

井上外務大臣伯爵井上馨殿
臨時代理公使 原 敬

三三九 明治三十年七月十九日 原駐佛代理公使ヨリ
井上外務大臣宛

外國籍判事採用ノ件

附屬書 二十年七月六日發原代理公使來電
(外國籍判事採用方ノ件)

機密 第三十八號 九月十二日到

條約改正後外國籍判事採用ノ件ニ付五月四日附機密送第四四五號貴信¹去六月十一日接到披見致候右訓令ノ趣旨ニ基キ當國外務省通商局長ヘ内談致彼ニ於テ我意見ノ通承諾スヘキ哉ノ景況略ホ相見得唯サンキウイツ氏ノ申出ニヨリ檢事ヲモ各大國ニ分割スヘキ事ト了解致居候由ニテ此點ニ付尙ホサンキウイツ氏ヘ談話致スヘシト通商局長ノ返答有之候然ルニ其後在伯林公使館ヨリ追々廻送相成候電報寫披見致候所各國ヘ分割ノ人員ハ米國ノ部ニ多少ノ變化有之最初御訓令ノ數ニ幾分ノ變更ヲ生シタル様相見得候ニ付最初御訓令ノ數ヲ以テ引續キ當國政府ヘ談判難致被考候依テ本月六

第四節 對 獨 交 涉

三四〇 明治十三年六月十日 井上外務卿ヨリ
青木駐獨公使宛

條約改正談判ニツイテ内意通達ノ件

別後船中御差支無之頃日ハ最早桑港ヘ御着併於倫頓府披封被成候事ト奉存候(中略)別封ノ内書ハ夫々ヘモ差遣シ申候御出立頃迄ニハ各政府ノ意見モ夫々粗承リ込候上ニテ草按モ箇條變換ノ手段ニ付略各國政府モ同意ノ場合ニテ全權委員派出迄請求ノ考察ニ有之候得共各政府ノ意見追々ニ聞込夫々隨テ書翰ト電報ニテ應答致候テハ終ニ收束スル處ヲ失シ可中懸念ヲ生シ候故此度ハ斷然草按ノ主義一通リ辯解シ其旨意相貫候上速ニ全權委員派出ヲ請求シ箇條ノ存廢交換等ハ實地ニ付協議ノ上決定致度愚存ニ御座候勿論此度ノ改正事件ハ協議ニ成立セシ事柄故其手段ノ方却テ速ニ相運ヒ可中候尤老兄ト申合置候獨政府自然此草按ヲ一見シ不充分ヲ顯出セシ時老兄ノ御見込策他ト相圖リ純乎トシテアドミニストレチーブノ法ヲ(別限ノ有無ニ不係)吾政府握掌

日別紙寫ノ通電報ヲ以テ更ニ訓令ヲ仰キ候此段事情申進候
敬具

明治二十年七月廿九日

在佛國 臨時代理公使 原 敬(印)

外務大臣伯爵井上馨殿

註 1 一四八文書ナルニ付參看

附屬書

二十年七月六日發原代理公使來電
(外國籍判事採用方ノ件)

From Hara to Count Inouye.
Paris, 6 July 1887.

Have been negotiating about judges with French Government on the basis of 10, 15 and 10, according to your instructions, and had good prospects of success. But news from Berlin leads me to suppose that the number granted to United States may have been changed. If it is true basis becomes modified. I do not venture to continue negotiations without further instructions from you.

スル事件相談相付候ヘハ別テ妙策ニテ充分満足仕候尤東京大阪京都等其代リ開場候事ハ困リ申候爲如何カ彼ノ人力車ミクレーム又ハホリスロー中ノ違徒罪此度ニケ條ノ決末承知致シ吳候ハハ三都ヲ開キ候事ハ充分盡力可仕候尤行政規則ハ立法計ニ無之ヲ裁判スル權迄ヲ範メタル事ニ御座候何分ニモ獨政府ヲシテ最初ノスリ臺ニ致シ候様速ニ方向ヲ付各全權委員ヲ差出シ其最初ニ調印ノ都合ニ爲致度候間此度ハ平常公使ト御勘考無之實ニ老兄ノ實効ヲ奏スルハ今日ニ有之候又シーボルト氏モ隨分人ノ未タ同人迄不許處モ有之候間此度同氏モ非常ノ功ヲ奏シ此一事モ決濟スル時ハ實ニ老兄ト同氏ノ爲邦家ニスル大効ト可謂事業ニ候(中略)何卒森蛟島兩公使等異論ヲ不生様何モハ一モニヨースヲ以テ事ヲ成スヲ第一トシ銘々其功ヲ顯ハサンコトヲ深切ニ不成候様此際ハ森蛟島兩公使ヘモ御談話被下度候御自愛專一奉存候謹言

十三年六月十日

周 藏 殿

二白(略)

三四一

明治十三年七月十六日

青木駐獨公使ヨリ
井上外務卿宛

談判遷延事情報告ノ件

重修事件ニ付今回迄ハ格段可申上箇條無之畢竟御地ニ於テ獨公使ヘ草案ノ書類御交付相成候上ハ内訓狀ノ旨ニ基キ表面ハ追テ政府右草稿收手ノ日ニ當リ屹度答儀辯解可仕覺悟ニ御座候尤内實ノ處ハ出發前^(不期)教旨候通「素遜上公」ニ依テ宰相「ビスマルク」氏ノ相思ヲ買ヒ何卒御企望ノ廉ニ好果爲相結度焦心罷在申候依テ兩三日中ヨリ「シーボルト」氏ヲ宰相此滞在ノ入湯場ニ遣シ該書記官ヲ以テ「ビスマルク」氏ニ面話爲致度奉存候 固ヨリ唯々手掛ヲ 到底十月一日頃迄ハ外務部モ賜暇ノ爲殆空虚ニ相成居候間公務應接ハ事務ニ取掛候ハ同時頃ニ遷延仕候半ト奉存候就テハ重修ノ期日一日ト延引相成候間定テ御短慮ニモ御思召候得共實ニ致方無御座候併答儀辯解ヲ終候上ハ於錦地閣下親不體ノ事務

獨逸外務次官ノ日本觀紹介ノ件

別信 第拾貳號

以別信得貴意候然ハ本使東京出發以來條約改正ノ儀ニ付御別信ヲ以追々御來示ノ趣備ニ致承知右改正ノ儀ニ付テハ閣下ヨリ兼々御教示之通不使ト當國政府ト特別ノ儀ヲ申入候趣ノ儀ハ決テ不致都テ閣下御教示之通取計可申殊ニ在東京各國公使ヘ草案御渡相成候上ハ當國政府ヨリノ問題等無之以前不使ヨリ云々申入候儀ハ却テ不都合ト存居候間此儀ハ御安意被下度候不使清任早々當國外務卿及外務大輔ヘ面會ノ節該大輔ノ說話ニハ今般不使ノ再渡ハ當國顯貴ノ諸員ハ勿論不使知音ノ諸人ハ何レモ深ク悅居候事ニテ其仔細ハ日本ニ於テハ叨ニ人ヲ殺戮シ或ハ毆傷等致候ハ原來ノ風習ノ由ニ承リ及殊ニ日本皇上ニハ生殺與奪ノ專權ヲ相握候由ニ付不使若シ不邦ニ在リテ顯位ニ奉職候ハ、職務上ヨリ如何成危險ニ陷リ候哉モ難測理由可有之依テ本使ノ再渡ハ實ニ喜入候事ニ付不使相答候ニハ我君上生殺ノ權ヲ擅ニ被致候事古昔未開ノ頃ニ在テハ其實無之トモ難申候ヘトモ維新來如許暴勵^(暴行)ノ治術ハ會テ無之況ヤ一般ノ人民ニ於テヲヤ殊ニ近來文明諸國ノ規模ヲ我國ニ移シ候舉動ハ素トシテ皇上ノ

ニ御當可被成候ニ付其期ニ際シテ格段遷延ノ御不都合ハ無之義ニ御座候「アイゼンデツヘル」氏モ全權公使ニ昇級仕候間不體ノ主義サヘ於此境取極候得ハ細目ハ同氏ノ全權ニ付シ候様更ニ^{昨年中已ニ此談 判ハ遂置申候}可申入覺悟ニ御座候併シ三宮書記官出發ノ節申間候ニハ同公使義重テ急ニモ歸國可仕トノ事ニ御座候左候ヘハ隨分不面白都合ニ御座候處閣下ニハ於貴境右様ノ噂御聞込被成候也生ヨリ公然政府ニ就テ聞質候モ萬々如何敷御座候ニ付今日迄ハ見合居申候到底「アイゼンデツヘル」氏歸國仕候テ別ニ新公使罷出候トモ格段交際上ニ取テ鴻答可有之義ニハ無御座候間萬一右ノ噂眞實ニ起候ハ、生ヨリ「コンブリメント」様ハ言語ヲ以テ尙在勤申付候様外務卿ヘ申入候方却テ好都合ノ義ト奉存候 先ハ右向陳仕度勿々頓首

十三年七月廿六日

井上閣下

周 藏 拜

三四二

明治十三年八月五日

青木駐獨公使ヨリ
井上外務卿宛

尊憲ニ起因シ現在刑典治罪法ノ如キハ我政府貴國ノ典章ヲモ折衷候積ニテ方々取調中ニ有之旨相答候處元來該大輔ハ特ニ最前達貴國置候通妄想自信ニ富候人物ニ御座候故彼又返言曰刑典治罪法或ハ民法商法等文明諸國ノ規模ノミ徒ニ移サレ候トモ一切實施候人物無クテハ良法モ徒法ニ屬シ皮相外形ノミニシテ政治ノ進歩ニハ詮ナキ事ナルヘシトノ説ニ付不使再答候ニハ決テ皮相徒法ノミニアラス我國人中右等ノ諸件實地講研候者モ多人數有之且我政府ニテモ特^(殊)更肝煎既ニ近日我太政官ヨリ其筋ノ官員當府ヘ派出貴國實地ノ模様等モ熟視ノ上參酌取捨候積ニ有之如此次第ナレハ不使ニ於テハ我國他日ノ進歩決シテ無望事トハ不存候ト迄相答置候儀ニ有之此儀モ御含マテニ得貴意置候將又條約改正ノ際我ヨリ提出ノ條件當國政府ヲシテ許諾セシムルコトハ主トシテ宰相ビスマルク氏ノ諾否ニ關候ト見込候ニ付不使東京出發前兼テ得貴意置候通我國事情貫徹様同氏ヘ申入方シーボルトヘ内情申含當節專心配致居候儀ニ有之候巨細ハ遞次可申出候得共不取敢此儀モ得貴意置候也

明治十三年八月五日

特命全權公使 青 木 周 藏

外務卿井上馨殿

三四三 明治三十三年二月二日

メモリアル
井上外務卿宛

メモリアル交渉運動ノ件

Private and Confidential.

Memorandum

Having, during the month of June, visited His Royal Highness the Grand Duke of Saxe Weimar, brother in law of the Emperor of Germany, the undersigned took an opportunity of entering on the subject of the wishes of the Japanese Government regarding the revision of the treaties and tried to convince His Royal Highness that it was in the interest of Germany to support and protect this endeavour of the Japanese Government, for this would increase the influence and popularity of Germany in Japan and would open to German commercial interests new fields of enterprise and profit.

H. R. H. was greatly interested and deplored the want of interest and understanding, which prevailed

Majesty's Minister, to Kissingen with the view of seizing, if possible, an opportunity of speaking to Prince Bismark. On arrival, he proceeded at once to the lodging of the prince, but found that he was ill and received nobody. He, however, thanks to the message of the Grand Duke, succeeded in seeing Count Herbert Bismark, the son of the Chancellor.

Thinking, however, that a favorable opportunity would occur later, he, on the first visit, made no special allusion to the question of Japanese relations.

During a stay of some weeks, it proved utterly impossible to approach the Prince Bismark. He kept everything away from him that might have interfered with him cure and only saw persons of whom he was quite certain that they had no business.

Under these circumstances, the undersigned thought it better to try and secure an interview with his son, namely Count Herbert Bismark, and to attempt, through him, to communicate with the father.

Having, on the 24th, succeeded in obtaining an

in Germany regarding Eastern Asia, and said that the only person who could take a powerful initiative in this matter would be Prince Bismark and that it would be desirable that the undersigned should see and try to convince him of the necessity of taking some prominent action in regard to securing the good will of Japan in the interest of developing German trade and, at the same time, assisting Japan to obtain those rights to which it was fully entitled by the remarkable progress it had made.

I replied that it was very difficult to approach Prince Bismark who was so much burdened with work. The Grand Duke, however, said that the best plan would be to go to the watering place of Kissingen, where it might be easier to see him, and that, in order to have a pretext for calling on him, he (the Grand Duke) would charge me with his compliments to the Prince Bismark; this would perhaps give me an opportunity of speaking to him and, at the same time, serve as an introduction.

Consequently, in the beginning of August, the undersigned was sent by Mr. Aoki, His Imperial

interview with the same, I proceeded gradually to explain to him the motives of my visit. I commenced by saying that he must be aware how the Government of Japan had now, for a number of years, been actively engaged in promoting the civilization at home, how an entire change had been operated in all branches of administration, how the whole political aspect had become another and the people of Japan were now fully entitled to be treated in a manner in conformity to the progress they had achieved. This was the object of the negotiations, which were now going on for the revision of the treaties, of which he would have heard. Japan now had well understood the important position which Germany had obtained in Europe and its desire was to be placed on special and particular good relations of friendship with Germany and it hoped that Germany would be the first government to understand the situation of Japan and would exert itself, in the interest of the Japanese wishes, by using its influence with the other governments for a favorable action in regard

to the propositions of Japan for the revision of the treaties. The proposition were indeed very reasonable and, although the public opinion in Japan was for going much farther, the government had only put forward such demands as were absolutely necessary and justifiable. But, if Germany consented to extend its friendship in this manner to Japan and promote, by its powerful influence, the wishes of the Japanese Government, Germany could count on the gratitude of Japan in every respect and that the German commercial interests would, under these circumstances, be duly favored and promoted, was evident, I added, as a personal observation, that there was much prospect of promoting German commercial interests in Japan, if only the right policy was adopted of securing the good will and confidence of the Japanese Government and nation. I concluded by saying that he might be so kind as to speak to his father and ask him to be so good as to take a special interest in this question.

Count Herbert, who had listened with great interest, now proceeded to say in reply that he was

had never been the intention that I should speak on the questions of detail; these would naturally be treated, in the usual manner, in Berlin by the competent parties, but it was only a confidential step to ask Prince Bismark to take a special and personal interest by supporting the wishes of Japan and that it might be pleasing to him to know that Japan had fully appreciated the takens of interests Germany had lately given by the visit of the Prince Henry, the erection of a legation (by promoting Mr. von Eisendecker to be Envoy Extraordinary) etc.

Count Herbert Bismark replied that, so far, there could be no necessity to appeal directly to his father, for the relations with Japan were good, the position and the relations of the Minister Mr. Aoki would make it not difficult to him to obtain, by the usual official negotiation, a favorable result for Japan. He repeated by saying that the great esteem and sympathy, the German statesmen had for Mr. Aoki, were such that, under the present circumstances, he should be quite able to treat the

very happy to hear personally the friendly dispositions of the Japanese Government towards Germany, but that, as my statements contained only general observations, he could only reply in the same manner. He could generally say that the disposition of the German Government was very friendly, but that it would be a question of specifying what were the actual and positive wishes of Japan. This could not be done in this manner, but should go through the usual official channel, the Foreign Office. He could not engage to report our conversation to his father, because there would be no use in speaking to him on generalities and that, in order to inform him of the details, he would have to order up the official documents from Berlin which was impracticable. But he could only recommend that Mr. Aoki, who was so well liked by the German authorities, should confidentially treat this question with Prince Hohenlohe who now represented Prince Bismark in all questions of foreign policy, during the time Prince Bismark was enjoying his leave of absence. I explained that it

matter with them and that he thought it better, at present, not to trouble his father with the question, as he was on leave and only living for the restoration of his health.

The undersigned, having again explained that this conversation had never been intended to be on business and its details, but merely an attempt to obtain the special good will and interest of his father, concluded by asking that it should be treated quite confidentially, which the Count willingly promised.

My conclusive impressions were:

1) Count Herbert Bismark is instructed to keep all business affairs away from his father during his stay in Kissingen.

2) that if anything is to be obtained from Prince Bismark, the negotiator must be prepared to offer certain and definite advantages; generalities and declarations of good will are of no avail and he would not take the trouble to occupy himself personally with the affair. He would probably only do so if he saw some considerable advantage to be

derived for (from?) Japan.

Berlin, 2 November 1880

Baron von Siebold

三四四 明治十四年一月六日 青木駐獨公使ヨリ 井上外務卿宛

ビスマルク説得運動ノ件

二月二十三日

鳳曆ノ御慶目出度申納候然ハ改正一件ニ付テハ兼テ閣下ノ御主意ニ從ヒ着任已來晝夜不怠當政府ヲシテ英佛政府ニ關セス斷然我提出事項ヲ致承諾吳候様盡力罷在候事ハ是迄度度御内報申上置候尤モ其主意ヲ貫徹セシメ當政府ヲシテ不羈斷行セシムルニハ到底「ビスマルク」ノ歡心ヲ得ル事肝要ナリト初發ヨリ愚考仕候ニ付肝膽ヲ挫キ種々手段ヲ盡シ或ハ當國皇后ノ實弟サクソン國上公ニ會釋シ或ハ「ビスマルク」帷幕秘事參政官某氏ニ取入り表裏内外ニ入りテ辯論討議仕候處方今ニ至リテハ當政府ノ人々ニモ稍主張ノ理屈ニ服候哉不遠内「ビスマルク」ニ可爲致對面取計ヒ吳候歟ノ模様ニ相見ヘ中候雖然假令ヒ御主意被相行當政府而已不

羈斷行我意ヲ充シ候テモ他條約各國續テ之ニ從ハサルトキハ折角盡力ノ効モ一朝水泡ニ歸スルノ患ナキニ非スト存候ニ付自然前陳ノ如ク「ビスマルク」ト對面熟話スル事ヲ得候ニ於テハ第一當政府ニ關スル東洋ノ利害ヲ證明シ隨テ我皇國ヲ不問左置ス可サル事ヲ説明可致候其上ニテ彼微笑尙ホ我言ヲ可聽模様ニ候得ハ日本ト將來ノ交誼ヲ厚セン爲我政府ヨリ提出シタル改正草案ヲ斷然認可シ（縱令ヒ充分ナラサルトキハ幾分ナリトモ）塊地利伊太利等ト結合シテ各國ノ先導者トナリ我提出事件ヲ英佛ノ兩政府ニ取成シ萬端日本ノ不利トナラサル様周旋致吳候様精神ノ有ラン限リ懇談說破スル積リニ御座候從前小官ヨリ當政府向ノ者ヘ申入候主意ハ我國維新已來國步履々艱難ニ有之候得共巨萬ノ財ヲ費シ政略上ニ於テハ千歳ノ習慣ヲ看破シ外以テ交際ヲ修整シ内以テ行政ノ派理ヲ改メ法律等ヲ改良シタル主意ハ只管歐洲開明ノ治略ヲ歡慕候間精意ヲ以テ進歩ノ實効ヲ奏シ以テ其列ニ加入セント希望スルノ一點ニ止レリ然ルニ今ヤ漸ク其期到來候ニ付開明社會ノ一員タラン事ヲ懇願スルニ及ヒ（不利ノ條約ヲ廢シテ相當ノ條約ヲ結ハントス）如何セン其開明社會ヲ成ス各國中一政府モ我日本ノ眞情ヲ酌量

憐愍シ且其社員ニ撰舉スル者ナク我國一般ノ進歩ヲ不問左置スル情態アルハ萬々殘懷ノ至ニ付獨國政府幸ニ各國ノ先導者トナリテ我良意ヲ認了シ是迄刻苦勉勵シテ奏シタル實効ヲ諒察シ監別シ我國ノ進歩心ヲ倦サラシムヘシ云々ニ御座候就テハ右心算通り相運ヒ候場合ニ移リ行キ候半ハ以電報及御報且仰訓令候哉モ可有之ニ付内々爲御心得不取敢早略如是御座候委細ハ後便可申上候也頓首

十四年一月六日

周 藏

井上老閣侍史

（追啓省略）

三四五 明治十四年一月十五日 青木駐獨公使ヨリ 井上外務卿宛

獨逸政府ヘ提出ノ覺書送付ノ件

附屬書 青木公使ヨリ獨逸政府ヘ提出ノ覺書

機密信 第二號

重修事件ニ付從來以內信云々申上置候義ハ素ヨリ一々御承知被下候事ト奉存候畢竟當政府ノ意向モ其他各國政府ノ意

向ニ類シ最初ヨリ我提出草案ノ書體竝ニ治外法權減殺ノ主義ニ付テハ種々不満足ノ様子相示シ到底我希望ヲ認可スヘキ模様無之殊ニ我政府今以「オートノミカル、クリス」ノ主義ヲ致主張候歟ニ致誤解且爲之種々ノ狐疑ヲ相抱キ居申候隨テ拙官ヨリ辯解ノ義モ容易ニ致信用不申依テ一時ハ途方ニ迷ヒ居候得共兼テ達御開置候當國皇后陛下ノ實弟サクソン、ワキマル上公及ビスマルク侯附屬ノ秘密參政官チーデマン氏 同人ハ拙官ト十年來ノ媒介ニ依リテ内々直々ビスマルク宰相ヘ我希望ノ條件竝ニ獨政府ニシテ我政府ヲ保護シ日本ノ歡心ヲ得ントナラハ今ヤ其好機會タルヘシ云々爲致說得候處同人等竝ニ宰相氏ニ於テモ拙官ヨリ一封ノ覺書ヲ以テ前顯ノ狐疑致明釋候ハ、頗ル事務ノ行歩ヲ進ルニ足リ可申云々內諭申聞候然處如右書類ヲ裁シ任國政府ヘ對シ云々説明可致トノ事ハ訓令中ニモ御揭示無之一時進退ニ困リ居申候尤モ右說明書不差出テハ差當リ好果ヲ結フヘキ商議ヲ維持スル事難相成依テ別紙秘密甲號ノ通我政府ノ御主意ヲ簡單且強性明白ニ申綴内々當政府ヘ差遣申候 該覺書ニ姓名モ不記眞ニ私信同様ノ體裁ヲ與ヘ置候間決シテ不都合ヲ殘スヘキ御懸念ハ無之又當政府モ同様ノ心得ニテ致領收候 尤モ該覺書ハ外務卿代理者ヘ相渡候ニ付自然ビスマルク宰相氏

へ遲達ノ戒モ有之旁別ニ一冊ヲ謄寫シ前顯チーデマン氏ニ由テ直ニ宰相氏ノ内見ニ供候處同氏望外ノ歡心ヲ表シ我政府ノ爲吃度一盡力可相試トノ事ニ御座候且都合ニ依テハ拙官モ該事件ニ關シチーデマン氏ノ媒介ヲ以テ宰相氏ト一會熟議可致歟ノ模様モ有之中候併シ右一會議ヲ要セス獨政府ノ意向昨今忽チ致一變申候既ニ一昨日他ノ用事ニ付シーボルト氏ヲ外務省へ差遣候處別紙秘密乙²號ノ通其筋官員ヨリ拙官へ致傳言且右乙號ノ主意拙官ヨリ閣下へ内報可申出候方可然云々内諭致吳申候但シ乙號覺書ノ主意ハ我政府竝ニ拙官ヨリ致主張候主意トハ頗ル齟齬ノ廉モ有之候得共巨細ノ義ハ後便シーボルト氏ヨリ横文ヲ以テ説³明書爲差出可申候差當リ可賀事ハ獨政府ノ歡心ヲ得候一事ニ御座候間此旨不取敢致密啓置申候恐惶敬具

明治十四年一月廿五日

全權公使 青木周藏

外務卿井上馨殿

註 1 附屬書 1

2 秘密乙號ノ書添附シテラズ次號二月十日附屬書ハ秘密乙號文書ニ訂正ヲ加ヘタルモノナレニ付參照
3 大體文書參照

determined to keep only within the narrowest limits and to abstain from any suggestion which have not been proved an indispensable necessity by continued experience.

In the first place, there presents itself to the attention of the Government the necessity of introducing certain reforms into the system of Consular jurisdiction. It is however not the object of the Government to open the question whether this system of law, as it has been exercised hitherto in Japan, is altogether in conformity with the tenor of the Treaties or has the support of legal theory.

On the contrary, the Imperial Government is ready to admit the fact that although the fountain from which Consular jurisdiction takes its origin can only be the letter of the Treaties, the practical execution may be extended by custom and observance.

Thus the Government, far from wishing to raise objections against Consular jurisdiction on the point of principle or contriving obstacles to its

附屬書

甲號 青木公使ヨリ獨逸政府へ提出ノ覺書

Memorandum.

The Imperial Government, in putting before the Treaty Powers their propositions for a Revision of the existing treaties, is fully confident in the friendly dispositions of the latter and takes care to declare that only such modifications have found their way into the drafts as have been proved by experience to be necessary and can be justly claimed with due regard to the improvements and reforms effected in the political system and advancement in the state of national civilization.

The Imperial Government, fully disposed to promote in the mutual interest of Japan and the Treaty Powers the Commercial Relations between the respective countries, would not fail to show their good will by a voluntary and spontaneous opening of ports and new fields for commercial enterprise, in case the foreign powers would give proofs of their friendly and encouraging disposition. It must be also declared that the Government is

actual positive form, have only the desire to fix justly and equitably the limits of its judicial functions, in order to place it in harmony with the requirements of internal police and the administrative measures of the Government when required by the gradually developing progress in Empire.

It must be admitted by every foreign Government that there can be no doubt that, if the existence of many co-ordinated different courts of justice must be already accompanied by considerable evils, the fact of there existing in one and the same country an accumulation of different administrative authorities, invested with equal privileges for police and local government, is altogether inconsistent with the principles and requirements of the State in the modern sense. For, administration must be a living and active uniform political power having for its object the realization of fixed general national interests.

Administrative action, as well as the determination of what is good for the national interests, can only be exercised and formed by an uniform and

undivided power, for otherwise its action would become contradictory and ineffectual. when hampered at every step by a decision in the powers who direct and the fettering of the executive organs.

If the evils attending this state of affairs are already serious when the devision of power is confined to two or three parties, how detrimental must it become to public interests when a greater number of equally privileged persons have a voice in the matter! The embarrassments and the difficulties of government must become altogether insupportable when its administrative measures are dependent on the previous consent not of one but of ten or twelve foreign Representatives. It has been proved by experience that the Regulations of the Imperial Government in administrative questions have remained unexecuted in numerous instances, either because the respective Representatives had withheld their consent or because the respective Consular authorities were unwilling to render assistance for the purpose of enforcing them.

as has been shown above. As, in Europe, the same has vanished by the development of the system of modern administration, it will inevitably, in Japan, be reduced to its original sphere, the administration of justice alone, in proportion to the perfectibility of the internal administration in the Japanese Empire, or otherwise the nation would be excluded from the free enjoyment of a refined and comprehensive administration in the modern sense.

The order, solidity and unity of administration is not only in the interest of every state, but in that of every nation which carries on relations of friendship and commerce with it; it is evident that the administration has a tendency to promote and develop the productive and civilized elements in a nation and that commerce with uncivilized nations has but few and transitory advantages.

It is therefore, if well understood, fully in the interest of the foreign governments to lend a considerate hand to the perfection of an uniform and practical administration in the Japanese Empire. It is a well known fact that the Imperial Govern-

The infallible consequence of complications of this kind has been a state of lawlessness and serious injury to important, in some instances, even vital interests of the Empire.

The Imperial Government is however convinced that such a condition of weakness and paralysis can neither be conform (conforming?) to the wishes of the friendly powers, nor necessarily connected with the system of consular jurisdiction.

Consular jurisdiction has developed itself centuries ago under circumstances were (where?) the ends of government were construed to be jurisdiction in the real sense, namely simply judicial functions; the idea of an extended and organized administration, according to the modern conception of this task, did not exist. Under these circumstances, there was no reason not to grant to the consuls a certain power of police over their countrymen and thus the consular jurisdiction proper was practically extended in this respect.

But, with modern requirements of administration, the consular jurisdiction is altogether incompatible

ment has occupied itself for years with the task of introducing into Japan an uniform and effectual form of administration, based on the model of western powers, and the execution of this task, which has become to her a sacred duty, has been continued without relaxation in the face of many difficulties and has been guided by the desire to bring herewith the nation in closer relation with the Western powers. The Imperial Government feels therefore bound to maintain that, in the mutual interest, the grant of a necessary independence in administration is one of the principal objects to be obtained in the revision of the treaties. Its views in this respect are the following:

The foreign consular jurisdiction remains unaltered, within the limits of its judicial functions, and may continue, therefore, to act in its present form until it is rendered superfluous by a moral and formal reorganization of the judicial powers according to Western ideas both formally and materially. On the other hand, the Imperial Government shall in future enjoy the right to issue freely adminis-

trative Laws, Ordinances and Regulations, especially within the department of police in the farther sense, and have the right to execute the same.

The Imperial Government would therefore propose :

1. That such regulations, when published in a form hereafter to be determined, shall be legally binding on the foreign Residents and Consular Authorities without, however, prejudicing the extraterritorial privileges of the accredited Representatives.
2. That its police and other executive organs shall have the right lawfully to prevent contraventions against such regulations on the part of foreign Residents.
3. That contraventions of this kind may be, within a certain limit, tried and decided by the Japanese authorities, inclusive of the right of executing the sentence.

In this manner, the person and property of the foreign Residents would remain, in all legal cases, under the protection of their respective Consulates,

Consular jurisdiction would remain fully unalienated, putting an end at the same time to a state of affairs, which not only trespasses on it (the?) essential rights as a government but has wronged unjustly manifold interests and repeatedly placed in jeopardy the good understanding on both sides.

Moreover, the desire of the Japanese Government is directed towards a reform of existing Customs tariff.

The Tariff now in existence dates about thirteen years ago and is, in fact, not only in itself without principle but has proved, in practice, altogether injurious for its (it?) affords no encouragement to the industrial progress of Japan, causes a continued disproportion between imports and exports and, therefore, an [altogether disproportionate exit of gold and silver coins and, finally, has given no assistance to the growing fiscal necessities of the state.

But notwithstanding this, the Imperial Government is far from being inclined to introduce a protective system of the kind existing in many

excepting in administrative questions where the Japanese authorities would be competent within certain limits.

The Imperial Government would however declare, in order to remove apprehensions that may be conceived in respect to the introduction of an innovation of this kind, that it would consider it as its moral duty to adopt itself, as far as ever practicable, to the experienced models of the West, as has in fact been generally the case in respect to the reforms hitherto introduced in legislation, and the Government would moreover not be disinclined to create, for the purpose of the exercise of administrative justice, special Administrative Courts with the consultative cooperation of proper professional foreign assistance. In the same manner, the police executive, the prevention and prosecution, as well as the carrying out of sentences, would be regulated according to the custom of Western nations.

The Imperial Government feels convinced that, by these modifications, the justifiable rights of

other countries or to regulate the Tariff by autonomous decision.

Its intensions are limited, on the contrary, to obtain in a conventional form a moderate increase of the import duties in order to insure an augmentation of their financial resources. Consequently the Imperial Government desires to contract a conventional tariff on the basis of the drafts submitted, containing the majority of the articles of import, and to be allowed to fix the duty of the remaining articles, which amount altogether to about 20% of the Imports, within a limit not exceeding 30% advalorem. This proposition, which arises principally from a desire of bringing about simplification of the Tariff negotiations, might, in case the Treaty powers attach value to a modification and showed their friendly disposition in other respects, be subjected to another form of compilation.

The Imperial Government must moreover earnestly desire that, within the limits determined above, it should have the right of making its own Regu-

lations respecting the Commerce and navigation, inclusive the harbour and pilots regulations.

The Imperial Government will, according to the good intentions above stated, not fail in its own interest to adopt also, in the composition of these Regulations, those Rules and principles which are universally adopted as customary and equitable among commercial nations in general.

明治十四年二月二日
及二月十日 井上外務卿宛

獨逸政府ノ書翰報告ノ件 (一〇六二)

一〇六二 明治十四年二月二日 井上外務卿宛 來稿

Confidential

Berlin, 2 February 1881.

Sir,

According to the instructions received from His Majesty's Minister Mr. Aoki and with reference to his despatch No. 2 of the 25th January, I have the honor to report to Your Excellency further details of the verbal communication I received from the German Foreign Office on the 22nd instant relative

to the question of the revision of the Treaties,

Mr. Aoki had instructed me to inform Mr. von Kusserow, the Councillor specially charged with this question, that in consequence of the passive attitude which Germany seems disposed to take and its evident desire of following the action of the other Treaty Powers, he would now have to await first further information from his colleagues in London and Paris before continuing with him the conversation of the question.

Mr. von Kusserow replied that there was evidently some misconception on Mr. Aoki's part regarding the intentions of the German Government, for the same had already at the request of Mr. Aoki commenced its friendly action. It had even gone so far as to submit to the other governments definite proposals for the revision of the Treaties. He added that the German Government had received from the other Governments communications unanimously showing their disinclination to negotiate on the basis of the Japanese proposals which the German Government also found to contain objectionable

parts. But the explanations given by Mr. Aoki and the study of his confidential memorandum had done much to remove this impression with them. It was now their object to overcome the objections of the other Powers by adopting a friendly initiative in proposing a fair and acceptable basis for the future negotiations in Japan.

The policy of the German Government was now, as it had ever been before, one of the greatest consideration for the desire of Japan and they were quite willing to assist in promoting a good understanding on the pending question with the other powers. Germany could however not, if it had been so inclined, go to the extent of accepting the Japanese drafts altogether. What was now important for Japan was that the revision of the Treaties should not fall to the ground by the rejection of the Drafts by all the Treaty Powers, but that by the friendly action of Germany a new basis for the negotiations should be arrived at.

The chances of the German intervention also depended very much thereon that the action of

the Japanese Representatives in London and Paris should not be too active for they would by too much activity perhaps induce the governments of Great Britain and France to a perhaps contrary action which might be an obstacle to the adoption of the German proposals, but if they remained for some time in a reserved attitude there was a probability of the German action being successful.

Mr. von Kusserow promised to give Mr. Aoki due notice when the answer was received from the other powers and furthermore requested that his name and the facts related above should be kept quite confidential as he was not specially authorized to make this communication to me.

This is the substance of our conversation of which I took a short note under his dictation which I have verbally copied into the memorandum forwarded by Mr. Aoki to your Excellency in his despatch No. 2 of the 25 January.

I have the honor to be

Sir,

Your Excellency's

most obedient and very humble servant

Baron A. von Siebold

His Excellency

Mr. Inouye Kaoru.

Minister for Foreign Affairs.

etc. etc. etc.

明治二十五年一月十四日 東京

Confidential

Berlin, 10 February 1881.

Sir,

With reference to Mr. Aoki's Despatch No. 2 of the 25th January and my "confidential" of the 2nd February, I have now the honor to report that, at a subsequent interview at the Foreign Office, the statement which Mr. Kusserow had made to me on the 22nd January and which Mr. Aoki had reported in his Despatch No. 2 of the 25th January, was declared to be incorrect and replaced by Mr. Kusserow by a fresh communication which I have the honor to enclose herewith for Your Excellency's information.

Your Excellency will not fail to observe that the

Confidential

Berlin, February 10, 1881.

Memorandum

of a confidential communication of the Imperial German Foreign Department to Baron von Siebold to replace the statement made to the same on the 22nd January 1881.

Mr. Aoki had endeavoured to remove, with the Imperial German Government, the unfavorable impression caused to the Treaty Powers by the propositions of the Japanese Government. He had expressed the hope that the Imperial Government would now, as it had done before, give evidence of its friendship for Japan by the adoption of a friendly initiative with the other Treaty Powers. There is reason to believe now that this wish has been carried out and, as all the Treaty Powers found that the Japanese propositions were unsuitable to serve as a basis for future negotiation, the German Government had consequently taken steps in order to arrive at an understanding with the other Powers for another basis and to promote, in

same differs from the former memorandum very materially, but agrees with the general facts reported by me in my confidential despatch of the 2 February.

I may add that Mr. Kusserow also confidentially informed me that the German Government had received from several of the Treaty Powers an answer promising a definite reply after due consideration of the German proposals, but that one power (Great Britain) had given notice that they were themselves engaged upon the preparation of a memorandum on the Japanese proposals.

I have the honor to be

Sir,

Your Excellency's,

most obedient and humble servant

Baron von Siebold

His Excellency

Mr. Inouye Kaoru

Minister for Foreign Affairs.

etc. etc. etc.

明治二十五年一月十四日 東京

any case, with the latter a disposition for future joint negotiation.

三四七 東京外務省文書 第三四三

東京外務省文書 第三四三

Confidential

Berlin, 26 March 1881.

Memorandum

of a conversation held by the undersigned with Mr. von Kusserow of the Imperial German Foreign Office on the 19th instant.

Having inquired whether Mr. Kusserow could give me any further information on the subject of the former communications regarding the Revision question, he answered that no decision had been arrived at yet, but that the German Government were continuing their friendly offices to bring about an understanding and had reason to hope that they would succeed in finding, with the other powers, a fair basis for further negotiations in Japan. Most of the foreign governments had replied, inclusive

of Great Britain, but some further correspondence was going on regarding certain details were (where?) further explanations were required. It was however to be desired that the Japanese Government would not now by a change of their proposition (of treating in Tokio) overthrow the friendly endeavours of the German Government which was trying to promote the negotiation in Tokio and felt convinced that the Revision could only properly be conducted there.

