨趣ノ如何ヲ通知セスシテ  
之ニ調印シ皇帝亦強迫ニ因テ餘儀ナク之ヲ承認アリシモノ  
ニシテ全ク偏倚不正ノ條約タル事顯然タリ蓋シ其當時ニ在  
テハ或ハ然ラサルヲ得サルノ條約ニテアリタルヘキモ既ニ  
今日ニ至テハ全ク實際ニ適應セサル者タルハ最初此條約ヲ  
立案シタル米國ニ於テモ已ニ承認スル所ナリ

實ニ如是ノ條約ヲ以テ永續ノ者トシ或ハ雙方ノ承諾ニ因テ  
ノミ變換シ得ヘキ者トセハ各國ニ於テ其自國ノ產物ハ僅ニ  
收稅費ヲ償フニ過キサル現今ノ平均大抵三步ノ低稅ヲ以テ  
輸入セン事ヲ主張シ日本產物ヲ其自國へ輸入スルハ禁止稅

ヲ以テ永ク之ヲ拒絕スルモ得ヘキナリ是レ則チ現今ノ條約  
ニ依リテハ行ヒ得ヘキ所ニシテ實ニ正理ニ反悖スルノ處置  
ト云フ可シ是故ニ夫ノ千八百五十八年ノ條約或ハ千八百六  
十六年ノ約書ニ因テ許與セラレタル權理ニ基ク所ナリト云  
ヘル日本ノ論說ニ對スルノ抗論ハ甚タ勢力ナキモノニシテ  
實ニ信服スヘカラサルノミナラス反テ憤激ヲ起サシムルニ  
足レリ然ト雖トモ現今ノ條約ヲ以テ公平ナル新條約ノ基本  
トナスヘキハ勿論ニシテ日本ニ於テハ決テ不正不理トセラ  
ル、變換ヲ爲ント欲スルノ意アル事ナク苟モ各文明國ニテ  
是認スヘキノ說アルニ於テハ必ス之ヲ聽容スルノ旨意タル

ハ余カ斷シテ茲ニ確言スル所ナリ然レトモ若シ英國ニシテ  
舊條約ニ執拗シ談判遂ニ決議ニ至ラサルアラシメハ果シテ  
如何ノ結局ニ至ルヘキカ余ハ常ニ日本土民ノ明言スル所ニ  
據テ考ルニ彼輩必ス英國ヲ敵視シ之ヲ怨恨スルニ至ルヘシ  
既ニ魯米ノ兩國ハ日本國要求ノ公正ナル事ヲ承諾シ其他ノ  
各國ハ或ハ之ヲ半諾シ或ハ英國ニテ異議ナクンハ承諾スヘ  
シト云フアリ是ヲ以テ實際事ノ決スルト否トハ獨リ此英國  
ノ所爲如何ニ在リトナセリ然レハ今日日本ノ不服ヲ顧ミス尙  
一時ハ假令現今ノ儘ニ條約ヲ保存スルヲ得ヘキモ其國情ヲ

察スルニ米魯兩國ノ聲援ト顧問法律家輩局外ノ勸説トニ因  
テ大ニ奮起スル所アレハ百方懇和ノ談判ヲ盡スノ後チ事若  
シ成サルニ於テハ竟ニハ斷然條約中貿易ノ簡條ヲ拒絕スル  
ニ至ルヘシ其時ニ至テハ勢力ヲ以テ之レニ迫シカ何レノ國  
ヲ問ハス其自國ノ貿易ヲ自國ノ條規ニ從ヒ他國ニ行ハレシ  
ムルノ責ヲ自任スル者アルヘキカ其結果タル蓋シ挽回シ難  
キ一大災害ヲ生シ來リ然ル後ニ至テ却テ現今得ヘキ者ヨリ  
一層不利ナル貿易條約ヲ議定スルニ至ルナラン

