

獨逸皇帝陛下ノ特命全權公使

ドクトル、フォン、ホルレーベン閣下

一九二 明治二十二年十月七日 大隈外務大臣ヨリ
西園寺駐獨公使宛

貿易規則官設倉庫規則及港則約定ノ件

送第六八六號

先般條約案ト同時ニ獨逸政府ヘ差出候貿易規則及官設倉庫規則ハ後日本邦ニ於テ議定書ノ體裁ヲ以テ約定スヘキ筈ニ相成居候處本日ヲ以テ獨逸公使ト調印相濟マセ候夫ト同時ニ港則モ別ニ議定書ノ體裁ヲ以テ調印シ併セテ私設倉庫ノコト並ニ船舶測度免除ノコトニ關スル書翰モ相送り候何レ右書類寫ハ次便ヲ以テ可差進候得共不取敢右ノ次第御報道ノ爲メ如此候也

明治二十二年十月七日

外務大臣伯 大隈 重信
在獨特命全權公使侯 西園寺公望殿

unofficially, whether treaty has been or will be submitted to Diet.

November 28, 1889. Okuma.

一九五 明治二十二年十二月一日 西園寺駐獨公使ヨリ
大隈外務大臣宛(來電)

前電回答ノ件

Treaty not yet submitted, but Foreign Office is

第四節 對露交涉

一九六 明治二十二年一月二十二日 大隈外務大臣ヨリ
西駐露公使宛(往電)

露國政府ヘノ交渉開始ト同政府ノ態度ニ對シ謝意傳達方訓令ノ件

No. 31. On 30th December I presented new treaty revision proposals to Russian Minister who telegraphed outline to Russian Government. Russian Government answered by telegraph that they would be ready

大隈外務大臣時代 對露交涉 一九五、一九六

一九三 明治二十三年十月三十一日 大隈外務大臣ヨリ
西園寺駐獨公使宛
議定書及公文寫送附ノ件

送第七〇八號

貿易規則及官設倉庫規則並ニ港則判定ノ儀ニ關シ本月七日本官ト獨逸公使トノ間ニ於テ議定書二通ニ調印シ同時ニ外務大臣ヨリ私設倉庫規則並ニ船舶測度互相免除ノコトニ係ル書翰二通ヲ同公使ニ送りタル儀ハ先便機密第六八六號ヲ以テ申進候處今便右書類寫一切爲御心得及御送附候將又右議定書ハ別段批准ヲ要セサル筈ニ有之候右夫是申進候也
明治二十二年十月二十一日

外務大臣伯 大隈 重信
在獨特命全權公使侯 西園寺公望殿
註 議定書寫ハ省略、公文寫ハ前出ニ付參照

一九四 明治二十三年十二月二十八日 大隈外務大臣ヨリ
西園寺駐獨公使宛(往電)
日獨條約獨逸議會ニ提出ノ有無問合セノ件

No. 383. Ascertain, if you can do so privately and

ready to do so as soon as business in Reichstag remits, *if not (?) during the winter (or ?) next spring (?)*. Am very confidentially told German Government watch carefully the movement of political affairs in Japan in connection with submitting treaty to Reichstag.

Berlin, Nov. 30 (?), 1889. Saionji.
Rec'd Dec. 1, 1889. Via Peters.)

to accept proposals as soon as general situation is made clear. Say to Minister for Foreign Affairs that I expect to make further communication to Russian Government on this subject within the next few days, but that in meantime I hasten to express to him and his Government out cordial thanks for their prompt and favorable response. Saionji who had drafts of proposals in advance has been instructed to send you

copies which will be for your private information only pending further instructions.

January 22, 1889. Okuma.

一九七 明治三十二年一月三十一日 西駐露公使ヨリ
大隈外務大臣宛

露國政府ニ於テ條約改正交渉開始方應諾ノ件

第二號 三月二十五日到

去ル二十二日電信ヲ以テ條約改正ノ儀ニ付御指令相成候趣
ハ其翌二十三日外務大臣ギルス氏へ傳へ候處同氏申スニ責
國へハ常ニ好情ヲ存スルニヨリ此一條モ御所望通りニ運ビ
度存スルナリ然シ今度ハ各國別々ニ相談ニナル由ナレハ外
ノ諸國ニ於テ之ニ應スルノ景況ヲモ報スヘキ趣ヲ我在東京
セーウキチ公使へ申遣ハシ置ケリ此事ニ付テハ追々アジア
局長ジノーウキエフヘモ相談シ吳ラレトノ事ニテ御座候
其後西園寺公使ヨリ新條約案ヲ請取リ其要領ヲモ得候ニ付
昨三十日多務省ニ至リ先ツアジア局長ジノーウキエフ氏ニ
面會シテセーウキチ公使ヨリ通知シタル我新條約案ノ要件
ヲ尋ネ候處其意小官ノ解スル所ト異ナラス候ニ付拙者ニ於