Baron von Siebold

三四八

明治十四年三月十五日 井上外務卿ヨリ
青木駐獨公使宛

條約改正談判方針ニ付訓令ノ件

十四年機密信 第二號

一月六日附御内信¹ヲ以テ縷々御申越ノ趣閱悉仕候條約修正ノ件ニ付獨逸政府ヲ我方ニ籠絡シ他ノ英佛政府ニ不拘斷然我要求ニ肯諾セシメ候様方略ヲ用ヒ候事ハ此地御出立ノ節粗御商量ニ及置候處御赴任後專ラ拮据御盡力ノ末不遠内ビスマルク氏ニ御面會ニ可相成手續迄ニ相運候趣是全ク貴君

府ハ諸制度ノ整ワサルアリ故ニ縱令當時或ハ約例ヲ知ルニモセヨ實際之ヲ施行スルハ甚タ六ヶ敷各國ニ於テ歐米ノ諸國ヲ以テ我ヲ待チ難キハ是亦已ムヲ得サルモノナルヘシ畢竟當時國民此ノ如ク外人嫌惡ノ感觸ヲ抱ク所以ノモノハ或ハ舊政府政略ノ如何ニ因ルモノアリトイヘトモ之ヲ要スルニ無學無識ニ起因スルモノナリ然ルニ維新以來我政府ハ專ラ政略ヲ開進ノ一途ニ取り其間數回ノ抗爭多少ノ困難アルニ拘ハラス數多ノ生徒ヲ派遣シテ學術ヲ研究セシメ官員ヲ派シテ其政治風俗ヲ觀察セシメ終ニ諸制度百工或ハ貿易ヲ旺盛ニシ内地旅行等ヲ許可シテ外人ニ自由ヲ付與スル等苟クモ開國ニ裨益アルモノハ務メテ之ヲ行ハサルハ無シ是ヲ以テ義キニ外人ヲ嫌惡セシモノ今日ハ則之ヲ歛慕シ殆ント全國ノ面目ヲ一變シ又五十年代ノ日本ニ非ラサルニ至レリ之ヲ人生ニ喩フルニ開港ノ初メハ猶幼童ノ事物ノ是非世間ノ實際ヲ諳熟セサルモノ、如シ當時其干涉ヲ受クルモ亦情勢ノ止ム可カラサルモノアリ然レトモ其生長ノ度ニ隨ヒ之カ父兄タルモノモ亦漸ク其干涉ヲ解イテ自治自由ヲ得セシメ其獨立ヲ期望スルハ蓋シ父兄ノ宜シク執ル可キノ義務トス我邦當初開港ノ世態ヲ以テ近時ノ進歩ニ比較スルトキハ

平生御匠意ノ所致應サニ不遠内ニ其好果ヲ可結ハ本官ニ於テモ不容疑所ト至極満足ニ存候且又將來同人へ御面會ノ上或ハ代人ヲ以テナリトモ御説述可相成大略熟考致候ニ只管理論ノ一邊ニ就イテ我邦ノ獨立不羈ヲ要求候テハ彼モ亦之ニ抗スルニ理論ヲ以テシ到底柄鑿不相容ノ患可有之ト懸念致候故ニ立論ノ大綱ニ於テハ貴君御考案通りニテ可然候得共兎角言論ニ圭角ヲ戒メ務メテ彼ノ歡心ヲ失ワザル事ニ注意シ開談ノ初メニ我邦開港ノ時ニ當ツテ人民未開ノ現狀ト外國諸政府ノ威力ヲ以テ我ヲ脅迫シタル事實ヨリシテ今日ニ至ルマテノ沿遷ヲ切實ニ説明致候方可然其大略ハ初メ我邦開港ノ時ニ方ツテ政治學術等積年ノ舊套ニ因襲シ官民共ニ世界交通ノ事情ニ暗ク外人ヲ嫌惡スルノ情最モ甚シク諸制度ニ至ツテモ内外全ク其主義ヲ異ニシ外人ヲ我法律ノ下ニ管理スルノ面倒ナルヨリ寧ロ彼我其管轄ヲ異ニスルヲ以テ適宜ナリト思惟セシ程ノ情態アリ曩キニ締結セシ五十八年中各國ト結ヒシ條約ノ如キハ我政府固ヨリ後來ノ利害得失ヲ講究シタルモノニ無之世界普通ノ約例ニ不慣ナルカ爲メニ一ニ之ヲ外人ノ言フ所ニ委ネタルモノナリ然トモ顧ミテ我内情ヲ見ルトキハ人民ハ外人ヲ嫌惡スルノ感觸アリ政

則殆ント生長ノ度ニ及ヘリト云フモ恐クハ過言ニ非ラサルヘシ而シテ大國英佛獨逸ノ如キハ即チ我ニ取ツテ所謂父兄ノ位置ニアルモノニ付其贊助ヲ得テ稍ク其獨立自治ノ地位ヲ占メン事ヲ切望スルニ至レリ然ルニ今若シ各國ニ於テ依然其干涉ヲ以テ不易ノ得策トナシ我ヨリ何程不羈ヲ要求スルモ之ヲ省スル所ナキトキハ是父兄ニシテ其義務ヲ缺クノミナラス我國民等ノ忽チ各國ヲ以テ我開明ノ爲メニハ一大ノ仇敵ナリトノ感觸ヲ興起スルニ至ルヘシ何トナレハ我政府人民ノ多年忍ンテ彼ノ威迫脅制ノ約束ヲ受ケテ以テ其學術工業ヲ採用シ彼我交通ノ道ヲ親密ナラシムル所以ノモノハ則着々其歩ヲ進メ漸ク夫ノ束縛ヲ脱シ遂ニ歐米各國ト並立セント欲スルノ目的ニ外ナラス然ルニ今ヤ生長ノ度ニ隨ヒ漸次ニ所期スル諸件<sup>即チ我カ發題スル有
限裁判ノ如キヲ指ス</sup>ヲ要求スルモ之カ協同ヲ得サルノミナラス却テ五十年代威力壓制ノ約束ヲ尙將來ニ繼續セサル可カラサル事ヲ知覺スルトキハ國民等ハ其開明ノ進路ヲ遮斷セラル、ハ一ニ外國ノ干涉ニ依ルモノト思定シ爲メニ一層ノ憤怨ヲ外人ノ間ニ挾ミ折角今日迄養成シタル好果ヲ轉シテ再ヒ五十年代嫌惡ノ感觸ヲ今日ニ醸生スルニ至ルモ測ル可カラス然リ而シテ其嫌惡ノ結果ニ

至ツテハ曩時ノモノヲ指スニ比スレハ一層憂へ且ツ恐ルヘキモノアリ何トナレハ曩キニ嫌惡ノ感觸ヲ發セシハ(前述ノ如ク)全ク無學無識ニ因ルモノナリ故ニ之ヲ誘導スルニ獨立文明ノ理ヲ以テスルトキハ或ハ一旦之ヲ消散スルヲ得ヘシト雖トモ今ハ則然ラス其學術ト云ヒ其知識ト云ヒ之ヲ曩時ニ比スルニ蓋シ同日ノ論ニ非ラサルナリ今若シ漸次有^{スライド}教ノ人民ニシテ一タヒ嫌惡ノ感觸ヲ將來ニ發セシメハ政府ハ實ニ之ヲ開導スルニ苦ムナリ畢竟此ノ嫌惡ノ原因ハ昔日ノ者ト異ナリ漸次物理ヲ知テ起ル者ナリ故ニ何程意ヲ開國ニ用ヒ何程便ヲ外交ニ與ヘント欲スルモ亦之ヲ如何トモスル能ワサルニ至ルヘキナリ是等ノ情實ヲ務メテ婉曲ニ御説述有之彼レヲシテ我要求ノ已ムヘカラサル事ヲ第一ニ其腦裏ニ浸印セシメ候様總テデプロマチカレーニ工夫ヲ用ヒ候事肝要ニ有之候貴君御如才ハ無之候得共尙一層此ニ御注意ヲ冀望致候

我發題ニ就テハ各國ニ於テ未タ充分ニ其事體ヲ審カニセサルヨリ或ハ今回ノ要求ヲ以テ他ノ歐米各國同等ノ位地ヲ占メ自由制法ノ全權ヲ掌握セント要求スルモノナリト速了スル向アルモ測リ難シ我目的ハ右ノ如ク完全ナルモノニ無之

少カラス殊ニ此等ノ品流ニ在ル人民ハ他ノ人民ニ比スレハ多少先導ノ勢力ヲ有スルモノナリ然ルニ右等外國新紙ノ爲メニ政府ノ抗敵ノ感觸ヲ發セシムルトキハ其影響スル所實ニ少小ニアラス我政府ノ制法アリト雖トモ終ニ其實際ノ弊害ヲ防止スル能ワス殆ント其法ナキト同様ニ至ルヘシ又或外國人其居留地内ニ在ツテ日本政府ノ免許ヲ受ケス石油相場會社ヲ設立シ空相場ノ賣買ヲ爲シ市場ノ相場ヲ變動スルノ弊害不少我國民ニ右等ノ所業アルトキハ自カラ一般ノ制法ニ依リ之ヲ制止スルヲ得ヘシト雖トモ外人ハ之ヲ其國ノ公使或ハ領事ニ依リ其制止ヲ求メサルヘカラス而シテ其之ヲ制スルト否ラサルトハ全ク其公使或ハ領事ノ處分ニ依ラサル可カラス之ヲ約言スレハ我法律ノ實行ハ公使領事ノ意見ニ出ツルト同一理ナリ此ノ如クナルカ故ニ獨リ日本人ノミヲ制シテ外人ハ其所爲ニ放任スルトキハ日本人中ニモ往々名ヲ外人ニ假リテ是ト結社シ或ハ公然其賣買ニ關係スルモノヲ如何トモスル能ハス到底我邦ニ於テ制度アルモ殆ント其設ケ無キト同一ノ結果ニ歸スルニ至レリ

凡ソ開港場アレハ必ス之カ港則ナカルヘカラサルハ固ヨリ論ヲ俟タサル事ナリ然ルニ從來我各國ニ於テハ確定シタル

全ク是レ有^リ限^リノモノナリ即チ賦稅權ハ約定ノ外モ尙三割ヲ以テ極度トシ裁判權ハ違^フ註^ス罪^ヲ罰金貳圓以下施^ス政^ニ規^ル則^ニ罰金五百圓禁獄三ヶ月以內ヲ限リ我獨操ニ歸シ其他ハ矢張從前ノ如ク外國領事ノ處分ニ委スル管ニ付決シテ各國ニ於テ想像スルカ如キ完全自由ノ裁判權ヲ要求セント欲スルニ非ラス只開進適度ノ一部分ニ過キス殊ニ其部分タルヤ施政上實ニ已ム可カラサルモノニ係レリ今其二三ノ例ヲ舉クルニ

我政府ハ新聞條例ヲ制定シ之ヲ一般ニ施行スルニ方リ若シ外人之ヲ犯スモノアレハ必ス其自國ノ法律ニ問ハサル可カラス然ルニ各國ノ内ニハ自由刊行ヲ許スルアリ或ハ制限アルモ其輕重寬嚴ニ至テハ固ヨリ其土地風俗ニ依ツテ區別アルモノナレハ我ト同一ニ處罰スル事ハ決シテ期ス可カラサル事ナリ左スレハ我邦ニ於テ此ノ如キ條例ヲ設クルモ外人ニ至ツテハ更ニ實施ノ効用ヲ爲サス加之今日迄ノ實驗ニ依ルニ外人等ハ其治外法權ヲ恃ンテ常ニ日本政府及ヒ其官員ヲ誹謗シ甚シキハ近時西南賊徒ノ騷擾人心洵々ノ際ニ當リ外字新聞ハ訛傳巷說ヲ採集シテ賊徒ノ舉動ヲ賞揚スルニ至レリ而シテ我人民中ニ外國ノ文字ヲ解讀スルモノ既ニ已ニ

モノナシ故ニ我政府ハ勿論各國ノ内ニモ之ヲ企望スル向アルヲ以テ是迄港則ヲ制定シ實施セントスルニ方リ各國領事中(一ニテ)モ之ニ不同意ナルトキハ遂ニ之ヲ實行スルヲ得ス之カ爲メニ港場ノ奸濫ヲ禁遏シ公益ヲ保護スル能ワサルニ至レリ

又鐵道規則ノ如キモ内外人同一ニ之ヲ違犯スルモ其規則ノ所及ハ獨リ日本人ノミニ止マリ外人ニ至ツテハ各其不國ノ法律ニ問ハサルヲ得ス然ルニ各國自カラ其法ヲ異ニシ或ハ絶テナキモノアリ或ハ之アルモ寬嚴輕重其場所ニ適スルモノナキトキハ同一犯則者ノ内ニ甲乙異同アリ隨テ規則ヲ輕視シテ之ヲ違犯スルノ數モ亦自カラ増加スヘシ到底規則ナルモノハ一人ニテモ之ニ違犯シ之ヲ罰スルヲ得サルトキハ全般ノ施行ヲ妨クルハ敬テ論ヲ俟タス故ニ縱令日本人ハ之ヲ制シ得ルモ外人之ヲ違犯スルトキハ殆ント規則ナキモ同様ノ結果ニ至ルヘキナリ

斯ノ如ク公益上最モ著明ナルモノスラ尙各國領事ト之ヲ協議セサルヲ得ス而シテ各國其利益ノ關係亦隨テ異ナレハ之カ協同一致ヲ得ル事亦實ニ容易ナラス若シ一國ノ領事之ヲ異議スルトキハ遂ニ之ヲ一般ニ施行スル能ハス之ヲ再言ス

レハ我政府制法ノ車輪ヲ一國領事ノ手ニ依テ自由ニ運轉セラル、ノ不都合ヲ免レサルナリ

此他右ノ類例舉テ數フルニ違アラス現今治外法權ノ我施政上ニ障礙アルヤ實ニ此ノ如シ此障礙ヲシテ將來ニ繼續セシムルトキハ何等ノ美事良法アリト雖トモ右條約ノ爲メニ障礙セラレテ實施難致邦國ノ存立ヲ維持スルニ由ナク不得已今回ノ如ク有限ノ裁判權ヲ要求スル所以ニ有之候

各國政府ニ於テ我要求スル裁判權ニ關シ第一其異論ヲ容ルル所ノモノハ蓋シ裁判官ニ適スベキ人物ニ乏シキ是ナリ我政府固ヨリ之ヲ慮ラザルニ非ラズ故ニ果シテ我發題ノ如クナルトキハ外人ヲ裁判スベキ場所ニハ必ズ特別ニ我邦人中海外ニ於テ專ラ法學ヲ修メ適格シタル裁判官ヲ簡撰シ各開港場ノ裁判所又其上等裁判所等ヘハ我有限ノ裁判ヲ施行スル爲メ適格ノ外人裁判官ヲ我法律家トシテ雇入テ裁判所ヲ組織スベキ積ナリ左スレバ決シテ其人ニ乏シキ懸念モ無之且却テ領事裁判ヨリモ公平ナル事ヲ信用スルナリ但タ外國人併用ノ事ヲ約條書ニ明載セザル所以ハ從來外人雇使ノ一事ヲ以テ經驗スルニ其弊害不少譬ヘバ甲國人ヲ雇用スルトキハ乙國人ノ意ニ充タス乙國人ヲ使用スルトキハ丙國人不

平ヲ抱ク等ノ事アリ尋常雇使ノ場合ニ於テモ此ノ如シ況ンヤ裁判上ニ使用スルニ於テハ一層ノ怨言ヲ惹キ起スハ論ヲ待タス因テ豫約ヲ以テ併用スル事ハ難致全ク我政府ノ隨意ニ使用致度見込ニ有之候

或政府ニ於テハ今回ノ我要求ヲ以テ特リ日本政府ノミ其利益ヲ享有シ外國ニ對シテハ更ニ報酬スル所ナキヲ不滿ニ思考スル向アリ固ヨリ我方ニ於テハ我所要ノ件々ノミヲ發題シタル事故他ノ一方ニ於テ要スル諸件ヲ預メ其意ヲ迎ヘテ明言スル能ワズ去ナガラ果シテ各國ニ於テ我草案ニ同意スルトキハ從前ノ開港開市ノ外ニ於テ各國所望スル港口ハ其擇ビニ任セテ之ヲ開キ又東京大阪京都ノ如キハ改正ノ整備シタル後ハ各國ノ請求ヲ俟タズ地方法律ニ隨フヲ諾スル以上ハ外人ノ雜居ヲ得セシムル積ニ付公然トナク御陳述有之候テ妨ケ無之然シナガラ新タニ市港ヲ開クモ現今橫濱神戸等ニ施行スル居留規則ノ如キモノヲ以テ之ニ充用スルトキハ不都合不少故ニ相當ノ成規ヲ制定スベキ見込ニ有之候通商條約中三十品ヲ掲載シ之ニ約定稅ヲ賦課シ此他日本政府ノ裁量ニ依リ三割以內ノ程度ヲ以テ自由ニ賦稅スル筈ニ有之候得共若シ三十品ノ外ニモ尙某シノ品目ヲモ約定稅

目中ニ加ヘン事ヲ冀望スル向モ有之候得者其望ニ應シ之レヲ掲クルモ不妨之ヲ要スルニ我政府ノ主眼ハ一面ニ於テハ財政ヲ救済シ他ノ一面ニ於テハ課稅スルモ貿易ノ衰頹ニ至ラサルヲ以テ其極度トシタルモノニ付此目的ヲ失ワサルニ於テハ課稅ノ體裁ハ商議ノ上如何様共修正ヲ加フルヲモ妨ケ無之尤右約定稅目ニ在ル三十品ハ即チ輸入物品ノ内ニテ凡ソ百分中八十ノ割合ヲ占ムルモノニ付其他ハ縱令三割ノ極度ヲ課スルモ實ニ其數々ニシテ決シテ貿易上ノ影響ヲ與フ可キ程ノモノニ無之候

又新案三十品ノ稅額ヲ以テ適當ナリト視做ス向モ有之候得共當初五十八年ノ稅目ヨリ現今五分稅ニ減シタルノ事實ニ溯リ之ヲ論スルトキハ決シテ不當ナラサル事ヲ證明スルニ足リ候因テ今此ニ五分稅ニ減シタル原因ヲ略述スルニ抑千八百六十五年中英佛米蘭四ヶ國ヨリ下ノ關償金三百萬圓拂ヒ渡シ方ノ事ヲ舊政府ニ要求スルニ方リ當時舊政府ノ財政困難ナルヲ察シ四ヶ國ニ於テ償金ヲ要求スルノ旨趣ハ親睦ヲ敦クシ貿易ヲ盛ニスルノ本意ニ付必スシモ其全額ヲ要セス日本政府ニ於テ其代リトシテ外人ニ便利ヲ與フレハ満足スヘキ旨ヲ明言シ左ノ三ヶ條ヲ發題セリ第一ニ條約ニ

天皇陛下ノ御批ヲ得ル事第二兵庫港ヲ開ク事第三五十八年條約ノ稅則ヲ改ムル事而シテ右三ヶ條ヲ承諾スルトキハ下ノ關償金三百萬圓ノ内二百萬圓ハ棄捐ニスヘキヲ以テセリ因テ舊政府ハ右三ヶ條ニ對シ第一御批ノ事ハ之ヲ承諾シ第二兵庫開港ノ事ハ當時國內ノ人心未タ平穩ナラサルヲ以テ即時ニ開キ難キ事情ヲ述ヘ六十二年倫敦及ヒ巴里府ニ於テ約定セシ如ク六十二年ヨリ五ヶ年ノ内即チ六十八年以內ニハ之ヲ開クヘキ旨ヲ述ヘ遂ニ六十八年ノ一月一日ヲ以テ約ノ如ク兵庫新港ヲ開港シ其後大阪江戸ヲ開市セリ第三減稅ノ事ハ千八百六十五年中大阪ニ於テ之ヲ約諾シ遂ニ六十六年ヨリ舊稅額ヨリ即チ現今ノ稅額五分ニ輕減セリ是即チ現今五分稅ニ減シタルノ大略ナリ右ノ如ク我政府ニ於テハ當時四ヶ國ヨリ發題セシ條款ハ大抵次ヲ逐テ之ヲ踐行シタルニ右四ヶ國ニ於テハ其發題シタル彼ノ償金二百萬圓棄捐ノ事ハ之ヲ直チニ實踐セサルノミナラス新政府更迭ノ後ニ至ツテ償金三百萬圓ノ殘リ百五十萬圓ハ償還セン事ヲ促カシ我政府ハ當時國事多端舊記等未タ整理ニ就カス舊政府ト外國トノ間ニ償金拂方ニ付當時何等ノ談判アリシヤヲ詳カニスルニ由シナク因テ其催促ノ通り遂ニ全ク之ヲ拂渡セリ而

後之ヲ既往ノ事迹ニ徴シ之ヲ舊記ニ檢シテ始メテ當時ノ事實ヲ審ニスルヲ得タリ是ニ因テ之ヲ觀ルトキハ我政府ニ於テハ四ヶ國ノ請求ハ之ニ應シ尙其上ニ償金ノ殘額ヲ拂ヒ四ヶ國ハ償金ノ全額ヲ領シタル上ニ開港ト減稅ノ特益ヲ享有シタルモノナリ左スレハ我政府ニ於テハ六十六年ヨリ今日ニ至ルマテ凡ソ十六ヶ年間各國ニ對シ報酬ヲ要セスシテ特別ノ利益ヲ付與セリト云フモ決シテ過言ニ非ラサルヘシ若シ當時我政府ニ於テ減稅スル事ナク舊稅則ニ依リ收稅スルトキハ收入上大ナル増額ヲ見ルヘカリシ之ニ加フルニ右減稅ハ素ト是レ四ヶ國ヨリ下ノ關償金拂方ニ關シ發題スル所ナルニ拘ワラス他ノ締盟各國ヘモ均シク其利益ヲ施及スルニ至レリ(縱令條約ヲ以テ約定スルニモセヨ)當時減稅ノ事實ヨリ之ヲ云フトキハ是我政府ノ好意ヲ以テ讓與シタル事ニテ必スシモ之ヲ減稅セサル可カラサルノ義務ハ無カルヘシ特リ之ヲ約書ニ掲ケタルカ爲メニ我政府ノ好意ヲ抹消シ互約ノ義務ヲ踐行セサルヘカラサルニ至レリ左スレハ各國ニ於テモ既ニ已ニ多年其特益ヲ受クル以上ハ今日我政府財政上必需ノ爲メ相當ニ之ヲ改メン事ヲ求ムルハ各國ニ於テ決シテ不相當トノ考案ハ無之事ト信用致シ候

特命全權公使青木周藏殿

追テ本書相認候後ニ至リ本日貴君密信第二號接到詳細閱悉致候處先信御申越相成候後彌ビスマルク氏ト御通信ノ便路ヲ得ラレ候趣卑官ニ於テモ満足ニ存候尙此上一層本信ノ旨趣ニ依リ我事體ヲ詳細曲折ニ御說述有之候様切ニ企望致候

註 一三四四文書

2 「抑」以下一八六六年貿易約書ノ由來ニ關スル説明
ハ二〇九文書十四年四月一日附森公使宛機密信第三號ノ方中段ニ於テ稍詳細ナル違アルモ前後略同一文ナリ

三四九 明治十四年三月二日

井上外務卿ヨリ
青木駐獨公使宛(電信)

ビスマルク說得方ノ件

往電報 明治十四年三月廿二日發
第二號機密信落掌、拙者ハ貴君ノ舉措ヲ善シトス御自身「ビスマール」ト御面晤アルヘシ條約改正ニ付我政府委細ノ見込ハ次便ニ郵送ス可シ

改正談ニ付在英公使館書記官レイント英國外務大輔ボンスホート氏ト對話ノ節右課稅法ニ關シ英政府ニ於テハ每品ニ稅額ヲ異ニスルヨリ寧ロ平均壹割ト定メタル方簡易ナリトノ意見有之候然シナカラ貴君御承知ノ通概シテ平均稅ヲ賦シ候事ハ太夕實際ニ適當セス元來我原案ノ如ク稅額ヲ定メタルモ決シテ懸空臆斷ニ出テタルニ非ス之ヲ既往ニ徴シ目下貿易ノ實況ト物產ノ豐否供給需要ノ多少ヲ審カニシタルモノナレハ貿易ヲ不害點ハ疑フ容レス一概ニ平均スルトキハ則經濟ノ目的不相立故ニ此儀ハ我政府ニ於テ同意致シ難ク候尙右對話ニ關シ別紙ノ通森公使ヘ申遣置候間御承知ノ爲メニ寫差進候

近日森公使ヨリノ電報ニ依ルニ英政府ニ於テハ我要求ニ對シ粗調査整ヒタル趣ニ付不遠各大國ニ其意見ヲ通知スヘシトノ旨ニ有之候就テハ貴君ビスマルク氏ニ御面晤ノ事ハ可成ハ其迄ニ相運ヒ我事情ヲ懇々御陳述ニ相成候得者尤好都合ト存候
右件々申進候也

明治十四年三月十五日

外務卿 井 上 馨

東京

井

上

伯 林

青 木 殿

三五〇 明治十四年九月十六日

井上外務卿ヨリ
青木駐獨公使宛

英政府ノ意嚮通報旁々對獨方策ニ付訓令ノ件

附屬書一 十四年八月四日附長岡公使來信

二 十四年九月二十二日附青木公使宛往電

機密 第十八號

特命全權公使青木周藏殿 外務卿 井 上 馨

本年八月四日附機密信第十三號接手英外務卿ヨリ答書ノ略竝ニ貴地外務省樞密書記官クセロウ氏口述ノ覺書共披見改正一件英政府ヨリ獨乙政府ヘ打合モ無之内森公使ヘ逐條及回答候ハ其舉動頗ル奇怪ナリトノ趣致了承候拙者此程中英代理公使ケネディ氏ヘ面話篤ト其内情ヲ探偵相試ミ候處同人ヘハ既ニ英外務省中ノ同人信友ヨリ内々書通有之タル趣其書面ハ訓狀未定稿カトモ被相察候モノニ付(註則テ他日

如此公書ヲ同省ヨリ同人へ可相達様子爾後英政府ト各國政府トノ協議打合ニヨリ或ハ多少變更セシ哉難測候得共兎ニ角彼ノ内情一斑ヲ知ルニ足ルモノト存候其趣旨ハ別紙甲號ニモ有之通ニテ我ヨリ提出セル草案ハ現行條約ノ趣旨ニ適スルモノニ非ス其體裁舊約ヲ重修スルニ非スシテ之ニ代ルニ新約書ヲ以テスルニ似タリ又法權ノ部ニ關シテハ現今在日本英人ノ權利ヲ甚數狹縮セシムルノ患アリ又法權ヲ兩分シテ双方人民ニ斷行スル事ハ到底難被行云々海關稅ノ事項ニ付テハ其内幾部分ハ(全體ニ非ス)貿易ニ害アリ又日本ハ近來駁々開化ノ域ニ進向スルノ事績顯ワル、トイヘトモ内地旅行ヲ拒絕シ内國人ニ比スレハ外國人へハ甚數抑制ヲ加ヘ租稅ノ如キモ外人ハ多分ノ地租ヲ納メ來ルニ之ニ拘ラス猶其上ニモ新ニ租稅ヲ課セントス是等ノ事アルヲ以テ日本政府ヨリ提出セル草案ハ決テ允諾難相成又法權ノ問題ニ付テハ現今日本法庭審判ノ形狀等實際調査ヲ遂ケル上ナラテハ諸否難決候然地方規則警察法等ノ事ニ至リテハ猶於東京開會ノ上満足ノ處分ヲ取極ル事出來スヘシ何レニモ從來實驗上可然ト認メタル増補改正ヲセシムヘシ云々トノ事ニ有之候

政府一方ノミ依頼シ我目的ノ幾分カタ達セントスルノ外絶テ策ノ施スヘキ様無之ト迄思込居候貴官ニモ此際一入御盡力是非共我趣旨貫徹候様ビスマルク候ヘ取入今一應同侯ノ威光ヲ以テ動キヲ付ル事第一ノ方略ト相考申候(此儀ニ付別紙戊號ノ通及飛電置候間爲念寫此ニ添付候)(中略)別紙己號ハ英外務卿ヨリ森公使ヘノ回答ト在當府代理公使ケネデイヘノ内達未定稿訓狀トノ意味ヲ比較シ論考ヲ附シタル書面今回譯文間ニ合不申ニ付英文ノ儘差遣候森公使ヘモ可成英政府ヲシテ獨政府ト同意見ニ歸セシメ候手段ノ爲メ諸事貴君ト打合セ候様別紙庚號ノ通今便申遣候間貴君ニモ可成貴地ノ形情同公使ヘ御通知精々御協力有之度候右申進候也

(朱書)

附屬書類

甲號 英代理公使ケネデイ受取タル内訓狀ノ大意

註 二二六附屬書三參看

乙號 英外務卿ヨリ森公使ヘノ答書千八百八十一年七月廿

前文ノ通此ケネデー氏ヘノ内書ニヨレハ我論出セル法權ノ問題トイヘトモ強チ悉皆擯斥セシトイフニ非ル様相見ヘ申候即末段地方規則警察法云々ノ數語ニテ略分明ニ有之候然ルニ別紙乙號英外務卿ヨリ森ヘノ答書ニ據レハ今般ノ改正ニ於テハ日本政府ノ裁判權ハ勿論地方規則警察法等ニ關スル事項迄モ談論スルノ餘地無之單ニ貿易上ニ就キ双方ノ讓與ヲ以テ改正スル所アルヘシト云フニ止マルノミ夫是斟酌篤ト推考候處近來ハ彼ノパークス權ヲ專ラニシ英外務省中我改正事件ニ付テハ英外務卿エ取入專ラ同人於テ料理致居候事ト被察即前文改正一件回答並ニ阿片規則答書別紙丙號ノ如キモ其草案ハ或ハ同人ノ手ニ成ルモノナランカト被案候彼既ニ權力ヲ弄シ候様ニテハ此上英政府ニ向テ力ヲ試ムルトモ乍遺憾サシタル効驗モ有之間敷大ニ我説ヲ挫キ候様ノ心地致候將又別紙丁號長岡公使來信蘭政府ヨリ通知ノ次第ニ據レハ英獨兩政府トモ今般ノ改正ニハ行政權ニ關スル事項ヲ議セス單ニ貿易上ノ事項ニ改正ヲ加フヘシトノ説ニ同意シタル様相見ヘ申候然ル處貴信ニ據レハ獨リ獨逸政府ハ意見ヲ異ニシ幾分カ我請求ノ行政權問題ヲ熟考シテ可成讓與ヲ爲シ改正ノ局ヲ結ントノ意向有之哉ニ付此上ハ只獨

三日附

註 二二九附屬書四參看

丙號 阿片規則ニ付英外務卿ヨリノ答書

(原書) 右ハ差向不見當候ニ付直チニ森公使ヨリ取寄可相

成旨本文ヘ下ケ札ヲ付セリ

丁號 長岡公使機密信第廿五號ノ寫十四年八月四日附

註 本號附屬書一

戊號 十四年九月廿二日發暗電ノ寫

註 本號附屬書二

己號 英外務卿ヨリ森公使ヘノ書信トケネデイ内訓狀トノ

對照

庚號 森公使ヘノ機密第廿六號ノ寫

註 二二五文書參看

附屬書一

丁號 十四年八月四日附長岡公使機密信第二十五號寫

英政府ノ廻文ニ關スル蘭外務卿談判要領通信ノ件
本月一日蘭外務卿ヘ致面會候處同卿曰ク條約重脩一件ニ付
英獨兩政府往復書類並日本在留英代理公使ヘ訓狀案等英政
府ヨリ相達居候得共右書類ハ機密ニ關シ候故難入貴覽候ヘ

共其大意ハ英獨兩政府往復ヲ重ネ候未詰リ日本政府ヨリ御差廻ニ相成候條約草案中先貿易草案ニ如何ナル返答ヲ日本政府ニ致候ヲ可然也先以テ日本在留各國公使ヲシテ預先ノ評議ヲ東京ニテ開カシメ其成果ニ依テ日本政府ヘ改正ノ商議ヲ開候事丈ニ漸ク歐洲各政府一致決定ノ運ニ相成候素ヨリ蘭政府ハ今日ノ情形ニ至リテハ異議無之候故右豫先會議ニ付在日本蘭公使ヘ右ノ趣申達候筈ニ御座候尤訓狀ノ趣ハ尙又決議ノ上可申上候將又當度預先ノ會議ニ付英國政府ニテハ當時日本在留同國代理公使ケネデー氏ニ委任ニ相成リ公使パークス氏日本政府ト商議相開候迄ハ發送不仕候被相考候右ノ通内話有之候ニ付爲御合申進候也

明治十四年八月四日

特命全權公使 長 岡 護 美印

外務卿井上馨殿

附屬書二

戊戌 十四年九月二十二日青木公使宛往電

「ビスマルク」ニ接シ獨逸ヲシテ裁判事件ニモ同意セシムル様御盡力アリタシ云云

From Inouye to Aoki

British Government declined to discuss judicial question and Nagaoka reports again Germany has agreed to English proposition to discuss commercial treaty only, but from your confidential despatch 4th August, it appears Germany seems inclined to discuss judicial question also. We should obtain support of Germany. With this object, approach Bismark and endeavour to induce Germany to consent to consider judicial question in the present negotiation.
Particulars by letter.
September 22 (9), 1881.