余カ日本政府ニ奉仕スルハ固ヨリ當國ノ認可ヲ蒙ムルニ非  
サルカ故ニ余ノ論說ハ敢テ公然タル勢力ヲ有スル者ニ非ス  
又公使ニ於テモ其責ハ任スル所ニ非ス余ハ唯日本ノ趣意ヲ  
辨明スルニ在ルノミ蓋シ改正條約ノ諸條款ハ必ス其正否ヲ  
日本全國ノ公議ニ附セラルヘク而シテ兩國ノ間ニ公平ナラ  
サル約定ハ到底雙方ニ利益ナカルヘキヲ以テ假令英國ニ於  
テ日本ノ願望ニ反シ定額稅目ノ施行ヲ保續スルノ意ヲ達ス  
ルトモ其結果ハ英國ノ製造者及日本人民ノ共ニ決テ喜フ所  
ニ非ス今之ニ反シテ制限ヲ設ケ日本ヲシテ其自己ノ稅額ヲ  
定ムルヲ得セシムル事トナサハ之ニ不平ヲ云フ者ハ更ニ無  
カルヘキナリ凡ソ不平ノ利益ハ必スヤ求ム可ラス今進歩駸

駁タル日本國ノ同盟ト成リ將タ怨敵ト成ルモ唯此一事ヲ決スルノ如何ニ在ルノミ

前文ノ事情能ク了解アラハ英國政府必スヤ可然ク明決セラル、所アルヘキヲ固信ス是レ余カ此長文ヲ作リ以テ貴デヲ煩ハス所以ナリ敬白

千八百七十九年三月二十六日

スタンレー・ノーン(手記)

シロキヤン・ペンオンスンオーター貴デ

(中譯文)

LANE TO SIR J. PAUNCEFOTE

(Copy)

March 26th, 1879.

Dear Sir Julian Pauncfote,

In reference to the suggestion which was made when I had the pleasure of seeing you on the 21st instant with Suzuki Kinso, that a 'note verbale' should be prepared setting out the views of the Japanese Government on the Revision question, it seems on Consideration that this course is open to objections. The Minister therefore merely explained in a short despatch the salient points of the modifications which his Government is now ready to

make in its proposal as to Japanese import duties. An exhaustive note on the subject would have to go over much ground already covered in the official correspondence and would also introduce arguments which it is hoped the course of events will render, officially at least, unnecessary. I will however venture on my own responsibility to add some further remarks.

Setting aside all diplomatic fencing, the question really lies in a very narrow compass. There are, I apprehende, three legitimate bases for *reciprocal* treaty arrangements as to tariffs between two independent nations.

1° Perfect free trade—no import duties to be charged on either side.

2° Both nations to fix a tariff of duties chargeable on the products of the other—to be in force for some definite period.

3° Both nations to be free to change their import duties from time to time as they may respectively deem desirable.

Now it is useless, as regards the Treaty Powers

it was stated, might, in the circumstances, have been inflicted on British trade, and they likewise accord exceptional advantages without any reciprocal equivalent.

The Japanese Government, as far as I am informed, imagines that the right they claimed can only be justly questioned on one ground, viz, present treaty arrangements. Such a possible contention has naturally been considered, and is looked upon as entirely invalid on the following grounds:

A revision of a treaty—"To introduce such modifications as experience may have shown to be desirable"—must be capable of including changes of any kind. The limitation of revision to changes which both contracting Powers may agree to, would virtually render such a right illusory. Either Power might decline changes and, carrying the argument to its logical conclusion, might then perpetuate the treaty in its original shape. Such a conclusion is manifestly contrary to justice and to common sense. It has also been declared by eminent jurists to be contrary to international law.

generally, to consider the first two of these bases. Japan might agree to either. There remains the third, which Japan proposed. The only objections which Great Britain advanced to it were that the uncertainty which would arise from the possibility of varying tariffs in Japan, as well as from high or prohibitory duties which might be revived, would seriously injure the interests of traders.

To meet these objections Japan now proposed to stipulate by treaty:

1° That no changes in the Japanese Tariff shall at any time be made without adequate notice.

2° That the duties shall not be prohibitory and shall never exceed those charged on the various imports by some of the very Powers with whom the revision is being negotiated—further excluding from this category Russia and the United States—their tariffs being abnormally high. (Japan thus offers not to exceed a moderate and sanctioned maximum.)