テハ貴政府ノ賛成ヲ重シスルニヨリ原案中不審ナル所アラ
ハ成ル丈ケハ何時ニテモ説明スヘシト陳へ置候扱右アジア
局長ジノーウキエフ氏ノ申スニハ貴國ニ於テ前以テ諸法律
ヲ外國ニ通知シ或ハ外國人ヲ裁判官ニ用ユルヲ嫌ハル如キ
ハ尤モト存シ候若シ貴國ニ於テ外國人等ノ利益ヲ満足ニ保
證スル裁判ノ施設整フニ至テハ我政府ハ之ヲ以テ足レリト
シ此事件ニ付テハ十分ニ貴國ニ譲ルヘシ其代リニ我亦貴國
ニ譲リヲ乞フ事モアルヘシ故ニ新案ノ趣意上ニハ(プリン
シブ)既ニ同意ヲ表シタル次第ノ處其決議ニ至テハ議案今
少シク實際ノ(ブラクチック)地位ニ進ムヲ待ツ儀ナリト由
事ニテ有之候ニ付右ハ遠キコトニ非サルヘシト存スル段申
夫ヨリ大臣ギルス氏ニ面會シ右ジノーウキエフ氏ノ陳ヘタ
ル事ヲ傳ヘテ拙者ニハ之ヲ満足トスル段ヲ申添へ候處ギル
ス氏ニモ今一般議事ノ進ムヲ待ヘシト申ス事ニテ有之候故
セーウキチ公使ヨリハ此間何モ申來ラサリシヤ尋ネ候ニ一
昨日同氏ヨリノ報告書ヲ得タルモ右ハ其事ニ非スシテ朝鮮
事件タリシトノ話アリ(以下省略)

明治三十二年一月卅一日

在露國特命全權公使 西 德 二 郎

外務大臣伯 大隈 重信 殿

註 一 一六

一九八 明治三十二年二月十日 大隈外務大臣ヨリ
西駐露公使宛(往電)

日米條約調印濟ノ通知並ニ日露交渉促進方訓令ノ件

Treaty with United States signed to-day on exact
lines of proposals submitted by me to Russian Minister
at the end of last December. Inform Russian Govern-
ment of this fact. Refer to favorable acception accor-
ded by Russian Government to our proposals for
which I conveyed through you expression of our
appreciation and add that as drafts have been now
in their hands for some time and as one of the Powers
has already signed the Treaty Japanese Government
earnestly hope that nothing now stands in the way
to prevent Russian Government from authorizing
Russian Minister by telegraph to enter upon negotia-
tions with me with view to conclude treaty similar
to that signed with United States.

February 20, 1889. Okuma.

大隈外務大臣時代 對露交渉 一九八、一九九、二〇〇

一九九 明治三十二年三月四日 西駐露公使ヨリ
大隈外務大臣宛(來電)

露國政府ノ交渉準備完了報告ノ件

About revision of treaty, I urged Chief of the
Asiatic Department who is charged to examine out
new proposals. He answered that *charged* (?) work
being finished no sooner than yesterday, he has re-
ported it with very favorable *conclusion* (?) to the
Minister for Foreign Affairs, by whom is approved
all this. He added that the report on this subject to
the Emperor of Russia, will be done to-morrow by
the minister for Foreign Affairs and Russian Minister
in Japan will without any delay be *authorized* to con-
clude treaty independent and separate.

Petersburg 4/3 1889 Nissi.

二〇〇 明治三十二年三月十二日 大隈外務大臣ヨリ
西駐露公使宛(往電)

交渉促進方訓令ノ件

四五七

Ask Russian Government to authorize Russian Minister in Japan to conclude new treaty without delay and if possible by telegraph. Have they quite finished examination of our proposals?

March 12, 1889. Okuma.

1101 明治二十二年三月十三日 西駐露公使ヨリ
大隈外務大臣宛(來電)

露國司法大藏省檢討中ノ回答ノ件

Russian Minister for Foreign Affairs answered that examination of our proposals is already finished by the Foreign Office and its conclusion is approved by the Emperor of Russia, but before the Russian Minister in Japan will be authorized, it is necessary to pass examination in the Department of Justice and that of Finance which is just now in the execution of it, therefore, as soon as their examinations will be finished, Russian Government will not delay for authorizing their Minister by telegraph to negotiate with you.

Petersburg 13/3 1889 Nissi.

ノ手續ヲモ爲スヘシト依テ當リ電信ヲ以テ其趣ハ御報申上置候儀ニ御座候然ルニ其翌々六日ギルス氏ニ面會シテ之ヲ尋ネ候處同氏ノ答ヘニ時下多用ニシテ帝ノ許可ハ未タ稟ケ得サリシモ右書類ハ御手本ニ差出置候付今兩三日中ニハ運ムヘシト申事ニテ有之然處一昨夜閣下ヨリ右ニ付テ催促ノ電信ヲ得候ニ付昨日又ギルス氏ニ至リ更ニ催促ヲ受候趣ヲ報シテ如何ト尋候ニ同氏ノ答ヘニ帝許可ヲモ現ニ得タリ然シ全權委任ノ訓令ヲ發スル前ニ大藏並ニ司法兩大臣ノ意見ヲモ一往問ハサルヲ得スシテ目下照會中ナレハ其返事ヲ得次第ニハ御所望通り他國ニ關セス電信ヲ以テ我公使ニ指令スヘシト申事ニテ有之候付我政府ニ於テモ之ヲ待居候ニハ一日モ早ク捌ケル様取計吳ラレ度段同氏及ジノーウキエ氏ニモ重々依頼イタシ置候付セーウキチ公使ノ全權委任ヲ受クルモ最早速キニ非サルヘシト存居ル事ニ御座候右申進候也