三五 明治十四年九月十五日 青木駐獨公使ヨリ井上外務卿宛

獨政府ノ態度ニ付報告旁々意見具申ノ件

附屬書一 十四年九月五日附青木公使宛往電

二 同邦譯

三 十四年九月十二日發青木公使來電

機密信 第拾七號

十一月五日到

本月五日付別紙甲號¹電信正ニ致接手候然處右信ハ英語ニ翻譯ノ際於貴境暗號置定ノ謬語有之歟甚難了解候得共姑ク乙

該機密信ハ目下尙御落手無之ニ付前顯本月五日付貴電信御差立相成候事ト存候間申牒補充ノ爲メ昨七日重テ當外務省ヘ出頭別紙英文覺書⁴ヲ通經對話候後丙號⁵ノ通暗號電信差出置申候

右對話(語氣尖銳ニ相響候廉モ有之候得共秘密ノ條件ヲ探知スル爲メ右様對話イタシ申候併シ其際ニハ前後「デプロマチック」的ノ音調感覺ヲ守置候間一點ノ不都合モ無之候)及八月三日付獨語覺書ノ趣ハ篤ト御參考被下度且基礎確定御商議ノ以前左ノ件ノ御合ノ上ニ充分剛症⁶ニ幾望ノ廉々御貫徹被成度此段乍失敬挿嘴申出候

一、輸入税ノ事

右平均ノ増額ニ付在皇國獨公使並領事ヨリ當政府ヘ其意見致申牒候云々内々致探知候處平均八分迄ナラバ輸入商ノ障害ニハ相成間敷歟トノ事ニ有之候併シ我建言中ニハ其分位遙ニ崇メテ提出有之候間尙豫定ノ趣旨御主張有之度候愚考ニテハ各國共讓與相買ノ方法次第十分位マデハ認可イタシ候様存申候

一、行政權ノ事

本年一月廿七日付密信ニ相添差出候英譯覺書ニテ御承知

號ノ通致復譯申候右文面テハ閣下御義健康御挽回有之負擔ノ機務重テ御執掌被成候歟ニ相見恭賀此ノ事ニ御座候將又重修事件ニ付獨政府現今ノ意嚮ハ最前我ヨリ致提出候建言ヲ認可シ以之重修基礎ト爲シ商議可致歟或ハ該政府而起案シタル基礎ニ據テ開議可致歟ノ邊質疑可致御教示相見正ニ領尊意申候抑重修基礎一件ニ付テハ昨年來度々申上置候通各條約國ハ勿論獨政府ニ於テモ昨年我ヨリ提出ノ主義ハ到底奮ニ之ヲ認可不致候而已ナラス各國共當時殆ト重修事件拒絶可致歟ノ勢ニテ有之候間本年一月廿七日付機密信ヲ以て及申牒置候通當時豫メ伺フモ不經由斷然云々取計ヒ依之重修事件ノ照會ヲ致維持候都合而有之申候左候テ其後獨政府ヨリ各條約國ヘ致協議候箇條ハ本年七月廿三日(英外務卿ヨリ森公使ヘ投書ノ日)并ニ八月三日(機密信第十三號³ヲ以下官ヨリ申牒ノ云々)ニ至候マデハ前後秘密ニ屬居候處該英及獨政府ノ通知ニ依候得ハ不日於東京重修會議相開候際ニハ年遺憾其基礎ハ最前我ヨリ致提出候建言ノ分ニ無之獨政府首唱起案ノ趣ニテハ却テ初開ノ集會ニ由テ我政府各在京公使ト協議ノ上重修ノ基礎御確定可相成都合ニ有之申候依テ先月四日付機密信³ヲ以此邊達御開置候義ニ御座候尤

相成候通行政權擴張ノ義ニ付テハ下官ヨリ當政府ヘ對シ
主要ノ主義剛症ニ致説明候處幾望ノ趣意ハ明ニ致了解首
唱先導ノ際ニモ其意ヲ體シテ各政府ヘ及照會(八月四日
付密信ニ相添ヘ候獨語覺書ノ通)隨テ各政府モ亦獨政府
ノ意ニ協候都合ニ有之中候就テハ本件ニ付最前自我提出
相成候箇條ハ可成の無減損貫徹可爲致御内意ニ再此亦剛
症ニ御商議有之度候愚考ニテハ領事の裁判權ニ御觸撞無
之純然行政科ノ區域ニ於テ君主權御擴張有之候ニ於テハ
各國共強テ苦楚相鳴候理由無之況ンヤ爲之行政裁判廳等
昨年御教諭有之候趣意ヲ以御設置有之且兩京及一二新港
御開相成候ニ於テハ稍々御滿意ノ商議相調可申存候尤百
般ノ事務ヲ區畫スル際裁判權ト行政權ヲ分別スル事ハ甚
不容易候間此邊ハ篤ト御取調有之度候將又行政權御挽回
相成候ニ於テハ多少經濟上ノ不利ハ可有之候得共各港居
留地ノ特權の御取扱振モ併テ御廢止相成候方萬々可然候
否レハ一統然タル行政治務ノ組織不相整隨テ挽回ノ舉依
然半途ニ屬可申候

一、結約年限ノ事

獨政府ノ意嚮ニテハ不日東京前議ニ於テ一般認可ノ重修

計豫定被成置度候畢竟此後重テ權謀ヲ假リ更ニ獨政府ノ
首唱ニ據リ(今回首唱ノ實効ハ我方ニ取リ本然充分ノ手
際ニ無之候得共先年國權回復ノ初步ニテ有之候在皇國英
佛郵便局ヲ廢候一舉ハ全ク下官ヨリ主張イタシ候權謀ヲ
當政府ニテ致認可候結果ナリ)國權益々擴張可被成御本
意モ候ハ、經濟上ニハ聊不利可有之候得共(要スルニ此
後重テ輸入稅ヲ増賦スルニ臨ミ英國ト結約シタル稅則ヲ
他國ニ後レテ重修スルトナレハ英產ニ關スル輸入稅ハ我
政府ニテ該延期間之ヲ收納スル事能ハス)獨公使ヲ御籠
絡有之先獨國ト御結約相成候義亦御一策歟ト存候

一、基礎商議ノ際議件ニ前後有之度事

右協議ノ節ハ先稅則ヨリ開議シ此議略協和相調候ハ、姑
ク之ヲ左置シテ行政ノ箇條ニ御取掛相成度候然ルトキハ
該權區域ニ於テ抗論難議致湧出候節重テ稅則ニ立戻リ該
則中ニテ相買讓與ヲ試候ハ、依之協議或ハ容易ニ相調候
事モ可有之存中候

一、基礎確定會議ノ事

右會議ハ所謂堂々タル「コンフェレンス」ニ無之純乎タ
ル同等權所有者ノ交互ニ其意見請求ヲ吐露シ協和スル集

基礎確定相成候上ハ各國共各自ニ我ト現存條約ヲ重修可
致トノ事ニ有之(但シ六十六年間結約相成候四ヶ國トノ
「コンベンション」體裁ハ我政府不滿云々兼テ御教諭
ノ旨モ有之候ニ付此邊ハ前年來篤ト當政府ヘ申入置候)
就中其筋ヨリ懇信様ニ承候得ハ伊太利及他一國(佛國ニ
テモ候歟)ナドハ其自國ニ於テ我駐劄公使ト調約捺印致
度内意有之獨政府ハ反之其事務ヲ以全我政府ノ都合ニ歸
スルトノ事ニ御座候左候テ結約年限及解約方法ニ付テハ
兼テ御高案ノ通年限ハ一ヶ年前解約通知ノ權利ヲ維持シ
可成短縮ニ御取極有之度候併シ此義ハ各國共喜テ承諾イ
タス間數候ニ付假令ハ彼ヨリ十年ト申出候半ハ八年位ニ
御取縮有之且右八ヶ年中初五ヶ年間ハ結約ノ箇條決テ變
更不相成候得共第六ヶ年目ヨリハ亦壹ヶ年前ノ通知ヲ以
經驗上難棄置條件ヲ變更シ或ハ増加スル等ノ權利御取付
置相成度候全體英獨佛三國ニ係候テハ條約ノ通用年限長
短相違有之候方前途ノ政略上ニ取テハ利益不鮮様存候得
共此儀ハ難被行事歟ニ存申候併シ各國ト各自ニ結約スル
トナラハ協議ノ前後ニ由リ甲乙丙國共捺印記名隨テ條約
通用ノ月日各々異同可有之ニ付此際時宜ニ依リ前途ノ奇

會ニテ候間議長撰命ナドノ義ハ無之方ト存中候

右申進度如此ニ御座候敬具

明治十四年九月十五日

特命全權公使 青 木 周 藏

外務卿井上馨殿

註 1及2附屬書一及二

3 五〇文書即前記機密信十三號ナリ

4 添附ナシ

5 附屬書三

附屬書一

甲號 十四年九月五日附青木公使宛往電

From Inouye to Aoki.

I am recovered entirely and resumed my duty.
You should ascertain the present attitude of Ger-
many, in respect of proposed draft treaty question,
whether they wish to open negotiations by adopting
our proposals as the basis or they propose their
basis. Answer by wire.

Tokio, September 5, 1881.

附屬書二

乙號 十四年九月五日附青木公使宛往電邦譯

獨逸ハ我改正案ヲ基礎トスヘキヤ又更ニ彼ヨリ考案ヲ出ス
ヘキヤ御探偵アリタシ云々

附屬書三

丙號 十四年九月十二日發青木公使來電

井上外務卿宛

青木公使

我改正案ハ各國ノ拒絕スル所トナリシ故更ニ和共東京ニテ
基礎ヲ定メントセリ云々

註 原文見當ラヌ

三五二 明治十四年九月十三日

青木駐獨公使ヨリ
井上外務卿宛

條約改正ニ關スル獨政府ノ意嚮報告ノ件

附屬書一 十四年十月十一日發青木公使來電

二 十四年九月廿七日附青木公使宛往電

三 十四年十月五日附青木公使宛往電

機密信 第拾九號

十二月一日到

別紙甲號電信御來示之趣ニテハ獨政府事英政府ノ建議ニ聽
從シ裁判權ニ係候疑問ハ總て之ヲ左置シ單ニ貿易條約ノミ
商議スル事ニ致決意候由長岡公使ヨリ申牒相成候トノ事ニ

解ニ徴スレハ「ボリス」ノ事務ハ本然「アドミニストレー
ション」ノ一部ニ有之候得共向後ノ誤解ヲ避ル爲本文ノ通
及申牒候）ヲ貿易條約ノ條項ニ併セテ商議シ此區域ニ於テ
可成的我幾望ヲ充足シ以テ帝國行政權ノ益堅固ニ歸スルヲ
所望スルトノ事ニ御座候依テ八月七日付密信ニ相添「クセ
ロー」氏ノ Confidential information in German lan-
guage 達貴閣下申候然ルトキハ追テ商議ノ際適宜ノ手段
御施行有之ニ於テハ該兩權ノ擴張ニ由リ彼治外法權ヲ縮少
減殺スル事ハ屹度相運可申ニ付此段マテ致幹旋候獨政府ノ
好意ハ於閣下モ差當御納得相成候事ト存居申候然處前顯甲
號電信ノ趣ニテハ行政ト裁判ノ理解ニ齟齬有之且長岡公使
ノ申牒モ稍々事ノ眞體ニ背候様被存候間 Under Seceta-
ry of State Dr. Busch 氏（目下外務卿ノ代理タル者）ニ
就テ前後四回質疑様々致應接候處猶先申出置候通最初各
政府ニ於テ我提出建言ヲ謝絶スルノ際ニ臨ミ獨政府 took
initiative and 通商條約「コンベンションナル、タリフ」及
administrative and police questions ヲ致商議可然云
々各條約國ノ政府ヘ及照會終ニ得其協意候由併シ本然タル
治外法權廢却ノ舉ハ我皇國ノ諸律ニシテ普通認可ノ主義ニ

有之尤下官ヨリ差出候八月四日付密信文面ニテハ獨政府ハ
通商事件ニ併セ裁判の疑問モ商議可致意嚮ニ相見候條尙
「ビスマルク」氏ニ近接シ獨政府ヲシテ該疑問商議相成候
様幹旋セシムヘシ云々御教令ノ旨正ニ致了承候然處先前ヨ
リ掛念罷在候 Jurisdiction and administration ノ字義
了解隨テ其事務條項ノ區別ニ付テハ我彼ノ見解稍々齟齬有
之歟ニ存中候抑昨年自我提出相成候 Treaty of Friend-
ship and the memorandum annexed to the same
ノ條項ハ勿論純乎タル Administrative question ニテ無
之候得共該兩草案ノ主義ヲ貫徹シ目下跋扈の擴張錯雜イ
タシ居候領事の裁判權ヲ減殺スルノ御主意ニテ有之反之
Treaty of Friendship 第七條中 The Jurisdiction
hereby oncede to — is judicial only ノ明文有之候上ハ
該裁判權ヲ全ク廢止スルトノ御本意ニテハ無之都合ニ御座
候夫故於下官テハ勿論陽ニハ時々剛症申張候事モ有之候得
共陰ニハ最初ヨリ前段ノ趣意ヲ堅執シテ當政府ヘ致應接申
候左候テ治外法權ヲ廢却シ我國律ヲ以テ代之トノ事ハ當政
府ニ於テモ自他各國ノ意嚮ニ齊敷萬々不同意中鳴候末終ニ
Administrative and police questions (歐洲大地ノ理

歸着シ且法官ニ固有スル obligatory 學業及其内實外形ノ
品行等相察候上ナラテハ到底難被行隨テ今回ハ純乎タル
judicial question ヲ討議スル都合ニ無之トノ事ニ御座候
左候テ右兩權御擴張ノ舉ハ果シテ領事の裁判權ノ縮少減殺
タルヲ以テ不日各公使ト御商議ノ節ハ種々難議抗論湧出可
致ニ付其節ハ尙獨公使ノ媒介ヲモ要求シ可成的我政府ノ主
意貫徹相成候邊緊切肝要ノ義ト致愚考候間此段ノ情縷モ篤
ト右外務少輔ヘ懇話相開當政府ヨリ「アイゼンデツヘル」
氏ヘ令シ商議ノ際本人義皇國政府ノ爲一層周旋可致旨更ニ
申遣度及依頼候處屹度承諾如論教令差遣トノ事ニテ有之中
候依テ昨十一月乙號ノ通電信²差出置申候

一、丙³丁⁴戊⁵電信ノ趣ニテハ第一八月九日付公信ヲ以森公使
ヨリ英政府ヘ質疑討論ニ及候舉ハ於閣下認可不被成候由第
二ニハ右公信政府ノ見ニ觸レ候節ハ云々疎解シ拒商議ノ御
趣意無之邊可申通第三ニハ「クセロー」氏ヘ對シ閣下ノ「セ
ンテメント」陳述可致トノ事ニ有之正ニ領教意申候左候テ
右第一條ニ關シ其非ヲ枚舉シテ喋々スル事ハ下官職掌ノ外
ニ屬候得共第二條ニ就テハ左ノ旨達御聞候抑八月四日及九
月十五日密信⁶及内書⁷ヲ以申出置候通英國外務卿七月廿三日

ノ通知有之候後ハ下宜義當國政府ヨリ稍々 cooled impr-
possib⁸ヲ感覺候様存居候處昨今外務少輔へ質疑ノ節モ同
人事容易ニ事ノ眞體相洩候様子ニ不相見加之商議ノ箇條ハ
通商事件ニテ相足可申トマテモ噂イタシ且森公使ノ公書未
一閱候得共「ガランビル」氏へ討論ノ舉ハ畢竟英語誤解ニ
起因イタシ候ハントノ事ニテ有之申候依テ甲號ノ教令ニ憑
據シ忽チ内々在邑(但シ領地住居ノ意)ビスマルク」宰相
ノ許ニ媒介ヲ求メ獨政府首唱ノ主義條項及其結果等今一應
委敷通知相成度我政府ノ定意ハ依然云々ニ有之候邊爲申入
候處固ヨリ同氏ヨリ直答ハ無之候得共外務少輔ノ引受振俄
ニ一變前段應答ノ都合ニ歸申候

但シ「ビスマルク」氏ノ許ニ媒介ヲ求メ且云々爲申入候
等ノ巨細ハ其實多少ノ手數ヲ要候事ニ有之候得共今回ハ
其縷々申牒ニ不及候

將又第三條「クセロー」氏へ云々陳述可致トノ事ハ時宜見
計ノ上可然取計可申候得共事ノ眞體ヲ咄露イタシ候テハ却
テ我拙劣ヲ證明スルニ類候間姑ク背教旨置申候

一、森公使義ハ丙號電信致回送置候後本月二日此境ニ來訪
有之候ニ付昨冬特ニ今春來下官ヨリ當國政府へ致應接候履

爲「ネゴシエーション」可相催トノ事ニ有之候猶此義ニ付
テ九月十五日付拙官ノ申牒御比較可被下候^{目下英}各國共不友義
ノ心實ヲ以我政府ニ對向スル明證ニ候間下官連署ノ電信ヲ
以右開議ノ舉ハ拒絕相成度旨閣下へ建白可致トノ事ニ有之
候得共折節丁戌御教令ノ電信モ有之且全體下官ノ熟知スル
所ニテハ某兩國ニ於テ某條約ヲ重修スルニ臨ミ甲國ノ重修
主義乙國ノ意嚮ニ不適候節ハ乙國之ヲ拒絕シ或ハ全ク廢約
或反對草校ヲ製シテ自己ノ利益ヲ主張シ或ハ甲乙各々委員
ヲ撰命シテ重修事項ヲ商議スル事比々類例有之候處^{目下英}
貿易條約商議ヲ以重修スル事ニ廢約ノ義ハ我邦ニ取り固ヨリ
稍傾向イタシ候等即其一例ナリ^{森公使ノ見込ニテハ重修拒絕ニ會セハ}
可被行事ニ無之^{廢約可然此舉皇國ノ大幸云々トノ事ニ候}又英
政府ニテ目論見有之候通^{森公使七月十二日付}反對建言ヲ以
可然如此ト被爲強迫候事ハ皇國政府ノ榮譽及利益ニモ無之
反之獨政府ノ好意斡旋ヲ以懇親商議可致トノ事ハ決テ不友
義ノ徵證ニ無之候間右連署建白ノ義ハ斷然及謝絶置申候
右末段ノ字句ハ前後反對シ議論及毀譽ケ間敷事ノミニテ稍
憚申牒候得共右大略ハ森公使來訪ノ節御用談トシテ致應答
候ニ付無據達貴閣置申候爲其云々敬具

明治十四年十月十三日

歷ハ勿論且本年二月二日付「バロン、フオン、シーボルト」
記名英文密信⁹ヲ以申出置候通當時獨政府ニ於テ首唱斡旋候
トノ義ハ下官ヨリ在英佛我公使へ通牒不可然要スルニ於彼
地我公使ヨリ同時ニ強迫ケ間敷應接有之候テハ獨政府ノ斡
旋或ハ失敗ノ戒無之ニ非ス云々ノ情縷有之候間其節ハ稍々
不本意(但シ不本意トノ趣意ハ森公使ノ臆察ニテ下官義獨
政府ニ據テ竊ニ獨歩ノ舉動イタシ候様被見做候テハ敢テ甘
心可致了簡ニモ無之夫故獨政府忠諫ノ情縷ハ二月二日付密
信ヲ以閣下へ可申牒置候云々)ニ存候得共職務上ノ義務及
當時下官義モ不快ニ付他出罷在候旁五月十二日(此日付ヲ
以獨政府斡旋ノ模様及其前下官ヨリ該政府へ差遣候覺書共
森公使へ委細及揭示置申候)マテハ本件通知ニ不及候都合
ニテ有之候云々無遺洩申間候處右默居ノ義ハ到底下官ノ不
明及迂愚ニ起因スト判言シ且獨政府ヨリ各條約國へ勸諭シ
主唱斡旋云々ノ通知ハ有之候得共抑獨逸ノ國力の形勢ヲ推
テ判スレハ右各條約國トハ其近隣小弱國ヲ斥候様心得居候
トノ事ニテ御座候猶又同氏ノ見込ニテハ不日於東京「コン
フエレンス」相間候義ハ(但シ英國外務卿七月廿三日付書
簡中ニモ「コンフエレンス」ノ語更ニ無之重修主義確定ノ

特命全權公使 青木周藏

外務卿井上馨殿

註 1、2 三五〇附屬書一及本號附屬書一

3、4、5 夫々二〇三附屬書、及本號附屬書二、三

6、7 夫々五〇及三五二文書

8 五〇附屬書

9 三四六附屬書一

附屬書一

乙號 十四年十月十一日發青木公使來電

From Aoki to Inouye.

Nagaoka's report incorrect. Have received again
assurance that Germany has induced foreign Powers
to include administrative and police questions at the
Tokio negotiation preserving Consular jurisdiction,
its abolition (being) premature. Eisendecker will
receive further instructions for friendly mediation.
If you accept negotiating basis (at) Tokio as above
mentioned, prevent any further action (in) London
and answer by wire.

Berlin, October 11 1881.

附屬書二

丁號 十四年九月二十七日附青木公使宛往電

From Inouye to Aoki.

Mori will send you a copy of his letter to Granville, 9/8. Probably British Government (will) notify German Government about that letter. In that case, convince German Government that letter is not intended to mean that we will not have treaty except taking our proposed drafts.

September 27, 1881.

附屬書三

戊號 十四年十月五日附青木公使宛往電

From Inouye to Aoki.

Regarding to telegram (of) 27 September, I have received from Mori copies of correspondence passed between him and Granville. I do not approve those letters as I apprehend its tones have offended British Government. You should carefully consider and explain Kusserow at first opportunity our true sentiment, so that he might not get ill impression by those letters. I privately exposed (to) German Minister in Tokio that this Government never intend to offend foreign Powers, but—good and cultivating

understanding at approaching negotiation, to discuss, with friendly spirit, as far as present necessities will require for both jurisdiction and commerce.

Tokio, October 5 1881.

三三三

明治十四年十月十七日 青木駐獨公使ヨリ 井上外務卿宛

東京會議ニ關スル獨逸政府ノ斡旋及同會議ノ性質ニ關スル件

附屬書

十四年十月二十一日發青木公使來電

豫議會ノ性質ニ關スル件

機密信 第二十二號

十二月十四日到

本月十一日附ヲ以差立候暗號電信¹ニ對シ御答信無之候ニ付又同二十一日附ヲ以別紙寫ノ通暗號電信²差出置申候然ルニ今以テ何御返答無之失望此ノ事ニ御座候抑モ今回東京商議ノ一件并ニ其商議ノ事項ヲ略定シタル次第ハ要スルニ本年一月已來當政府各國政府ニ照會シ爲我政府彼此斡旋相調一反各政府ニ於テ全ク棄却セントシタル我提出事件ヲ彌縫シ且各政府ヲ誘導スル際ニ於テハ單ニ貿易事項ノ止マラス行政權及警察事件ヲモ併セテ商議スヘシ云々ト主張シ終ニ

各政府ヲシテ其議ニ同意セシメ漸ク東京商議可然ト一決シタル義ニ付我政府ニ於テハ無論如何當政府ノ厚意ハ屹度御認可ニ相成義ト存候然ルニ前段申上候通今以テ何御表示モ無之ニ付何分貴慮難相判當惑至極ノ參懸ニ御座候將又先便達御聞候通森同僚ノ考ニテハ今回可相開東京商議ハ交誼上ノNegotiationニテハ無之強迫的ニ出タルConfarenceニテ有之トノ事ニ候得共九月十五日附機密信并ニ別紙電信ニテモ申上候通決シテ堂々タルConferenceニテハ無之同等權所有ノ委員集會シ熟議懇談スル目的ニテ所謂交誼上ノ商議ニ有之候間此段篤ト御了解相成度此旨年推參爲念申進候也

明治十四年十月二十七日

特命全權公使 青木周藏

外務卿井上馨殿

註 1 前掲三五二附屬書 2 本號附屬書

附屬書

十四年十月二十一日發青木公使來電

(豫議會ノ性質ニ關スル件)

From Aoki to Inouye.

井上外務卿時代 對獨交渉 三五四、三五五

The proposed negotiation should not be mistaken for conference dictating terms on us. It is on the contrary conciliating negotiation between parties with equal rights who voluntarily agree for suitable basis by mutual consent. Why have you not answered my telegram.

21 October 1881.

三五四

明治十五年三月十七日 井上外務卿ヨリ 青木駐獨公使宛

外國人ニ内地雜居許與方提案ニ關シ通知之件

青木全權公使殿

井上外務卿

(本文省略)

註 同日附森公使宛二三三文書同文ナリ

三五五

明治十五年二月六日 青木駐獨公使ヨリ 井上外務卿宛

我提案ニ對スル獨逸政府ノ態度報告旁意見具申ノ件

機密 第二十三號

我條約重修一件并獨逸國韓國ノ間ニ取結候條約ノ義ニ付左

ノ事情及報道中候

一、重修ニ付閣下ヨリ御提出相成候建言ノ條々就中八年及十二年限期結約等ノ御趣旨ハ無心得違致體認候ニ付「フオン、アイゼンデツヘル」氏及「フオン、ホルレーベン」氏（最前代理公使ノ性質ヲ以東京在勤四五年前辦理公使ニ昇級シ南部亞米利加ノ某國ニ駐劄罷在候處半年前賜暇歸國方今ハ專ラ我重修事務擔任ノ者ニ有之候）等ノ周旋ヲ假リ我政府ノ本旨幾望ハ無遺洩當國政府ニ通知セシメ稅則及裁判科ノ疑問共二周日前ヨリ公然其筋々ニ於テ竅查ニ取掛候マテニ致勸諭申候左候テ前顯限期結約ノ事項ハ英佛政府共特ニ不承服ノ様ニモ相伺候ニ付假令獨政府獨リ我幾望ノ本旨ヲ致認可候トモ到底本件完全結其局都合ニ相成間敷存申候尤本年東京開議ノ前各國政府ノ決議スル所ニテハ於該會議異同大體ノ主義相協候上ハ各國各自與我重修條約可取結云々トノ事ニテ有之候處今ヤ大體ノ主義ハ大半協和相調候ニ付前顯稅則及裁判科ノ疑問ニ關シ當國其筋々ニ於テ強ス不承服不申立候半ハ今一應「ビスマルク」氏ニ依頼シテ「イニチアチーブ」ヲ執ラシメ或ハ於此境首トシテ條約ヲ重修シ各國政府ヲシテ該例ヲ履行セシムル歟又ハ該重修前英佛

ノ異見ヲ說破セシメ共同完全ノ局ヲ結候様取計度奉存候依テ過般「シーボルト」氏歸任前ヨリ辦理公使「フオン、ホルレーベン」氏其他貴顯ノ官員某々ニ依リ内々交懇話候處孰モ甘心我幾望ノ條項ヲ認可罷在候間此段御含置被下候（以下省略）

明治十五年十一月十六日

特命全權公使 青木周藏

外務卿井上馨殿

（追書省略）

三五六

明治十五年十一月十九日

井上外務卿ヨリ
青木駐獨公使宛

條約ノ期限、沿海貿易及裁判權問題ニ關シ内訓ノ件
機密内容

一、昨年十一月十六日附機密信第二十三號ヲ以テ我條約改正ノ件并ニ獨韓兩國結約ノ儀ニ付懇々御高見御申越相成逐一致諒承候就テハ右御意見ニ對シ兼テ又拙者ノ胸算等爲念御泄申置度旁逐條左ニ開陳致候條前途ノ爲篤ト御留念可然御配慮相成候様致度候

第一 條約改正豫議會開設ノ際拙者ヨリ提出致候議目中殊

ニ八年及十二年期限ノ趣意ハ實ニ條約改正ノ第一主眼ニ有之若シ此主眼ニシテ實行相遂ケ兼候ハ、自餘ノ件目悉ク各國ノ聽納スル所トナルモ改正ノ實効ハ毫無之結局我ヨリノ要求ハ彼ニ對シ未タ盡キサルニ彼ヨリ我ニ對スル要求ハ既ニ満足ノ點ニ至ルヘシ是レ平等權理ノ目的ニ悖リ候事ナレハ我政府ハ飽ク迄モ此趣意ヲ貫キ假令今回之ヲ遂ル能ハサルモ次回ニ至リ誓テ各國ノ認可ヲ收メサレハ已マサル決心ニ御座候

第二 沿海貿易ノ議目中外國船傭入ノ一段ニ付テハ方今在來ノ三菱會社及目下起業中ナル共同運輸會社ノ設モ有之我政府ニ於テハ專ラ之ヲ獎勵誘掖シテ内海航行ノ利ヲ外人ニ占有セシメサル廟議ニハ候得共會議錄第十三號ニ載スル如ク幾分裁判權ヲ我ニ取り五ケ年ノ期限ヲ以テ姑ク此特許ヲ付予セントスル者ハ畢竟我先ツ稅目ヲ實行セント欲スルニ付之ニ對スル所謂コンデシヨナルノ讓予ニ有之候乍去五ケ年期限之外ハ決シテ讓予セサル決意ニ候間此旨御含置相成度候尤モ各國政府ニ於テ我ヨリ提出シタル右ノ期限ヲ承諾致候ハ、其規約等ノ事ハ彼ノ冀望ニ應シ斟酌變更スル儀

モ可有之存候

第二 唯タ裁判權ニ至リテハ何程熱心ニ爭辨致候テモ今日ノ勢我國ニテ裁判上平權對等ノ地位ヲ回復スル義ハ實際無覺束又一朝一夕ニ成功スヘキ儀ニモ無之候ニ付此件ニ限り乍遺憾成功ヲ異日ニ期スルヨリ外有之間敷候

却說御意見ノ趣ニ據レハ前顯八年十二年期限ノ事項ハ英佛政府特ニ不承服ノ様相見候ニ付縱令獨逸政府而已我冀望ヲ承諾致候テモ本件ノ完全其局ヲ結フ都合ニハ立至間敷云々右ハ御尤ノ御推量拙者ニ於テモ御同案ニ候得共若シ來示ノ如クビスマルク氏ニシテ貴官ノ依託ヲ肯ンシ或ハ獨逸政府我條約改正ノ率先者トナリ各國政府ヲシテ其例ニ倣ハシムル歟又ハ各改正案英佛ノ異論ヲ說破セシムル等ノ策ニシテ果シテ其功ヲ奏スルニ至ラハ萬一不幸ニシテ其好結果ヲ現時ニ收メ兼候テモ有力ナル獨逸政府我ニ加擔スルノ事實ハ早晚必ス其効ヲ見ルヘク又我ニ於テ之ヲ奇貨トシテ將來ニ計畫スルノ好手段トモ可相成存候間御見込ノ程可然御取計ヒ是非成功致候様千萬冀望致候

一、朝鮮國ト米英獨三國ト假條約訂結ノ件ニ關シ朝鮮國王ヨリ各國帝王ヘ寄贈シタル書簡ノ儀ニ付拙者ヨリ電報ノ旨

ニ應シ右條約批准并ニ朝鮮ヲ清國ノ附庸トスルノ認可不認可ノ二件ニ付獨國其筋ノ官吏ヘ御質相成候處右假條約ハ到底批准不相成隨テ獨帝ヨリ返簡モ贈ラレサル内決ニ有之且又萬一批准相成候テモ朝鮮ハ清國ノ屬國タル否ハ之ヲ不問ニ置キ一切關係セサル趣答辦致候由抑モ朝鮮屬不屬ノ問題ニ關シ西洋諸國ト我東洋殊ニ朝鮮ニ隣接スル我邦ト利害ヲ相共ニセサルハ自然ノ情勢ナレハ獨國ニ於テ之ヲ不問ニ置クモ我國ニ在テハ東洋政略ノ局面ニ向テ絶大ノ關係ヲ有スル一大要件タルヲ以テ豫テ御通知ニ及置候通り該國ヲシテ必ス特立自主ノ地位ヲ保タシムル趣意ニ候然ルニ近來清國ハ頻ニ朝鮮附庸ノ名實ヲ兩ナカラ完了セント企圖シ近頃訂結相成候別紙清韓貿易章程ノ如キハ李鴻章ト韓王ト對等五締スル所ニ係リ全ク附庸ヲ以テ朝鮮ヲ待ツノ實ヲ呈シタルハ一讀御了解ノ通ニ候乍去時機到來近ハ右清國ノ舉動ヲ知ラサル者ノ如クシ(可成の清國ト撞觸スルヲ避ケテ)依然朝鮮ヲ待ツニ獨立國ヲ以テスル積ニ候右ニ付過般朝鮮國ヨリ我ト稅則ヲ締結致度趣申込有之候得共若シ我在韓公使ヲシテ役地ニ於テ稅則ヲ締結セシメ候ハ、目下馬建常モルレンドルフ等在韓ノ際故種々其間暗ニ干涉ヲ施コシ我冀望ヲ

持出候ノミナラス稅則ニ關候定期結約ノ條項ニ係候テモ不承諾ノ不意不相示候併シ該一條項ニ付テハ何分英佛政府承諾不致情況有之候ニ付通商條約中双方ノ爲便利ヲ招來シ殊ニ日本ノ爲都合宜敷一ヶ條ヲ加入候方可然左スレハ英佛政府ト雖トモ強テ抗議致問敷云々頻ニ忠告且此旨一應下官ヨリ達貴聞尊諭相伺候テハ如何云々極々内密致懇話申候依テ別紙英文申號寫ノ通不月十一日在露公使館ヲ經由暗號電信差出申候右電信ハ要秘密獨リ下官ノ作文ニ出候間或ハ閣下ノ御了解ヲ難シ候敷ト存申候併シ緊要ノ主意ハ先ツ通商條約ヲ結納シテ増額稅則ノ利益ヲ領收シ治外法權ノ變革ハ追次着手可然トノ事ニ有之申候尤新稅則早晚可廢却否ノ事ハ我政府ヨリ定期中可開全國否ノ規約ニ繫束セラルハ都合ニ付純然隨意治定ノ權利ヲ挽回スル都合ニハ無之候得共定期中我政府ニシテ各國所望ノ司法的改革相整ヘ且全國ニ亘リ内外人民ノ通商差許候ニ於テハ稅則ニ係候束縛忽焉可致解類結果ニ相成申候抑獨政府ノ建言ハ本然甘心難相成候得共其意嚮ヲ致洞察候得ハ事ヲ英佛ノ抗議ヲ彈壓スル爲メ良心的ニ致忠告申候又現今内國開明ノ情勢ニ就テ措置被成候御本意ニ候間獨政府ノ忠告當ニ不徒然或ハ却テ御參考ノ一助

障礙スルハ必然ノ勢ニ候就テハ彼ヨリ使節ヲ派遣セシメ我東京ニ於テ右稅則ヲ締結致候様竹添公使ヘモ訓令シ目下盡力中ニ有之候

(以下省略)

右回答旁申進候也

明治十六年一月十九日

井上 馨

在獨逸日本公使館

青木周藏殿

追テ本信ハ伊藤參議ヘモ御回示有之度候

三五七

明治十六年四月十九日

青木駐獨公使ヨリ
井上外務卿宛

我提案ニ對スル獨逸政府ノ折衷意見ニ付請訓ノ件

附屬書

十六年四月十一日發青木公使來電

機密 第十二號

六月四日到

重修一件ニ付下官義先般來當外務省主任ノ者ト種々談論相開候處外務卿初其他共自下官主張ノ條理ハ從前篤ト致了解居候ニ付目今當政府ニ於テハ敢テ我提出事項ニ反對論ヲ不

トモ可相成敷ニ奉存候

右伺貴慮度如此御座候敬具

明治十六年四月十九日

特命全權公使 青木周藏

外務卿井上馨殿

追テ別紙電信文ノ亘細ニ關候利害得失ハ「シーボルト」

氏ヨリ差出候内信ニテ御推考可被下候

註 1シーボルト内信綴込ナシ

附屬書

十六年四月十一日發青木公使來電

From Aoki to Inouye.

It is the French and British Governments which find the proposed modification in the system of the Consular Jurisdiction pretending that our justice has not yet been reformed in a desirable manner, though at the same time they and all others lay the greatest stress upon the opening of the whole Empire. Moreover both Governments seem not to accept even the new increased tariff on condition of the proposed expiration, being afraid of the steps which Japan may afterwards take turning out to

autonomy. However, in the face of these circumstances the German Government are, though much puzzled, willing to exert their good offices for our interests and recommend to you the following clause:

The tariff shall be annulled after 8 or 10 years with one year's notice from our side if the Imperial Government resolve during this fixed termination to open the whole Empire for the foreign intercourse on condition of course that the exteriority should then entirely or partially cease according as the native jurisdiction will have improved in the meantime.

The German Government believe that in this way we keep the liberty to open the country or not, but we have in view, notwithstanding, the possibility of enjoying the advantage of the new increased Tariff whilst both Japan and Foreign Powers shall accustom themselves respectively to the idea of opening the whole country and of keeping no longer the Consular Jurisdiction; a movement which will contribute a great deal firstly to the preparing of

Japanese reforms and secondly to promote the mutual approaching and good understanding of the interested parties.

Give instructions by wire for my farther conduct as the German Government are about (on?) the point of taking steps of a benevolent intermeditation.

Afrii 11 1883.