No doubt modifications in details might be suggested in these concessions, but, as they stand, they indicate the means of avoiding the injuries which

If acquiescence in the desirability of any changes were essential, the stipulation as to right of revision would also be meaningless, in as much as changes in a Treaty could naturally be made at any time by mutual consent, without any such stipulation.

Subject then to the maintenance of what may be called the standard articles, such as those of continual amity etc., revision must be implied to sanction the alteration or abrogation of all the remaining or varying clauses, if insisted on by either contracting party, as desirable in its interest.

But of the position assumed by Japan is defensible as a general proposition, it seems to be doubly so when the particular points of the present case are remembered. The treaty of 1858 was avowedly signed by the Japanese in almost total ignorance of its bearings. It was recognized by the Mikado under pressure and it is manifestly onesided and unjust. It was perhaps justifiable when made, but is wholly indefensible as applied to present times. This has been acknowledged by the Americans who originally drafted it. To presume such a

what will be the result. I form my opinion on the openly expressed statements of Japanese of all classes. It is that England would then be regarded as the active enemy of the country and the cause of all its troubles. The United States and Russia have conceded the justice of the Japanese demands. Of the other countries some have partially done so—some have stated that they would if England did not object—so that practically the decision is felt to lie with this country. It is possible that the present state of treaty arrangements might for a time be allowed to go on under protest, but it is more probable that, backed up on the national feeling is by the support of the United States and Russia, as well as by the independent advice of all the jurists who have been consulted, Japan, after exhausting all efforts for a friendly settlement, would in some shape or another, denounce the commercial clauses in the Treaties. In such circumstances could coercion be resorted to? Would any nation assume the responsibility of forcing its trade, on its own conditions, no another country? Would not the probable

document to be perpetual or subject only to change by mutual consent would justify, *inter alia*, the contingency that all the Powers should for ever exclude all the products of Japan by a prohibitory tariff, insisting on their own products being received at the present average rate of about 3 per cent., which little more than covered the cost of collection.\* This could be done under the present treaty arrangements, which is absurd.

Any arguments therefore against the Japanese pretensions based on rights assumed to have been conceded by the treaty of 1858 or the convention of 1866 would be doubly weak, and irritating rather than convincing. Existing arrangements may however fairly serve as a 'point de départ' for a new and fair treaty, and on this tread I may safely say that the Japanese wish for no change which can be shown to be unjust or unreasonable, and that they are ready to listen to any proposition which would be entertained by any civilized country.

But, on the other hand, supposing a stand is made on the old Treaty and no settlement is arrived at,

result be, that after irretrievable mischief had been caused, commercial treaties would be negotiated on less favorable terms than would now be accepted?

As my appointment under the Japanese Government is not recognized in this country my remarks have no official weight—nor is the Minister responsible for them. My sole object is to explain the real views of Japan. Every clause in a revised Treaty will be tested throughout that country to ascertain its justice, and I feel that any settlement not fair to both parties will eventually be advantageous to neither. If England were to succeed in enforcing a fixed tariff on Japan contrary to her wishes, the result would be that neither the manufacturers here nor the people there would be satisfied. If, on the other hand, Japan under certain limitations, settles her own tariff, no one would reasonably complain. In any case doubtful temporary advantages should not be sought for in the solution of a question which will assuredly make, of a very rising country, either a firm ally or an inveterate enemy.



If the facts are rightly understood I have little fear as to the decision of our Government. This belief must be my excuse for troubling you at such length.

I am, etc., etc.

(Signed) K. STUART LANE.

三三三 明治十二年五月三十日 寺島外務卿ヨリ  
上野駐英公使宛(電信)

歸朝方命令ノ件

Wooyeno,

Japanese Legation,  
London.

In consequence of Treaty Revision at Tokio you are ordered to return as soon as possible leaving the secretary in charge.

TERASHIMA.

Tokio 30th. April, '79.