明治二十二年三月十四日

特命全權公使 西 德 二 郎

外務大臣伯 大隈 重信 殿

11011 明治二十二年三月十四日 西駐露公使ヨリ
大隈外務大臣宛

露國側ノ新條約締結準備進捗狀況ニ關スル件

第四號

四月二十六日到

條約改正ノ事件ニ付機密第一號ヲ以テ御申越ノ儀委細致承知其趣ハ直ニ外務大臣ギルス氏へ面陳イタシ候處同氏ノ答ヘニ兼テ申置候通り此論ノ大體ニ於テハ同意ノ事ナカラ之ヲ決スルニハ新草案ノ委細ヲモ審カニセサルヘカラス且本案ニ付我カノーウキチ公使ヨリ贈リシ意見書類モ多レハ暫ク之ヲ吟味スルノ時ヲ與ヘ吳レトノ趣ナリシユヘ小官ニ於テハ其既ニ大體上同意ノ上ハ他國ノ如何ニ關セス獨斷ヲ以テ早ク本案ニ査印ノ訓令アルヲ希望スル旨ヲ以テ續々陳述イタシ置候右草案ノ吟味ハアジヤ局長ジイウキエフ氏ニ委任セシトノ咄ニテ有之候付ジノーウキフ氏へモ數度催促セシ後去ル四日同氏ノ申スニ右草案ノ考究モ漸ク皆終リ彌々貴國ノ爲メ利益ナル旨ノ決着ニ歸シテ之ヲ、ギルス氏ニ報セシニ同氏モ之ヲ賛成シテ明日ハ帝ニ奏聞ノ運ヒニ至リ候ニ付テハ其裁可ニナリシ上ハ直ニセーウキチ公使へ全權委任

11011 明治二十二年四月一日 大隈外務大臣ヨリ
西駐露公使宛(往電)

交渉促進方訓令ノ件

Ask Russian Government probable date when they will give Russian Minister instructions by telegraph to conclude treaty. You can explain that this enquiry is made because of negotiations with other Powers which are progressing and Japanese Government would regret if Russian Government should not be one of first Powers to sign new treaty having in view their friendly attitude. Your last telegram was received and your action cordially appreciated.

April 1, 1889. Okuma.

11012 明治二十二年四月十一日 西駐露公使ヨリ
大隈外務大臣宛(來電)

最惠國條款ニ關スル件

In reference to your telegram of April 1st, I have several times had interviews with Russian Minister for Foreign Affairs and Chief of the Asiatic Department, but till the present, they can not say when

(they?) will be able to give instructions to Russian Minister in Japan, notwithstanding their assurance to do it as soon as possible. As it is out of the question that the Russian Government are indeed taking heed the result of declaration of British Government especially on the most-favored-nation-clause and are waiting for how this question will be cleared up, I have fervently and several times explained to them the firm decision of our Government to refuse strongly to whomsoever nation their participation only in benefits being granted. But their answer is always the same:—this is, we are consenting to you as it was expressed already, but let us examine the question completely. The present state of things, I think, it is of great importance to arrange. (?) this question at first with Great Britain, who the (?) first began the motion and settle by that (?) any further dissent.

Petersburg, April 11, 1889 Nissi.

別紙

最惠國條款ニ關スル参考意見

Traité de Droit International, par F. de Martens, tome II. page 321.

ト條別ニ如何ナル條約ヲ結ハルルトモ英國政府ハ夫ヨリ生
スル所ノ利益ニ與カルヘシトノ點ニ在テ若シ我早ク調印シ
タル後日本英國間ノ相談調ハスシテ難結ハル日ニハ如何之
ニ處スヘキヤ現行條約ノ最惠國條款ナル者果シテ英ノ利用
ニ適スヘキヤ日本政府ニ於テ彌々之ヲ爭ヒ得ヘキヤ等ノ疑
問起リ之ヲ決スルニハセーウキチ公使ノ報告ヲ待ツニ如カ
ストノ說ニ歸シ居ル哉ニ承ハリ候付拙官ニハ先ツ此疑問ヲ
開クニ如クハナシト存シテ夫ノ最惠國條款ニ關セシ論說等
ヲモ集メ屢々ジノーウキエフ及ギルス氏ニ面會シテ最惠國
條款ハ本ト利益平均ノ爲メナルト我邦ニ於テ内地ヲ開クハ
地外保權ト交換タルトノ大趣意ヲ提出シテ此交換ナシニハ
其利益不平均トナルヲ示シ我政府ニ於テハ兼テ申出置候通
リ斯ル不平均不公平ノ所望ハ何國ヨリ申出候テモ斷然之ヲ
拒絕スヘキ趣ヲ陳ヘ候然處ギルス氏ニハ初メハ右ハ猶議論
物ナリトテ同意セス候得共去ル十日ノ會話ニハ全ク同意ヲ
表シ候付更ニ過日尋ネ置候事件即何時頃迄ニセーウキチ公
使ヘ全權ヲ委任セラルヘシトノ答ヲ得度ト迫マリシニ夫レ
ハ今一往篤トジノーウキエフト相談セシ上ナラテハ決言シ
難シ何分目下ジノーウキエフモ多用ニシテ諸事思フ様ニ捌