三三八

明治十六年五月十四日 井上外務卿ヨリ
青木公使宛

獨逸政府ノ折衷意見ニ付回訓ノ件

附屬書

- 一 十六年四月二十八日青木公使宛往電
- 二 十六年五月三日發青木公使來電
- 三 十六年五月九日青木公使宛往電

機密内信

條約改正ノ件ニ付四月十四日別紙甲號ノ通御發電¹ニ付不取敢同月廿八日乙號²ノ通及答電置候仍テ今尙其趣旨詳細左ニ申進候

貴報ニ依ルニ英佛兩政府ハ我國ノ裁判制未タ全ク適應トスヘキ改良ニ不至トノ事ヲ辭柄トナシ我提議ノ領事裁判權改

正案ヲ承諾不致ノ意見ニ有之由ナルハ洵ニ遺憾ノ事ニ存候抑モ英佛政府力辭柄トナセル所ノ適應ノ改良トハ果シテ我國ノ裁判制ニ改良ヲ加ル事何レノ點ニ至テ始テ適應トセン歟縱令幾回ノ改正ヲ重ネテ我ニ於テハ既ニ充分ノ改良ナリトスルモ彼ニ於テハ尙未タ然ラスト云ンハ必然ノ理勢タリ元來各國其法律ヲ異ニスルモノハ其民情風俗ノ相同シカラサルニ由ル所ナリ然ルヲ今我國ノ法律ヲシテ此ノ民情風俗相同シカラサル各國人民ニ對シ皆均ク適應スルモノタラシメント欲ス到底是レ爲シ得可ラサルノ事タルヤ言フ俟シテ瞭然ニ候尤モ我國ノ法律ハ未タ以テ完全具備セリトハ言ヒ難ケレトモ刑法治罪法ハ既ニ昨年一月ヨリ之ヲ實施シ而シテ民法ノ如キハ目今專ラ編成中ニシテ是亦タ開化ノ國ニ於テ現今行ハル、モノト其主題ヲ異ニスルモノニ非ス然レトモ御承知ノ如ク民法ハ別シテ其國ノ民情及古來ノ習慣ニ因ラサルヲ得サル義ニ付英佛獨等ノ民法ト全ク同一様ナル可ラサルハ其實際ノ然ラシムル所ニ候唯タ裁判官ニ至ツテハ僅ニ十五年間ノ經驗ニシテ未タ其人ニ乏キノ憾ナキ能ハス故ヲ以テ此關ヲ補ハンカ爲ニハ外國法律家ヲ傭聘シテ之ヲ我裁判官ニ任用スヘキ事ヲ豫議會ニ提議ニ及ヒタル次第

ニ候然ルニ英佛政府ニ於テ尙前述ノ辭柄ヲ以テ我提議ニ異議アルモノハ是レ畢竟若シ我日本一國ノミニ對シ「リベラル」ノ約ヲ締結スルトキハ自ラ他ノ東洋諸國ニ其影響ヲ及ホシ彼レカ常ニ東洋貿易上ニ威權ヲ占メ之ヲ永久ニ逞フセント欲スルノ政略ニ妨アラントノ懸念ニ出タル義ナラン歟ト推察被致候

英佛ニ反シ獨政府ニ於テハ我國ノ爲ニ頗ル盡力周旋セント欲スル由ナルハ甚タ欣喜ノ至ニシテ其厚誼不堪感謝候是レ偏ニ貴官ノ平常交際上御盡力ノ効驗ト存候然ルニ其勸告ノ考案ニ據レハ増稅ノ約ヲ諾サシメ其施行期限(即チエキスパイレーション)ヲ八年若クハ十年トナスニ就テハ右期限中ニ於テ全國ヲ外國通商ノ爲ニ開クヘシ而シテ其時ニ當リ我國裁判制ノ改良如何ニ依リ治外法權ヲ全廢シ若クハ其一部分ヲ廢止スルノ締約ヲ以テスヘシトノ趣旨ニ有之候處此全國ヲ開キ治外法權ヲ全廢スルトキハ我レヨリ豫議會ニ提出シタル幾部分カノ讓與ヲナシ且十二年ノ消滅期限ヲ附シタルヲ云フ主意ナルカ又ハ此提議外ニシテ一ノ讓與モナサスシテ純然タル法權ヲ回復スルノ主意ナル歟若シ提出シタル主義トセハ十二年ノ期限ハ假令十五年トスルモ敢テ異議

ナシト雖トモ治外法權ハ唯タ其一部分ノミヲ廢シテ全國ヲ開クカ如キハ斷シテ承諾スル能ハサル所ニ候若シ治外法權ノ一部分ノミヲ廢スル場合ニ於テハ我讓與モ亦タ一部分ニ止マラサルヲ得ス其方法ハ即チ内地各所ニ從來ノ居留地同様ノモノヲ開クトキハ其困難雙方ニ甚タ渺カラサルハ各開港市場ニ於ル既往ノ實際經驗ニ由テ明白ナル所ナルニ依リ豫議會ニ提議シタルカ如ク内地通商ヲ許スノ外他ニ策アルヘカラス而シテ之ヲ許スニ就テハ輕罪以下ノ裁判權ヲ我レニ收メサルヲ得サルナリ一體英公使ハ内地通商ヲ許スノ報酬トシテ罰金一圓九十錢ニ止ル違警罪ノミヲ我法權ニ歸セシメントノ意見ニテ度々其談話モ有之候得共拙者於テハ更ニ承諾不致候若シ果シテ英公使ノ云フカ如ク爲ストキハ外國人内地ニ入り僅ニ旅宿料或ハ人力車賃ヲ拂ハサルトカ其他些少ナル金額ノ訴訟等アルニ當リ一々本人數十里懸隔ノ開港場ニ來リテ出訴シ又之ヲ出訴スルニハ外國ノ代言人ヲ雇ハサルヲ得サル等種々ノ手數費用不尠事ニテ獨リ我カ人民ノミ不便ヲ被ル事甚シク其刑事上ニ於テモ其罪人取扱等ノ不便極ナク遂ニ地方ノ治安ヲ維持スル能ハサルニ至リ可申候右ノ次第ニ付内地通商ヲ許スニハ是非トモニ輕罪以下

ニテ尙四五年間ノ延期ヲナシ後日ノ期ニ至リ再ヒ今回ノ主義ヲ提出シ終ニ其主義ヲ遂ケサレハ止マサルノ決意ニ有之候此精神ヲ外ニシテ改正ニ付目的ハ更ニ見出し不申候間其邊御合御談判相成度致希望候也

明治十六年五月十四日

井上外務卿

青木公使殿

追申本文條約改正ノ件ニ付尙又當月四日別紙丙號³ノ通御電信ニ付同九日丁號⁴ノ通及返電置候右返電ノ趣旨モ前文ニ縷述致候所ニ不出候間右ヲ以テ御了悉相成度候
伊藤參議ヨリ當月十二日ノ發電⁵ニ貴官並森公使トモ一同評議ヲ盡サレ増稅ニ終了期限ヲ附シ法權ノ事ハ別段此後ノ談判ニ致ス方可然トノ趣ニ有之右御見込ノ處拙者ニ於テ聊カ異存無之ニ付其運ヒニ御盡力有之候旨即チ本日御答電致置候増稅ノ事法權ニ關係ナク相行ハレ候ハ、誠ニ好都合ニ存候法權ハ開國ト相對シ談判致候ハ最モ所希望候

註

1 別紙甲號電信ハ前掲三五七附屬書ナリ

2 3 4 夫々附屬書參看

ノ裁判權ヲ我レニ取ラサル可ラサル事ニ有之候斷然全國ヲ開キ一時ニ治外法權ヲ全廢スル事ハ最モ希望スル所ニ候得共然ルトキハ事態ノ變換急劇ニシテ大ニ百般ノ秩序ヲ紊亂スルノ虞ナキヲ保シ難キニ付先ツ彼我人民ヲシテ新事態ニ慣熟セシメンカ爲メ準備年限ヲ置ク事ヲ豫議會ニ提議シタル所以ニ有之候就テハ増稅ノ締約ニ消滅期限ヲ付シ假令ハ此期限ヲ十年トシテ九年目ニ至リ治外法權ヲ全廢スレハ其期ヲ以テ全國ヲ開クヘシ又該法權ノ只一部分ヲ廢スルトナラハ則チ輕罪丈ノ裁判權ヲ回復シテ内地通商ヲ許スヲ相當ト存候尤治外法權ヲ全廢スト云フトモ眞ニ全ク之ヲ廢止セハ可ナリト雖トモ若シ我提出案ノ如ク尙ホ幾分ノ特權特典ヲ許與スル事トセハ無論之レニ年限ヲ立サルヲ得サル義ニ付六年或ハ七年ヲ期シ終ニ眞ニ全廢ニ至ルヘキヲ豫約設置度主意ニ有之候併右年限ノ長短ニ至テハ必スシモ六七年ニ限ル義ニモ無之其伸縮ハ只貴官ノ御見込ニ任せ可申候依テ右等ノ趣旨篤ト獨政府ヘ御内陳相成尙其意見詳細御聞紀シ御申越有之度候

先前申進候通り我レヨリハ實利實益ヲ與ヘ盡シ法權ハ未タ我レニ收メ盡スヲ得サル改正ヲ行フ事ナレハ寧ロ現存ノ儘

附屬書一

乙號 十六年四月二十八日發青木公使宛往電

From Inouye to Aoki.

Great difficulty is to make partial concessions and to decide how far Japanese Jurisdiction (has?) improved, that is, while we maintain it (has?) improved Foreign Powers will say no, hence endless discussions. It was with the object of over-coming this difficulty that I had proposed in the Conference intermediate period of transition. I refer you for details to page 10 and 11 of protocol No. 11 June last (?). By entirely abolishing extraterritoriality, do they mean that such concessions can be made without any exemption or conditions, or to abolish it according to my proposition, that is, with certain terms and privileges more or less in favour of foreigners? Supposing tariff agreed with a view of cancelling it at the expiration of 8 years and arrangement for abolishing extraterritoriality may commence to operate at any time during this fixed

period, but if Foreign Powers may find objection in this experiment after few years and insist upon coming back to the former state of things, will that be practically possible? I say no. Considering serious nature of preparation to be made, we can only continue it with hope of remedying defects and with the further terms of prolongation. Details by mail.

Therefore ascertain fully the views of German Government on this point and report minutely by letter.

April 28, 1883.

德蘭轉三

四號 十六年五月三日發青木公使宛電

From Aoki to Inouye.

You must not show my last telegram or this to German Minister. The Government of Germany do not propose to settle at present the question of jurisdiction. The acceptance of new Tariff will be certain, but English circular which arrived in the meantime here seems to avoid termination clause, which I still use best endeavours to secure. Al-

for the adoption of the New Tariff with expiration of ten years, but must not take this decided step upon such condition as stated in your telegram. The term of that telegram appears to mean the absolute abolition of Consular Jurisdiction instantaneously with the opening of the whole country or does it mean that the country should be opened with such concessions, with the expiration of twelve years, as I proposed at the last conference, the appointment of foreign judges &c. See protocol II. If the latter and foreign powers wish to lengthen the 12 to 15 years, we can accede to it.

Another term *partially* is very dangerous word. Suppose we open the whole country with partial recovery of our jurisdiction, how could we in the future regain the remaining part of jurisdiction? If we open the whole country at once there will be no further concessions to be made when we claim jurisdiction in its entirety. Moreover, if we and foreign Governments differ in opinion as to the degree of improvement of our judicial affairs, the recovery of full jurisdiction over foreigners might

though German Government, in consequence of my request, shows a disposition to recommend termination of 10, 12 or 15 years, they doubt success unless some condition favorable to foreign Powers be attached. This condition is to be that this right of terminating Tariff can not be exercised by Japan, unless, in the meantime viz. at the expiration of the Tariff, it has arrived at an understanding with foreign Powers to open the whole country, the condition of understanding be (?) a matter of subsequent negotiation. I wished to know whether I might say that you accept eventually such condition, but I think it is important that we should add in any case that the opening is of course conditional if application is made of the principle of territorial jurisdiction.

3 May, 1883.

德蘭轉三

一號 十六年五月九日發青木公使宛電

From Inouye to Aoki.

I have no objection to your proposal that whole country should be opened as equivalent concession

be delayed forever. Therefore if foreign powers give up only a portion of jurisdiction, we in return shall make such partial opening of the country as proportionate with their concession. Partial opening means the admittance of foreigners into interior for trade upon condition that all cases of delicts committed by foreigners should be adjudicated by local courts. See protocol II page 10. This gradual step seems more cautious and practicable. Do not take hasty action. Details by mail.

May 9, 1883.

三五九

明治十六年五月十七日 青木駐獨公使ヨリ 井上外務卿宛

獨逸政府へ幹旋方依頼ノ件

附屬書

十六年五月十五日附青木公使發獨逸外務卿宛 往翰

無號機密信

七月二日到

定期結約ノ義ニ付去月十一日來數教令相伺候末一昨十五日ニ至リ終ニ一書ヲ製シ當國外務卿へ云々倚頼申遣候尤原文ノ獨逸語ニテ到底他國語ニハ復譯難相成語氣爲相合置候得

共倚賴ノ條件急ニ達貴閣度候儘別紙英文ノ翻譯不取敢差出
申候猶巨細ノ縷々ハ以次便可申上候草々不乙

十六年五月十七日

全權公使 青 木 周 藏

外務卿井上馨殿

註 1 前掲三五七附屬書及三五八附屬書來電參照

附屬書

十六年五月十五日附青木公使發獨外務卿宛往翰譯文

青 木 周 藏

參議グラーフ、フオン、ハツフェルド、
ウイルデンブルグ殿閣下

帝國獨逸政府ノ發意ニ據リ昨年東京ニ於テ條約改正ノ普通
基礎ヲ建テンカ爲メ會議ヲ開キ候節各條約國代理委員ニ在
日不外國人ニ關スル法律及ヒ商法ニ就テ種々緊要ナル諮問
ヲ差シ示メシ候處各委員ハ其協議結果ヲ夫々自國政府ニ報
道相成候然ルニ今般我政府ヨリ拙者ニ又左條ノ事件最トモ
緊要ニ有之候間今一度帝國獨逸政府ニ其懇切ナル助力ヲ請
願可致旨被仰付候

改正稅則ニ付テハ原案ヲ變セスシテ採用可有之様歐國代理

諮問ヲ充分ニ可相達候ト被相考候治外法權ノ變革ノ趣旨詳
細會議錄ニ記載有之候源因即チ外國人我國ニ於テノ住居營
商業及ヒ土地賣買殆ント區域ナキ寛大ヲ草案ニ附セシモ條
約國ノ一二ニ於テハ猶之レヲ承諾スルヲ悅サルノ色ヲ現セ
リ然ルニ我政府ハ該件ニ付テノ會議結局ハ正廉ナル商業上
政略ノ諮問ノ道ニ妨ケナキモノト深慮仕候此ノ故ニ商法件
ノ義ニ付テハ可相成の至急ニ其局ヲ結ヒタキ事不堪冀望候
帝國獨逸政府ハ我皇帝陛下ノ政府ニ對シ其交リ最トモ淺カ
ラス毎ニ度々特別ノ懇意ヲ表セラレタリ因テ拙者ハ前條ニ
演述セシ所ノ事件ヲ閣下ニ依頼セン事ヲ願フ伏シテ乞フ第
一ノ箇條ヲ他ノ條約國ニ承諾有之様周旋有之度而シテ猶之
レヲ承諾セサルトキハ百万方懇諭成就可致様只管御盡力有之
度候此段得貴意候敬具

明治十六年七月廿二日譯

註 右原文獨逸文ハ後出三六〇附屬書三ナルニ付參照

(右英文)

To His Excellency

Count Hatzfeldt Widenburg

Imperial German Secretary of State

井上外務卿時代 對獨交涉 三五九

者其政府ニ上申相成候由政府ニ於テモ格別異論無之事ト被
存候就テハ我政府ニ於テ五ニ締結ス可キ定期經過ノ後チ豫
告解約權ヲ占有可致様御承諾有之度不堪希望候其實一ツハ
確定期限滿期ノ後ニ臨ミ商法條約ノ豫告解約權所有ノ義承
諾被致候節ハ該權ハ文明國間ノ交際ニ於テ普通源則ト相成
候半ト相考候且ツ帝國獨逸政府ニ於テハ既ニ他ノ亞細亞政
府ニ該權ヲ認可相成候又一ツハ日本商業上ノ政略自由ニシ
テ且ツ現ニ萬國公法條例ヲ保守シ其施行法ニ就テ正シク信
用有之候テ可然ト存候此ノ故ニ我政府ニ於テハ該權認許ノ
義ニ付キ最トモ尊重可致事ニ御座候ト愚考仕候抑モ該權理
ヲ請求スルヤ將來外國ノ商業ニ關シ障害ヲ與ル如キ理財政
略ヲ企望スルニ非ラス前顯ノ權理認可請求ノ義ハ千八百六
十八年來我政府改革ニ際シ人民信ヲ政府ニ置キ能ク法例ヲ
遵守致シ居候ニ依リ改革ノ標のトシテ猶一層力ヲ震テ以テ
從來ノ目的ヲ達セント欲スルニ有之候公然ノ安寧秩序及ヒ
畫一行政ノ進歩ニ就テ我政府ニ於テ最トモ緊要ナル件アリ
即チ外國人ニ對シ立法及ヒ行政權ヲ施行シ得ルノ手段今日
ニ於テ回復致度抑モ該件ニ就テノ改正ノ切ナル事ハ關係委
員皆明知致シ居候而シテ前述ノ件ニ合一スルトキハ切ナル

for Foreign Affairs.

Japanese Legation Berlin 15 May 1883.

In consequence of the highly appreciated initia-
tive taken by the Imperial German Government, the
Representatives of the Treaty Powers had assembled
last year at a conference at Tokio and the Imperial
Japanese Government had submitted to them a num-
ber of important questions regarding the rights and
commercial interests of foreigners in Japan.

The undersigned, acting under instructions from
his Government, has now the honor to appeal again
to the friendly intervention of the Imperial German
Government in the hope of their using their good
offices for the settlement of the following questions
to which his Government attaches particular inter-
est.

The European Representatives having, in regard
to the Tariff, expressed their intention to propose
its unaltered acceptance to their Governments, the
Imperial Government trusts therefore that no particu-
lar difficulty in regard to this can be encountered
and it entertains the most anxious desire that her

right of terminating the tariff, after the expiration of a term hereafter to be agreed upon, will be recognized. In consideration that not only the right of terminating commercial treaties after the expiration of their duration is an universally recognized principle in the intercourse of civilized nations and has already been conceded by Germany to an Asiatic power, but that also the liberal commercial policy of the Japanese Government and its formal adhesion to and actual observance of the Rules of international law, should entitle it to the full confidence of the foreign Powers in respect to its loyalty, the undersigned is bound to believe that his Government must attach the greatest value to the right in question, the more so as their object is not to abuse it by introducing hereafter a new economic policy injurious to foreign commerce, but to claim this right as a due recognition on the part of the foreign Governments of the accomplishments of their policy of Reforms which has been achieved with the devoted cooperation of the Japanese people since 1868 and which by an admission of this kind

is of opinion that the negotiations regarding this question should not stand in the way of a speedy conclusion of the purely commercial questions and that the Government would be happy therefore to bring about an earlier settlement of the latter.

Encouraged by the repeated evidences of interest and of well meaning disposition on the part of the Imperial German Government, the undersigned has the honor to request His Excellency to be good enough to induce the German Government to intercede once more with the foreign powers in the above questions, more particularly in regard to the first, in order that by their friendly influence any unfavorable impression which might perhaps be entertained by any of the foreign powers in regard to it, might, as far as possible, be overcome and counteracted.

The undersigned etc.

(signed) Aoki.

三六〇 明治十六年五月十四日 青木駐獨逸公使
井上外務卿宛

井上外務卿時代 對獨逸交渉 三六〇

would enable the Imperial Government to realize to their fullest extent the high objects they have had in view from the commencement.

The Imperial Government thinks it also desirable in the interest of public order and security and in that of the full development of their uniformly introduced administration, to point out the necessity of being invested without delay with the necessary means for carrying out police and internal administration by the application upon foreigners of the legislative and executive authority of the government. The want of a reform of this kind is universally felt and an understanding in the above sense would bring about a satisfactory solution of a most pressing question.

With regard to the modifications of the extraterritorial jurisdiction which for the reasons specified in the protocol and accompanied by almost unlimited concessions in regard to foreign residence, trade and possession of real property, was proposed by the Imperial Government but seemed not to meet the approval of certain powers, the Imperial Government

獨逸外務卿宛斡旋依頼狀寫送附ノ件

- 附屬書 一 十六年五月十七日青木公使宛往電
二 十六年五月十八日發青木公使來電
三 十六年五月十五日附青木公使發獨逸外務卿宛往翰原文

機密 第十六號

七月九日到

重修事件特ニ稅則定期結約ノ義ニ付本月十七日別紙甲號寫ノ通電信御差出相成候ニ付則翌十八日別紙乙號寫ノ通暗號電信差出申候右乙號電信ノ主旨ハ先便無號機密信ヲ以達貴聞置候英譯文ノ通當政府ハ申遣候事ニテ有之申候因テ今便其獨逸原文寫臺綴爲念差出候間御查收被下度候右爲申進早敬具

明治十六年五月廿四日

特命全權公使 青木周藏

外務卿井上馨殿

附屬書 一

甲號 十六年五月十七日發青木公使宛往電

From Inouye to Aoki.

Did you take any action since you got my last telegram of 14 addressed to Ito? Do not fail to re-

port me how the question is progressing and especially when any step is taken.

May 17, 1883.

通譯文書

ニ發 十六年五月十八日發青木公使來電

From Aoki to Inouye.

Have taken steps trying to obtain termination clause unconditionally. We have reason to believe Germany would try to effectuate it.

May 18, 1883.

密譯文書

十六年五月十八日發青木公使來電

Berlin, den 15. Mai 1883.

Nachdem die Kaiserlich Japanische Regierung den Vertretern der Vertragsmächte, welche voriges Jahr infolge der dankbarst anerkannten Initiative der Kaiserlich Deutschen Regierung behufs Gewinnung einer gemeinsamen Basis für die Vertragsrevision in einer Konferenz zu Tokio zusammengetreten waren, eine Reihe von wichtigen Fragen in Betreff der Rechtsverhältnisse und Handelsbedingungen der Ausländer in Japan vorgelegt hatte, und die Herrn

Vertreter über das Ergebniss der Verhandlung an ihre respektiven Regierungen berichtet haben, ist der Unterzeichnete von seiner Regierung beauftragt in dem folgenden Angelegenheiten, welche für diese von besonderer Wichtigkeit sind, die Kaiserlich Deutsche Regierung abermals um eine freundliche Intervention zu bitten.

In Betreff des neuen Tarifs dessen unveränderte Annahme die europäischen Vertreter ihren Regierungen zu empfehlen beabsichtigten und daher Seitens der letzteren wohl keiner weiteren Schwierigkeit begegnen dürften, sagt die kaiserlich Japanische Regierung den seelichsten Wunsch, dass ihr das Recht der Kündbarkeit nach Ablauf eines zu vereinbarenden Termins zugestanden werde. In Anbetracht, dass einerseits das Recht der Kündbarkeit eines Handelsvertrags nach Ablauf des festgesetzten Termins anerkanntermassen als ein gemeinsames Prinzip im Verkehr aller civilisirten Staaten gilt, und auch Seitens der kaiserlich Deutschen Regierung dasselbe bereits einer andern asiatischen Regierung zugestanden worden ist, und dass, andererseits die

liberale Handelspolitik Japans, sowie seine formelle Anerkennung und thatsächliche Observanz der völkerrechtlichen Normen hinsichtlich seiner Loyalität das vollste Vertrauen erwecken dürfte, glaubt der Unterzeichnete, dass seine Regierung auf die Anerkennung dieses Rechts einen um so grösseren Werth legen muss, als es für dieselbe sich nicht etwa darum handelt, dasselbe in der Zukunft zum Zweck einer dem fremden Handel schädlich Wirtschaftspolitik anzuwenden, sondern es sich vielmehr darum handelt, dieses Zugeständniss als eine gebührende Anerkennung der Reformen, in denen das Japanische Volk seit 1868 vertrauensvoll seiner Regierung gefolgt ist, zu erhalten, um hiedurch sich selbst in den Stand zu setzen, auch fernerhin das angestrebte Ziel mit erneuerten Kräften verfolgen zu können. Im Interesse der öffentlichen Ordnung und Sicherheit und der weiteren Entwicklung der einheitlich etablierten Verwaltung, glaubt die kaiserliche Regierung auch auf die Nothwendigkeit hinweisen zu müssen, dass ihr auf dem Gebiet der Polizei und der inneren Verwaltung schon jetzt die

Mittel an die Hand gegeben werden, die legislative sowohl als executive Befugnis auch Ausländern gegenüber ausüben zu können.

Das Befürniss einer Reform in dieser Hinsicht wird von allen Betheiligten empfunden, und eine Vereinbarung im obigen Sinne, würde eine befriedigende Lösung der dringenden Frage herbeiführen.

Hinsichtlich der Modifikation der exterritorialen Jurisdiktion, welche als den im Verhandlungsprotokoll näher bezeichneten Gründen, unter dem Anerbieten fast unbegrenzter Zugeständnisse, in Betreff der Niederlassung, des Handelsbetriebs und des Grunderwarbs der Ausländer, japanischerseits im Vorschlag gebracht wurde, doch bei einigen Mächten sich einer Zustimmung nicht zu erfreuen schien, ist die Kaiserliche Regierung der Ansicht, dass die Verhandlungen hierüber einem baldigen Abschluss der rein handelspolitischen Fragen nicht Wege stehen sollten, und ist daher gerne bereit, eine beschleunigende Erledigung der letzteren vorzugsweise herbeizuführen.

Gestützt auf das besondere Wohlwollen, welches

die Kaiserlich Deutsche Regierung der Regierung Seiner Majestät des Kaisers von Japan zu wiederholten Malen zu erkennen gegeben hat, gestattet sich der Unterzeichnete, die ganz ergebenste Bitte an Seine Excellenz zu richten, geneigtest in den erwähnten Fragen, insbesondere aber mit Bezugnahme auf den ersten Punkte, ein freundschaftliches Entgegenkommen bei den Vertragsmächten beizubringen und falls hierüber eine ungünstige Auffassung obwalten sollte, derselben nach Möglichkeit entgegenwirken zu wollen.

Gleichzeitig benutzt der Unterzeichnete diesen Anlass um Seiner Excellenz die Versicherung seiner ausgezeichnetsten Hochachtung zu erneuern.

Siuzo Aoki

Seiner Excellenz
dem Staatsminister und Staatssekretär
des Auswärtigen Amts
Herrn Grafen von Hatzfeldt-Wildenburg
ect, ect, , , , ,

註 前掲三九五附屬書參看

候故今般獨政府ヨリ十五ヶ年ト申出候半ハ尊慮如何且其建言サル expiration タル外形ニ就テ論之候得ハ舊規重修ノ addition ニ不外候様相見ヘ候得共開國否ノ規約之ニ係リ候間内實ノ効力ハ甚非小少要スルニ開國ノ準備相整十五年以内裁判權等ノ事件ニ關シ與各國協議相整候上ハ規約後十五年ヲ經過シ商法條約ハ實際總テ expire 相成候都合ニ有之中候將又以往十五年内ニハ開國ノ準備モ從前トハ違ヒ一層精密ニ可相整ニ付事業進歩ノ程度ニ準候テハ治外法權ヲ減殺シ或廢止スル等全ク我權利内ニ可有之就テハ十年ト十五年ノ期限ニ關シ強テ異存御主張無之方可然歟ニ奉存候先ハ爲其草々敬具

明治十六年六月廿一日

特命全權公使 青木周藏

外務卿井上馨殿

(追書省略)

註 1、2 甲號内信及乙號電信ナルモノ見當ラズ

三六二

明治十六年六月廿八日

青木駐獨公使ヨリ
井上外務卿宛

井上外務卿時代 對獨交渉 三六二

三六一 明治十六年六月二十日 青木駐獨公使ヨリ
井上外務卿宛

改正條約ノ有効期限ニ關スル件

機密 第十九號

八月四日到

從前公信及内信ヲ以數回及申陳置候通重修事件ニ付英政府ヨリ各政府ヘ致照會候建言ノ趣意ハ舉テ我國ニ不利ノ箇條而已ニテ有之候云々確乎致傳承候間下官儀五月十六日當政府ヘ致報告候後モ引續周旋切ニ該政府ニ迫リ速ニ舉動シテ斡旋有之度段及請求候處其事乃成就シ昨日外務少輔兼商務課長「フオン、ボヤノウスキ」氏ヨリ重修事件ノ主眼タル定期結約一項ニ付口頭及甲號内信¹ヲ以獨政府斡旋ノ概意致通知候間即刻乙號電信²差出置申候其他「アドミニストレーション」特ニ「ボリス」治務ノ擴張及「モースト、フエボレート、ネーション、コース」ノ縮少等ニ關シ候テハ可成我幾望ノ旨ヲ體シ斡旋可致トノ事ニ有之中候抑五月九日附貴電信ニ徴候得ハ on objection I have to your proposals that whole country should be opened as equivalent concession for the adoption of new tariff with expiration of 10 years &c. トノ御教令ニ有テ

パークス及サツペ氏建言書寫送附ノ件

機密 第二十號

八月十六日到

以先便達御開置候通英政府致提出候回章中ノ主義ハ大概公使「パークス」氏ノ建言的報道書ニ致起因居候由ノ處昨今ノ際該報道書某相識ノ者ヨリ竊ニ相示申候依テ速ニ令騰寫爲御心得即別紙甲號¹差出申候抑々該報道ノ旨趣頗ル實際ノ情況ニ致悖戾居候段實ニ同公使ノ心實不友義タル事判然ニ有之且政略的ノ區域ニ於テ因循固陋其慣習的所見ヲ變換不致能候邊頗ル狹隘ノ至ニ相見申候左候テ東洋ノ通商ニ關シ最利害アル英政府ノ意嚮頗顯ノ情實ニ有之候故獨政府ト雖公然英政府ノ意嚮ニ敵抗イタシ兼候歟先般以回章斡旋ニ取掛候前ニハ某政府ヘ口頭商議ヲ遂候由ニ察知罷在甲候將又獨政府斡旋ノ主義モ於我ハ本然満足難相成候得共其好意丈ハ屹度御認了有之候テ可然歟ニ奉存候但該主義中行政一項ニ係候テハ重モニ領事「サツペ」氏ノ建言ニ致起由居候歟ニ亮察仕候依テ其建言ノ一部竊ニ落手候ニ付亦爲御心得乙號²英譯書差出申候尤右建言ノ主意ハ明治十三年中自小官獨政府ヘ差遣候覺書³(英譯ヲ以當時御手許ヘ差出置申候)ニ符合ノ條件不鮮候ニ付萬一細ニ「サツペ」氏ノ意嚮御探知

相成候半ハ右覺書ニ御比較有之度候要スルニ行政一項ニ付獨政府我請求ニ應候際輒チ前顯乙號書ノ趣意ヲ體シ商議可致候處於我テハ單ニ右趣意ノ實施ニテ難相止到底覺書中主張仕置候通某々治務ノ區域ニ於テハ是非々々「レギストラープ」及「エキセクユチープ」ノ兩權併テ致回復度義ト奉存候右秘密ニ致拜啓度如此ニ御座候故具

明治十六年六月廿八日

特命全權公使 青木周藏

外務卿井上馨殿

(追啓省略)

註 1、2別紙甲號及乙號共ニ見當ラズ

3 三四五附屬書

三六三 明治十六年七月六日 井上外務卿ヨリ
青木駐獨公使宛

改正條約ノ期限ト内地開放問題ニ付訓令ノ件

附屬書一

十六年六月二十一日發青木公使來電
(英國政府ノ廻議ニ對スル獨逸政府ノ態度ニ關スル件)

二 十六年六月三十日青木公使宛往電

ノハ尙裁判權ノ要件ヲ其儘ニ存シ置キ候譯ニテ他日我ヨリ之ヲ要求セントスルニ方リ其報酬ニ乏シキノミナラス抑全國ヲ開通スルニ就テ會議錄ニ載タルカ如ク裁判權ヲ掌握スルニ非ラサレハ實際ノ不便不利不少儀ニ付到底裁判事項ト開國ノ事トハ併行セサルヘカラサル事ト確信致候間開國ヲ以テ税則ノ讓與又ハ豫約ト致ス儀ハ何分協同難致候ニ付去月三十日別紙乙號ノ通返電ニ及候次第ニ有之候處其後本月二日ニ至リ五月十七日附貴信竝ニ御私書共相達熟覽候處我政府希望ノ要點ヲ拔萃既ニ獨逸政府ヘ御差出相成候趣致承知候右御書通ノ旨趣ハ恰カモ我政府ニ於テ希望スル處ニ適合致候就テハ右甲號御電報ノ趣ハ右御書翰後ノ儀ニ付如何ト懸念致候尙又本日別紙丙號電報ニ及候右ノ次第ニ付税則ノ期限ニ開國ノ豫約ヲ附シ候儀ハ我方ニ於テハ望マシカラサル儀ニ付獨逸政府ノ内意右ノ通ニ豫定相成候ハ、最前貴官ヨリ御差出相成候書翰ノ意ニ隨ヒ一層我希望ノ相達候様充分御盡力相成度候此段申進候也

追テ去月三十日別紙丁號ノ通貴官ヨリノ電報致落手候

註 1 三五八内信 2 丁號電報見當ラズ

附屬書一

井上外務卿時代 對獨交涉 三六三

三 十六年七月六日青木公使宛往電

青木公使ヘ機密信案

機密 第十三號

改正條約中ニ期限ヲ附シ候儀ニ付去月二十二日別紙甲號ノ通貴官ヨリノ電報落手致候右御電報ニ依レハ英國政府ヨリ各國ヘ回達致候廻文不達到着可致ト存候右英國政府ノ發議ハ殆ント我發議ヲ拒絕スルノ旨趣ニ有之候趣是ニ反シ獨逸政府ニ於テハ右英國ノ意見ニ立入我方ノ便益ヲ圖リ發議相成候趣右ハ全ク貴官從來拮据御斡旋ノ効勞ニ出候儀ニ不外我政府ニ於テモ満足ニ存候然ルニ獨逸政府發議ノ旨趣ハ現行條約ニ在ル改正期限ニ基キ之ニ修正ヲ加ヘ十五年ノ後ニ至リ日本政府ハ各國ニ終期ノ事ヲ通知スルノ權利ヲ有スヘシト雖トモ右權利ハ期限中ニ全國ヲ開通シ其時ニ至リ實施スヘシトノ意味ニテ雙方同意ノ上ニ非ラサレハ終了シ難シトノ精神ハ依然存在スル様ニ相見申候果シテ其意味ニ候ヘハ通商條約^(終期)ノ簡條ト開國ノ豫約ヲ一併ニ爲シ開國ヲ以テ終期ノ讓與ト爲シ候儀ニ付右ノ如ク相成候テハ先ニ申進候旨趣殊ニ五月十四日付ノ内信ニテ申進候通り我方ヨリ讓與スヘキモノハ一時ニ之ヲ讓與シ外國ニ向ツテ求ムヘキモ

甲號 十六年六月二十一日發青木公使來電

(英國政府ノ廻議ニ對スル獨逸政府ノ態度ニ關スル件)

From Aoki to Inouye.

According to my despatch you will see that the Britise Circular amounts to almost a refusal of our propositions, especially the termination clause. Government of Germany, however, has now by Circular interfered on our behalf especially to obtain termination. It proposes that the old rule of revision after some years should be preserved, but with the important addition that the Japanese Government should have a right to give notice to terminate Treaty after fifteen years, but that this right would only come in force if the Japanese Government have arrived, in the meantime, at an understanding with the foreign Powers in regard to the opening of the country, under the presumption always of an understanding upon the inherent conditions thereof such as the jurisdiction.

June 21, 1883.

附屬書二

乙號 十六年六月三十日發青木公使宛往電

From Inouye to Aoki.

Just returned from Saikio and am much satisfied with your telegram of 22 instant, observing the well disposed intervention of German Government in favor of our proposition as against the English Circular, but I firmly believe that any arrangement, including the right of terminating the Treaty after a fixed period, is not advantageous to our interest if it should be coupled with any such condition as mentioned in your telegram, which apparently indicates that the question of opening the country and that of New Tariff are all taken together, while my view is to keep the two questions entirely separate as mentioned in my telegram of may 9th. Besides, the phrase "arrive at an understanding with the Foreign Powers" &c. in your telegram is very indefinite, because it is perfectly unforeseen what understanding foreign Governments would come to in spite of ours and, above all, the Termination Clause should be greatly weakened by the annexation of the said condition, the purport of which is directly against my view, because such

uncertain condition is always productive of some questions in the future.

Endeavour in several ways, therefore, to accomplish the object without such conditions.

June 30, 1883.

附屬書三

丙號 十六年七月六日發青木公使宛往電

From Inouye to Aoki.

I approve the general principle involved in your communication to German Minister for Foreign Affairs dated May 15, which seems somewhat different from your telegram of 22 ultimo as the latter contained such a conditional proposition as tending to the production of questions in future. Exert, therefore, your best endeavour so as to secure German good offices upon the principle you proposed.

July 6, 1883.