三三四 明治十二年五月五日 寺島外務卿  
英國公使對話書

東京會商ニ關シ會談ノ件

三五五 明治十二年五月六日 寺島外務卿  
英國公使對話書

談判ノ形式(國別力合同力)及改正稅率ニ關シ

交渉ノ件

明治十二年五月六日英國公使來省外務卿對話

一、條約改正一件

一通リ挨拶畢テ

昨日行違ヒニ書面差上タリ夫故ニ御出相成候義ニ候哉

不然明日ニモサトウ氏大和へ向出立候ニ付參上致候

條約改正ノ儀ハ各國一同ト御協議可相成様承及候旨我

政府ヨリ申越有之候就テハ稅則ノ義モ一同ト御協議可

相成哉

條約改正ノ儀ハ米國トハ已ニ相濟居伊太利トハ不遠成ルベシ何レノ國ヲ論セス申出相成次第其國ト議定スル積ニ有之各國一同ト商議スベキ積リハ無之候且タリーフノ儀ハ他ノ一般國々ノ高稅ヨリ上ニ超過セサル様可致答ニ付其内各國ノ高稅ヨリ超過セサル哉否ヲ御打合ノ爲御相談ニ及ブベシ兩三ヶ國或ハ四五ヶ國ノ政府ヨリ一時ニ在留公使等へ命令アラハ其四五ヶ國一同御協議可相成哉

十二年五月五日外務卿英公使ト對話ノ内條約改正ノ件

一 此頃本國政府ヨリ電信ヲ以條約改正ノ義ニ付貴政府ヨリ御談判有之候半ハ可相受旨拙者へ命令有之候尤電報故委敷事ハ不相分候何レ書面ニテ詳細ニ申來候義ト存候

一 當方ヨリ及御話候義ハ宜シ併シ當方ヨリ差出候考案へ貴

下ノ御見込ヲ被附候義ハ何レ貴政府ヨリ委細ノ命令書ヲ

被得候上ノ事ニ可有之候間其節ニ至リ篤ト可及御相談候

一 露公使ノ渡來ハ如何ニ候ヤ

一 イツ頃ニ相成候哉未タ不承候

一 スツルウェ氏ノ歸來迄ハ睨トセシ御談判ハ有間敷候

一 伊國公使ハ當時在留ノ事故御談議可相決ト存候

一 然リ伊政府ヨリ公使へ其命令有之候由

一 閣下ヨリ御談ノ義ハ無之候哉

一 一通リ差越候分有之即今取調中ニ候

一 一兩月中ニ御談判可相纏御見込ニ候ヤ

一 是非其邊ニ可致積

畢ル

譬へハ其三四ヶ國ノ國境我國ト接シ居リ候時ハ其事柄ニヨリ其國々ト一同ニ取極メネバナラヌ事モ可有之然ルニ我國ハ遠ク海ヲ隔テ居リ且今般改正ノ儀ハ一同ト共ニ協議ヲ要スル義ニモ無之候ニ付其義ニ不及存候稅則ノ事ハ各國ノ高稅ヨリ上ニ超過セサル哉否其邊丈御相談ニ及ブベシ

數多ノ品種ヲ一々御相談可相成哉

然リ最初各國ノ内高稅ノ分ヨリ上ニ超過セシメズト申上シ

ガ故ニ御相談セザルベカラズ

每品ニ付最高稅ヲ御相談相成候哉

然リト雖トモ其最高稅トハ或ル高稅ノ國ヲ除キ他ノ各國ノ稅目ヲ基トシテ御相談申譯也

其節ハ稅目ノ下書ヲ以御商議相成候哉

然リ其節當方ヨリ差出候分ノ内某ノ廉某ノ高稅ヨリ上ニ超過セハ其事ヲ御論シアルベシ若シ其高稅ノ下ニアレバ決シテ御論ヲ受ケサル積リニ有之候

貴國ヨリマキシムノ稅則案ヲ起シ之ヲ以テ御相談

相成候哉

然リ其節御見合ト可相成他ノ稅目ヲモ御覽ニ入ルベシ

其税目ヲ拜見ノ上高クレバ御論シ申事モ可有之候

譬へハ貴國ヨリ獨逸へ砂糖ヲ輸入シ其砂糖ノ爲獨逸ニテ取立ル所ノ税額ヨリ我ニ於テ同品ノ爲取立ル所ノ税超過セサル時ハ御論ヲ受ケサルベシ又獨逸ニ於テハ云々ノ譯有之我國於テハ云々ニ付減税スヘキ等ノ事ハ我權内ニアル事ニ致度候右ハ乃昨年中貴國在留我公使へ申達セル訓狀中ノ主旨也