(續者曰 text ハ之ヲ省略ス)

Droit International Theorique et Pratique, par Calvo, p. 699:

(續者曰 text ハ之ヲ省略ス)

Journal des Economistes de l'Année 1877, Novembre, page 302.

A Digest of the International Law of the United States, Washington 1886, tome II. p. 38, § 134.

de Martens ハ當府大學校ノ交際學博士兼外務省顧問官

ナリ

Calvo ハ米ノアルゼンチン共和國ノ學士ニシテ目下右

ペルリツ及當府ノ特命全權公使ナリ

110H 明治三十二年四月十六日

西駐露公使ヨリ
大隈外務大臣宛

最惠國條款問題ト露國政府ノ態度ニ關スル件

第六號

本月一日電信¹⁾ヲ以テ御申遣ハシノ一條ハ直ニ尋ネ候得共少
シク待吳トノ事ニ有之其餘當外務省ニ於テ決定遲延ノ原因
ハ英ヨリ申出タル現行條約ノ最惠國條款ニ基ツキ假令外國

ケサルモ此儀ハ成ル丈ケ早ク捌ケル様ニ致スニヨリ其趣ヲ
以テ報シ置レ度ト申事ナリシニヨリ拙官ニハ其前日ジノー
ウキエフ氏ノ申タル事ヲ參考シテ右ハ唯遁辭ノ挨拶ニシテ
其實ハセーウキチ公使ヨリ他ト談判ノ模様ヲ報スルヲ待チ
居ルモノニテ中々急ニ捌ケル事ニ非スト斷定シ先ツ第一ニ
英國ト御相談ノ必要ナルヘク愚見ヲモ當日電信ヲ以テ申上
置候次第ニ御座候

當國ニ於テアジア地方ノ事件一般就中我條約改正ニ付テハ
アジア局長ジノーウキエフ氏ヘ專任シアリ政府ノ決議モ多
クハ其意見次第ニ有之候由ニ付小官ニモ用向ハ毎モ先ツ同
氏ト談シ合フ事ニ候處我條約改正事件ニ付テハ同氏儀嘗テ
申上置候通リ初ヨリ我ニ最氣ノ說ヲ持シテ當政府ヨリ早ク
大體上同意ノ趣ヲ申出候モ同氏ノ主張ニ出候事ト見ヘ又我
新草案ノ取調ヘモ一人ニテ引受居候テ去月半ハ頃迄ハ右取
調ヘモ追付濟ムトテ調印訓令ノ發遣モ近キニ在ル様ニ話シ
居候付拙官ニモ今日明日ト期シ居候次第ノ處英ノ廻文出テ
シ以來稍々持重ノ風ニ構ヘ或ハ諸省トノ掛合又ハ省內會議
等ノ事ヲ申立テ急ニ埒明カヌ話ニ變リ候付拙官ニモ夫ノ英
ヨリ申立タル最惠國條款ハ此度ノ場合ニ適用スヘカラサル

事ヲ論辯シ且別ニ同氏ノ中タル事ヲモ記憶セシメテ我ニ於テハ方今大事ノ機會タルニヨリ平生ノ厚情ヲ明サルルハ今日ニ在リ等ノ趣ヲ以テ其速決ヲ促カシ候得共同氏儀ハ每々是等ノ説ニハ同意シナカラ何分此事件ハ拙者ノ責任ナレハ輕々敷決スル譯ニ參ラス唯最初申出候通り同意ノ趣意ハ何處迄モ貫クヘキニヨリ十分ニ草案ヲ吟味スルノ時ヲ與ヘラレ度ト申入リ此間毎モノ答ヘニテ即チ今日モ相見候得共談話ノ事ハ一向進ミ得ヌ唯英ヨリノ廻文ニハ彌々答ヘサル事ニ決セシ趣ニテ其申出一件ニモ最早懸念セサル哉ニ相見ヘ候然シ新草案ノ最惠國條款ニ付テ大藏省ト相談纏リ兼ヌル趣並ニ諸國ヨリ我邦ヘ讓與ヲ求ムルノ條件モ大分有之ヤニ聞ヘル等ノ話モ有之候是等ノ話ニ由テ考ヘ候ニ目下此方ニ於テハ新草案中ノ最惠國條款ヲ除クノ外別ニ異論ハ可無之又右ノ條約ハセーウキチ公使ノ報告ニ由テ到底我邦ニ於テ全草案中數ヶ條ノ諸國ニ讓ラサルヲ得サル者アリト信シ此方ニ於テモ是丈ケハ(最惠國條款ノ事ヲ云)相互ノ約束ナシトスルノ讓與ヲ求ムルニ意アルモ右ハ難問タルヲ知リセーウキチ公使ニ注意セシメ他國ヘ何カ讓與ノヶ條アルニ乘シテ自己ヘノ讓與ヲ請求スル積リナルヘシ又右最惠國條款