三六四 明治十六年七月十七日

青木駐獨公使ヨリ
井上外務卿宛

森峰須賀兩公使及上野公使ト協議ノ件

附屬書一

十六年八月二十八日附青木公使宛往電
英政府ノ回議ニ對スル白國政府ノ態度ニ關スル件

二

十六年九月九日發青木公使來電

澳國訪問及在英森公使ト會見ノ爲任地離外ノ件

機密 第貳拾五號

十一月十三日到

八月廿九日付別紙申號電¹信教令正ニ致領收候依テ本月九日乙號電²信差出置候通本日夕ヨリ森峰須賀兩公使へ面晤之爲メ白耳義國「ブルユセル」府へ罷越申候於同地遂協議候條件ハ勿論教令中ノ要領ニテ有之即

第一 淺野公使ニ由テ伊國政府ノ欽心ヲ籠絡スルトノ事ニテ候處右ニ付テハ會テ小官ヨリ獨政府へ致提出候本年五月十六日付書帖³ノ趣意ヲ稍々剛症⁴ニ可擴張トノ訓令ニ候間其旨ヲ體シ豫メ致起稿置候覺書ヲ以兩公使へ致示談候末ニ本館付「バロン、シーボルト」氏ヲ羅馬府ニ派遣シ淺野公使ニ就テ閣下ノ細意ヲ明了ニ辯解セシメ且時宜ニ由テハ其譯官トナシ伊國外務卿輔（亦「シーボルト」氏ノ舊識者ニテ有之申候）へ請求ノ本體ヲ說諭セシムル事ニ遂協議申候抑又說得ノ主意ハ伊國政府事番ニ獨澳政府ノ意ニ協而已ナラ

ス須ク該友好意ヲ擴張シ英佛政府間ニ周旋シテ其妄想ヲ可致說破トノ請求ヲ提出スル覺悟ニ御座候

第二 蜂須賀公使領收ノ教令ニ由候得ハ本年七月七日附佛外務卿ヨリ在英佛代理公使宛訓令⁴旨趣ハ大體ノ様英政府ノ建議ニ外ナラス又白耳義國政府ノ回章中ニハ行政特ニ警察事項ニ係候本意確定ノ明文無之ニ付右兩政府ニ就テ說諭相働可成我幾望ノ趣意可相達トノ事ニ候間該訓令ヲ實施スルノ方法ハ大略蜂須賀公使並「マルシヤル」氏ヨリモ傳承イタシ森公使一齊ニ協意相遂申候尤其巨細ハ蜂須賀公使報道可申出ニ付略之置候

第三 英政府へ着手之方法ニ付テハ森公使ノ所見モ有之候處要スルニ歐洲陸國ノ各政府總テ英政府回章ノ趣意ニ相背候ニ於テハ同公使周旋ノ弁⁵不宜鮮候間差當リ陸國各政府ノ欽心ヲ籠絡スル事ニ相勉メ其成績相見候節ハ直ニ同公使へモ通知シ彼此一途符合ノ盡力相調候様遂協議置申候

第四 獨政府ノ模様ハ會テ八月廿三日内信ヲ以達貴聞置候通何處迄モ剛症ニ可斡旋決意ニ有之候併シ該政府ヲ要シ佛政府ニ令切迫候事ハ到底兩國間ノ交際上ニ於テ不可爲等ノ情實有之候處英政府ニ迫リ其協意ヲ請求スル事ハ隨分難被

行都合ニ無之候間猶於小官モ體此意彼是可致周旋旨遂協議
置申候

前顯四項ハ訓令及可協議區域ニ於テ目下最大切ノ要領ニテ
有之候處虛心認訓令事ノ眞體ヲ裁判候ニ於テハ格段可錯雜
縷情ニモ無之候故小官等三名ノ協議モ容易ニ相整申候依テ
小官義ハ於當地可充塞義務モ有之候ニ付「ブルユセル」ノ
會議ハ以二項之ヲ終了シ昨十二日夕此境ヘ致歸府申候
右八月廿九日ノ訓令ニ答ヘ且協議結局ノ大略達貴聞申候
以下本月九日付差出候電報²ノ細縷併而啓之候抑六月廿一日
付機密信并八月二十三日付内信ヲ以達貴聞置候通獨政府ハ
in principle as well as in fact 前後閣下ノ定意ヲ認可
シ何ントナレハ該政府斡旋ノ趣意ハ恰モ御地豫議會ニ御提議相成
候尊慮ヲ擴張セルモノニテ通商條約ニハ乃至十五年ノ消滅期限
ヲ付シ置キ該期限中我百般ノ準備果テ相整且斷然開國ノ舉決行於有
之テハ同時ニ右締約ヲ消滅シ能フベキ實權ヲ我政府ニ歸スベシトノ
主義ニ有之申候但五月十四日付貴内信之細縷ハ當時本件擔任之者
ニ就テ懇々致説論候得共目下豫メ開國ノ報關規約即チ治外法權
令之ヲ致確定候モハ實ニ細目ヲ確定スル事ハ實ニ難被行ノミナラ
候節ハ右確定候細目ハ實ニ漆琴ノ箇條トシテ可相收規約ハ治外法權之廢
止ニテハ依然各國ノ論シ開國ノ報關規約トシテ可相收規約ハ治外法權之廢
疑問トナシハ右十五年間ノ商議トナス全廢半廢之義ハ一ニ不結了之
某科ノ進歩程度ヲ照據揭示シ年毎ニ我主義ヲ擴張シ及請求ヲ頻
數スルニ於テハ各政府齊數其切迫ヲ厭ヒ漸次我義ヲ擴張シ及請求ヲ頻
可豫定云々トノ事ニ有之申候尤獨政府該細縷之意嚮及其斡旋事項
十分ニ御了解難相成歟ニ察候間本月十七日附丙號電信差出置申候

縷々及示談申候併シ同公使ノ病狀タル甚非輕易隨テ勞其精
神試討議等難相成情況ニ付提携セル考案ヲ確守シ可然舉動
有之度云々何分強テ致請求兼候都合ニ而有之申候依テ小官
義竊ニ舊友 Baron Pasetti (全權公使資格ヲ以テ方今
澳國外務省「ボリチック」課長ヲ任スル者亦新公使「サル
スキー」侯ノ友人ニ有之申候)及商務科主任 Von Plason
氏ヲ訪ヒ種々懇話相試候處須ク竊ニ外務卿「カルノキー」
侯ニ就而至懇的ニ我幾望説得可然云々強テ勸諭ノ上遂ニ小
官ヲ「カルノキー」氏ヘ致紹介候間前後上野公使ノ威權ヲ
毀傷セサル私竊的ノ會話ヲ以前顯斡旋有之度トノ旨趣謹慎
ニ風諫相試候處同氏速ニ小官ノ願意ヲ悟リ澳政付ハ全ク獨
政府ニ可致協議決意ニ候間事ノ成績ハ難期候得共日本政府
ヘ友好ノ舊誼相表候爲メ英特ニ佛政府ニ勸諭シ日本ノ請求
條項可成其政府ノ本意ニ充候様斡旋可致云々欣喜承諾ノ
旨申間候勿論「カルノキー」氏其他澳外務課友人ニ至懇的
致面晤候トノ事ハ上野公使ヘ大體致通知置候得共會話ノ細
目特ニ外務卿「カルノキー」侯ノ斡旋承諾云々ハ乍不本意
同公使ヘ通知難相成都合ニテ有之申候全體任國外ノ外務卿
ニ致會話候事ハ内我同僚ノ權限ヲ犯シ外一般交際ノ外形ヲ

可成之ヲ徹底爲致度旨趣ニテ六月下旬斡旋之方法決定候
上七月四日付回章ヲ以各國政府ヘ其意嚮相示候處其内領事
「ザアベ」氏ヨリ御聞得相成候半其建議之大體ニ於テハ除
英佛ノ外強テ抗議申張候者モ無之特ニ白耳義政府ハ右回章
ノ主義ヲ模寫シテ英政府ノ回章ニ答候程ノ都合ニ有之申候
尤佛特ニ英政府抗議候テハ到底好結果難招致ニ付先日外務
卿代理者大輔「ブシュ」氏ニ就テ種々遂示談英佛間ニ斡旋
ノ義須ク果敢的ニ取計吳候様申込候然ルニ英政府ヲ勸諭ス
ル事ハ欣喜諾之候得共獨政府ヨリ佛政府ヘ切迫勸諭スル事
ハ迂回ニモ我政府ノ得策ニ無之候間可成の蜂須賀公使ヲ以
可説得云々トノ事ニテ有之申候依テ猶又即時拙考ヲ提出シ
本件將結局ノ瞬間ニ方リ拱手英佛政府ノ偏頗的抗議ニ被打
勝候テハ實ニ遺憾無此上候間更ニ澳國政府ヘモ倚賴シテ如
何要スルニ該政府ハ全ク獨政府ニ致協意候間其好意ヲ假リ
英特ニ佛政府ニ令説論候半ハ亦一箇之得策ニ可有之歟云々
至懇ニ致示談候處「ブシュ」氏甚勸諭的ニ可然トノ旨申間
候就テハ上野公使ト協議ノ上一策可相施覺悟ニテ小官義本
月二日維也納ヘ罷越申候左候テ同公使事ハ當時療養ノ爲メ
偏偶ノ地境ニ僑居候得共協議ノ事體非小少候間強テ要歸府

毀傷スル理由有之候間先ツ閣下ノ許可ヲ得候方萬々可然存
候得共斡旋ノ舉ハ實ニ焦眉ノ急ニ屬候而巳ナラス上野公使
事實ニ難症ニ陷居候間内外至懇ノ外形ヲ固守シ投機的ニ致
處分申候勿論該舉動實際ニ於テハ何等ノ不都合モ無之候得
共其様非宜候間追テ何分ノ御謹責御申付可被下候將又上野
公使病症ハ全ク腦部ニ腫物相生候ヨリ神經系統之機能失其
常候歟ニ致傳承申候目下危險ノ症狀ハ絶テ不相見候得共醫
師ハ其不治ヲ恐懼罷在候由ニ御座候依テ小官ヨリモ種々説
諭相加ヘ尋常公務ヲ本問書記官ニ委任シ於偏偶之地域十分
療治相成度萬一貴重ノ事務相生候節ハ小官直ニ出張ノ上何
分ノ協議可致旨申込置申候
先ハ右申上度如此御座候敬具
明治十六年九月十七日

特命全權公使 青 木 周 藏

外務卿井上馨殿

註 1、2 夫々本號附屬書一及二

3、4 夫々三五九及二九七附屬書一

5 八月二十三日ノ内信見當ラズ

6、7 夫々三六一、三五八文書

○ 本月十七日附内線電信ハ對佛交渉ニ關スル附屬書ニ既
出參照

附屬書 I

甲號 十六年八月二十八日發青木公使宛往電

(英政府總議ニ對スル自國政府ノ態度ニ關スル件)

From Inouye to Aoki.

Hachisuka telegraphed, Belgium in reply to English circular proposes to accept separate convention for tariff and other commercial question, expresses readiness to negotiate as to police right under certain conditions, proposes to agree for 8 or 10 years since as.....termination of the existing treaty, provided that the country shall then be opened under condition to be approved of by other governments. At an interview of 18 instant, French charge d'Affaires in Japan read me a confidential instruction from French Minister for Foreign Affairs, essence being that French Government considers our proposal generally just and reasonable, agrees fully to the separate arrangement of tariff and commercial question, but to effect this requires the general consent of all powers. French government is will-

ing to take initiative steps to induce other powers. Later, American Minister in Japan asked an allowancefor (?) and said that his government received the English circular and he is instructed to ascertain the attitude of our government regarding it. He did not show me the circular but read me essential points. I answered "although I have not yet seen the circular, if conditions which are mentioned are really found in it, I could not accept it. My last resort is to strictly stick to existing treaty and enforce them systematically." The American Minister was satisfied with my decision saying he will so report to his government.

Transmit the following also to Mori. Judging from Hachisuka's telegram from Belgium, it would seem German Government has already issued its circular. If so, endeavour to inform me its points. The reason of new move on the part of France is supposed to have its foundation in Annam difficulty and while our Government has no idea of making combination with her against China, we must make most of this turn of events, therefore, to push the

matter on.

Now I desire to make an effort upon Italy but I have reason to think that our Legation in Italy requires much assistance in the matter. Therefore, go to Paris where you shall meet Mori and Hachisuka and have a consultation so that there shall be generality and unity of action and understanding, giving Asano general advice on the matter. Give him a memorandum founded upon the proposals you presented to German Government only.....to make it still stronger.

August 28, 1883.

附屬書 II

乙號 十六年九月九日發青木公使來電

(奧國訪問及在英公使ト會見ノ爲任地離去ノ件)

From Aoki to Inouye.

Have returned from Vienna where have heard privately intention of Austrian government to act on our behalf in treaty question. Details by my letter. Will leave to-day to meet Mori according to instructions.

September 9, 1883.

三六五

明治十六年十月四日

青木駐獨公使ヨリ
井上外務卿宛

シーボルト伊國派遣ノ件

附屬書 青木公使ノ作成シタル覺書草案

機密 第二十六號

(前略)

十一月十九日到

八月廿九日發貴電信ノ趣ニ依候得ハ重修全體事件ニ關シ淺野公使ヨリ伊國政府ハ談判ノ參考ニ供スル爲嘗テ拙官ヨリ獨政府ハ差出候建議ノ主意ニ基キ覺書ヲ製シ同公使ハ交附可致トノ御教令ニ候間即最前致草案置候別紙英文寫ノ通覺書森峰須賀兩公使ヘ揭示ノ上「シーボルト」氏ニ托シ淺野公使ヘ差出置申候依テ右覺書不取敢供尊覽候間御見聞被下度候左候テ淺野公使伊國政府ニ對シ重修事件談判ノ際ニハ外人ノ補助ヲ要候方肝要ニ候間「シーボルト」氏ニ課シ前在日本伊國公使「コント・フェー」氏ニ依リ斡旋ノ義依頼可然旨爲相含置申候然處其義果シテ被相行「コント・フェー」氏ノ斡旋及「シーボルト」氏ノ通辯ニ依リ淺野公使ノ盡力其効ヲ奏シ目下伊國政府ハ英佛ノ建議ニ對シ可致抗議

ト内決イタシ候趣淺野公使ヨリ報知有之申候猶委曲ノ同公使ヨリ報知可申出候得共此段併テ達貴聞置申候
右御回答旁爲中進候早々敬具

明治十六年十月四日

特命全權公使 青木周藏

外務大臣井上馨殿

(追添省略)

註 一 前掲三六四附屬書一往電參照

附屬書

青木公使ノ作成シタル原書草案

Draft

The conciliating spirit in which the Royal Italian Government has, throughout the negotiations for the Revision of the Treaties, met the wishes and propositions of the Imperial Japanese Government, has not failed to produce on the latter the most profound impression of satisfaction and gratitude. It has been moreover, for the Undersigned, a most pleasant duty to report to his Government the friendly interest repeatedly shown by His Excellency the Minister for Foreign Affairs for a satisfacto-

ry solution of this important question at issue. Encouraged by these repeated evidences of good will and of an enlightened appreciation of the loyal attitude taken by the Imperial Government, the latter have instructed the Undersigned to place before His Excellency and exposé of the views entertained by the Imperial Government at the present conjuncture and have charged him to make an appeal to the good offices of the Royal Italian Government with the view of bringing about, in common with the other Treaty Powers, a speedy and satisfactory solution of this long pending question.

The Imperial Government is of opinion that the European Representatives having, in regard to the Tariff, expressed their intention to propose its unaltered acceptance their governments, the Imperial Government trusts therefore that no particular difficulty in regard to this will be encountered and it entertains the most anxious desire that her right of terminating the tariff after the expiration of a term, hereafter to be agreed upon, will be recognized. In consideration that not only the right of

terminating commercial treaties after the expiration of their duration is an universally recognized principle in the intercourse of civilized nations and has already been conceded by the Western Governments to Asiatic Powers but that also the liberal commercial policy of the Japanese Government and its formal adhesion to and actual observance of the Rules of International Law should entitle it to the full confidence of the foreign Powers in respect to its loyalty, the Undersigned is informed that his Government most attaches the greatest value to the right in question, the more so as their object is not to abuse it by introducing hereafter a new economic policy injurious to foreign commerce but to claim this right as a due recognition on the part of the foreign Governments of the accomplishments of their policy of reforms which has been achieved with the devoted cooperation of the Japanese people since 1868 and which, by an admission of this kind, would enable the Imperial Government to realize, to their fullest extent, the high objects they have had in view from the beginning.

The Imperial Government thinks it also desirable in the interest of public orders and security and in that of the full development of their uniformly introduced administration, to point out the necessity of being invested, without delay, with the necessary means for carrying out police and measures of internal administration by the application upon foreigners of the legislative and executive powers. The want of a reform of this kind is universally felt and an understanding in the above sense would bring about a satisfactory solution of a most urgent reform.

With regard to the modification of the extritorial jurisdiction which, for the reasons specified in the protocol and accompanied by almost unlimited concessions in regard to foreign residence, trade and possession of real property, was proposed by the Imperial Government but seemed not to meet the approval of certain powers, the Imperial Government is of opinion that the negotiations regarding this question should not stand in the way of a speedy conclusion of the purely commercial questions and

that the Government would be happy, therefore, to bring about an earlier settlement of the latter. The Undersigned, in having the honour of placing herewith the views entertained by his Government before His Excellency, sincerely trusts that the spirit of equity and liberality which has uniformly characterized the foreign policy of the Royal Italian Government, will also, in this case, be applied to Japan which pursues the same high objects of national unification and progress so eminently achieved by the Italian nation!

The Undersigned therefore, in recommending the above exposé to the favourable consideration of His Excellency, feels confident that the Royal Government will be pleased in recognizing the justice of the Japanese propositions and employ, if necessary, such measures of friendly recommendation with the other Treaty Powers as seem best calculated to remove any difficulties in the way of an unanimous and satisfactory settlement of the negotiations.

From Inouye to Aoki.

I answered to German Minister in continuation of the interview of first ultimo, which I telegraphed you on 18th, that German Government having consented to the separate settlement of commercial part and its termination, we accepted the condition attached to it, that is, our Government should have right to denounce the whole treaty provided we are ready to open the whole country at the expiration of new commercial treaty.

With reference to Favoured Nation clause, we accepted principles in supplementary conventions of German-China treaty of 1881 but, foreigners trading in interior being closely connected with question of jurisdiction, I wished to discuss it simultaneously with jurisdiction question. Therefore, instead of this, I said we shall open two or three ports favourable for commerce and also to concede coasting trade under system of chartering foreign vessels by Japanese for 10 years only, our geographical position forbidding to concede it forever. If at expiration of new commercial treaty and contingency

三六六 明治十六年一月八日 青木駐獨公使ヨリ
井上外務卿宛

獨逸政府ノ修正意見ニ付回答ノ件

附屬書 十六年十月二十五日附青木公使宛往電
(在本邦獨逸公使ト會談ニ關スル件)

機密 第二十八號 十二月廿六日到

別紙甲號寫の通り先月廿五日付暗號電信を以御通知有之候に付其旨不取敢當外務省へ申入候處本件主任の輩孰れも欣喜閣下に於て斯く獨逸政府勸告の主義御認了相成候義は全く獨政府の良意に御信據有之候事と存候條頗る満足の至猶向後兩國間の友誼益相崇候様可致注意との事にて有之申候右爲申進早々敬具

明治十六年十一月八日

特命全權公使 青木 周藏

外務卿井上馨殿

(追略省略)

附屬書

十六年十月二十五日附青木公使宛往電
(在本邦獨逸公使ト會談ニ關スル件)

happening to require another revision on account of inability to exercise the right to denounce the treaty, sufficient opportunity would present themselves of making certain other concessions. These latter part I wished to not be expressly mentioned in the treaty.

October 25 1883.

註 會談筆記一〇五文書參看

三六七 明治十六年十一月九日 井上外務卿ヨリ
青木駐獨公使宛

伊藤參議ヨリビスマルク公へノ書翰寫送附ノ件

内信

青木公使宛 井上外務卿

今般伊藤參議ヨリビスマルク公エ別紙甲號¹ノ通書翰發送相成候ニ付爲御心得寫差上置候又拙者ヨリ乙號²ノ通森公使へ申遣候ニ付是亦寫致御廻置候右以内信中進候也

十六年十一月九日

追テ本文ビスマルク公宛伊藤參議ノ書簡拙者ヨリ差出候考ニ候處已ニ別封同參議書簡内ニ封入有之候趣ニ付夫ニ

テ御覽被下度候

註 1 2 別封甲號及乙號共ニ綴込ナシ

三六八 明治六年十一月十七日 井上外務卿ヨリ
青木駐獨公使宛

獨逸公使へ附與ノ覺書其他ニ關シ訓令ノ件

内 信

青木公使殿

井上外務卿

九月十七日附機密信第二十五號¹ヲ以テ御申越ノ件々逐一致
聞悉候陳ハ過般貴官初森蜂須賀兩公使ブルユセル府ニテ會
議ノ節ハ獨乙白耳義及其他各政府ノ意蘊モ未タ十分ニ明瞭
ナラス拙官ハ只タ善ヒカ上ニモ善ク致度ト存シ八月廿九日^{ハカ}
附ノ電報²ヲ差立候次第ニ候其後新任公使ドノホツフ氏モ來
着シ又貴官森蜂須賀マルシヤル氏ノ報告モ落手シ獨佛白各
政府ノ意蘊モ委シク致瞭解候就テハ先便及御送致候獨乙公
使へ付與セシ覺書ヲ以テ基礎トシテ協同御盡力相成度候
歐洲大陸各政府ヲ舉テ我方ノ手ニ入レタル處ヲ機會トシテ
更ニ英政府ニ向テ着手スヘシトノ森公使ノ意見ハ拙官モ至
極同案ニ候乍併當方ニテハ其機會ヲ知ルニ由ナシ因テ貴官

有之候節ハ前以一應拙官ノ可否御取り被成候様致度尤今回
ノ事ハ上野公使エ事情委詳申送り尙向後モ病氣ノ爲メ公事
差支候事有之候節ハ貴官ト協議可致旨申送置候間左様御承
知置相成度候

蜂須賀公使ヨリ別紙白國外務大輔ト會話筆記送越候ニ付寫
差進申候抑拙官ノ底意ハ兼テ御通知置候通り重修一件彌ヨ
希望ノ如ク行ハレ兼候時ハ現行條約ニ立歸ル考案ニ候因テ
英政府ヨリ回章ノ主意ヲ以テ強情ヲ言募リ候時ハ我ニ於テ
モ英政府ノ考案通り承諾スルハ實ニ困難不少候ニ付尙二三
年ノ猶豫ヲ以テ篤ト思考可致ト答詞スル方可然哉ト相考居
候如何トナレハ餘リ強ク撥付ケ又其爲メ他年改正ヲ申出タ
ル時無頓着ニ取合ハヌカ如キ妨碍ヲ來タスモ不被計反テモ
ヲ吹テ疵ヲ求メルノ拙策ニ陥リ可申哉トモ存候尙其邊ノ處
篤ト御勘考御意見御申越相成度候
尙將來貴官ニ於テ御措辦ノ事ハ逐一森蜂須賀兩公使エモ御
通報相成萬事共ニ御協同御盡力相成候様致希望居候右以内
信中進候也

十六年十一月十七日

註 1 三六四、2 三六四附屬書一、3 一〇六、4 三〇三附

井上外務卿時代 對獨交涉 三六九

等ニ於テ時機ヲ酌量シ無遲緩御着手相成度候
先日致御送付候獨乙公使エ付與セシ覺書ハ秘密トシテ與ヘ
タルモノニシテ獨乙政府ニ於テ若シ果シテ右ニ記載スルト
コロノ考案ヲ可諾スルトキハ同政府ヲシテ他各政府ニ向テ
居仲勸告セシメ度存居候因テ我各駐外公使エ右覺書寫ヲ送
リ尙爲念右ハ本ト獨乙公使ドノホツフ氏ビスマルク公ノ内
訓ヲ受ケ懇話致候義ニテ全ク獨乙政府ノ好意ニ起リ候ヲ以
テ獨乙政府ヨリ右覺書ノ旨意ニテ他各政府エ懸合ヲナス
時ニ當リ已ニ其國政府先ツ承知致居候様ニテハ獨乙政府ヲ
シテ不善ノ感覺ヲ生セシムル恐モ有之候ニ付右ヲ以テ公然
其任國政府エ發言スルノ機會ハ貴官ヨリ通知アルヘキ筈ニ
付夫迄ハ只タ自分一介ノ考トシテ話シ居ルヘキ旨申送置候
ニ付彌ヨ其時機到來候節ハ一方ニハ拙官エ電信ヲ以テ御通
知一方ニハ我各公使エ御通報相成度候將右獨乙公使エ付與
セシ覺書ニ對シテハ同國政府ニ如何ノ感覺ヲ與エ候哉内々
御探報相成度候

貴官維也納エ出張ノ義ニ付縷々御申越ノ趣聞悉御盡力ニ
依リ好結果ヲ得候段ハ深ク満足致居候併シ右ノ如キハ動モ
スレハ他公使ノ職權ニ關スル恐モ有之候付向後右様ノ場合

屬書三ナルニ付參照

三六九 明治六年十一月十九日 青木駐獨公使ヨリ
井上外務卿宛

廢棄條項ニ英政府同意ノ件

附屬書一 十六年十一月二十四日發青木公使來電

二 十六年十一月二十八日發青木公使宛往電

三 十六年十一月二十六日發森公使發青木公使宛

電信

四 十六年十一月二十六日發蜂須賀公使發青木公

使宛電信

機密 第二十九號

十七年一月九日到

本月廿四日當國外務少輔ヨリ書帖ヲ以至急ニ促來訪候間即
刻及尋問候處同人申聞候ニハ我重修事件ニ付英政府獨政府
ノ建議特ニ termination clause 一項ニ付獨政府ノ建議相
用候得ハ追テ締結可相整條約中十分ナル security 有之都
合ニ付判然該建議ニ可協意且速ニ條約ヲ結納スル事ハ齊敷
英政府ノ幾望タルニ付其國新任公使ハ來一月初旬發足米國
ヲ經テ東京ヘ赴任可致都合云々英外務卿ヨリ口頭ヲ以在英
獨逸全權大使ヘ致演述候旨同大使ヨリ公然報道有之候間此

旨小官ヨリ公然閣下へ具申可致トノ事ニテ有之申候依テ別紙甲號寫ノ通在露京公使館ヲ經由暗號電信差出置申候然ルニ本日乙號寫ノ通貴電信致到達申候左候テ貴信中 most favoured nation clause ニ付キ英政府ノ prospects 如何トノ御事ニ候處該件及自他ノ細目ハ獨政府ニ於テモ尙承知不致居候乍去孰レ不日英政府ヨリ書帖ヲ以獨政府建議ノ大綱細目ニ可回答都合ニ有之候間猶其巨細聞込候半ハ早速可達貴聞候左候テ前顯獨政府ヨリ通知ノ事項ハ當日不取敢森蜂須賀淺野三公使へ及通知候處別紙内丁兩號寫ノ通兩公使ヨリ夫々答電有之申候尤森公使答電ノ趣ニテハ英政府ヨリ未タ同公使へ對シ右協意一件不致明言歟ニ被察候處要スルニ前顯英政府協意云々ノ事件ハ全ク英外務卿及獨大使間ノ懇話ニ致起因候間同卿ヨリ森公使へハ定テ不出數日書帖ヲ以其政府ノ決意相通候都合ニ可相成歟ト存居申候
右申進度早々敬具

明治十六年十一月廿九日

特命全權公使 青 木 周 藏

外務卿井上馨殿

附屬書一

termination clause, but will shortly make fresh proposal. Minister for Foreign Affairs promises to inform me immediately he decides.

Received, November 26, 1883.

附屬書四

丁號 十六年十一月二十六日蜂須賀公使發青木公使宛電

信

From Hachisuka to Aoki.

I am extremely glad to hear through (you?) British government's consent to German proposal of termination.

Received, November 26, 1883.

三十四 明治七年一月十七日

青木駐獨公使ヨリ
伊藤外務卿代理宛

獨逸政府ニ重ネテ斡旋方依頼ノ件

附屬書一 十六年十二月二十六日附青木公使宛往電

(英國ノ提案ニ關シ獨逸政府ニ斡旋方依頼ノ件)

二 十六年十二月二十九日發青木公使來電

三 十七年一月三日發青木公使來電

四 十七年一月十日附青木公使發獨外務卿宛往

井上外務卿時代 對獨交涉 三十四

甲號 十六年十一月二十四日發青木公使宛來電

(英ハ獨發議ノ終期ニ同意シ兩政府共東京開商ヲ希望ス)

From Aoki to Inouye.

I am officially informed that German Government obtained from British Government their consent to termination clause as proposed by German. Both Governments desire to commence speedily negotiations at Tokio. Plunkett leaves in January.

November 24, 1883.

附屬書二

乙號 十六年十一月二十八日發青木公使宛往電

From Inouye to Aoki.

Have you communicated to both Mori and Hachisuka the purport of your telegram of 25 instant? If not, do so. Report of British consent to termination clause is very satisfactory, but what is prospects of British view on favoured nation clause?

Received, November 29, 1883.

附屬書三

丙號 十六年十一月二十六日森公使發青木公使宛電信

From Mori to Aoki.

British government has not yet decided as to

翰英譯文

機密 第壹號

三月六日到

重修事件ニ關シ客歲十二月廿六日付別紙甲號ノ通暗號電信ヲ以御教令相成候ニ付不取敢同月廿九日答電別紙乙號ノ通當政府ノ意嚮大略達貴聞置候末尙ホ當外務卿輔兩氏ニ就テ客歲十二月十一日英政府ヨリ各國政府へ致回付候覺書ニ對シ我政府ノ感覺及前顯教令ノ要旨ヲ告知シ隨而獨政府ノ措置如何云々密ニ示談能々其意嚮相質候處該政府ニ於テハ固ヨリ友好ノ情義ヲ體シ且確乎從前ノ斡旋主義ヲ維持候ニ付前顯英政府ノ覺書ニ對候テハ特ニ小官ノ倚賴ヲ要セス業已日本政府ノ爲メニ舉動シ既ニ英政府へ抗議及質疑的ニ致照會置候トノ趣右卿輔氏ヨリ致内諭候依テ本月三日付丙號電信差出候都合ニテ有之申候左候テ當日種々懇談ノ末當外務少輔等改テ小官へ致勸告候ニハ閣下ノ訓令ニ據リ英政府覺書ノ含蓄スル條項ヲ按シ重テ獨政府ノ斡旋ヲ要度旨一書ニ認メ獨外務卿へ可相投左スレハ同卿ヨリ從前獨政府斡旋ノ要領及輓今斡旋ノ手續等可致通知トノ事ニ有之候間別紙丁號英譯文ノ通本月十日付書帖當政府へ差遣候處右ニ對シ不日何分ノ回答可有之都合ニ御座候要スルニ獨政府ニ於テハ

宰相「ビスマルク」公初外務卿輔氏等ニ於テモ本件ニ付從前致表示候幹旋主義ハ眞ニ確執シ毎常澳國政府ノ協議ヲ得テ所謂徹頭徹尾的致周旋居中候尤今回英政府ヲシテ邊巡覺書中ノ建言ヲ全ク爲致變更候事ハ甚タ不容易候歟ニ存候得共猶機會ニ投シ且森蜂須賀同僚トモ遂協議精々盡力可致候間此段御含置被下度候將又獨政府幹旋ノ模様及前顯了號書面ノ義ハ早速右同僚等ヘ一々致交付置候間是又爲念併セテ達貴閣中候

明治十七年一月十七日

特命全權公使 青 木 周 藏

外務卿伊藤博文殿

附屬書一

甲號 十六年十二月二十六日附青木公使宛往電

(英國ノ提案ニ關シ獨逸政府ニ幹旋方依頼ノ件)

From Inouye to Aoki.

I have just instructed Mori as follows: to be adopted British Memorandum (?) seems to us almost impossible to agree to an arrangement providing three years probational period before we exercise the right of termination, as we fail to see how such

to modify its views in our favour before Plunkett's departure.

December 26, 1883.

附屬書二

乙號 十六年十二月二十九日發青木公使來電

From Aoki to Inouye.

Have reason to assure you that German Government already induced British Government to modify their view and are energetically trying to get the success for our favour.

December 29, 1883.

附屬書三

丙號 十七年一月三日發青木公使來電

From Aoki to Inouye.

German Government have taken steps in our favour immediately after receiving British Memorandum, particularly recommended concession respecting administrative question as equivalent for greater liberty of travelling to be granted by Japan not for commercial purposes. Respecting most favoured nation, they maintain their former proposition. They seen also inclined towards moderation of British

condition may be rendered practicable.

The extension of passport system for commercial purpose in the interior would necessarily involve the question of jurisdiction and it seems impossible to enter into the separate arrangement of one without touching the other. We are, therefore, compelled to defer this question until we come to discuss the question of jurisdiction.

Coasting trade would only be acceptable under charter system as proposed in the conference and for a limited period.

As to favoured nation clause you will urge him to adopt more liberal view, something at least similar to German propositions which we consider acceptable.

As to all other detailed subjects, we do not feel much difficulty to come to understanding at your discretion. If you think the circumstance is still favourable, pray, lose no time to lay the observations before German Minister for Foreign Affairs and do your best efforts to invoke their assistance to influence English Minister for Foreign Affairs

proposition of 3 years' probational period.

January 3, 1884.

附屬書四

丁號 十七年一月十日附青木公使發獨外務卿宛往翰英譯文

Translation

Berlin, January 10, 1884.

The Undersigned has the honour to inform His Excellency the Minister of State and Secretary of state for Foreign Affairs Count Hatzfeldt Wildenburg that the Imperial Japanese Government have, upon the receipt of the confidential communication from Count Doenhoff, the Imperial German Envoy Extraordinary and Minister Plenipotentiary accredited to the Imperial Japanese Court in respect to the details of the German mediation in the question of the Revision, charged the Undersigned to convey to the Imperial German Government their feelings of sincere gratitude for this renewed proof of a friendly disposition on their behalf.

The Undersigned in renewing to-day these expressions which he had already the honor to present

verbally to Mr. Busch, the Privy Councillor of Legation and Under Secretary of State begs at the same time, under instructions from his government, to draw the attention of the Imperial German Government to the circular in which the Cabinet of St. James have communicated their opinion on the said question on the 11th December of last year.

The Imperial Japanese Government has received cognizance of this document not without feelings of disappointment as they fail to find therein a material concurrence with the views put forward by the Imperial German Government accepted by Japan. The Imperial Japanese Government can, therefore, not dissimulate its apprehensions that an insistence upon the views of the British Government would, on the one hand, exercise a prejudicial effect on the well-intentioned efforts of the Imperial German Government, whilst on the other hand the concessions claimed from the Imperial Japanese Government are of such a nature as must awaken the most serious doubts as to the success of the coming negotiations. The points about which the Imperial

Japanese Government feel it necessary to express their difference are:

1) The proposition that the Japanese Government shall only enjoy the right of denunciation after the modalities, under which the interior is opened to foreign intercourse, has been submitted to a three years' probation, whilst, according to the German proposition, the Japanese Government would enjoy immediately the right of denunciation upon the expiration of the period fixed for the duration, only on the condition of finally opening the country, subject always to a modification of the existing jurisdiction, previously to be settled by mutual agreement.

This British proposition contains besides incompatibilities with the legal order of state, for on the one side it is evident that the nature of the rights to be granted to foreigners on the opening of the country (for instance the possession of real estate) excludes in itself the possibility of a return to the status quo ante at the expiration of the probational period, whilst on the other side the Im-

perial Japanese Government can not expose itself to the hazard of finding itself eventually, at the expiration of the probational period, placed in face of propositions having for their object again a limitation of their newly restored Sovereign Right.

2) The requirement (?) of an extension of the existing passport system. Should the British Memorandum with the passage "such extended freedom of communication with the dealers in the interior" means to claim the liberty of travelling in the interior for commercial purposes, it must be observed that such a concession would in fact amount to the same thing as the opening of the country, without any concession in regard to the reform of jurisdiction claimed by Japan.

3) The maintenance of the terms of the most favoured nation clause. In regard to this, the Imperial Japanese Government had proposed a modification based upon the necessities of practical experience which the Imperial German Government had supported by a counter-proposition.

The Undersigned begs also to add that the pro-

position for an extension of the administrative powers which the German Government had recommended, under a correct appreciation of the actual necessities, seems not to have met, in the English memorandum, with a consenting reply.

Under these circumstances, the Imperial Japanese Government is obliged to recur again to the good offices of the Imperial German Government and has given to the Undersigned instructions to request His Excellency to be good enough to take such steps as will bring, as far as possible, the views of the British Government in accordance with those held by His Excellency's Government, or at least to obtain such modifications of the British views as will remove those points which are in open contrast with those of the Imperial German Government.

As the newly appointed British Envoy to Japan Mr. Plunkett will, as it appears, proceed by the end of this month to his new post, the Undersigned may be allowed to add in conclusion that it seems to all parties concerned that an understanding be arrived at by all the Treaty Powers on the basis of the

German propositions, if possible, before the departure of the said British Representative.
The Undersigned etc.

三十一 明治十七年二月七日

青木駐獨公使ヨリ
伊藤外務卿代理宛

獨逸ノ對英斡旋ノ經過報告ノ件

附屬書一 十七年一月十九日附獨外務卿發青木公使宛

來翰

二 十七年二月六日發青木公使來電

(獨逸政府ノ對英斡旋振ニ關スル件)

機密 第三號

三月二十六日到

本年機密第壹號信ヲ以達貴閣置候通獨政府事客臘十一日英政府ヨリ各政府ヘ致交付候覺書ニ對シ該政府ヘ抗議的ニ勸告相加ヘ其意嚮ヲ變更セシメント致斡旋候義ニ付先日別紙獨文寫ノ通當外務卿ヨリ書通相成申候依テ不取敢右差進候間御一閱被下度候

前顯獨政府斡旋ノ成否如何ニ付テハ爾來不一回當外務官員ニ就テ竊ニ其様子相探候處漸ク一昨日ニ至リ英政府ヨリ當政府ヘ致回答候由猶其大要ハ英政府事大半前顯ノ勸告ニ致

終期一項ニ付英政府尙ホ完全獨政府ノ勸告ヲ容レス却テ probational period 主義ヲ維持シ加之 most favoured nation clause 一件ニ付テハ殆ト其本意ヲ逞セント欲スル様相見候處畢竟該兩件ニ關候テハ英政府ニ於テ何等欺致誤解居歟ノ模様有之候ニ付獨政府ハ飽迄モ最初ノ建言ヲ固執シテ其誤解ヲ說破可致特ニ most favoured nation clause 一條ニ付テハ獨政府ノ建言ニ對シ我政府業已御協意相成居候故其意ヲ體シ今一應英政府ヘ照會シ終ニ其協意ヲ得テ斡旋ヲ終了致度トノ事ニ有之候左候テ今回ノ斡旋果テ奏其功候得ハ昨年七月四日付該政府ヨリ各國政府ヘ致交付候重修措置案ノ條項十中ノ八九ハ英政府ノ協意ヲ得候都合ニ可相成ト被見受申候

前陳ノ縷々ハ未タ當政府ヨリ書帖ヲ以公然小官ヘ通知有之候義ニ無之候得共極内密的ニ當外務省主任ノ官員ノ好意ニ由リ親敷英政府ノ回答狀致見閱候ニ付不取敢御含マテニ申進置候

右爲得貴意恐々敬具

明治十七年二月七日

特命全權公使 青木周藏

井上外務卿時代 對獨交涉 三十一

協意候ニ付獨政府ニ於テハ斡旋ノ主意致徹底候義ヲ致満足居候トノ趣某外務官員ヨリ内密致承知候依テ昨日別紙暗號電信差出候都合ニテ有之申候

却說英政府ヨリ獨政府ヘ致交付候回答ノ條項概ネ五箇有之候處其ニケ條ハ既ニ森同僚ヨリ委細達貴閣候義ト存候抑々去月廿一日附ヲ以英外務卿ヨリ森同僚ヘ致交付候回答中 probational period 一項ハ尙可加勘考候得共 most favoured nation clause ノ一件ニ至候テハ其意見難致變換トノ旨ヲ主張有之候處今回「グランビル」森同僚間ノ往復書相添前顯英政府ノ決意更ニ獨政府ヘモ及通知候將又第三條即自我提出ノ Tariff 案ニ付テハ英政府事自己ノ爲ニハ更ニ不欲其變換候得共卑見此ノ項ニ關シ自他各政府ノ幾望ハ謹慎ニ顧省可然トノ趣意ニ有之第四ニハ我政府外國人ヲシテ稍々自由のニ内地旅行(商業ノ目的ニテ無之)令爲致且沿海通船差許候ニ於テハ其際外國人ニ可施及我行政權利ノ一項ニ付テモ早速商議可相開トノ事ニテ有之第五「プラシケット」氏今回赴任候ニ付テハ前顯及其他ノ事件ニ關シ前後我政府ト商議シ一々英政府ノ許容認可ヲ要セス直ニ協意或ハ否絶候テ可然全權ヲ具有候トノ事ニ有之候然ルニ

外務卿代理參議伊藤博文殿

註 1 前掲三〇文書參照

附屬書一

十七年一月十九日附獨外務卿發青木公使宛來翰譯文

小官ハ日本特命全權公使青木周藏貴下ノ本月十日附ノ書簡ヲ領收シ曩ニ我政府ノ條約改正ノ件ニ關シ他ノ各締盟國ニ對シ爲シタル仲裁ノ發議ノ爲メ貴下既ニ親シク貴政府ノ謝辭ヲ陳述セラレシニ更ニ復之ヲ表示セラレタルヲ了承スルノ榮譽ヲ得タリ

又小官ハ本月十日附ノ書簡中ニ吐露セラレタル冀望即チ客年十二月十一日附英國ノ意見書(メモランダム)ニ依テ生シタルモノハ帝國政府(獨逸政府ヲ云フ)ニ於テ既ニ客年十二月三十日附ヲ以テ之ヲ英國及其他ノ締盟國ノ政府ニ照會シタル事ヲ今茲ニ貴下ニ報導スルヲ得ルハ甚満足ナリトス

是ヲ以テ東京ニ於テ條約改正談判ヲ繼續スルノ最モ近キニアルハ小官ノ冀望スル所ナリ

以下例文

伯林一千八百八十四年一月十九日

一一五五

ハヤハ、ハシムン、ハル

大日本帝國特命全權公使

青木周藏費下

(譯文)

Berlin, den 19. Januar 1884.