然ラバ各國々ニ付税則案ヲ御示シ可相成哉

然リ

各國皆同様ノ税則ニ可相成哉

然リ

某々國ニテ是レ丈ノ税ヲ取立ルニ付當方於テモ其國ノ物品ニハ是丈ノ税ヲ取立ルト言フ御旨意ニ非サルヤ

左様ニハ無之候

併シ昨年御示シ相成候訓狀中レシブロシチーニテモ宜シクト有之候

右ハタリフ而已ノ事ニ付申候譯ニハ無之外諸般ノ事ニ就テ申候譯也タリフノ事ハ何分レシブロシチーハ六ヶ敷有之候

然レドモ一時數國ト共ニ協議スレバ却テ早ク決定セザルベシ

何故ニ然ルヤ

兎角多人數一緒ニ商議スレバ議論多キモノ也且先年獨逸北部聯邦ノ條約ニヨリ奥國ニテ締結セシ通り最初結約セシ國ノ分ヲ見合セニスレバ格別異ナル事モナカルベシ

税則ハ出來セシヤ

過般大藏卿ニテ取調候分有之候得共尙更ニ調査候趣ニ有之右再案ハ未タ拙者へ廻附無之候

未タ伊公使へ改正案御示シ不相成候哉

未タシ

今般解任相成候貴國海軍士官ノ内貳人昨日謁見相濟候由且拙者ヨリモ右解任ニ際シ貴政府へ謝詞申入相成度旨海軍卿申居候右今日致承知候

禁園於テ婦人ノ上着ニ挿シアリシ花ヲ取上シ事ハ失敬ナル所爲ニ付以來斯様ノ事無之様其筋へ申入置ケリ

右ニテ畢ル

譬へハ某々國於テ無税ニテ輸入セシムル時ハ貴國於テモ無税ニテ輸入通關相成候事ニハ不相成候哉

夫ハ各其國柄ニヨル事也

我國ニテハ貴國ノ產物ノ内一二品ニ付税ヲ取立ルノミナリ

貴國於テハ税ヲ御取立不相成トモ御不都合ナキが故ナルベシ

貴國於テ我物產ヨリ税ヲ取立ラレ候ニ付テハ我國於テモ貴國物產ニ一々課税候テモ御異存ナカルベシ

然リ異存無之候併シ他ノ國々ノ高税ヨリ上ニ超過セシメズト申カラハ貴國ハ格別其他ノ國々ニテハ左程差支モナカルベシ

各國一樣ノ税則ニ可相成候へハ各國ト共ニ御協議相成候方可然存候

一時ニ協議セズトモ最初締結候國ニテ某ノ箇條ニ心附カザレバ次ニ協議スル國ニテ之ヲ見出シ其爲税額ヲ低下スレバ最初締結セシ國ノ分モ引下ケル事ニ相成同時共ニ協議シテ定ムルモ同様也

五六ヶ國ノ分ヲ別々ニ御相談相成候ハ煩ハシカルベシ

### 三五六

明治十三年五月十二日

上野駐英公使ヨリ  
寺島外務卿宛

#### 歸朝出發期日報告ノ件

十二年別信第十八號

七月七日到

別信第四號本月十日接手拜見條約重脩會議場所ノ事に付來示謹承右件に付ては本年第十號別信を以辯解致置候間最早御了解ノ事と存候尤來月九日出發歸朝候間不日面晤縷述可仕も何事も爰に不申述候  
右申進候也