特命全權公使 西 德 二 郎

外務大臣伯 大 隈 重 信 殿

猶々最惠國條款適用ノ疑問ニ付利益ノミ與フ可ラサルヲ辯スル爲メ拙官ノ引用セシ諸説並ニ心得ノ爲メ取調ヘシ諸書ハ別紙ノ通りニ御座候

註 一 二〇三

二〇六 明治三十二年六月十二日 大隈外務大臣ヨリ 西駐露公使宛(往電)

日獨條約調印済通知並ニ交渉促進方訓令ノ件

No. 212. Treaty with Germany signed June 11th at Berlin. Inform Russian Government and express hope entertained by Japanese Government Russian Government will be able to give telegraphic instructions to Russian Minister here to proceed at once with negotiations. Inform Tanaka, Okabe, Mutsu, Toda, Tokugawa of signature of German Treaty.

June 12, 1889. Okuma.

大隈外務大臣時代 對露交渉 二〇六 二〇四 二〇八

ノ特利ヲ得スシテ前キニ調印シテハ後チニ他國ヘ讓與ノ利益ニ加ハルヲ得サルノ懼レアリテ決定ヲ見合セ居候モノト被案候付拙官ニハ我政府ニ於テハ斯ル讓與ヲ爲スヘキノ理ナシ與ミセサル者ニハ利益ニモ加ハラシメサルノミト申置候

若シ英佛諸國ト米同様ナル相談早ク纏ル様ナラ當國ノ處ハ別ニ御配慮ニモ急カルル事ニ候ハハ一言御注意申上置度儀有之候夫ト申モ當國ニ於テハ自由貿易ノ趣向ニ反シテ保護稅ヲ重ニシ居ル事ニ候得ハ最惠國條款相互ノ約束ノ如キハ自己ノ方ヲ護スル點ニ於テ其會計政略ニ反ク譯トナルニヨリ容易ニ承知致間敷哉ニ被案候然シ右ハ彼我利害ノ點同シ事ナレハ到底相談ノ打合モ六ヶ敷儀ニ付當國トハ右最惠國條款ノ代リニ向後凡ソ兩方ニ於テ各見込ノ利益ヲ計リ別ニ通商物件ノ數ヶ條(例ヘハロシア石油ニハ米國石油ヨリ多額ノ稅ヲ課セス日本茶ニハ清國茶ヨリ多額ノ稅ヲ課セスト云フカ如キ)ヲ定メ置ク方ニ御吟味被成候テハ如何若シ此事件セーウキチ公使ト御内談調フニ至テハ此方ハ直ニ運フヘシト存シ此段御參考ニ供シ置候 敬具

明治二十二年四月十六日

二〇七 明治三十二年六月十七日

西駐露公使ヨリ 大隈外務大臣宛(來電)

露國政府交渉準備並ニ最惠國條款問題ニ關スル件

Chief of Asiatic Department said that Russian Government will be able to send full powers to Russian Minister in Japan during next week and will ask still some change concerning Mast Favored Nation Clause. I consult you to give them no concession on what I insist upon till the present, if you think it would be possible with England also.

Petersburg, 17/6, 1889. Nissi.

二〇八 明治三十二年六月十七日

西駐露公使ヨリ 大隈外務大臣宛(來電)

露國政府交渉準備並ニ最惠國條款問題ニ關スル件

To-day I confidentially saw at the Chief of the Asiatic Department full powers to negotiate, conclude and sign new treaty, signed by Emperor of Russia, which will *not* (?) be sent to Russian Minister in Japan to-morrow by telegraph with instructions. Russian Government will not insist upon Most Fa-

四六三

voured Nation Clause more, but will extend it on the jurisdiction and propose to insert the following, in the Article I, one paragraph, inserted in the Russian treaty with France, Spain and others:

"It is agreed, however, that preceding stipulations derogate nothing in the laws, ordinances and special regulations concerning commerce, industry and police, in force in each of the two countries and applicable to all the foreigners in general (?)."

Other paragraph:

"Commercial relations (?) between Russia and Sweden and Norway and (?) neighbouring countries of Asia, being regulated by special stipulations concerning frontier commerce and independent from the regulations applicable to foreign trade in general (?), the High Contracting Powers agreed (?) that special dispositions contained in treaty passed (?) between Russia and Sweden and Norway, May 8 1838, as well as those which are relative (?) to commerce with above mentioned countries, can not in all cases be invoked for modifying relations of commerce and navigation established between High Contracting Powers."