Der Unterzeichnete beehrt sich dem Japanischen ausserordentlichen Gesandten und bevollmächtigten Minister Herrn Suizo Aoki den Empfang der Note vom 10. d. Mts. zu bestätigen, in welcher derselbe den bereits mündlich zum Ausdruck gebrachten Dank der Kaiserlich Japanischen Regierung für die in Angelegenheit der Vertrags-Revision diessets an die übrigen Vertrags-Mächte gerichteten Vermittelungs-Vorschläge zu wiederholen die Güte gehabt hat.

Es ist dem Unterzeichneten angenehm, dem Herrn Gesandten benachrichtigen zu können, dass die Kaiserliche Regierung den in dem Schreiben vom 10. d. Mts. ferner zu erkennen gegebenen, Wünschen welche durch das Englische Memorandum vom 11. Dezember v. J. angeregt worden sind, bereits durch einen unter dem 30. Dezember v. J. an die Regierungen

von Grossbritannien und der übrigen Vertrags-Mächte gerichtete Mittheilung zuvorgekommen ist. Er hofft, dass es bald möglich sein wird, die Verhandlungen in Tokio fortzusetzen.

Inzwischen benutzt der Unterzeichnete auch diesen Anlass, um Herrn Suizo Aoki die Versicherung seiner ausgezeichneten Hochachtung zu erneuern.

(gez.) von Hatzfeldt.

An
den Kaiserlich Japanischen ausserordentlichen Gesandten Und bevollmächtigten Minister
Herrn Suizo Aoki.

附屬書二

十七年二月六日發青木公使來電

(獨逸政府へ對英翰旋振ニ關スル件)

From Aoki to Inouye.

Last German steps in London most successful. England ready to discuss also condition of administrative laws to be applied to foreigners before definitive arrangement of jurisdiction. Germany will continue efforts to overcome reluctance as to full acceptance of its propositions respecting termi-

nability and favoured nation clause. Instructions for Doenhoff and Zappe are about to be sent.

February 6, 1884.

三十一

明治十七年四月三日

青木駐獨公使ヨリ
井上外務卿宛

内地開放問題ニ對スル獨逸政府ノ意嚮ニ關スル件

重修事項ニ關シ爾來爲何教令ニモ不相接又此方ヨリモ格段新奇ノ條件可申上義無之候處御地ニテ商議再開ノ手續ハ何程ニ進其步候歟ト掛念罷在中候殊ニ獨公使并ニ「サツパ」氏ハ今以商議ニ係候訓令領收不致居候間爲之商議御再開ノ期日遷延可致歟ニ奉存候尤該訓令ハ頓ニ整頓何時ニテモ郵送可相成事ニ運居候得共ビス氏及外務少輔等ノ疾患ニ起由シ今以記名不相調都合ニ有之中候依テ昨今ノ際其筋ハ勸諭シ電信ヲ以訓令可差遣事ニ取計置申候將又右訓令書裁ノ前ニハ云々條件ニ付其筋ヨリ小生ヘ内々示談有之候間開國ヲ condition トシ termination ヲ取付ル一項ニ關シ英ノ probational period 主義ヲ廢却スルタメ一説ヲ主張シ the opening of the Japanese Empire will take place by an imperial Law after negotiating conditions

井上外務卿時代 對獨交渉 三十一、三十三

under which the Foreigners are allowed to trade and to settle in the interior 云々申込候處「サツパ」氏ハ頗ル同意ノ趣ニ有之中候猶右訓令書ノ復寫ハ近日

ノ内領收可致内約ヲ取付候間領收次第直ニ送呈可仕候先ハ爲其草々不乙

十七年四月三日

周 藏

世外盟臺

梧 右

註 1 (朱書原註)

「青木ノ一説ナルベシ是レハ少シク不得策ノ論ナルガ如シプロベシヨナルビ
エリオットナルモノハ既ニ當方ニテハ正論ヲ以テ破リタルガ如シトコト八百
六十七年ノアルレンデメントハ甚々不與ナリ此點ヲ略ムコト可惡」

三十三

明治十七年四月十日

青木駐獨公使ヨリ
井上外務卿宛

在本邦獨國公使へ至急訓令方同國政府へ交渉ノ件

附屬書一

十七年四月四日附青木公使宛往電

(在本邦獨逸公使ニ至急訓令方同政府へ交渉ノ件)

二 十七年四月十日附青木公使宛往電

機密 第六號

五月二十六日到

本月四日附別紙甲號寫ノ通暗號電信ヲ以御教令相成委曲致謹了候然處不件ニ關候テハ既ニ先使内信ヲ以細縷達貴勘置候通從前小官ヨリ當政府ヘ切迫申置候云々ニ有之候處前顯御教令致到達候ニ付即其旨ヲ體シ尙ホ該政府ヘ切迫及催促候然ルニ當政府ニ於テハ小官請求通早速在日本獨公使ヘ訓令可差遣トノ事ニ有之申候左候テ本日別紙乙號寫ノ通暗號電信ヲ以照會ノ結果如何至急報知可申出旨御教令有之候依テ不取敢答電可差出答ニ候得共前陳當政府ノ承諾ハ單ニ小官ノ請求ニ應候トノミニ有之未タ其委任狀ノ細縷不致詳悉候間何分答電差出兼申候併シ今明日中ニハ當政府ヨリ何等歟通知可致ニ付左候上ハ直ニ答電可差出覺悟ニ御座候此段爲達貴聞早々敬具

明治十七年四月十日

特命全權公使 青 木 周 藏

外務卿井上馨殿

附屬書一

十七年四月四日附青木公使宛往電

(在本邦獨逸公使ニ至急訓令方同國政府ヘ交渉ノ件)

From Inouye to Aoki.

政府ヨリ該在留日本公使ヘ委任相成候訓令ノ主旨電信ヲ以可致報道旨御教示有之候ニ付則同十七日別紙乙號ノ通暗號電信差出置申候依テ爲御參考右兩號寫差進候間御見閱被下度候此段爲申進恐々敬具

明治十七年五月八日

特命全權公使 青 木 周 藏

外務卿井上馨殿

附屬書一

甲號 十七年四月十三日附青木公使宛往電

From Inouye to Aoki.

Unable to find the proposal of 4 last July. Telegraph its main principles as clearly as possible. In my memorandum of 21 last October to the German Minister in Tokio, I stated utmost we can do. Therefore, we desire instruction to him may be as near to it as possible. Submit this fact to German Government, endeavour to secure this result.

The English Minister in Japan gave me substance of English counter proposal. Main points are:

1. Assent to tariff if other Powers do the same.
2. This on condition of giving to foreigners facili-

井上外務卿時代 對獨交渉 三十四

The English Minister has received full instructions regarding the treaty revision, but German Minister has not yet. Considering that Germany took initiative in this matter, the situation is awkward unless German Minister receives it. Endeavour, therefore, to persuade German Government to issue instruction quickly, the broader and more general in its nature the better.

April 4, 1884.

附屬書二

十七年四月十日附青木公使宛往電

From Inouye to Aoki.

What was the result of my telegram of 4 instant. Immediate answers is required.

April 10, 1884.

三十四

明治十七年五月八日

青木駐獨公使ヨリ
井上外務卿宛

獨逸公使ヘノ訓令ノ大要報告ノ件

附屬書一

十七年四月十三日附青木公使宛往電

二 十七年四月十七日發青木公使來電

機密 第七號

六月二十一日到

先月十三日付暗號電信ヲ以別紙甲號ノ通重修事件ニ關シ當

- ties for trade and communication with the interior.
3. The settlement of tariff question first.
 4. Willing to insert a clause in the new commercial convention which stipulates that after 12 years either party may terminate commercial treaty alone by 12 months previous notice. This however on condition that before Japan can give such notice she shall have already thrown open the whole Empire for 2 or 3 years under arrangement which Powers shall have accepted.
 5. Greater extension of passport system and visit of foreign vessels and trade at ports not yet open.
 6. They will not agree to modifications of favoured nation clause.
- To the fourth point we can never agree and if he insists upon it negotiation will come to a great danger.

April 13, 1884.

附屬書二

乙號 十七年四月十七日發青木公使來電

一一五九

From Aoki to Inouye.

According to written instructions Doenhoff and Zappe are authorized:

A. To conclude commercial convention inclusive tariff and other commercial and navigation matters. 1) our right of denouncing depends on condition that the Empire should be opened after 8 years by a Japanese law which will settle all judicial subjects according to previous understanding with the Powers. German Government intend to avoid in this way English proposal of 3 years' probational period. 2) as to favoured nation clause, Germany holds its intermediational proposal. 3) acceptance of tariff, if possible, unaltered. 4) requirement of coasting trade according to your proposal, but under Consular jurisdiction as to foreigners.

B. To agree an arrangement that Japanese administrative laws will be applied to foreigners on condition of granting them facilities for communication viz. extension of passport system, but expressly not for commercial purposes. The

severity of punishment and fine in this regard, should be however commensurated to 3 months imprisonment or 500 dollars.

C. To take part in any conference or negotiation at any time henceforth when the new regulating of judicial matter in consequence of Japanese wishes should be discussed in order to further our mutual interest, that is, the Empire should be opened under recognizance of the territorial jurisdiction.

Hoping all these might meet your wishes, I inform you that the English Minister is not so anxiously bound, as you think, on his instruction I have read. Please consult with Zappe confidentially on all.

April 17, 1884.

(右邦譯文)

獨逸政府ノ訓令ニ據ヘン日本在留獨逸公使并ニザンペイ氏ノ左ノ件々ヲ委任セラレタリ

第一、税目、航海事項并ニ他ノ條約ヲモ含有スル通商條約ヲ締結スル事

(甲)日本政府ニ於テ都テノ條約ヲ廢棄スルノ權ハ各國ノ

豫メ熟議ヲ遂ゲタル旨趣ニ據リ百般ノ裁判問題ヲ一定スルトコロノ日本國法律ヲ以テ八ヶ年ノ後全國ヲ開クノ約束ニ因ルモノトス、獨逸政府ハ右ノ方法ニ據リ英國政府ノ提議シタル三ヶ年ノ試用期限ヲ避ケントス(乙)獨逸政府ハ右年間最惠國條款ヲ保持セントス(丙)税目ハ可成其儘承諾スヘシ(丁)沿海貿易ノ期限ハ日本政府ノ提議ニ據ルヘシ併シ外國人ハ領事裁判權ニ服從スルモノトス

第二、日本國行政法ヲ外國人ニ適用スル事右ハ外國人内地交通即チ商用ノ外ハ内地旅行免狀ノ方法ヲ擴充スヘシトノ約束アリテ後同意スヘシ尤モ刑罰并罰金ハ禁獄三ヶ月若クハ科金五百弗ヲ超過スベカラス

第三、今後日本政府ノ希望ニ因リ互相ノ利益ヲ増進スル爲メ裁判事件ニ係ル新規則ヲ討議スル所ノ議會若クハ談判ニハ何レノ時ヲ問ハス參同スル事即チ日本ノ治内法權ヲ諾シテ日本全國開通ノ件ヲ云フ

右ハ閣下ノ意ニ適スルアラン事ヲ望ム且ツ英國公使ハ閣下御所見ノ如ク嚴密ニ其訓令ニ束縛セラレサルモノト察ス。萬事内密ニザツペイ氏ト御協議アラン事ヲ乞フ

三十五

明治七年五月二十九日

青木駐獨公使ヨリ
井上外務卿宛

獨逸政府ノ意嚮報告ノ件

附屬書一

十七年五月二十三日附青木公使宛往電

獨逸政府ニ對シ我要求ニ付再考方交渉ノ件

二

十七年五月二十五日發青木公使來電

三

十七年四月四日附獨逸政府訓令書

機密 第十號

七月九日到

本月廿三日別紙甲號寫ノ通暗號電信ヲ以重修事件ニ關シ云云御教示相成候ニ付則其翌廿五日別紙乙號寫ノ通答電差出置申候全體御教示ノ旨ヲ體シ本件ニ係ル獨逸政府ノ近情詳細電信ヲ以報道可申答ニ候得共電文ヲ以申進候テハ容易ニ誤謬ヲ生候戒不少且可申出條項ハ頗ル數多有之候間何分御教示ニ難應乍遺憾其大要ノミ前顯答電ヲ以申進候都合ニテ有之候然ニ本件關係獨逸政府目今ノ意嚮ハ先般當外務官員中至懇ノ者ヨリ密ニ致收手候在東京獨逸公使及總領事兩人宛訓令書業已内信ヲ以及呈送置候間夫ニテ委曲御了悉可相成將又獨逸政府事昨年七月四日各國政府ヘ致交付候覺書ノ條項中爾後一二ノ變更及改良ヲ加ヘ顯著ニ我政府ノ便利ヲ計畫致吳候理由ニ付テハ本年機密信第一號及第三號信ヲ以事ノ眞

體大略達貴聞候間右兩信今一應御照被下度尙又公信ヲ以難申進委曲ノ綾情ハ別ニ内信ヲ以達貴聞候間右ニテモ事情御承知被下候

右爲申進恐々敬具

明治十七年五月廿九日

特命全權公使 青 木 周 藏

外務卿井上馨殿

註 本文「獨逸公使及總領事兩人宛訓令書業已内信ヲ以及呈送置候」トナル内信ニ相當スルモノ見當ラズ、訓令書ハ附屬書ニ參照

附屬書 1

甲 號 十七年五月二十三日附書本公使宛往電

(獨政府ニ對シ我要求ニ付再考方交渉ノ件)

From Inouye to Aoki.

From an American source, confidentially obtained German circular of July 4 to the other Powers: 1. German Government is willing to give us right of terminating treaties, presumably all treaties, after 8 years with promise that Japan is not to exercise this right before an understanding, presumably meaning certain arrangement regard-

verbal note of October last to Doenhoff, I was careful to say that upon opening the country (we wish?) to have the right of denouncing the whole treaty, meaning all treaties including all those stipulations appertaining to Consular jurisdiction etc. Entire opening of the country must necessarily be linked together with the entire relinquishment of foreign Jurisdiction. You will easily perceive the necessity of this position from which it will be impossible for us to retreat. If it be finally found impossible to come to agreement to set forth clearly in the new convention a stipulation to the above effect, it would be preferable to avoid any stipulation regarding the opening of the country and the denunciation of all treaties. But, having concluded to hold(?) commercial conventions, we will still continue from time to time negotiations with a view to settle jurisdiction question by proportionate concession. We have entirely destroyed probation period of the English memorandum by sound reasoning and logical argument and Plunkett has finally taken it out from the memorandum. Sug-

ing jurisdiction, has been reached with Treaty Powers with respect to opening of the whole country, whereas your telegram of last April say that we can denounce on condition the Empire should be opened by the Japanese law which will settle all judicial subjects.

2. Circular grants us only more extensive police privileges on condition of greater liberty to foreigners, making settlement in the country, acquisition of property and travel in the interior by the agents of commercial houses, whereas according to your telegram German Government will give us the right of applying administrative laws (up to?) three months imprisonment and five hundred dollars fine on condition only of extension of passport system not expressly for commercial purposes.

In view of these differences, it is supposed that some improvements in our favor have been made in the position (?) of German Government since it issued the July Circular. Report exact points, if any, of such improvements. In my confidential

gestion in your private note of 3 April does not meet my idea, as it (savours?) too much of Turkish Capitulation and you should try to dispel any impression may have been (made?) upon German Government by reason of this suggestion. Try your hardest to have German Government to send its instructions as soon as possible. Most of the Ministers are soon(?).

May 23, 1884.

密國傳川

乙 號 十七年五月二十日附書本公使宛來電

From Aoki to Inouye.

The German Minister in Tokio would receive written instruction about 27 instant and few days later you will receive a copy of it from me. It is impossible to point out details of German propositions by wire. I only add that German Government have made mentioned improvements in consequence of my suggestion made by note of 10 January to them.

May 25, 1884.

密國傳川

十七年四月四日附獨逸政府訓令書譯文

機密

譯 花房直

千八百八十四年四月四日於伯林

、條約改正委員ニ附與スヘキ訓令

獨逸ノ委員ハ千八百八十二年東京ノ會議ニ於テ起リタル總テノ問題ニ關シ此後ノ談判ニ加ハルヘシ

第一條 千八百六十九年一月二十日ノ獨逸日本條約ニ附スヘキ追加條約^{アウグステンブーゲン}ノ箇條ヲ會議ニ於テ同意セラル、ニ於テハ獨逸委員ハ之ニ記名スルヲ得

此追加并ニ各國條約ノ追加中現行ノ條約ノ變更ヲ明載セサルトキハ右條約ハ續テ實行セラル、モノトス

帝國政府ノ意見ニ據レハ新輸入税則并ニ貿易航海ニ關スル事件ヲ以テ即右追加中ノ最要ノ事件トス右諸件ハ千八百八十二年ニ既ニ其基礎ヲ得テ各國ノ委員ト日本政府トノ間ニ達カラス協議調フヘシ此他未タ充分ニ準備ノ整ワサル事件即チ商標并ニ專賣特許ノ如キハ更ラニ他日ニ讓ルヲ可トス

第二條 日本ノ行政諸法ヲ外國人ニ及ホス事若シ日本政府ニ於テ外國人ノ爲ニ適當ノ報酬ヲ與フトノ事アル以上ハ獨逸委員モ此協議ニ加ハルヘシ

ケノ者ヲ許諾セントス

最惠國條款ニ據テ得タル權利ヲ保有スルニハ同物又ハ同價ノ報酬ヲ得ン事ヲ曾テ日本政府ヨリ申出テタリト雖トモ我政府ニ於テハ之ニ從ヒ難タシ或ル場合ニ於テ此權利ヲ享受スルニ遵奉セサルヘカラストシタル施行規則ヲ遵奉セハ此ノ權利ヲ保有スルニ足ルトノ事ヲ明カニスヘシ支那ノ追加條約中ニ實行規則ト稱スル者ハ多クハ行政上又ハ關稅上ノ性質ノモノニシテ或ル承諾ヲ實施スルニハ必ス之ニ據ラサルベカラストシタル者ナリ

第三 千八百八十二年ニ一致ヲ得タル新輸入税則案ハ我政府ノ意見ニテハ其儘保存セントスル所ノ者ナリ然レトモ他政府ヨリ發議シタル希望ヲモ攢ケサル爲メ獨逸委員ニ於テハ外國委員ト日本政府ト一致シタル變更ニ同意スルヲ得ヘシ條約諸國カ日本政府ニ對シテ許諾シタル輸入税ノ大ナル増額ハ日本政府ニ於テ少ナクモ其大ナル部分ヲ日本ノ幣制整理ニ用フルノ義務ヲ追加條約又ハ之ニ附屬ノ公書中ニ承認スル事ニ價ヲ置クヘシ

第四 追加條約中ニハ從價稅ヲ附スヘキ輸入品ノ價格ニ付雙方ノ見込相異アルトキ施行スヘキ手順ノ爲メ細密ノ規則

井上外務卿時代 對獨交涉 三七五

若シ其協議相調フニ於テハ獨逸委員ハ之ヲ右委員ノ記名スヘキ追加條約ノ中ニ加フルノ權ヲ付與セラルヘシ

第三條 日本政府全國ヲ開通スルニハ先ツ其前ニ上ニ付新規ノ其仕方ヲ整理シタルヲ日本政府ヨリ示サル、ナラハ獨逸委員モ亦右會議ニ於テナリトモ又ハ別ノ談判ニ於テナリトモ此緊要ノ議題ヲ解ク事ニ加ハルヘシ

第一條ニ付

現今取結フヘキ追加條約ノ爲ニ平等ノ基礎ヲ確定スヘキ談判ニ於テハ獨逸全權ハ左ノ箇條ヲ心得ヘシ

第一 凡ソ八年ノ期限ノ經過シタル後ノ日本政府ノ終期權ノ義ニ付テハ日本政府ニ於テ各國ト條約的ニ取結ヒタル(上第三條ヲ見ルヘシ)申合ニ基キ外國ノ貿易ノ爲メ日本ノ法律ヲ以テ日本全國ヲ實際開キタル後ニアラサレハ此權利ヲ使用セサルヘシトノ事ヲ約シテ後獨逸委員ハ此權利ヲ許諾スヘシ獨逸委員ハ右ノ申出ニ適當スヘキ文書^{フアクシグ}ヲ各國委員并ニ日本政府ト協議スヘシ

第二 現行條約中最惠國權利ノ條ヲ改^{モディフィケ}正セントノ日本政府ノ望ニ對シテハ帝國政府ハ千八百八十年三月三十一日ノ獨逸支那追加條約第一條ニ於テ支那政府ニ許諾シタル丈

ヲ載スヘシ

第五 戻稅^(draw backs)ト關稅預カリ^(entrepôts bonded-warehouses)トヲ含ミテ外國商人ノ正當ナル希望ニ適スル稅法ヲ確カニスヘキ明細ノ規則ヲ追加ニ加フル事ニハ獨逸委員モ加ハルヘシ

第六 獨逸委員ハ從來ノ貿易定則ニ代ハリテ現行條約ニ附屬スヘキ新貿易定則ノ此度ノ追加ヲ補充スル一部分タル事ヲ請求スヘシ

第七 千八百八十二年委員ヲ設ケテ此新貿易定則ノ議事ヲ開キタレトモ遂ニ終結ニ至ラサリシヲ以テ商人ノ事ニ慣レタル者ヲ引テ速ニ此議事ヲ再開セン事ヲ獨逸委員ヨリ發言シ且ツ右談判ニ適當ナル基礎トシテ千八百八十三年十一月二十六日漢城ニ於テ獨逸英國朝鮮トノ間ニ取結ヒタル條約ニ附屬スル貿易定則ヲ示スヘシ右貿易定則ハ主トシテ日本ニ於テ經歷シタル實驗ニ注意シタルモノナリ

獨逸朝鮮條約ニ附屬セル貿易定則ノ英文ハ今此ニ之ヲ添ヘタリ

第七 沿岸舟航ヲ一切自由ニスル事ハ日本政府ニ於テ拒絕シタリト雖若干年間ハ日本ニ雇入レタル船ニ未開諸港間ヲ

一一六五

往來スルヲ許スヘキ旨申出タルニ付獨逸委員ハ此追加條約ノ行ハルル間或ハ少ナクモ十年間外人ノ爲ニ此許諾ノ保存セラル、様盡力スヘシ

右未開ノ諸港ニ於テ外國船并ニ其乗組人ノ遵奉スヘキ諸規則ニ付テハ前第二條ニ示シタル協議即日本ノ行政諸法ヲ外國人ニ施スヘキ事ノ協議調フ迄ハ現今ノ裁判ノ關係ヲ變更スヘカラス故ニ外國舟人ニ關スル裁判ハ何ノ場合ニ於テモ先ツ外國裁判所ニ於テ取扱フヘシ外國船ニ乗組ミ外國船ニ使役セラル、日本人日本諸港ノ舟中若ハ陸上ニ於テナシタル犯罪ハ日本裁判所ニ於テ裁判スヘシ船中懲戒ノ事ハ其日本人ニ關スルト外國人ニ關スルニ論ナク船ヲ指揮スル者ノ取扱フ事トス

第八 獨逸委員ハ日本諸港ニ在ル外國船ヨリ燈臺税、港税、噸税ヲ取立ツル事ニ付此度制定スヘキ規則ニ同意スヘシ右規則ハ之ヲ追加條約ノ一部分トスルカ或ハ少ナクモ一定ノ時期間ハ之ヲ保存スヘシ右規則ハ一二増補ヲ要スル者ノ他大體ニ於テハ千八百八十二年五月五日ノ會議ニ於テ英國委員ノ發議シタル者ニ據ルヲ得ヘシ（公書第九號）

第九 外國品ヲ用ヒサル爲ノ同盟ニ依テ外國商人カ被ムリ

公使ニ其布告權ヲ施行スル際三ヶ月以下ノ禁獄或ハ五百弗迄ノ罰金ヲ科スルノ權ヲ與ヘタル者ナリ

第三 日本ノ法律ヲ犯セル者條約諸國ノ人民ナルトキハ之ヲ罰スル事條約中裁判ニ關スル箇條開國ノ事ト共ニ變更アル迄ハ獨リ領事廳ノ權内ニアルヘシ現行犯ニ因テ捕ヘラレタル外國人ハ日本警察署ニ於テ唯タ其人ヲ確認スル爲メニ拘引スルヲ得ヘシ其事實ヲ確認スル爲メニハ拘引スヘカラス

第四 刑事ノ裁判ヲ開キ之ヲ執行スル事ニ付テハ領事廳ハ凡テ尋常ノ法ニ從フヘシ

第五 日本ノ行政法ハ外國政府ノ許諾ヲ得ルニ非レハ之ヲ右外國ノ臣民ニ及ホスヘカラストノ事ヲ以テ原則トスト雖トモ已ムヲ得サル場合殊ニ一般ノ困難危害ノ存スル場合ニ於テ日本政府ヨリ行政上并ニ警察上ニ發シタル一定ノ法律ハ條約國ノ適當ナル代理者ヨリ一時布告セラル、ニ於テハ假ニ効力ヲ有スルヲ得ヘシ但シ右代理者ハ速ニ本國政府ノ裁許ヲ仰グヘク若シ本國政府ニ於テ遂ニ之ヲ承認セサル事ノ分リタルトキハ其法律ハ其時ヨリ外人ニ向テ無効タルヘシ

タル損害ヲ保護スル爲外國商人等ヨリ申出タル希望ハ之ヲ貿易ノ事ヲ議スル際ニ議スル共別ノ談判協議ニ依ル共獨逸委員ノ隨意タルヘシ

第二條ニ付

外國人ヲシテ日本ノ行政諸法ニ服從セシムヘキ問題ニ關シテハ凡ソ日本ノ警察規則并ニ行政規則ハ日本人及日本ニ住スル諸外國人一樣ニ之ニ服從スルニアラサレハ規則ノ効ナキ事帝國政府之ヲ知レリ且ツ諸條約國立法權内ニ於テ領事ニ與ヘタル布告權ハ其體裁ノ種々ナルカ故ニ亦々一樣ニ會同シタル基礎アルニアラサレハ之ニ依テ以テ其缺乏ヲ補フニ足ラス故ニ獨逸委員ハ日本政府ヨリ相當ノ報酬ヲ得ルニ於テハ警察并ニ内政ノ諸規則モ先ツ外國政府ノ許諾ヲ得、外國ノ相當ノ官署ヨリ相當ニ希告セラレタル者ヲ日本ニ住スル右ノ國ノ臣民ノ上ニ用フルヲ得ヘキ事ノ約束ニ同意スヘシ

第二 右行政諸規則中ノ罰則ニ關シテハ決定スヘキ約束中ニ刑罰ノ一定ノ程度ヲ確定スヘシ右最高程度確定ノ談判ニ際シテハ千八百六十五年并ニ千八百八十一年ノ英ノ China and Japan Orders in Councilニ據ルヘシ右ハ英國

第六 全國ヲ全ク開達スル前ニ日本ノ行政上ノ法律ヲ右ノ如ク條約國ノ臣民ニ及ホスヲ許スニ付テハ最初ノ要件トシテ必ス學術ノ爲メ娛樂ノ爲メ又ハ健康ノ爲メノ旅行免狀ノ許可ヲ望ムヘシ

第七 此他獨逸ノ委員ハ開國前今日ニ於テ少ナクモ外國商人ニ條約ノ規程外ニ於テスヘカラサル賣買ノ事ニ對シ充分ノ保證サヘアレハ日本ノ商人并ニ消費者ヲシテ外國品ヲ知ラシムル爲メ模型見本等ヲ持テ内地ニ旅行スルヲ許サレン事ニ盡力スヘシ

帝國政府ハ此報酬ヲ *conditio sine qua non* (缺ク可カラサル要件) トシテハ見サルヘシ然レトモ日本政府ニ於テ之ヲ許サハ爲メニ外國ノ商賣ヲ進ムルト同シ程度ニ輸入ヲ増シ從テ日本ノ關稅收入ヲ増ス事ヲ現今ノ談判中ニ日本政府ニ覺知セシメン事ヲ希望ス

第三條ニ付

獨逸ノ委員ハ日本政府ニ於テ請求アルトキハ何時ニテモ日本政府并ニ各條約國代人ト共ニ現行條約中ノ裁判ニ關スル箇條ノ變更ヲ議シ之ニ依テ日本全國ヲ外國貿易ノ爲開達スル事ヲ助クヘシ然レトモ此改革ハ數年ノ働ヲ要シ僅カニ餘

徐ニ進歩スヘシ且條約各國中ニ新ニ協議ヲ經ルニブシヤン
ハ其終局ニ近シカサルヘシ然レトモ第一條第二條ニ掲グタ
ル事件ニ關シテハ獨逸委員ハ別ニ新訓令ヲ要スル事ナク直
チニ他各國ノ代理者并ニ日本政府ノ協議シテ條約的ノ決議
ヲナスヲ得クシ

十一年四月四日駐獨公使府訓令書原文

Berlin, den 4.^{ten} April 1884

Most confidential!

Die deutschen Delegirten werden sich an weiteren Verhandlungen über alle Fragen betheiligen, welche in der Konferenz in Tokio im Jahr 1882 zur Sprache gekommen sind.

I. Sie sind ermöglicht eine Zusatz-Konvention zu dem Deutsch-Japanischen Verträge vom 20. Januar 1869 zu unterzeichnen, sobald der Inhalt derselben durch die Konferenz Vereinbart sein wird.

Insoweit durch eine solche, bezw, die entsprechenden Zusatz-Konventionen zwischen den übrigen Vertragsmächten und Japan die bestehenden Verträge nicht ausdrücklich abändert werden sollen diese Verträge in Kraft bleiben.

die hierauf bezüglichlichen Abmachungen ebenfalls in die von ihnen zu unterzeichnenden Zusatz-Konvention aufzunehmen.

III. Nachdem von der Japanischen Regierung die Neuregelung der Jurisdictions-Verhältnisse als Vorbereitung der vollständigen Eröffnung des Landes für den fremden Handel bezeichnet worden ist, sind die deutschen Delegirten ermächtigt, an der im allseitigen Interesse liegenden Lösung dieser Frage, sei es auf der Konferenz, oder in besonderem Verhandlungen, Theil zu nehmen.

Ad. 1

Bei den Verhandlungen zur definitiven Feststellung einer gleichmässigen Grundlage für die zunächst abzuschliessenden Zusatz-Konventionen zu den bestehenden Verträgen werden die deutschen Bevollmächtigten

1. das von der Japanischen Regierung in Anspruch genommene Recht der Kündigung nach Ablauf einer Frist von etwa 8 Jahren unter der Bedingung zugestehen, dass die Japanische Regierung von diesem Recht keinenfalls früher Gebrauch machen

Nach Ansicht der Kaiserlichen Regierung werden den Gegenstand dieser Zusatz-Konvention in erster Linie der neue Einfuhrzoll-Tarif und alle auf Handels- und Schifffahrtsverhältnisse bezüglichlichen Angelegenheiten bilden, über welche auf der im Jahre 1882 gewonnenen Grundlage voraussichtlich in kurzer Zeit das volle Einverständniss zwischen den fremden Vertretern und den Bevollmächtigten der Japanischen Regierung zu erreichen sein wird, während andere, noch nicht hinlänglich vorbereitete Fragen, wie z. B. der Schutz für Fabrikmarken, Patente und Erfindungen besser späteren, besonderen Abmachungen vorzubehalten sind.

II. Die Deutsche Delegirten sind angewiesen, sich an einer Verständigung über die Anwendbarkeit Japanischer Verwaltungsgesetze auf die Angehörigen der Vertrags-Mächte in der Voraussetzung zu betheiligen, dass die Japanische Regierung sich hierfür zu angemessenen Gegenleistungen im Interesse der Fremden bereit finden lässt.

Sollte die Verständigung hierüber bald gelingen, so würden die Deutschen Vertreter ermächtigt sein,

dart, als sie auf Grund der hierüber (sub III) vorbehaltenen vertragmässigen Verständig mit den Vertrags-Mächten dem fremden Handel das ganze Reich durch ein Japanisches Gesetz thatsächlich eröffnet haben wird. Sie sind angewiesen, sich mit den Bevollmächtigten der anderen Vertrag-Mächte und der Japanischen Regierung über eine Fassung zu verständigen, welche diesem Vorschlage entspricht.

2. Dem Wunsche der Japanischen Regierung die Meistbegünstigungsklausel der bestehenden Verträge zu modifizieren, ist die Kaiserliche Regierung sinsoweit entgegengukommen geneigt, als dies ihrerseits in der Bestimmung der Art. I. der deutsch-chinesischen Zusatz-Konvention vom 31. März 1880 der chinesischen Regierung gegenüber geschehen ist.

Es ist ferner jedoch ausdrücklich davon festzuhalten, dass die Gewährung eines auf Grund der Meistbegünstigung in Anspruch genommenen Rechts nicht, wie die japanischen Regierung früher verlangte, von der Bedingung materiell gleicher oder gleichwerthiger Gegenleistungen, sondern nur von

der Befolgung der nämlichen Ausführungs-Bestimmungen abhängig gemacht werden darf, an welche in einem bestimmten Fall der Genuss des betreffenden Rechtes etwa geknüpft worden ist. Unter Ausführungs-Bestimmungen versteht die erwähnte Zusatz-Konvention mit China Bestimmungen, welche einen lediglich administrativen oder zollantlichen Charakter haben, und durch welche die praktische Ausführbarkeit eines ganz bestimmten Zugeständnisses bedingt ist.

3. Der im Jahre 1862 vereinbarte Entwurf zu einem neuen *Einfuhr-Zolltarif* ist ein Kompromiss, der nach Ansicht der Kaiserlichen Regierung aufrichterhalten werden sollte. Um indess den von einzelnen anderen Regierungen geäußerten Wuenschen entgegenzukommen, sind die deutschen Delegirten ermächtigt, solchen Abänderungsvorschlägen zu jenem Tarif-Entwurf zuzustimmen, mit denen die Vertreter der übrigen Vertragsmächte und der Japanischen Regierung einverstanden sein werden. Gegenüber der erheblichen Erhöhung der bestehenden Eingangszölle, welche die Vertragsmächte der

Japanischen Regierung zugestehen, ist Werth darauf zu legen, dass die letztere, sei es in der Konvention, oder in einem derselben anzuhängenden Protokoll die Verpflichtung anerkennen, mindestens einen beträchtlichen Theil der Mehreinnahmen aus dem Tarif zur Ordnung der Japanischen Valuta zu verwenden.

4. Die Zusatz-Konventionen werden genaue Bestimmungen über dasjenige Verfahren enthalten müssen, welches zu beobachten ist, wenn bei der Zollerhebung nach dem neuen Tarife über den Werth einer Ware, auf welche ein Werthzoll zu entrichten ist, Meinungsverschiedenheiten entstehen.

5. Die Deutschen Vertreter werden für die Aufnahme klarer Bestimmungen in die Zusatz-Konvention eintreten, durch welche ein den gerechten Wünschen des fremden Handelsstandes entsprechendes kombiniertes System von Rückzöllen (*draw backs*) und Zollniederlage (*entrepôts, bonded-warehouses*) gesichert wird.

6. Sie werden verlangen, dass die Handels-Regulative, welche an Stelle der den bestehenden Vere-

inbarungen angehängten Regulative treten sollen, einen integrierenden Theil der neuen Konventionen zu bilden haben.

Da die im Jahre 1862 begonnenen kommissarischen Beratungen über solche neue Regulative nicht zum Abschluss gelangt waren, so werden die deutschen Delegirten sich für die sofortige Fortsetzung dieser Beratungen unter Hinzuziehung von kaufmännischen Sachverständigen aussprechen und als eine geeignete Grundlage der Verhandlungen hierüber die Handels-Regulative bezeichnen, welche den am 26. November 1863 in Seül unterzeichneten Verträgen zwischen Deutschland und Grossbritannien einerseits und Korea anderseits angehängt sind, und welche in der Hauptsache der in Japan gewonnenen Erfahrungen Rechnung tragen.

Der Englische Wortlaut der zu dem Deutsch-Koreanischen Verträge gehörigen Regulative liegt hier bei.

7. Da die Japanische Regierung die unbedingte Freigebung der Küstenschiffahrt abgelehnt, sich dagegen bereit erklärt hat, auf eine Reihe von

Jahren den fremden Flaggen das Recht zur Küsten-Frachtfahrt zwischen uneröffneten Häfen unter Japanischer Verfrachtung zuzugestehen, so werden die deutschen Delegirten bemüht sein, dahin zu wirken, dass dieser Zugeständnis für die Dauer der Konvention selbst, oder mindestens auf zehn Jahre den Fremden erhalten bleibt.