十二年五月廿二日

全權公使 ト 野 景 範

寺島外務卿殿

### 三五七

明治十三年六月十三日

寺島外務卿ヨリ  
富田代理公使宛

東京ニ於ケル談判ハ各國別ニ開キ度方針ナル旨

訓令ノ件

六月十三日附

在英富田代理公使へ別信案第十三號

上野公使別信第十四號ヨリ十七號ニ至ル迄本月六日七日兩度ニ接到候第十四號別信中條約改正會議英國ハ東京ニ於テスル事ニ協議相調候ニ付他國ノ處ハ如何哉ノ旨問合有之候右條約重修之儀ハ東京ニ於テ開談ニ及ヒ度旨他之締盟各國ヘモ同様申入候事ニ有之候去ナガラ右談判ハ各自ニ相開キ候積ニ有之候間左様御承知可有之候

(中略)

右ノ外別信ヲ以テ被申越候趣ハ不遠上野公使歸朝ニ付尙親シク聞取可申候

註 上野公使ヨリノ別信第十五、十七號見當ラヌ

三五八

明治十七年七月十五日 英國公使ヨリ  
寺島外務卿宛

各國合同談判ノ爲ノ基礎案提出アル迄ハ英國政府ハ條約改正談判ニハ應セサル旨申入ノ件

以書翰政啓上候然ハ貴國現行稅則重修ニ就テハ貴政府御企望ノ考案ヲ各訂盟國各政府ヘ御提出相成之ヲ以テ連合談判ノ基礎トスル旨御通知有之候迄ハ我政府ニ於テハ條約改正ニ付何等ノ御談判ニモ難相及旨閣下ヘ申進候様我外務卿ヨ

amendment or modification of the existing Tariff.  
I take this opportunity of renewing to Your Excellency the assurance of my high consideration.  
HARRY S. PARKES  
H. M. Envoy Extraordinary  
and Minister Plenipotentiary.

His Excellency

Terashima Munenori,  
Minister for Foreign Affairs.

三五九

明治二十二年三月十八日 寺島外務卿ヨリ  
上野駐英公使宛

條約改正ニツキ葡萄牙國政府意向問合セノ件

附屬書 右上野公使ヘ達スル書

上野公使別信案第三號

二月十八日附

以別信中進候條約重修ニ付海關稅權挽回之儀葡萄牙國政府ヘ談判貴君ヘ御委任相成候條訓狀及付與候萬先便申進候通被相含盡力可有之候

尙以先便差上候英國政府ヘ談判委任之訓狀ハ在我公使ニモ書翰寫ヲ相添示候間爲心得各書翰寫差進候

寺島外務卿時代 三五九

リ訓令有之候此段及御通牒候數具  
一千八百七十九年七月十五日

東京英公使館

特命全權公使

ハルリ、エス、バークス

外務卿寺島宗則閣下

(右原文)

Her Majesty's Legation,

Yedo,

July 15, 1879.

Sir,

I have the honour to inform Your Excellency that I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to announce to Your Excellency that Her Majesty's Government decline to enter into any new negotiations for the Revision of the Treaties until after Your Excellency's Government shall have communicated to the Government of the Treaty Powers, as a basis for joint negotiations, the proposals which they—the Japanese Government—wish to make relative to the

附屬書

條約改正之義葡萄牙政府問合方ヲ上野公使ヘ達スル書翰

條約改定之義葡萄牙國政府ヘモ英國同様可申入筈之處同國ヘハ未タ我公使派遣無之且彼國ヨリモ我國ヘ公使派出不致候ニ付右様之義ハ從來在瑪港同國長官當地駐劄公使ヲ兼任セルヲ以テ同人ヘ引合來候處現今在同處長官ジョース、マリア、ソボグビラモ先前通り當國派遣公使ヲ兼任候趣同人ヨリ申越候得共未タ國書奉呈無之ニ付同人ヘ引合候譯ニハ難相成然ルニ貴官ニハ先年同國ヘ被趣候緣故モ有之ニ付其地在留同國公使ヘ別紙覺書之趣旨ヲ以テ引合葡萄牙政府之見込承知致度旨依頼可被致候尤モ條約改定之義ニ付テハ明治四年五月中澤前外務卿瑪港同國長官アントニヲ、セルジヲ、ド、ソーサ氏ヘ報知及ヒ同氏ヨリ本國政府ヘ可申遣旨同年我七月中回答有之其後同年十月中更ニ拙者ヨリ同氏ヘ岩倉大使一行各國ヘ派遣可相成ニ付同大使歸朝迄條約改定延期之義申入旁同國政府ヘ通報方申遣候事ニ有之候就テハ右之義同公使ヘ御引合當方之趣旨篤ト貫徹候様精々可被遂談判候也