エフ氏ヨリ全權委任ハ必ス來週中ニハシエウキチ公使ヘ差送ルヲ得ヘシト申告候付即チ電信ヲ以テ其趣御報申上置候次第ニ有之候昨廿六日ノ面會ニ於テハ諸般既ニ整頓セシニヨリ明日ハ電信ヲ以テシエウキチ公使ヘ其全權委任ヲ差送ルヘキ旨ヲ告ケ竊ニ右委任狀ヲモ相示シ候ニ付最惠國條款並ニ其他今回開談ニ關スル訓令ノ要項ヲ相尋ネ候處最惠國條款ハ御所望ニ應シ讓與スヘシ然シ之ヲ裁判權ニモ及ホシ度又互相ノ約款ニ關シ自己特別ノ法律並ニ我國ベルシヤ、ブカラ及ヒスウエーデン、ノールウエイ諸國ト締結シタル特別ノ條約ハ我國フランス、イスパニア諸國トノ約條ニ準シテ更ニ之ニ關セサル者ト致シ度又タ我大藏省ヨリノ所望ニ由リ草案第十四條ニ外國船ノ噸稅燈臺稅ハ內國船ノ噸稅燈臺稅ヨリ重クセサルヘシトノ一條ヲ加ヘ度ト申ス事ニ有之其趣ハ不取敢昨夜電信ヲ以テ申進置候右數條中船稅一件ニ付テハ昨日モ既ニ承諾致シ難カルヘキ旨申述置候ヘ共今朝更ニ又同氏ニ面會シテ右ハ我邦向後航海事業擴張ノ爲メ其獎勵法ヲ設クル場合等ニ於テ少カラサル障礙ヲ與フヘキニ由リ我政府ニ於テハ恐ラクハ之ヲ承諾セサルヘシ而シテ之カ爲メ調印ノ後ルル恐レモ有之候ヘハ右ハ

ties (?) by the present treaty."

And to Article 14, add one paragraph assuring that Japanese Government will not require to foreign vessels duties higher than Japanese. As he said (?), it was proposed by the Minister of Finance but I answered that by myself it would not be consented.

Petersburg, 27/6 1889. Nissi

二〇九 明治三十二年六月二十七日

西駐露公使ヨリ
大隈外務大臣宛

露國ノ全權委任狀下附遷延事情ニ付報告ノ件

第拾貳號

八月十五日到

條約改正ノ儀ニ付テハ是迄當政府ニ向ヒ絶ヘス催促致候ハ共豫テ申進候通或ハ最惠國條款ヲ主張シ或ハ今猶取調中ナリトノ申譯ケニテ一向抄ラサル所ヨリ數度大藏大臣ニモ面會シ我方ニ於テ尤モ急ヲ要スル情實ヲ陳シ傍ラ其助力ヲモ請ビ事漸々進ムノ際獨逸國トノ談判モ相纏タルニ會シ當外務省ニ於テモ遂ニ傍觀主意ヲ變シテ實ニ之ニ從事スルニ決セシモノト相見ヘ申候即チ去ル十七日亞細亞局長ジノウキ

寧ロ訓令中ヨリ取除カレタル方可然旨申談シ候處同氏ニ於テ右加除ノ儀ハ約束不致候ヘ共粗ホ同意ニテ其主意ハ訓令ニ添ヘ申シ遣スヘシトノ事ニ有之候故尙又本日其趣更ニ電報致置候此段申進候也

明治三十二年六月二十七日

特命全權公使 西 德 二 郎

外務大臣伯 大 隈 重 信 殿

註 一 六月廿六日附ノ電信見當ラズ

二一〇 明治三十二年七月四日

大隈外務大臣ヨリ
西駐露公使宛(往電)

新條約調印便法ニ付露國政府ヘ交渉方ノ件

Treaty revision negotiations with Russian Minister have been brought to successful conclusion. Express to Russian Government our warm appreciation of friendly attitude of Russian Government and their consideration in telegraphing their instructions. Say that Japanese Government are most anxious to sign treaty without further delay consequently request that

Russian Minister be authorized by telegraph to sign the treaty in anticipation of the arrival of full Powers.

July 4, 1889.

二二一 明治三十二年七月三十一日 大隈外務大臣ヨリ
西駐露公使宛(往電)

露國公使ノ宣言辭退ノ申出ニ關スル件

No. 258. Communication recieved from Russian Minister expressing on behalf of Russian Government confidence in our laws and administration of justice and declaring in consequence that Russian Government did not deem the two diplomatic Notes essential. Say to Russian Government that this spontaneous announcement as unexpected as it was generous and considerate, is accepted with high appreciation and as additional manifestation of unvarying friendly consideration of Russian Government.

July 31, 1889. Okuma.