Was die Vorschriften anbelangt, welchen die fremden Schiffe und deren Mannschaften in den dem Handel nach noch nicht eröffneten Häfen unterworfen sind, so werden, vorbehaltlich der sub II erwähnten Verständigung über die Anwendbarkeit Japanischer Verwaltungs-Gesetze auf Fremde, die bestehenden Jurisdiktionsverhältnisse bis auf Weiteres nicht abgeändert werden dürfen. Die Gerichtsbarkeit über fremde Seeleute wird daher in allen Fällen vorerst den fremden Gerichten, die Gerichtsbarkeit über die auf fremden Schiffen dienenden Japaner in den Fällen strafbarer Handlungen, welche an Bord fremder Schiffe in Japanischen Häfen oder am Lande begangen werden, den Japanischen Gerichten verbleiben. Die Schiffsdisciplin

würde Sache des Schiffsführers bleiben, gleichviel ob es sich um Fremde oder um Japaner handelt.

8. Die Deutschen Bevollmächtigten sind angewiesen, für die Erhebung von Leuchthaus-, Hafen- und Tonnengeldern von fremden Schiffen in japanischen Häfen einen auszuarbeitenden Reglement zuzustimmen, welches entweder gleichfalls integrierender Bestandteil der neuen Konventionen sein, oder wenigstens innerhalb einer bestimmten Frist in Kraft treten soll.

Dasselbe wird sich, vorbehaltlich einzelner Modifikationen, im Wesentlichen auf die Vorschläge des Grossbritannischen Vertreters in der Konferenz vom 5. Mai 1882¹⁾ Protokoll 9²⁾ stützen können.

9. Es wird in das freie Ermessen der Deutschen Delegirten gestellt, ob der von dem fremden Handelstande geäußerte Wunsch wegen Schutzes gegen Beeinträchtigungen ihrer Interessen durch Coalitionen zum Ausschuss fremder Waren, bei Gelegenheit der Verhandlungen über die Handelskonventionen berücksichtigt werden kann oder den Gegenstand eines besonderen Meinungsaus-

Vertragsmächte und nach gehöriger Bekanntmachung durch die zuständigen Organe der betreffenden fremden Länder in den hierfür üblichen Formen, auch auf die Angehörigen der letzteren Japan Anwendung finden sollen.

2. Was die in solchen japanischen Verwaltungsgesetzen zu treffenden Strafvorschriften anbelangt, so wird die abzuschliessende Vereinbarung ein bestimmtes Strafmass festzusetzen haben. Bei Festsetzung des zulässigen Höchstbetrages der anzudrohenden Strafen wird die Vereinbarung sich an die Bestimmung der Britischen "China and Japan Orders in Council" von 1865 und 1881 anschliessen können, welche den Britischen Gesandten ermächtigen, bei Ausübung seines Verordnungsrechts Gefängniss bis zu drei Monaten, oder Geldstrafe bis zu 500 (Mexikanischen) Dollars anzudrohen.

3. Die strafrechtliche Verfolgung von Zuwiderhandlungen gegen japanischen Gesetze muss soweit es sich um Angehörige der Vertragsmächte handelt, ausschliesslich den Konsularbehörden solange vorbehalten bleiben, als nicht die Bestimmungen der

tauches und Abkommens bilden soll.

Ad. 2

1. Hinsichtlich der Frage wegen Unterwerfung der Ausländer unter japanische Verwaltungsgesetze erkennt die Kaiserlich Deutsche Regierung an, dass zahlreiche Vorschriften auf dem Gebiet der Polizei, und innerer Verwaltung in Japan nur dann mit Erfolg durchzuführen sind, wenn diesen gleichmässig die Japaner und alle in Japan lebenden Fremden unterworfen werden. Die verschiedenartige Gestaltung, welche das konsularische Verordnungsrecht in der Gesetzgebung der verschiedenen Vertragsmächte erhalten hat, schliesst die Möglichkeit aus, ohne eine gleichmässige konventionelle Grundlage dem Bedürfniss im Wege der Verordnungsrechts der Konsuln genügen.

Die Deutschen Delegirten werden deshalb unter der Bedingung einer angemessenen Gegenleistung von Seiten Japans einer Vereinbarung zustimmen, auf Grund deren die auf dem Gebiet der Polizei- und inneren Verwaltung erlassenen japanischen Gesetze mit vorgängiger Genehmigung der Regierungen der

Verträge über die Jurisdiktionsverhältnisse in Verbindung mit der Eröffnung des Landes eine Umgestaltung erfahren haben werden. Die auf trischer That ergriffenen Ausländer werden daher der japanischen Polizeibehörde nur behufs Feststellung ihrer Personen, nicht aber auch zur Feststellung des Thatbestandes vorzuführen sein.

4. In Hinsicht der Einleitung und des Ganges des Strafverfahrens wird jede Konsularbehörde nach Massgabe der sonst für sie geltenden Gesetze vorzugehen geben.

5. Unbeschadet des Grundsatzes, dass japanische Verwaltungsgesetze nicht ohne Zustimmung der fremden Regierungen auf deren Angehörige Anwendung finden sollen, erscheint es angemessen, dass bestimmte, von der japanischen Regierung auf dem Gebiete der Polizei und der inneren Verwaltung erlassene Gesetze in dringenden Fällen, insbesondere bei Vorhandensein eines öffentlichen Notstandes oder gemeiner Gefahr auch für die Fremden vorläufige Verbindlichkeit dadurch erlangen können, dass sie von den zuständigen Vertretern Vertragsmächte,

vorbehaltlich der endgültigen Entscheidung ihrer Regierungen, einstweilen verkündet werden. Dieselben werden jedoch für die Fremden wieder ausser Wirksamkeit treten, sobald ihnen seitens der Regierungen der Vertragsmächte die Bestätigung versagt werden sollte.

6. Als unerlässliche Verbedingung für dieses Zugeständniss der Anwendbarkeit von Japanischen Verwaltungsgesetzen auf die Angehörigen der Vertragsmächte von der vollständigen Eröffnung des ganzen Landes wird die Gewährung von Reisepässen für wissenschaftliche, für Vergnügungs und Gesundheitszwecke zu verlangen sein.

7. Ausserdem werden die Deutschen Delegirten dahin zu wirken bemüht sein, dass vorbehaltlich der Eröffnung des ganzen Reiches für den fremden Handelsbetrieb jetzt wenigstens den fremden Kaufleuten das Umherreisen mit Mustern und Warenproben zur Verbreitung der Kenntniss fremder Erzeugnisse bei den Japanischen Händlern und Konsumenten im Innern unter ausreichenden Garantien gegen den unbefugten Verkauf von

Waren ausserhalb der Vertragsgrenzen gestattet werde.

Die Kaiserliche Regierung wird dieses Gegenzugeständniss zwar nicht als conditio sine qua non behandeln, sie hofft aber, dass es im Laufe der bevorstehenden Verhandlungen gelingen werde, die Japanische Regierung zu überzeugen, dass die von dieser Konzession zu erwartende Steigerung des Imports fremder Erzeugnisse der Japanischen Zollkasse in demselben Verhältniss zu Statten kommen würde, als dem fremden Handee.

Ad. 3.

Die Deutschen Delegirten sind ermächtigt, jeder Zeit, sobald den Japanischen Regierung den Wunsch hierzu äussert, mit ihr und den Vertretern der übrigen Vertragsmächte auch über die Abänderung der auf Gerichtsbarkeit bezüglichen Bestimmungen der bestehenden Verträge zu verhandeln, um hierdurch die taftächliche Erschliessung des ganzen Japanischen Reichs für den fremden Handel nach Kräften zu fördern. Diese Reform wird voraussichtlich eine langjährige Arbeit in Anspruch nehmen

und nur schrittweise und nicht ohne erneutes Einvernehmen unter den Vertragsmächten ihrer Lösung näher geführt werden können.

Die Deutschen Konferenzdelegirten sind dagegen ermächtigt, die sub I und II aufgeführten Fragen alsbald und ohne erneute Instruktionsetheilung im Wege der Verständigung mit den Vertretern der andern Vertragsmächte und der Japanischen Regierung zum vertragsmässigen Abschluss zu bringen.

Instruktion

für die Kaiserlichen Vertreter in der Konferenz zu Tokio, betreffend die Revision der Verträge mit Japan.

三十三

明治十七年六月五日

青木駐獨公使ヨリ
井上外務卿宛

獨逸政府ニ訓令再考方交渉ノ件

附屬書

十七年五月三十一日附青木公使宛往電

機密 第十一號

七月十七日到

先月卅一日付別紙寫暗號電信不月一日接到御教令ノ趣致了悉候就テハ其旨ヲ體シ尙又獨政府ノ懇議相開可成の尊意ヲ

井上外務卿時代 對獨交渉 三十三

可致充塞覺悟ニ候得共目下教祭ニ方リ全國學テ休暇ニ付外務省中重修主任ノ官員不在ニ候間未タ何等ノ著手モ出來不申候併シ其内右官員等致歸府候上ノ前顯教令ニ據テ遂談判何分ノ結果更ニ電信ヲ以報道可申出候也
右不取敢御回答旁爲達貴聞恐々敬具

明治十七年六月五日

特命全權公使 青木 周藏

外務卿井上馨殿

附屬書

十七年五月三十一日附青木公使宛往電

From Inouye to Aoki.

German Minister in Tokio has received full instructions which was shown to me. Am rather disappointed. They are much the same as English, if not worse. German Minister now states that meaning of that paragraph in your telegram of April marked 6 is that administrative laws of Japan will be recognized adopted and enforced, in the same manner as English do, by Orders in Council. This hardly meets my views because I have been led to understand otherwise by your.

telegram of April. Now, what we would concede and desire to be conceded in return, without touching these points in which we are already agreed, are as follows:

1. Tariff as finally agreed at the Conference should not be subjected to any modification whatever.
2. Willing to establish three accessible ports for foreign vessels which is desired by England, instead of open ports, and to allow mixed residence within certain limits around such ports, the extent of which to be decided hereafter. Accessible ports differ from open ports in not having any Consulate therein established.
3. Hence it is absolutely necessary that our administrative laws, both central and local, should be recognized without further enactment by the foreign Minister and be observed by foreign subjects and administered by Japanese tribunals, severity of punishment and fine, however, to be limited to fine of five hundred dollars or three months imprisonment.
4. The above should also be made applicable to

hitherto open ports.

5. We will agree to coasting trade under charter system for ten years but possibly must not be longer, provided no foreigner sent on board shall trade or enter into any commercial transaction in any ports other than those hitherto open or hereafter decided accessible, provided also that § 3 of this telegram should be made applicable, when on land, to all ports where chartered vessels may enter.

6. Willing to issue passports for any purpose to any responsible persons through the Kenrei instead of through Minister as heretofore, provided that the holder shall not trade or enter into any commercial transaction in the interior, and that these travellers, while in the interior, shall be subjected to the provisions of § 3 of this telegram with these points in view.

I desire you to endeavour without delay to achieve our objects.

May 31, 1884.

三十七 明治七年六月十六日

青木駐獨公使ヨリ
井上外務卿宛

獨逸政府へ我要求ニ付再考方交渉ノ件

附屬書一 十七年六月十四日附青木公使宛往電

(獨逸政府へ我要求ニ付再考交渉ノ件)

- 二 十七年六月二十三日發青木公使來電
- 三 十七年六月十七日附青木公使宛往電
- 四 十七年六月十九日發青木公使來電
- 五 十七年六月二十日發青木公使來電

機密 第十二號

八月十六日到

本月十四日付電信ヲ以別紙甲號ノ通御教令相成候ニ付則其旨ヲ體シ當外務省重修事件主任官等ニ就テ種々討議相開キ今回御提出相成候事項當政府へ懇々致請求候處小官ノ努力終ニ不能奏其功遺憾千萬ノ至ニ御座候左候テ右開談結局ノ大要ハ既ニ本月廿三日別紙乙號ノ通電信ヲ以達貴閣置申候抑前顯御教令ノ義ニ付テハ先月三十日付貴電信接收以來無機回當外務省へ推參シ先重修主任官「フオン、クハセー」氏等ニ就テ我政府所在ノ意ヲ開陳シ是非々々獨政府ニ於テ首唱的ニ我請求(今回提出ノ事項)事項ヲ嘉納相成候様懇誠ニ商議相試候處孰レモ右事項ハ日本政府ノ爲不政策ト認

定シ更ニ協意ノ模様無之候ニ付改テ商務課長ニ就キ稍果敢的ニ討議相開候得共是亦協意不致候間本月十四日斷然一封ノ内書ヲ裁シテ外務大輔「ドクトル、ブシユ」氏へ差遣シ宰相「ビスマルク」公へ面見シ直ニ不件致開陣獨政府ノ意嚮致承知度旨申込候處「クセロー」氏特ニ「ドクトル、ブシユ」氏事小官ノ決意ヲ見テ不件ノ事體ハ容易ニ難左置ト致考量候歟其後直ニ彼方ヨリ小官ヲ招致シ宰相「ビスマルク」公ハ面見可然且其面見前今一應篤ト不件ニ關シ執議相遂度云々至懇ニ致示談申候然ルニ本月廿二日曜日ノ休暇ニモ不關前顯大輔氏ヨリ速ニ外務省へ來訪可致旨申越候ニ付直ニ致出省候處同氏申開候ニハ宰相「ビスマルク」公ニハ事務執掌ノ爲不意ナカラ小官ヲ引見難被致且不件ノ情縷ハ委曲同公ノ聞ニ達候處獨政府事重修事件ニ付テハ是迄各國政府特ニ英佛政府ノ嫉妬の抗議アルニモ不關日本政府ノ爲斡旋ニ斡旋ヲ重ネ漸ク今日ニ至リ各國政府ニ於テモ通商條約ハ勿論行政權ニ關候テモ幾分カ協議ヲ可招致都合ニ相成候際今又日本政府ヨリ新規提出ノ事項ニ對シ再回各國間ニ立入致斡旋候義ハ目下承引難相成且今回ノ提出事項ハ獨政府ニ於テモ何分認可難相成何トナレハ疑問提出不投其

機ノ情由有之トノ旨同公ヨリ諭示有之候云々トノ事ニテ御座候依テ不得止前顯乙號電信中一二愚存申出候都合ニテ有之申候

將又本月十七日別紙丙號ノ通電信ヲ以御教令相成候ニ付最モ注意シテ極内密ニ其筋ニ就テ開質候處昨年「デーンホーフ」氏領收ノ訓令ハ所謂 ministerial rescript ニテ有之候由尤右訓令書ニハ宰相「ビスマルク」公自ラ記名セシカ或ハ其代理者之ニ記名セシ歟否ノ義ハ確乎相分不申候年併宰相氏ノ不經裁可テハ右等書類郵速可相成都合ニテハ無之候

右爲達貴聞早々敬具

明治十七年六月廿六日

特命全權公使 青木周藏

外務卿井上馨殿

追テ不月十九日同廿日差立候暗號電信寫眞葉爲御參校^(イ)差進候間御查收被下度候也

附屬書一

甲號 十七年六月十四日附青木公使宛往電

(獨逸政府へ我要求ニ付再考交渉ノ件)

delegates to that effect. Advise me by telegraph the result of your effort as soon as possible.

June 14, 1884.

附屬書二

乙號 十七年六月二十三日發青木公使來電

(獨逸政府へ我要求ニ付再考交渉ノ件)

From Aoki to Inouye.

In spite of all my requests and energetic remonstrances Bismarck considers your propositions (submitted in your telegrams of 30 ultimo and 14 instant) inopportune, believing that they would be unacceptable for the other Governments which are already jealous enough of his hitherto supporting your schemes. He, therefore, abstains from his consent to your proposals and refuses every mediation, ascertaining that the German authority, which could become useful for Japan in another case, would suffer a loss if he took again initiative in the matter after having found so may (many?) positions by other Governments. Under these circumstances, my unqualified opinion is to settle at once commercial matters only and to postpone the

From Inouye to Aoki.

Received the copy of German instruction you sent. German arrangement of enforcing Japanese administrative laws and regulations is impossible and impracticable. It is very necessary to apply them over foreigners without any such interference and I will shortly submit our counter memorandum to English memorandum in which I will demand the application of all administrative, police and local regulation in accessible and present open ports and over foreigners travelling in the interior and engaged in coasting trade, without any interference by Powers or through their representatives and by drawing a line (?) I will be content with the extent of 20 yen fine and 10 days imprisonment, up to that limit our courts to have the right to adjudicate also jurisdiction in civil cases arising from the commercial transactions between Japanese and foreigners both at accessible and open ports to the amount of 500 yen. Use your utmost effort to obtain the consent of the German Government to those propositions and to give instruction to its

matter in question. If you will, notwithstanding, try to carry out your propositions, I believe it may perhaps be practicable to apply to the English Government for that sake. Are you of this opinion? I propose you to send me to London with necessary authorization. I will then try my hardest there.

Berlin, 23th June, 1884.

附屬書三

丙號 十七年六月十七日附青木公使宛往電

From Inouye to Aoki.

In my telegram of 18 September last giving you the summary of my conversation with Doenhoff, we stated that Doenhoff said he received private instruction from Bismarck to assure me of the intention of German Government &c. Ascertain most confidentially and cautiously whether Doenhoff really obtained such instruction and telegraph. Am anxiously waiting for your reply to my telegram of 30 ultimo and 14 instant.

June 17, 1884.

附屬書四

十七年六月十九日發青木公使來電

From Aoki to Inouye.

In consequence of your instructions I am trying to see Bismarck to obtain his consent to your proposals.

June 19, 1884.

附屬書五

十七年六月二十日發青木公使來電

From Aoki to Inouye.

If you were asked, say you have given me special instruction to see Bismarck.

June 20, 1884.

三十七

明治十七年七月三日

青木駐獨公使ヨリ
井上外務卿宛

獨逸政府へ我要求ニ付再考方交渉見合セノ件

附屬書一 十七年六月二十四日附青木公使宛往電

二 十七年七月一日附青木公使宛往電

三 十七年七月二日發青木公使來電

機密 第十三號

八月廿日到

別紙甲號寫ノ通先月廿四日付貴電信過日接收尊慮ノ所在委細致了承候然處右電文中御教令ノ廉則 with this in view

出置申候依テ爲御參考甲乙丙號電信寫相添此段爲達貴聞早々如斯御座候敬具

明明十七年七月三日

特命全權公使 青木周藏

外務卿井上馨殿

註 1 及 2 前掲 三十七 附屬書二及同號本文

附屬書一

甲號 十七年六月二十四日附青木公使宛往電

From Inouye to Aoki.

Your telegram of 21 approved. Our memorandum is about to be handed to British Minister in Tokio. I am obliged to make little change in the proposition I telegraphed you (on) 30 May and 14 June. Present open ports have been excluded from exercise of limited jurisdiction both in respect to the violation of administrative etc. regulations and civil cases and the limit of 20 yen fine has been raised to 30 yen. In making this exception, I do not relinquish the desire and importance of maintaining a uniform system as to the application of those regulations, but simply defer negotiation,

urge most strongly upon Bismarck the importance

of our proposition &c. 云々ノ義ニ付テハ既ニ先月廿三

日付電信ヲ以大要達貴聞置候未先便機密第十二號信ヲ以詳

細致報告置候通宰相「ビスマルク」公ニハ先回貴電信中ノ

建議強テ御提出相成候ハ我政府ノ不政策ニ可有之ト致懇諭

候都合ニテ有之候間前顯御教令ノ意ヲ體シ目下當政府ヘ切

迫シテ彼此開論議候テハ自然宰相氏ノ良意ヲ損シ折角是迄

籠絡來候當政府ノ交友的感覺ヲ害ヒ隨テ他日更ニ其力ヲ假

テ可施行政略上ニ於テ甚タ可釀不都合ノ豫戒不鮮候歟ニ致

愚考申候依テ前顯御教令ノ義ハ暫時當政府ヘ開示不致後日

貴覺書英政府ヘ到着シタルノ日ヲ機會トナシ更ニ開論可成

の尊意致徹底候様盡力可致覺悟ニ有之申候左候テ先月廿三

日發拙電中小官ヲ龍動ヘ御差遣相成候テ如何トノ義致建言

候處右ハ別ノ理由ニ無之要スルニ致前陳候通御建議ノ條項

ニ付目下當政府ニ切迫シテ難得其協意候邊確乎致洞察候間

必ヤ建議御提出及之ヲ徹底可相成トノ御決意ニ候ハ、寧ロ

直接英政府ニ就テ商議相開候方可然歟ニ存候故敢テ建言申

出候都合ニテ有之申候

將又昨二日別紙乙號貴電信致接收候ニ付則丙號ノ通答電差

so far as enforcement of limited jurisdiction is concerned, till after the conclusion of commercial convention. This is my ultimatum from which I can never retreat. The most important part of my proposition is foreigners to obey all our administrative etc. regulations without intervention of Powers. With this in view, urge most strongly upon Bismarck the importance of our proposition and also the fact that we can not open the Empire without entire abolition of foreign jurisdiction and tariff autonomy as well i. e. these should be contemporaneous. It may seem to you I too easily change views, but circumstances oblige me to change my tactics.

June 24, 1884.

附屬書二

乙號 十七年七月一日附青木公使宛往電

From Inouye to Aoki.

Do not see the necessity of your going to London. Reply my direct telegram of 17 ultimo.

July 1, 1884.

附屬書三

丙號 十七年七月一日附青木公使宛往電

From Inouye to Aoki.

Do not see the necessity of your going to London. Reply my direct telegram of 17 ultimo.

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附屬書三

丙號 十七年七月一日附青木公使宛往電

From Inouye to Aoki.

Do not see the necessity of your going to London. Reply my direct telegram of 17 ultimo.

July 1, 1884.

附屬書三

丙號 十七年七月二日發青木公使來電

From Aoki to Inouye.

The Prussian and North German Minister received so-called ministerial rescript at that time when you had the conversation with him, but whether this rescript was signed by Bismarck or his substitute, got no information. At all events it is certain that no rescript could be issued without Bismarck's knowledge. My proposal to go to London was owing to the circumstances that I can effectuate nothing here at present.

July 2, 1884.

三七九 明治十七年七月四日

青木駐獨公使ヨリ
井上外務卿宛

索遼上公ト懇話ノ件

機密 第十四號

八月二十日到

獨逸女皇ノ貴弟索遼准馬耳上公ハ先年來數回達貴閣置候通條約重修一件ニ付テハ最初ヨリ以好意竊ニ小官ノ拮据ヲ惠護シ加之「ビスマルク」宰相ヘモ云々忠諭被申聞候參掛モ

有之候間先日宰相氏ヨリ目下更ニ建議提出ノ舉ハ我政府ノ不政策ニ可有之云々懇諭令申傳候後小官竊ニ致思慮處宰相氏一旦前顯ノ意嚮相示候上ハ當外務官員中不問誰何到底犯其意嚮候テ小官ノ議論ヲ容ル、者無之儀ト存申候依テ先月二十三日付拙¹電信差出候後小官義兩三日間ヲ控シ准馬耳上公ヲ訪ヒ重修事件ヲ按シ前後ニ關スル我帝國政府ノ意嚮及情願并ニ今回表示有之候獨英兩政府決答ノ大略ヲ縷述シ併テ獨政府尙ホ自他各政府ノ合縱或連橫的動作ニ依倚シ加之我帝國ヲ待ノ様ハ頗ル支那及韓國ヲ待ノ様ニ劣リ自我某事件ノ認可ヲ請求スレハ彼輒チ商賈的ノ賠償或報酬ヲ欲望シ前後豪俠寬大ノ友誼未相顯候云々竊ニ苦楚申述候テ更ニ上公ノ料理周旋致懇望申候然處上公ニ於テハ右苦楚ノ旨趣一々有理的ニ被相認且從前小官ノ拮据十分不報其効驗候義ニ付テハ懇々慰諭被申聞候上料理周旋ノ勞ハ屹度負擔シ臨機可運計畫トノ事ニテ尙ホ左ノ條項懇々説諭被致申候

予嚮ニ卿ト相識リ尋キテ伊藤參議ニ會話シ爾後數々惟フニ兩帝國ノ人民固ヨリ各々長處アリ短處アルヘシト雖要スルニ長短相補ヒ益々隣交友誼ヲ修メテ東西一致シ協意シ齊シク濟世ノ事業ヲ充塞スヘキナリ兩帝臣民ノ純平ク

ル思想ハ之ヲ日耳曼人種ノ思想ト羅蔓人種ノ思想ニ比較スレハ國ニ東西アルヲ問ス頗ル近接類似セルカ如シ果シテ然レハ交友修繕ノ事タル甚タ難カラス且修繕整頓スルニ至レハ兩國ノ境壤相接セサルヲ以テ假令ヒ一時ノ紛紜相生ルモ決シテ爭鬭相起リ不和彌久スルノ警戒ナシ亦有利的情况ナラスヤ併シ目下字内ノ情勢ニ徴スレハ隣交ハ實利ノ交換ニ成リ友誼ハ一ニ躬親ヲ尋問晤見スル等ノ交際ニ起由スル事亦卿ノ熟知スル處ナリ而シテ今ヤ兩帝國ノ間實利交換ノ舉ハ一日旺盛ヲ表示スレトモ東西懸隔ノ故障アルヲ以テ彼此臣民ノ來往未タ甚タ頻數ナラス且該臣民風靡的仰慕スル交互君主ハ未タ躬親ヲ尋問晤見ヲ相交ヘタル類例ヲ聞知セサルナリ惟フニ卿ノ至尊仁君タル日本皇帝陛下ハ貴齡未タ高カラス御舉動尙ホ活潑ノ君主ナルヘシ卿伊藤參議ニ協議シ陛下ニ奏シテ其歐洲ヘ御巡視アラン事ヲ諫諭シテ如何陛下駕ヲ枉テ此國ニ御來訪アリシ後ハ上君主間ノ友誼的交感忽焉相崇ミ下臣民ハ風靡シテ其則ニ從フヘシ是亦前途ニ係ル一箇ノ緊要的政略タルカ如シ但シ予小君主ノ資格ニ由ツテ本件ヲ教諭スルモ或ハ卿ノ信據ヲ得ル事難シ必ヤ予ノ從兄タル獨逸皇帝

ニ内議シ其協意ヲ得テ更ニ忠諭スヘケン歟貴意如何云云」

右ハ本文小官開陳ノ終ニ際シ上公特ニ活潑的説諭有之候ニ付前後首肯默聽候處最後ニ到リ獨逸皇帝ニ遂内議重テ可致忠諭歟云々被致質問候故此義ハ程克及謝絕其厚意ハ十分ニ感謝申出置候然ニ上公ヨリ重テ説諭有之前顯氣付ノ廉ハ機密ノ事項トナシ公便ヲ以テ閣下并ニ伊藤參議ヘ通知可然トノ事ニテ有之申候依テ不取敢右及申牒候間伊藤參議ヘハ閣下ヨリ此段御通知被下度候草々敬具

明治十七年七月四日

特命全權公使 青木周藏

外務卿井上馨殿

註 1 三七七附屬書ニナルニ付參照

三八〇 明治十七年七月十七日

青木駐獨公使ヨリ
井上外務卿宛

獨逸政府ノ讓步事情ニ關スル件

附屬書 十七年七月十五日發青木公使來電

機密 第十五號

九月四日到

六月二十四日付貴電信ヲ以御教令相成候重修事件中行政權施及ノ義ニ關シ飽迄當宰相氏ニ就テ我政府ノ請求ヲ可致充塞トノ旨ニ付テハ爾來無意正面ニ於テハ當外務官員ヲ經由シテ宰相氏へ懇説請求イタシ又側面ニ於テハ先便機密第十四號²ヲ以詳細達貴聞置候通瀝馬耳上公殿下ニ就テ必需ノ苦情ヲ縷述シ竊ニ其勢援ヲ致懇請置候間今又當政府ヨリ何等ノ都合通知可有之歟ニ致愚考居中候左候テ一昨十五日當外務省ニ到リ外務卿「コント、ハアツヘルト」氏へ致面會候處同卿申聞候ニハ頃日在日本總領事「ツアペー」氏ヨリ本件ニ關シ英政府ノ意嚮俄然變換セシ趣ヲ以何等歟建言有之候ニ付宰相氏事直ニ之ヲ被致採用候トノ旨且先般宰相氏ヨリ今回我政府ノ提出事項ハ不政策云々小官へ被致忠諭候義ハ全ク當時英政府ノ抗議ニ致起由候故英政府ニシテ前陳ノ如ク其抗議ヲ廢止シ行政區域ニ於テモ幾分歟讓與可致都合ニ有之候半ハ獨政府事ハ固ヨリ欣喜齊シク該讓與ヲ可成ト一決相成業已宰相氏ヨリ電信ヲ以其旨在日本獨公使及總領事へ教令有之候都合ニ付小官ヨリモ閣下へ右ノ段御報告可然トノ事ニテ有之申候依テ別紙寫ノ通即日暗號電信差立申候

註 本信日附前掲公信ニ先ツ一日ナルモ實ハ之カ註疏の公信ナリ故ニ前後シテ收錄ス

獨逸政府讓步事情ニ付同國外務當局ト會談ノ件

九月四日到

行政權殊ニ警察區域ニ於テ我君主權擴張不相叶候テハ實ニ我事止矣故ニ先便以公信申上置候通り「ビスマルク」氏ヨリ refusal ヲ領候後一時當境ニ於テ着手ノ方法無之際小生義火急ニ索還准馬耳上公ノ元へ出掛云々説得ノ末終ニ殿下斡旋ノ約諾取付置傍ヲ竊ニ彼 Mr. von Kuserow ニ就テ「英政府ヨリ先鞭ヲ舉ラレ從前獨政府ノ斡旋ヲ無効トスル勿レ將又從前獨政府ニ於テハ十分小生ノ言行ニ信據スルトノ事ニ候得共今般ノ請求事件ニ付小生ノ建議疎解ヲ果テ非望然拒絕相成候都合ニ候得ハ右信據俄ニ其跡ヲ滅シタルニ類候條依然駐劄イタシ候モ兩國ノ友好ヲ養成スル任ニハ當リ兼候半云々」苦楚申聞ケ居候處恰モ好シ本月十一日總領事「ツアツペー」氏ヨリ Mr. von Kuserow 宛(但シ小生へモ總領事ヨリ其前 most confidential and most friendly 忠告申遣シ御地英獨公使間ノ云々内通イタシ吳居候)種々建議申遣候由ニ御座候但シ建議ノ細縷ハ「クセ

右不取敢爲達貴聞早々敬具

明治十七年七月十七日

特命全權公使 青木周藏

外務卿井上馨殿

註 一三七八附屬書一ナルニ付參照

2 前號文書參照

附屬書

十七年七月十五日發青木公使來電

(獨逸政府ノ讓步ニ關スル件)

From Aoki to Inoue.

Count Hatzfeldt informs me that in consequence of communication by Zappe that England seems suddenly inclined to abandon former resistance as to some concessions in administrative question, Prince Bismarck has authorized by telegraph German Delegates to consent to all such concessions as British Representative would do.

July 15, 1884.

三八一

明治十七年七月十六日

青木駐獨公使ヨリ
井上外務卿宛

ロー」氏ヨリ悉皆通知不致候得共(小生ニ於テハ總領事ノ投書ニテ固ヨリ無遺漏承知罷在候)其要旨ハ昨日差立候電信文ノ大綱ニ外ナラス候左スレハ總領事ツアツペー義御地英公使ノ意嚮ヲ洞察シ英政府最前ノ抗議ヲ稍々一變シテ獨政府ノ意表ニ出以テ從前ノ political influence ヲ回復スル意アルヲ推知イタシ候故切迫獨政府ニ建言シ必スヤ英政府ノ舉動ニ劣ル勿レ云々申遣候ニ相違無之候依之相國「ビスマルク」氏事急ニ先月中吐露ノ意嚮ヲ一變シ差當リ英國ノ舉動ニ劣ラサレヘク相決シ隨テ英政府ヨリ表示スル丈ノ友好情義ハ獨政府ヨリモ屹度表示可致事ニ決意イタシ申候將又昨日電信差出候前ノ商議手續左ニ致陳述候間夫ニテ獨政府ノ意嚮御洞察可被下候

本月十五日(即日曜日)午後 Mr. von Kuserow 氏不次小生ヲ訪ヒ縷々シテ曰ク總領事 Zappe 氏ノ報道ニ憑候得ハ在東京英公使事行政區域ニ於最前ノ抗議ヲ廢シ稍々貴政府ノ請求ニ可相應歟ノ意嚮ヲ表候由其實如何吾、未タ確乎タル公信ニハ不接候得共其實或ハ然ラン先月中貴君へ申入置候通我政府ニ於テハ是非々々何程カ(但シ六月二十四日ノ貴電信ニ關シテ前日同人ト業已

開設シ置タリ）行政權ヲ可擴張確乎タル定意ニ有之候間獨政府或英政府ノ協意ヲ得テ必ヤ其本意ヲ達スル了簡ニ有之候

彼、貴政府定意ノ所在ハ貴君ヨリ承知居候併シ先月中「ビスマルク」氏事貴政府ノ建議ヲ認可シ及再度ノ斡旋ヲ承引セザリシハ全ク英政府ノ抗議スルヲ豫戒シ隨テ inopportune トン申出シ決シテ貴政府ニ對シ俄ニ友好情義ヲ疎濶シタルワケニハ無之候將又英政府事最前行政事項ニ付獨政府ノ意嚮ニ反シテ云々抗議申張候義ハ貴君御熟知ニ有之候處今回同政府ヨリ獨政府ハハ何等協議モナク果テ獨歩的致舉動候ニ於テハ「ビスマルク」氏ニ於テモ亦獨歩的舉動可被爲了簡ニ有之隨テ英及各國政府ヘ照會ヲ待ス差當リ英公使ヨリ貴政府ヘ提出スル concession ニハ無論協意可致 Count Doenhoff 及 Zappe 兩氏ヘ以電信教令可申遣決意ニ有之候要スルニ英國政府竊ニ最前ノ抗議ヲ廢シテ致舉動候ニ於テ獨政府ニ於テモ更ニ回顧ノ戒無之候

吾、貴政府更ニ好意相示サレ候邊我政府定テ満足ニ可存中候併シ英政府ヨリ提出スル讓與ニ協意スルトノ事ニ候

テハ喜テ貴君ノ請求ニ應候併シ先日宰相氏ニシテ貴政府ノ建議提出ヲ inopportune トナシ且斡旋ヲ謝絶セル趣意ハ前段其事ノ眞體ヲ陳候間必ス誤解無之様イタシ度候往々不得止場合ニ於テハ獨政府必ス更ニ斡旋ノ勞ヲ任シ可申候將又總領事ノ qualification and capacity 并其貴政府ニ對スル意嚮ハ貴君最熟知ニ候處今回同氏ヨリノ建議ハ其實公然タルモノニ無之一ニ小生ヘ授シタル内信ニ有之候間（但シ公使ト總領事間ノ云々ハ盟臺御察知アルニ付茲ニ喋々不致候併シ先前ヨリ内啓候通り得信據ノ點ニ至候テハ總領事頗ル公使ノ右位ニ居候邊ハ兼々 von Kuserow 氏ヨリモ竊ニ承リ居申候）目下直ニ該信ニ憑據シテハ如何可有之歟其内ニハ東京ヨリ公信モ到來可致ニ付其節ハ時宜ニ由リ重テ斡旋可相働先差當リ「總領事ノ建議ニ由リ獨政府ハ貴政府ヘ對シ英政府ノ讓與ニ劣ラサル讓與ヲナスヘシ」ト貴君ヨリ貴政府ヘ電信被差立テ如何

吾、貴君ノ意嚮ハ巨細トナク推察イタシ候實ニ貴拙ノ間平素兄弟的ノ友好有之交互信據罷在候得共不件ハ公事タルニ付單ニ貴君 personal assurance ニテハ貴意ニ

得ハ其實獨政府ハ英政府ノ舉動ヲ疑似スルニ過ス候間小生ニ於テハ此舉ヲ目シ豪俠英斷ニ出タル懇親ノ素意トハ認兼申候抑貴拙ノ國態人情ニ準據シ前途ニ關スル common interests ヲ回顧シ通知シ交五崇敬ヲ體シテ陸續ト attend to the friendly relation between and Germany スル事ニハ小生及 Zappe 氏最前ヨリ齊敷注意罷在候處今回總領事ニシテ建議申遣候ハ、其趣旨定テ英政府ヲ眞似シテ可然トノ事ニハ有之間敷候間可成同氏建議ノ本意ニ據リ且更ニ initiative ヲ取り不得止ハ再ヒ斡旋ノ勞ヲ任シ獨政府ヲシテ依然其聲價ヲ保持セシメラレ度候我立法司法ノ機能ハ尙十分翹發^{（つ）}不致候得共行政警察ノ區域ニ於テハ外邦人業已其律令ニ服從シテ可ナリ云々ノ義ハ四五年来事實ヲ證左シテ喋々申入置候間更ニ開陳不致候併シ accessible ports ヲ開キ并ニ内地旅行ヲ寬容スルノ舉ハ直ニ非我利主トシテ居留外邦人ノ material interest ニ歸着候間彼此ノ利害ヲ計算シ必スヤ豪俠的ニ英斷決行可然存候

彼、貴意ノ所在ハ平素我等一統熟知候條可成的ノ區域ニ於

難應候其上先月ノ refuse ハ宰相氏ノ名ニ起因候間今回ノ協意モ宰相氏ノ名ヲ以公然通知有之度候

彼、貴君ノ請求甚理アリ然ラハ歸省ノ上平日直ニ外務卿 Count von Hatzfeldt 氏ト協議可相調置候ニ付明日貴君同卿ヲ訪ヒテ示談有之度候云々

吾、諾必ス外務卿ヲ訪フヘシ

右フォン、クセロー氏ト至懇ニ遂討議候翌日即本月十五日「ハツツフェルド」侯ヲ訪ヒ先月廿四日附電信末段ノ教令ニ遡回シ喋々致開談候處

彼、先月中宰相氏貴政（府？）建議提出ノ時機ヲ目シ inopportune トナシ併テ mediation ヲ辭候處貴君ニ於テハ御落膽ノ趣萬々御氣ノ毒ニ存候併シ宰相氏ノ素意ハ Mr. von Kuserow 氏ヨリ申入候都合ニ相違無之候間御安意可然又惣領事 Zappe ノ建言ニ由リ宰相氏更ニ改其意嚮候云々ノ情縷モ「フォン、クセロー」氏ヨリ御聞取相成候實ニ相違無之候ニ付我好意ハ御認可是祈候