但シ瑞西國モ右同様之手續ヲ以鮫島公使ヨリ於巴里同國

公使へ引合候積ニ有之瑞典那威丁抹ノ國々へ照會之義ハ覺書之體ニ認メ書簡係附我國在留公使兼任之公使等へ申入候積ニ有之是又爲御心得申入置候也

十一年二月十八日達

外務卿 寺島 宗 則

全權公使 上野景範殿

貼紙一朱卷

別紙覺書ハ我國在留西班牙公使へ遣ハシタル分ト同文ナリ

#### 第四節 對佛交涉 附對白交涉

三六〇 明治十一年五月十五日

鮫島駐佛公使ヨリ  
寺島外務卿宛(電信)

訓狀翻譯文中訂正方請訓ノ件

Terashima,  
Foreign Affairs,

Tokio.

I find it is indispensable to make some change of form and word in translation of instruction. Authorize me by telegraph to do so.

TERASHIMA.

三六二 明治十一年五月十九日

鮫島公使ヨリ  
寺島外務卿宛

條約改正談判開始準備ニ關シ報告ノ件

十一年別信第八號

六月八日到

本年別信第四號本月七日接到致拜見候

一條約重修ニ付先般御付與相成候訓狀御國在留佛白兩國公使へモ書翰寫御示相成候趣致承知候

一先便機密信第壹號ヲ以申進候通り當國并英政府へ申込ノ手續相運候後過日上野公使英國新外務卿へ面接致候節彼方ヨリ何敷用談ノ筋有之候ハ、承リ可申旨談シ懸ケ有之候趣ニ御座候間此好機會ヲ不失様開談ノ積ニ有之候

一兼テ御下付相成居候訓狀ニ書翰ヲ添歐洲各國駐劄我公使ヨリ同時ニ各其駐劄國政府へ公然開談致候ハ、可然ト存候ニ付右ノ書翰案取調中ニテ未タ出來不申候間今暫各國共開談ノ義ハ見合セ候様打合セ置候依テ右書翰出來次第何レモ談判ニ取懸リ可申候

一右事件ニ付上野公使ハ過日來兩度來巴青木公使モ此程來

貼紙二朱卷

別紙覺書ハ明治十一年二月十六日付第二號書簡ニ添ヘ西班牙國代理アルバレースへ送リタル書ト同物文ナリ

註 西班牙代理公使宛覺書ニツイテハ一九〇註參看

SAMESHIMA.

三六一 明治十一年五月十六日

寺島外務卿ヨリ  
鮫島駐佛公使宛(電信)

訓狀翻譯文訂正ハ不可能ナル旨回訓ノ件

Sameshima,

Impossible to Change word or form of instruction for treaty revision because it was already communicated to all governments through Ministers here.

巴ニ付何レモ意見行違ヒ無之様篤ト打合セ置候

一下官當國外務卿へ初回ノ面晤ヲ得候後彼方ヨリ一度晩食ノ饗ヲ受ケ相越申候其後外務卿ハ田舎へ相越居候ニ付面會不仕候

一別紙寫ノ通り當館ヨリ電信差立尙又其御地ヨリ御差越ノ分致落手候

右貴答旁申進候敬具

明治十一年四月十九日

特命全權公使 鮫 島 尙 信(印)

外務卿 寺島宗則殿

註 12 夫々一九一、一九四參看、3 ニツイテハ三六〇、  
三六一參看

三六三 明治十一年五月三日

鮫島駐佛公使ヨリ  
寺島外務卿宛

談判開始ノ見込ニ關シ報告ノ件

別信第九號

英佛トモ探偵候處佛ハ英ニ於テ同意セハ異存無之様子英モ亦公然開談シ候上ハ注意可致趣ニ有之云々

條約重修ノ儀ニ付テハ先日來當外務卿へ面會開談可致積ニ