註 七月二十八日露公使來翰三八參照

別重要的ノモノハ無之候

御承知ノ通り外國出身裁判官若干名ヲ我大審院ニ雇入ルルコト並ニ法典編纂ノ儀ニ關シ條約締結ト同時ニ露政府ヘ二通ノ書翰ヲ差出答ニテ其書翰案文モ條約案ト共ニ兼テ露政府ヘ差出置候處同國政府ニ於テハ我裁判官ノ公平明達ナルト法律ノ公正ナルトニ關シ疑ヲ容ルル處無之ニ付今更特ニ此等ノ事項ニ關シ書翰ヲ要セサル旨別紙乙號²ノ通り政府ノ命ヲ以テ同公使ヨリ照會有之候ニ付右二通ノ書翰ハ不差送候右ノ段モ先日電信ヲ以テ申進置候ニ付御了知ノコトト存候尤モ裁判事項ニ關シテハ露政府並ニ臣民ニ最惠國ノ待遇ヲ與フヘキ旨ヲ規定スルカ爲メ別紙丙丁號^{3,4}書翰ヲ交換候ニ付我ニ於テ他國ニ對シ德義上外國出身判事雇入ノコトト法典編纂ノコトヲ約スル以上ハ露國モ亦其利益ヲ受クルハ勿論ノ儀ニシテ右二通ノ書翰ヲ特ニ自國ノ爲メニ受ケサルモ實際ノ利益上他國ニ比シ聊カモ損スル所ハ無之候

露領「サガレン」島ヨリ本邦ヘ輸入ノ乾鹽魚ヲ無稅トセラレ度旨談判中露公使ヨリ請求有之候處同品ノ輸入價額ハ極メテ僅少ナルノミナラス同島ヨリ輸入ノ魚類ハ重モニ我出稼魚民ノ漁獲ニ係ルモノユヘ即チ之ヲ諾シ新條約實行ノ日

二二一 明治三十二年八月九日 大隈外務大臣ヨリ
西駐露公使宛

日露新條約調印ノ件

送第五九〇號

日露兩國間條約改正ノ件ニ關シ去ル七月初旬本國政府ヨリ開談ヲ命スルノ訓令有之候趣在本邦露國公使ヨリ通知有之候ニ付早速談判ニ取掛リ候處彼ヨリ提案ノ修正ハ何レモ爲指事項ニ無之候ニ付一席ニテ悉ク協議相纏リ候仍テ直接調印ヲ爲シ得ルコトト本大臣モ露公使モ心得即チ同月四日ヲ以テ速ニ調印ノ全權ヲ露公使ヘ付與スヘキ様露政府ヘ照會可被致旨電訓ニ及ヒ候處露政府ノ修正ハ最初ノ電訓ニ記載セシモノノ外ニ數箇有之爾後斷續數回ノ電信ヲ以テ其公使ヘ訓令有之從テ談判存外ニ手間取り去月二十九日ニ至リ初メテ諸事結了ヲ告ケ夫ヨリ條約書淨書等ニ數日ヲ費ヤシ遂ニ本月八日ヲ以テ首尾克新條約ニ調印致候右ノ次第ハ同日電信ヲ以テ申進候ニ付御了知ノ事ト存候

日露新條約寫(別紙甲號)今便差進候右ノ内朱色ニテ印刷シタル處ハ何レモ露政府ノ請求ニ應ジ我原案ニ修正ヲ加ヘタルモノニ有之候右ニテ御承知可相成通り修正ノ箇條中格

ヨリ勅令ヲ以テ同品ヲ無稅トスヘキ旨別紙戊號⁵ノ通り書翰相送り候

新條約第十一條沿海貿易ノコトヲ規定スル條中横濱神戸長崎等諸港ノ間ニ露國船ヲシテ日本ノ貨物ヲ運搬スルコトヲ得セシムルノ讓與有之候處實際露國船ノ右諸港ノ間ニ航海スルモノ無之ニ付右ノ讓與ニ依リ利益ヲ受クルコトナシ就テハ日本海沿岸ニ外國貿易港ヲ開クコトアラハ其港ト前掲諸港トノ間ニ貨物運搬ノ特種ヲ露國船ニ與ヘラレ度旨請求有之候處當分ノ間北海沿岸ニ右様ノ港ヲ開クコト無之又開カントスルモ其港無之畢竟有名無實ノ讓與ニ付即チ之ヲ諾シ別紙己號⁶書翰相送り候

新稅目ハ他邦ノ爲メニ現行稅目ヲ維持スル間ハ之ヲ施行セサルヘシ又施行ノ六ヶ月前ニハ其旨ヲ公告スヘキ儀ニ關シ別紙庚號⁷ノ通り書翰相送り候

調印済ノ條約書ハ既ニ前回來船便ニテ露公使ヨリ其政府ヘ進達致候様承リ候間貴官於テハ好機見計ヒ速ニ露國皇帝陛下ニ於テ批准被致候様御配慮可有之候

日露條約改正一件ニ關シテハ當初ヨリ貴官ノ御盡力不淺此度満足ノ結局ヲ得タルニ就キ貴官ノ與リテ大ニ力アリシハ

本大臣ノ欣然承認スル所ニ有之候依テ此機ニ乘シ右ニ關スル謝意申進候右申進候也

明治二十二年八月十九日

外務大臣伯 大隈 重信

在露特命全權公使 西 德 二 郎 殿

追テ佛國公使トモ先頃改正ノ談判ニ着手シ大略協議折合濟ニ相成候處其内ノ箇條ニ就キ本國政府ヘ打合ヲ要スルモノ有之候由ニテ目下右打合中ニ有之來月ニモ相成候ハハ多分調印ノ全權ヲ得ヘキ筈ニ有之候