吾、陸續好意御保持ト申御趣意ニ候得ハ我政府ニテモ屹度満足ニ可存候左候テ「フォン、クセロー」氏ヨリ承候

云々及貴君ヨリ該云々ト御髓メ相成候トノ事ハ小生ヨリ本國政府へ及通知候テモ不苦候ヤ

彼、然リ count Donhoff and Zappe へハ小生ヨリ業已電信ヲ以教令差遣候間此旨貴政府へ御通知相成度尤貴君御差立ノ電文ニ付何等歟悉數 information 御請求ニ候ハ、重テ「フォン、クセロー」氏ト御示談可被下候云々

右ニテ公然タル外務卿トノ應答ハ致終了候ニ付更ニ「フォン、クセロー」氏ニ就キ云々遂示談且電文モ同氏ノ目前ニテ相談ノ上相認メ申候尤其節 to consent to all such concession as British representative does ノ一段ニ至リ as 以下ノ三語ヲ Japanese Government require ト可相改左ナクハ英政府ノ眞似ニ過ス云々懇話激論并ニ相試候得共同氏終ニ不承諾萬々遺憾ニテ有之申候併シ先月ノ refuse ニ接候後ハ小生頗ル serious ニ舉動シ「フォン、クセロー」氏へハ小生ノ在勤最早無効ナラン云々トマテ申開候ニ付同氏及外務卿共前後慰諭ノ情ヲ含居候處幸ニ御地ノ情況ハ總領事好意ノ内信ニテ悉皆此元へ相通シ候ニ付此後ハ引續キ何等ニ關セス更ニ請求申出シ候テモ不都合無之

十七年七月十六日

周 藏

世 外 盟 臺

註

「昨日電信差出」云々ニ付テハ前掲三八〇附屬書來電參照「ガラツツトン」氏トハ一八八〇年乃至一八八五年ハグラッドストーン内閣ノ時代ナルヲ以テ氏ノコトナリト認メラル

三八二

明治十九年八月三日

井上外務大臣ヨリ
品川駐獨公使宛

獨政府へ斡旋依頼ノ件

外務大臣伯 井 上

馨

在獨特命全權公使子品川彌二郎殿

機 密

税目施行期限ノ義ニ付別紙和英兩文ノ通在英河瀬公使へ及訓令置候所英政府ニ於テ訓令ノ趣旨是非承諾致吳候ハテハ我邦財政上又條約改正ニ依テ生スルコロノ事業舉行上關係不尠候ニ付貴官ベルハム伯竝ライハルトノ兩氏ニ御面會ノ上右英文訓令書ヲ示サレ河瀬公使本大臣ヨリ右訓令ヲ請

井上外務大臣時代 對獨交涉 三八二、三八三

貴慮次第ニテハ英公使へ御交付相成候覺書ノ箇條ニ付更ニ獨政府ノ力ヲ假用スルモ可然歟ニ奉存候要スルニ昨日差出候電文ノ語氣(本文ノ英語實ハ「フォン、クセロー」氏作ニ成レリ併シ是ハ前後ニ互リ樞密ニテ草案ハ手元ニ殘居中候)ニテモ御察知相成候通リ獨政府事英政府ニ對シ近日(先月廿一日廿三日獨逸國會院ニテ「ビスマルク」氏演說シタル云々ノ證據アレトモ茲ニ贅セス)特ニ銳鋒ヲ持シ且「ビスマルク」氏ハ「ガラツツトン」氏ノ優柔不斷ヲ洞觀イタシ候歟先月下旬英政府ニ照會シテ(但シ照會ハ昨年來有之候得共)亞弗利加洲ノ Angra pequena 地方ヲ領略イタシ候程ノ情況タルニ付此方ヨリ請求スル事件ニシテ假初ニモ「ビスマルク」氏商業的政略ノ意嚮ニ相稱候ハ、斷然斡旋ノ事件ヲモ引受可申候但シ商業的政略云々ニ付テハ其巨細ヲ啓度候得共本日ノ間ニ合ヒ不申候間萬一急ニ御承知相成度候ハ、其委曲 Zappe 氏へ御下聞可被下候同氏事老關及小生ニ對シ平素好意相抱居候段今回ニテモ御證明相成候半奉存候
大山參議兩三日前此境ニ來着セリ
先ハ爲其草々不盡

ケ英政府へ次第開陳スヘキニ付獨國政府ヨリモ英政府ニ右我政府ノ請求承諾スヘキ様勸告相成宜敷間ニ在テ斡旋致吳候様兩氏ニ親シク内密御依頼有之度此段申進候也

註 一二五八文書十九年八月三日附河瀬公使宛往信

三八三

明治十九年十一月九日

品川駐獨公使ヨリ
井上外務大臣宛

外國判事任用繼續方獨逸政府ヨリ提議ノ件

附屬書一

十九年十月二十七日發品川公使來電

二 十九年十月二十九日青木次官發品川公使宛

往電

三 十九年十一月三日品川公使發青木次官宛來

電

四 十九年十一月八日青木次官發品川公使宛往

電

五 十九年十一月八日品川公使發青木次官宛來

電

機密 第二十七號

十二月二十八日到

税目施行期限ノ儀ニ付獨逸政府ヨリ英國政府ニ對シ我要求承諾致吳候様斡旋方倚賴一件ノ始末ハ本年九月廿四日付機密信ヲ以テ委曲御内報ニ及ヒ置候通ニ有之候

左候テ去月廿六日當外務省通商部長「ライヒハルド」氏ヨリ拙官ニ面晤致度件有之候間外務省へ出頭致吳候様申越候依テ姉小路伯相連レ早速同省へ出頭同氏ニ致面會候處其談示ノ要旨ハ左ノ通ニ有之候

税目施行期限ノ義ニ就テハ日本政府要求ノ通英政府モ承諾致候ニ付右ハ獨英兩國政府共今回改定條約批准濟後直ニ實施相成候義ニ付異議無之事ニ相成候

然ルニ裁判權一件ニ就テハ英政府ハ必ス「コンデイション」ヲ提出可致ト存候即チ今回改定條約滿期後（即チ十七年後）ニ於テ日本裁判所ノ適良ナル行務ニ關シ日本政府ヨリ適當ノ保證（Guarantee）ヲ與ヘン事ヲ要求スヘシ而シテ獨逸政府ハ該保證ハ右期限滿盡ニ至ルノ間ニ於テ一ノ新約定ニ依テ外國判事ヲ廢止スル事ヲ決定スヘキモノトナシ若シ右新約定期限滿盡マテニ決定ニ至ラサル場合ニ於テハ右滿期後ト雖日本政府ニ於テ外國判事ヲ繼續任用スル旨ヲ約束相成候ハ、可然ト存候然ルニ右保證ニ關スル要求ノ條項ヲ英政府ヨリ提出スルヲ待タハ恐クハ一層日本ノ爲ニ不利ナル「コンデイション」ヲ要求スヘシ就テハ若シ日本政府ニ於テ獨逸政府ヨリ右發言ノ義承

今回當政府ノ發意ハ畢竟日本政府ニ對シ好意ヲ以テ英政府ヨリ恐クハ提出可致一層不利ノ難題ヲ未然ニ防カントスルモノニ有之而シテ又當政府ニ於テ發言セントスル「コンデイション」ハ日本ノ體面ニ就テモ別ニ關係スル程ノ儀無之様致思候從來獨逸政府ハ「ルメニヤ」又ハ「セルビヤ」等隨分歐洲文明國ニ列スヘキ諸邦國ニ對シテモ全ク「コンデイション」ナシニ外國判事廢止ノ事ヲ承諾イタシ候事無之候今回日本ニ於テモ裁判管轄權ヲ回復シ且自今十七年後ニ於テ全ク外國判事ヲ廢止セント企圖スルニ際シ前顯「コンデイション」ニ依テ締盟各國ニ安心ノ保證ヲ與ヘラル、モ強テ日本ノ面目ニ關スル筋ニハ相成間敷ト存候

且右時期ノ間ニ於テ右外國判事廢止ノ件ニ付若シ一ノ新約定ヲ決定ムルニ至ラサレハ該外國判事ヲ繼續任用スヘシトノ約束ナレハ日本政府ヨリモ相當ノ時期ヲ以テ右新約定訂結ノ義ヲ發言スル事ヲ得ヘシ而シテ日本文明ノ程度果シテ外國判事ヲ要セサルノ點ニ進マハ該新約定相整ヒ候事亦難事ニ有之間敷候

就テハ前顯「コンデイション」丈ケハ承諾相成候方可然

諾相成候ハ、獨政府ハ英政府カ未タ何等要求事項ヲ提出セサルニ先タチ同政府ニ對シ右ノ義ヲ提議シ同政府ヲシテ之ニ同意セシメ候様盡力可致候云々

右一件ハ至急ノ運ヲ要スルニ付當外務省ニ於テ故ト在東京獨公使ホルレーベン氏ニ不申遣直接拙官へ内話ノ上直ニ貴官へ通信ノ手續ヲ撰ミタルモノニ有之候而シテ本件ニ係ル拙電ハ獨公使并ニ英公使へ漏泄不致様御注意有之度段特ニ電文ノ末ニ申添候義モ「ライヒハルド」氏ヨリ談示アリシ事ニテ即當外務省ノ旨意ニ有之候此ハ本件若シ獨英公使等へ漏泄候ハ、更ニ枝葉ヲ生シ其取扱復雜（コンプリカート）ニ相成彼是面倒ニ至ルノ患ヲ顧慮候儀ニ御座候

擬又右電文ハ重大ノ關係有之候ニ付自然誤謬御座候テハ不都合ニ候間文案起草ノ上其翌日爲念「ライヒハルド」氏へ相示シ候處多少添削相加ヘ吳候上別紙甲號電文ノ通ニテ全ク昨日談示ノ旨意ニ相違無之段相確メ候ニ付即チ發電イタシ候次第ニ御座候然ル處同廿九日別紙乙號ノ通青木次官ヨリ電報接到イタシ候依テ右電文ノ旨意ニ從ヒ「ライヒハルド」氏ニ及内話候處同氏ヨリ「ベルヘム」伯ヘモ談示ノ上左ノ旨答話有之候

ト存候若シ右「コンデイション」ヲモ承知不相成候ハ、今回裁判管轄權回復ニ係ル全體ノ御計圖或ハ水泡ニ歸スルニ至ルヤモ難測候間今一應以電報青木外務次官へ右情由領得相成候様被申遣度候云々

其景情ヲ察スルニ少シク當外務省ノ感覺ニ接觸セシヤノ氣味ニ相見申候

依テ更ニ別紙丙號ノ通青木次官へ宛拙電差出申候然ル處再ヒ別紙丁號ノ通同次官ヨリ電報接到イタシ候ニ付即チ別紙戊號ノ通及返電候

右始末及御内報度如此ニ御座候拜具

明治十九年十一月九日

在獨國

特命全權公使子 品川 彌二郎

在獨逸國
帝國日本
公使之章

外務大臣伯井上馨殿

註 一九月二十四日機密信ナルモノ見當ラズ

附屬書一

甲號 十九年十月二十七日發品川公使來電

From Shinagawa to Inoue.

German and English Governments will consent

to early enforcement of the new tariff, transitory clauses being reserved. As to jurisdiction, English Government will consent on condition that, after expiration of 17 years, Japanese Government should give guarantees for proper administration of Japanese tribunals. German Government would find this guarantees in a stipulation maintaining foreign judges after that period until a new convention with regard to their abolition should be concluded. If you consent to it, German Government is willing to act in this way at London Cabinet. Keep it confidential also from German Minister and English Minister.

October 27, 1886.

密函轉川

ニ送 十月廿十四日付西電略云 各電ニヨリ 咄ニ各電案を詳

From Aoki to Shinagawa.

strictly confidential

Referring to your telegram of 27 October, the question of early enforcement of the new tariff is already settled here at conference (of) 20 October by declaration of English Minister in Japan that

his government consent to early enforcement of the new tariff on condition that in case Japanese Government would be unable to open the country in two years as promised the old tariff would again come into force. As to the stipulation in respect to the mainting of foreign judges after expiration of jurisdictional convention, as mentioned by you, I personally assure you that no engagement as to subsequent employment of foreign judges can be given by us. See Berchem and Reichard and give them my personal assurance that there need be no apprehension on the part of treaty Powers in respect to the period after 17 years and that, sincerely speaking, no necessity can exist for making arrangement for this, because we are really willing to satisfy Powers by our sincere intention and continued endeavour. Tell them also, in my name, we hope that the good-will hitherto shown by German Government will not fail to cause it to make representation in this sense at London.

October 29, 1886.

密函轉川

送 十月廿十一日付西電略云 各電ニヨリ 咄ニ各電案を詳

From Shinagawa to Aoki.

strictly confidential.

Referring to your last telegram, I assure you that German Government, by its good-will, is willing to make that proposal to England, will prevent that (?) England demands conditions which would then be still worse for Japan. Berchem and Reichard said that German Government has never consented to abolition of foreign judges in other laws (?) without a condition, but this time German government makes no condition in Japan. Please be assured that German Government will make that proposal mentioned in my last telegram only in favor of Japan. I hope you will consent, else it is possible that our whole endeavour with regard to jurisdiction can miscarry (?).

November 3, 1886.

密函轉川

上送 十九年十一月八日附青木次官ヨリ 咄川公使宛往密

From Aoki to Shinagawa.

From your telegram of 17 and 4 we cannot

clearly understand exact intentions of English government and what German government proposes to suggest. Telegraph at once fully and with respect. of German proposed action at London, after consultation with Reichard.

November 8, 1886.

密函轉川

送 十月廿十一日付西電略云 各電ニヨリ 咄ニ各電案を詳

From Shinagawa to Aoki.

confidential.

German Government said as follows:

England so easily, without any condition, would not consent to the new jurisdiction, without foreign judges after 17 years. It is possible that England, as Reichard confidentially told with regard to our jurisdiction, will make which can be really disagreeable to us. Therefore German government, having always good-will to Japan, will propose to England to consent to new Japanese tribunals, condition (being ?) reserved that the foreign judges remain in their function still after 17 years unless (in the ?) meantime a new special convention with

Treaty Powers with regard to their abolition should be made. In this way German Government thinks to cause England to consent to new jurisdiction and to prevent from disadvantage possibly proceeding for Japan from England, condition which can be worse than the stipulation maintaining foreign judges. Therefore German Government confidentially asks if Japanese Government is ready that German Government can make this proposal at London.

November 8, 1886.

三八四 明治九年二月十九日

品川駐獨公使ヨリ
井上外務大臣宛

外國判事任用繼續ニ關スル件

- 附屬書一 十九年十一月十八日附品川公使宛往電
二 十九年十一月十八日發品川公使來電
三 十九年十一月二十日附品川公使宛往電
四 十九年十一月二十四日附品川公使宛往電

機密 第廿八號

二十年一月三十一日到

今般條約改正ニ付裁判管轄權回復ノ件ニ關シ在英河瀬公使

シト云フニアリ

擬又本件ハ最初ヨリ以拙電得貴意候通當外務省ヨリ内密拙官ヲ經テ我政府ノ爲ニ申出シタル義ニ有之候間縱令ヒ其「プロポーサル」ヲ御聽容不相成事ニ御決定相成候トモ先ツ當政府ニ對シ其好意ヲ謝シ之ヲ拒絕相成候義事ノ順序ニ有之候様存候處其手順無之直ニ河瀬公使ヘ云々御訓令相成候趣御報有之候ニ付同公使若シ本件ニ係ル手續ヲ詳知セス直ニ貴訓令ノ旨英政府ヘ申込ミ公然談判相開候ハ、當政府ヘ對シ甚タ不都合相生シ且全局ニ關シ障害可有之ト致思考候間不顧僭越不取敢河瀬公使ヘ電信相發シ「拙官ヨリ我外務大臣ヘ上申ノ旨有之候間何分ノ返答接到候迄該貴令執行ノ義ハ暫ク相見合置吳候様申遣シ又閣下ヘハ別紙乙號ノ通拙電差出候次第ニ御座候且河瀬公使ヘハ以書面詳細ノ事情申送置候

然ル處同二十日出別紙丙號ノ通貴電信接到イタシ候右貴信ニ依リ在英河瀬公使ヘ直ニ御訓令相成候事情ハ了解仕候右貴電信ノ趣ハ早速「ライヒハルド」氏ヘ及内談候處事既ニ此ニ至レル上ハ先ツ英政府ノ返答ヲ待ツ事可ナリ元來獨逸政府ハ今回日本ノ裁判管轄權回復一條ニ付テハ「モンペ

井上外務大臣時代 對獨交涉 三八四

ヘ云々御訓令ノ儀御報知ノ爲メ被差越候貴電信(別紙甲號)本月十八日午後接到イタシ候然ル處其前日當國外務次官「ベルヘム」伯ヨリ拙官ニ面晤ヲ要スル義有之候間明十八日午後三時過外務省ヘ出頭致吳度旨申越居候ニ付即チ同時刻ヲ以テ致出頭候處「ベルヘム」伯及「ライヒハルド」氏兩人ニテ左ノ旨面晤有之候

過日貴國裁判管轄權一條ニ付貴政府ニ對シ云々「プロポーサル」ヲ爲シタル事ハ畢竟貴國ノ爲ニ懇親上好意ヲ以テ内密貴官ヲ經テ貴外務大臣迄申出シタル次第ニ有之候然ルニ昨日在東京我公使「ボン、ホルレーペン」ヨリ差越シタル電報ニ據レハ貴外務大臣ハ在倫敦貴公使ニ訓令ヲ下シ英政府ニ對シ云々説明可相成候都合ニ御決意ノ趣ニ相見申候乍併今回當政府ニ於テ申出シタル好意上ノ「プロポーサル」ヲ御聽容不相成事ハ貴國ノ爲ニ御得策ニ有之間敷(unking)ト存候間今一應御熟慮相成度云々其反覆說示セル所ノ旨意ハ「若シ日本政府ニ於テ今回獨逸政府ヨリ申出シタル「プロポーサル」ヲモ承諾セス全ク「コンデイション」ナシニ強テ其企圖ヲ成シ遂セントスルモ折合ヒ相付カサルノミナラス終ニ全局ノ計畫破ル、ニ至ルヘ

イション」ナシニ承諾可致不意ニテ有之候乍併每事英政府ノ見込ニ反對シ日本政府ノ請求ヲ贊助候トキハ英國ハ後來獨逸ニ協議スル事ヲ止メ單獨其要求ヲ提出シ之ヲ主張スヘシ蓋シ英國ノ日本ニ於ケル「インテレスト」ハ獨國ノ右ニ在リ云々内話有之候

(四カ)
同二十三日更ニ別紙丁號ノ通電報接到不件ハ閣下及英公使ノ間ニ於テ云々協議決定相成候趣領承仕候右貴電信寫ハ早速當外務省主任書記官ヲ經テ「ベルヘム」伯ヘ轉付致置候右始末御報申上度如此ニ御座候拜具

明治十九年十一月廿九日

在獨國

特命全權公使子 品川 彌二郎

外務大臣伯井上馨殿

附屬書一

甲號 十九年十一月十八日附品川公使宛往電

From Inouye to Shinagawa.

Tell berchem and Reichard that Kawase is instructed to explain British Government that we cannot accept such condition as to maintain foreign judges after 17 years as before that period. (We

一一九五

must?) have full independence of jurisdictional Hoheltsrecht.

November 18th 1886.

附屬書二

乙號 十九年十一月十八日發品川公使來電

From Shinagawa to Inouye.

Your telegram received. I can not understand your action. Why did you directly instruct to explain so (?) to British Government? I begged you in my telegram of 27 Oktober to keep strictly confidential this affair also from Holleben and Plunz. It has been right way to answer me directly if you consent to that German proposal or not, but instead of that you officially instructed Kawase. Berchem told me that Holleben telegraphed him of your instruction to Kawase. Berchem begs you to consider well once more, begs you to demand not too much. If you do not consent to that German proposal, it is possible that our revision with regard to Japanese tribunal after 17 years can wholly miscarry. I beg you to consent this time to that German proposal. I have telegraphed Kawase

I request Berchem (to) support (us) in London and communicate to him my grateful acknowledgement for his assistance.

November 20, 1886.

附屬書四

丁號 十九年十一月二十四日附品川公使宛往電

From Inouye to Shinagawa.

The question of period after the expiration of the jurisdictional convention has been settled amicably today between myself and British Minister in Tokio to the following effect.

I have promised to him that the Japanese Minister of Foreign Affairs will, at the time of signature of the treaty, declare officially in the protocol attached to it that Japan will continue to employ some few judges of foreign nationality for a further term not exceeding five years in such superior courts as may seem desirable. Inform Berchem of this telegram and you may give him the copy.

November 24, 1886.

not yet to execute (not to execute yet?) your instruction.

November 18, 1886.

附屬書三

丙號 十九年十一月二十日附品川公使宛往電

From Inouye to Shinagawa.

After a conversation with English Minister (on) 16/11 in which he frankly communicated to me his government did not like to grant jurisdictional independence after 17 years and he showed me his report and telegram strongly urging acceptance of our wishes, I thought to assist him by instructing Kawase to inform Minister of Foreign Affairs that Japan must insist upon independence of jurisdiction after 17 years. Holleben was confidentially informed after I had seen English Minister and decided to instruct Kawase. Had I thought possible to meet wishes of British Government, I would have accepted with pleasure Berchem's offer. Kawase has today again been instructed to inform British Government that our political object in view are simply to obtain full independence of jurisdiction.

三八五

明治三十年青三十一日

小松原駐獨臨時代理公使ヨリ
井上外務大臣宛

外國判事割當問題ニ關スル件

附屬書一 二十年五月四日附小松原代理公使宛往電

(外國籍判事任用ニ關スル件)

二 二十年五月九日發小松原代理公使來電

三 二十年五月二十五日發小松原代理公使來電

機密 第五號

今回條約改正終了ノ後該改正ニ基キ外國ヨリ任用可相成我裁判官ノ員數ヲ歐米各國ヘ配當方一件ニ關シ別紙甲號貴電信本月四日接到御來意ノ趣了承依テ當國外務省ヘ出頭候上本件ノ成行問合候處別紙乙號拙電ヲ以テ報上ニ及置候通ノ答話ヲ得申候當時當外務省ハ未タ米國ニ對シテハ更ニ着手致居不申候ニ付貴電信ノ趣ニ依リ米國政府ノ意嚮即チ英國ト折半五人ツ、ノ配當ヲ得ン事ヲ要求スルノ存意ニ有之哉ニ被察候云々及内話候處英國政府ハ必ス六人ヲ致要求候儀ナレハ米國ト五人ツ、折半候儀ハ不承知ニ可有之候左候テ獨逸ヲ始メ佛澳伊等歐洲諸大國ニ於テモ三人宛ニテ折合候義ナレハ米國ニ於テ四人ニテ折合候事ハ強テ苦情有之間敷

筋ニ被存云々答話有之候ニ付獨國外務省ヨリ當府駐劄米國公使ニ說得シ米政府ヲシテ無異議折合ハセ候様韓旋ノ儀懇談相遂ケ候處右韓旋ノ義ハ當外務省ニ於テ其勞ニ可任候乍去澳伊等歐洲諸大國政府ヨリ數日ヲ不出シテ夫々返答ヲ領收スル都合ニ可相成而シテ當國駐劄伊澳兩國大使ニ於テモ本件當政府ノ發案ニ對シ更ニ異存無之義ニ候間必ス承諾ノ返答ヲ得可申ニ付其上ニテ歐洲諸大國ハ各三人宛ノ割合ヲ以テ承諾候例ヲ示シ說得候方可然哉トノ答話有之候間緩急事機ヲ察シテ說得候事ハ當外務省ノ取捨ニ任度殊ニ數日ヲ出テスシテ歐洲各大國ヨリ承認ノ返答ヲ領收スヘキ都合ニモ有之候ヘハ其例ヲ示シ說得候儀可然旨相答ヘ且澳伊露諸大國ヨリ確答有之次第早速承知致度候間通報致吳候様依頼ニ及置申候處同廿五日外務次官「ベルヘム」伯拙官ニ面晤致度旨通知申越候間早速外務省ヘ致出頭候處別紙丙號拙電ノ趣申問候ニ付直ニ報上仕置候義ニ御座候而シテ澳伊兩國ニ於テモ佛國政府ト略々同様其國人中ニ就テ我裁判官タル人ヲ撰擇ノ際誰某々ヲ任用致度旨一應其政府ヘ照會ノ上ニテ撰任候様要求イタシ候乍去伊澳兩國ハ佛國ノ如ク之ヲ一ノ「コンディション」トシテ強テ請求候義ニ無之候佛國

然旨「ベルヘム」伯ヨリ談示有之候間即チ該電報末文ノ通得貴意候次第ニ御座候
右御報申上度如此ニ御座候拜具

明治廿年五月卅一日

臨時代理公使 小松原 英太郎

外務大臣伯井上馨殿

附屬書一

甲號 二十年五月四日附小松原代理公使宛往電

(外國裁判事任用ニ關スル件)

From Inouye to Kamatsubara.

Referring to your telegram of 15/3, has any action been taken by German Government with the other great Powers about judge question? Confidentially inform German Government that we believe America will not consent if she is not to have five judges each with England.

May 4, 1887.

附屬書二

乙號 二十年五月九日發小松原代理公使來電

From Komatsubara to Inouye.

With regard to judges, German Government confi-

井上外務大臣時代 對獨交涉 三八五

政府ハ自ラ其人物ヲ撰ミ之ヲ「プロポーズ」スル事ヲ以テ今回獨國政府ヨリ提出シタル裁判官配當割合ノ發案ヲ承諾スルノ「コンディション」ト致候義ニ有之候尤佛國政府ニ於テ其人ヲ「プロポーズ」スルモ任用權ハ我政府ノ手ニ有之候事ニ御座候

又別紙丙號電文ニ於テ歐洲各國ハ我裁判官配當割合ニ係ル獨國政府ノ發案ヲ其「プリンシプル」ニ於テ承認候云々相認置候旨意ハ今回配付ノ割合ハ我ニ於テ任用可致裁判官ヲ三拾人ト爲シ之ヲ歐米諸國ヘ配當シ英國六、米國四、獨佛澳露伊各三、其他ノ小國惣體ヘ五ヲ與フルモノトス而シテ此配付法ヲ承認セルモノニ有之候故ニ若シ我ニ於テ四拾人ノ外國裁判官ヲ任用スル事ニ相成候ハ、右配付法ヲ基礎(Basis)ト爲シ其増員ニ就キ更ニ相當ノ數ヲ各國ヘ増加配付ヲ要スル儀ニ御座候

又米國政府ヲシテ該配付法ヲ承認爲致度義ニ就テハ當外務省ヨリ既ニ當府駐劄同國公使ヘ談示ニ及ヒ同公使ヨリ早速本國政府ヘ申報イタシ候トノ事ニ有之候而シテ當外務省ニ於テ尙盡力可致候ヘ共我政府ヨリモ米國駐在我公使ヲシテ米政府ニ向テ右承認ノ義相整候様盡力セシメラレ候ハ、可

dentally stated that they have received answers from other Great Powers. England insists and will not consent unless she has 6 and 4 for America. German Foreign Office has not yet acted with United States upon this question, but they will consult United States Minister in Germany and try to obtain consent. France offers no opposition provided that she has a right to choose the three French judges for herself and then nominated by Japanese Government and, besides, when foreign public prosecutors are to be appointed, one of them to be chosen from France.

May 9, 1887.

附屬書三

丙號 二十年五月二十五日發小松原代理公使來電

From Komatsubara to Inouye.

With reference to the question of judges, German Government has confidentially informed me that with the exception of the United States all the other Great Powers have given their consent to the proposed distribution of judges in its principle, that is to say, 6 for England 3 for each Great

Powers. In view of this, German Government recommends that the Japanese Minister in the United States should be instructed to urge on the United States Government to give their consent to four judges. German Foreign Office is now also trying, through the United States Minister, (to persuade?) the United States Government to consent.

May 25, 1887.

三八六

明治三十年五月二十六日 井上駐獨臨時代理公使ヨリ
井上外務大臣宛

外國判事割當問題ニ關スル件

附屬書 二十年六月二十一日發井上代理公使來電

機密 第八號

條約改正裁判官配付ノ件ニ關シ機密送第四四五號ヲ以テ西、中村及原公使ヘノ内訓寫相添綴々御訓令ノ旨敬承致候就テハ御訓旨ニ隨ヒ該件ニ關シ去四月以降本省ト當館ノ間ニ往復ノ暗號電信夫々謄寫ノ上爲心得各我公使ヘ及廻送置候左候テ去廿一日外務次官ベルヘム伯ヨリ小官ヘ内談致度

義有之候ニ付外務省ヘ出頭可致様依頼ニ據リ直ニ出省面談致候處當日左ノ旨意ヲ以テ同次官ヨリ小官ヘ申談有之候尤外務參事官ラシタウ氏モ同時ニ列席致候

貴官モ瞭知セラル、如ク獨逸政府ハ友誼ヲ以テ貴政府ノ懇請ニ應シ裁判官分配ノ件ニ關シ貴政府ノ所望ヲ全センガ爲メ會テ左ノ「プロポジション」ヲ提出シ則チ裁判官三十名ノ内十名ハ英米ノ兩國間他ノ大國ヘハ三名ツ、殘餘ノ五名竝ニ「パブリック、プロセキユタ」ハ他ノ小國ヨリ撰用セン事ノ議案ヲ以テ直ニ歐洲各大權國ヘ其旨ヲ通達開陳シ可成同意ヲ得候様勸告ニ及ヒ爾來幸ニ各政府ヨリモ首尾能ク承諾ノ回答ヲ得タルニ當リ獨リ米政府ハ異議ヲ昌ヘ裁判官ノ數ハ他國ノ高等數(則六名)ト同一ナラサレハ承諾難致旨ノ確答ヲナセリ依テ今假ニ米政府所望ノ數ト英國ノ分ヲ合算スレバ十二名トナリ然ルニ最前英米兩國ノ間拾名ノ割合ニテ議題ヲ提出シタルニ際シ既ニ歐洲諸國就中佛國ニ於テハ頗ル異議ヲ主張セン次第ナレバ今之ヲ再ヒ變更シ十二名トナストキハ到底歐洲各政府ノ相許サ、ル所ニシテ其際各國モ亦各其欲ル所ヲ述ヘ一層ノ困難ヲ可來ヤ必然ニ可有之ト確信罷在候就テハ

斯ノ如キ結果ニ立至リ候以上ハ一先此問題ヲ貴政府ノ裁定ニ讓リ英國ノ分ヨリ一名ヲ引去リ之ヲ米國ニ充テ以テ英米兩國ノ間同一ノ數ヲ得セシメン方法ヲ試用被成度右

英國ノ到底相應サル場合ニ於テハ不得止米政府ヲシテ議案ノ如ク四人ノ裁判官ニテ満足ヲ得候様貴政府ヨリ此際篤ト談判有之度候歐洲ニテハ斯ノ如キ好結果ヲ得タルヲ以テ今獨リ米政府ノ同意ヲ得ンニ於テハ此一舉ノ完結ヲ觀ルニ至ルヘシ要スルニ米政府ハ從來常ニ貴政府ニ友誼ヲ示シ敢テ今回ノ事件ニ限り強テ之ヲ拒否スルノ政略ハナカルヘシ獨逸政府ニ於テモ方今ノ如キ商業上頗ル日本ト周密ノ關係ヲ保有スルニ際シ單ニ三人ノミニテ満足シタルヲ以テ觀レハ尙ホ米國政府於テ應諾セサルヲ不得ノ理由有之到底米國ノ之ニ同意ヲ表セサル場合ニ於テハ今月マテ我獨逸政府ノ斡旋ニ因テ得タル好結果ハ消滅氷解トナリ再ヒ議ヲ起シ歐洲各國ノ同意ヲ得ルハ甚タ難事ニ有之候就テハ貴官ニ於テモ本議ヲ瞭得ノ上最モ機密ニ御取扱貴政府ハ向來如何ノ「アクション」ヲ執行セラル、ヤ御問合相成度云々

裁判官配付ノ件ニ關シ外務次官ヨリ小官ヘ開陳ノ意見ハ大

要前陳ノ通ニテ當月則チ六月廿一日別紙寫ノ通り電信ヲ以テ不件不取敢及上申置候次第ニ御座候

此段御回答旁右及報上候敬具

明治二十年六月廿六日

臨時代理公使 井上勝之助

在獨逸國
公使之章

外務大臣伯井上馨殿

追テ本文電信ノ義ハ爲心得各我公使ヘモ廻送ニ及置候ニ付此段添テ申進候也

註 一四八文書二十年五月四日附井上外務大臣ヨリ在歐各公使ノ往翰參照

附屬書

二十年六月二十一日發井上代理公使來電

From Inouye to Inouye.

In a private conference Count Berchem has confidentially informed me that in compliance with Japanese desire German Government proposed to European Powers the following distribution of thirty judges:

Ten to England and America, three to each of the five other Great Powers, the remaining five as well as five public prosecutors to be selected

among Minor Powers. This plan has been agreed upon except by America which wants the same participation as any other powers, namely six judges. As some powers would likely decline to concede more than ten to England and America together, German Government now leaves decision to Japanese Government either (?) in case England would not be satisfied with five judges, to engage

America to acquiesce in four. If America does not consent, the whole distribution would be now destroyed (and?) it would be very difficult to reopen the question of distribution with the European Powers.

Telegram what course of action Japanese government intend to take. Keep this confidential.

June 21, 1887.

第五節 對 伊 交 涉

三八七 明治十三年二月十九日

中村臨時代理公使ヨリ
井上外務卿宛

條約改正問題ニ關スル伊國公使ノ意見書ニ關スル件

別信 第五號

十三年一月二十九日到

七月廿五日附御別信第六號を以條約重修に付伊公使へ御談判にて米國と御取結の條約に基き約案御示し相成候處右に對し公使より意見廉書を以本國政府へ申立候趣に付前文の次第速に同公使へ指令相成候様其筋え話次を以可申入候様御來命に付爾來外務省へ出頭談話の次序に承り候處右公使

より前顯の如き事柄未だ會て申越候義無之趣に御座候且假令公使に意見有之候とも現今英獨兩政府等へも申合獨り別殊の條約を取結間敷事に相成居との趣も右話次に公然となぐ被申聞候義に御座候此段御答旁申上置候也

明治十二年十一月廿九日

在伊國羅馬府

臨時代理公使 中 村 博 愛

外務卿井上馨殿

三八八

明治十三年十月二日

鍋島駐伊公使ヨリ
井上外務卿宛

伊國委員至急任命方交渉ノ件

附屬書 十三年九月二十二日伊國外務少輔ト對話略記

十三年第壹號別信

十一月十九日到

本月廿二日拙者當地外務省へ罷在同省少輔ヘーロリー氏ニ面會我條約修正ノ儀及應接候處最前在我伊公使ヨリ相廻候タリーフハ同政府於テ一覽ノ上變換相成度廉々ヲ同公使迄已ニ申遣置候趣ニ有之後ニ同公使へ御差遣相成候分ハ未タ同少輔一覽不致由ニ有之候就テハ右最後ノ分閱了ノ上治外法權及海關稅等ノ儀ニ付疑問モ有之候ハ、出發前伺置候通り逐一相答可申積リニ有之候且又當國ハ英國ノ誘引ニヨリ英獨伊ノ三國共ニ申合スベキ約束ニ相成居候趣同人斷言候ニ付テハ其申合方ノ如何ハ暫ラク差置我ヨリ何程相促シ候トモ英獨兩國ヲ除キ獨リ伊國ノミ我政府ト結約ノ商議ニ立至リ申間敷被存候乍併右ハコンウエンションノ如ク各國政府會議ノ上取極ベシト申候譯ニハ無之獨リ該三ヶ國於テ各自ノ爲申合セ候迄ノ事ニ被相考候間我ヨリハ是等約束アルニ關セズ單ニ委員下命ノ儀ヲ相促シ可成早急其運ニ相成候

井上外務卿時代 對伊交涉 三八八

樣談判可及候尙閣下於テ他ニ御考モ有之候ハ、其旨御下命有之度存候右應接ノ委細ハ別紙對話書ニテ御承知有之度候此段申上候也

明治十三年十月二日

特命全權公使 鍋 島 直 大 花 押

外務卿井上馨殿

附屬書

九月十二日外務省ニ至リ同省少輔ヘーロリー氏ト對話略記

我

一、條約重修ノ草案御覽相成候哉

彼

此程旅行罷在未タ一見不致候三ヶ月前タリーフ草案ノミ貴國ニ在ル我公使ヨリ差送り相成候ニ付當政府於テ其内餘リ高稅ト相考候「アルチクル」ヲ少々變更相成度段可申述旨申遣置候右御尋ノ書類ハ定テ拙者留守中受取相成居可申ニ付取調可申候

我

一、最前在我貴公使ヲ以我内地開商ノ儀ニ付云々御申出相