英國公使モ漸ク去月下旬開談ノ訓令ニ接シ候趣ヲ以テ英政府ノ修正書提出ニ付目下談判中ニ有之候右修正中ニハ我原案ノ大主義ニ差響ヲ及ホスモノ有之其儘ニテハ到底我ニ於テ承諾シカタク候處談判上ニテ如何ノ結果ヲ得ヘキヤ今二三回ノ談判ヲ重ネタル上ナラテハ確乎タル見込不相立候ヘ共大抵ハ彼ニ於テ我原案ノ主旨ニ立戻ルノ内決心アルヤニ推察致候右夫是御心得迄ニ申添候也

註 1 四四附屬書一、二 2 三八

3 4 5 6 夫々 四四附屬書三、四、五、六

知致ス所ニ有之候ニ付快ク之ヲ許容シ改正條約第十七條ニ此事ヲ加フルコトト致候抑モ此回ノ改正條約中噸稅燈臺稅等ノ諸項ニ關シテハ彼我對等ノ約款取結候儀ニシテ歐米諸國ニ於テモ沿海貿易ニ從事スル船舶ヲ除キ凡ソ外國航ノ船舶ニ向テハ噸稅其他ノ課稅ニ付内外ノ區別無之候ニ付日露改正條約ニ於テモ亦此對等ノ主義ニ據リ外國來往ノ露船ニ對シテハ同様ノ本邦船舶ニ對スルモノト課稅ノ區別ヲナサ

第五節 對 英 交 涉

二一四 明治二十二年十二月三十一日

大隈外務大臣ヨリ閣下
駐英代理公使宛(往電)

新條約案ニ依リ交渉開始方英政府ニ申入ノ件

No. 262. On 29th submitted new treaty revision proposals to British Charge d'Affaires. Last draft treaty of commerce and navigation slightly modified. Jurisdictional stipulations inserted therein. Transitory period of five years from date treaty takes effect. During transitory period consular jurisdiction limited to foreign settlements. Interior opened and

二一三 明治二十二年八月十九日

大隈外務大臣ヨリ
西駐露公使宛

噸稅及燈臺稅ニ關スル件

送第五九八號

日露改正條約ノ儀ニ關シ露國亞細亞局長ト御談話ノ趣機密第十二號ヲ以テ御來示相成候處其中ニテ露國大藏省ヨリノ所望ニヨリ改正條約草案第十四條ニ外國船ノ噸稅燈臺稅ハ內國船ノ噸稅燈臺稅ヨリ重クセサルヘシトノ一條ヲ加ヘ度トノ儀在本邦露公使ヘ與ヘタル訓令中ニ記載有之候趣亞細亞局長ヨリ談示之次第委細御申越相成候右ノ一儀ハ改正條約談判之際露國公使ヨリ申出候處素ト沿海貿易ニ使用スル船舶ニ課スヘキ噸稅燈臺稅ノコトハ條約中ニ關係無之而シテ外國航ノ船舶ニ至リテハ其船籍ノ內國ニ在ルト外國ニ屬スルトヲ問ハス同一ノ稅率ニ從テ噸稅燈臺稅ヲ課シ彼此ノ間ニ輕重ヲナササル儀改正條約ノ明文ニコソナケレ其精神ニハ有之候ニ付別ニ此事ニ係ル約束ノ一條ヲ加ヘテ精神ヲ表示致置候必要モナカルヘシトノ儀一應申出候得共是非此一條ハ挿入致度旨切ニ請求致候間帝國政府ニ於テモ之ヲ挿入スルトセサルトハ事ノ實際ニ差異ヲ生セサルコト豫テ承

サル筈ニ有之候此理由ニヨリテ露公使ノ請求ヲ許容致候ニ第篤ト御了承相成度候尙ホ改正條約ハ別信ヲ以テ差進候間此約款並ニ其他トモ御熟閱相成度候此段回答旁申進候也

明治二十二年八月十九日

外務大臣伯 大隈 重信

在露特命全權公使 西 德 二 郎 殿

Japanese jurisdiction outside foreign settlements during transitory period. After that Consular jurisdiction abolished. Japanese Government engage by Diplomatic note to appoint foreign judges in Daishin In, so that they will be in majority in all cases heard in that Court in which British subjects are defendants or accused, and in same manner Japanese Government guarantee that codes will be promulgated at least three years before Consular jurisdiction is abolished. Japanese Government wish to negotiate and