

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

independently and in order to prevent discrimination, will engage that so long as present tariff is maintained in favor of any country it will likewise be maintained in favor of Great Britain. New tariff on basis already agreed to. Have submitted identical proposals to some other Powers and have reason to believe that one at least has accepted proposals and is prepared to sign treaty at once. Urge British Government to take immediate and favorable action and add that Japanese Government is convinced that an immediate acceptance by Great British of our proposals would exercise powerful influence and would assure satisfactory solution of this burning question and that Japanese Government would correspondingly appreciate such action. Saionji has been instructed to forward you copy of the proposals for your information but not to be communicated to the British Government.

Okuma.

Tokio, December 31, 1888.
London, January 1, 1889.

see Currie at once and show him a copy of our last telegram. Inform me by telegraph attitude of British Government. Act promptly.
Tokio, January 4, 1889. Okuma.

二二七 明治三十二年一月五日 岡部駐英代理公使ヨリ
大隈外務大臣宛

條約改正交渉開始方英政府ニ申入ノ件

第一號 二月十四到

條約改正新案今般在東京英國代理公使ヲ經テ同政府ヘ御提出相成候ニ付當府ニ於テ小官ヨリ同政府ニ可申入儀去十二月三十一日御發電¹御來訓致拜接候間早速御追訓ノ儀及電請候處本日御答致接受候
右ノ次第末々何等可申進儀無之候間委細ハ次郵ニ附シ可申候右申進候 敬具

明治三十二年一月五日

臨時代理公使 岡部 長 職
外務大臣伯 大隈 重信 殿

大隈外務大臣時代 對英交渉 二二七、二二八

二二五 明治三十二年一月三日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

交渉申入ニ關シ諸訓ノ件

Have I to inform British Government acceptance by one power? If it is necessary to do so, authorize me to mention name of the country. Let me know for my information whether present proposal had been communicated to British Government before submitted formally.

London, January 3, 1889. Okabe.

二二六 明治三十二年一月四日 大隈外務大臣ヨリ岡部
駐英代理公使宛(往電)

回禮酒ニ英政府ノ態度打診訓令ノ件

You have to inform British Government acceptance by one power and if necessary you can say that Power is the United States. No communications before submitted formally. The British Chargé d'Affaires in Japan already telegraphed. You shall conclude treaties with all the Powers separately and

註 一二四

二二八 明治三十二年一月七日 大隈外務大臣ヨリ
岡部駐英代理公使宛

新條約案受諾ノ儀英國要路ニ入説方訓令ノ件

送第五號

條約改正一件ニ付別信第一號¹ヲ以テ詳細申進候處右ニ記述致候通り此度ハ條約國悉皆ノ合意ヲ待タス一國ナリトモ先ツ同意ヲ表シタル國アラハ直チニ之ト新條約ヲ締結スヘキ決心ニ有之候然ルニ別信ニ申述候通米國政府ハ直チニ新案ニ同意ヲ表シ一回ノ電信往復ヲ以テ新案ニ從ヒ條約締結ノ全權ヲ在本邦同國公使ハツバート氏ニ付與致候ニ付テハ直チニ條約調印ノ筈ニ有之候處成ルヘクハ英獨二國若クハ責メテハ其内一ヶ國ナリトモ同意ヲ表スル迄米國トノ調印ヲ見合セ候方可然トノ議論有之カ爲メ暫ラク右調印ノ期日ヲ取極メスシテ英獨等ノ舉動如何ヲ相親ヒ居候次第ニ有之候仍テ別紙寫之通客月三十一日貴官ヘ電信²相發シ候ニ付テハ必定昨今英國政府ニ向テ何分ノ決答御督促ノコトト存候今更申迄モ無之英國ハ我國輸入貿易ノ大部分ヲ占有スルモ

ノニシテ日英兩國間ノ貿易高ハ我國海外貿易總高ノ三分ノ一ヲ占メ本邦ニ居留英國人民ハ總外國居留民ノ殆ント半數ヲ占ムル程ニ有之候ニ付テハ其本件ニ利害ヲ感スルノ深キハ遠ク他國ノ上ニ有之候處是迄我ニ接スル同國ノ政略上兎角單獨的ノ働キヲ取ラス常ニ他ノ條約各國ト共同連合ノ手段ヲ墨守シ條約改正ノ一件ニ就テモ殊ニ其利害ヲ感スルノ最大ナルニ拘ハラス決シテ獨立ノ運動ヲナサシテ常ニ他國ト共ニ進退スルノ慣習有之候英國ノ勢力ハ強大ニシテ己ノ爲サント欲スルコトハ他國ノ意見如何ニ拘ハラス之ヲ爲スコトヲ得ルハ素ヨリ論ヲ待タサルニ其謀爰ニ出テス稍ヤモスレハ他國ト連合シテ我至當ノ要求ヲ拒ムノ形跡有之ニ依リ我國人ニシテ外國人ニ對シ不平アル場合ニ於テハ重モニ其罪ヲ英國人ニ歸スルノ傾キアルハ誠ニ遺憾之次第ニ有之候明治維新ノ際サー、ヘルリー、パークス英國公使トシテ本邦ニ駐劄シ當時同氏カ新政府ヲ助ケタルコト一二ニシテ足ラス其功淺少ナラサルニ我國人ハ此等ノ事實ヲ記憶セシテ英國人ヲ愛スルコト決シテ米國人ノ如クナラス或ハ却ケ之ヲ忌ム者多キハ英國人ニ他國人ト親ムコトヲ得サル一種固有ノ性質アリ又ハ驕慢ノ外見アル等種々他ニ原因モ

右申進候也

明治二十二年一月七日

外務大臣伯 大隈 重信

在英臨時代理公使子 岡 部長 職 殿

追テ過般ノ電信ニハ明ニ國名ヲ指サスミナ只或ハ一國ノ既ニ調停メ
ルコトヲ諸ベリヲ相談シ候處其國ノ本文ニモ有之候通リ米國ニ有之
候右ノ次第ハ適宜英國政府ノ御洩ラシ被成不苦候此段申添候也

註 1 及 2 夫々 一〇 及 二二 四

二一九 明治二十二年一月十一日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ態度ニ關スル件

Had some interviews. British Government would not at present express their opinion, but will be ready to enter into discussion upon arrival of proposals. Conversations appeared favourable.

London, January 11, 1889, Okabe.

Via Petersburg, Tokio, Jan. 13, '89.

大隈外務大臣時代 對英交渉 二一九、二二〇

可有之候ヘ共前述ノ事情モ亦大ニ其勢ヲ助成シタルハ決シテ疑フヘカラサル事ト存候彼我人民間ニ是等不快ノ感情ヲ存スルハ兩國ノ交際上甚ク取ラサル處ニ有之候處此度我政府ヨリ條約新案提出ニ際シ英國ノ舉動ハ此感情ノ消長ニ關スルコト尠ナカラス若シ幸ニ英國政府ニ於テ新案ノ趣意ニ同意ヲ表シ直チニ新條約ニ調印セハ他國モ自ラ之ニ同意ヲ表セサルヘカラサル勢ニ立到リ數年來我國ノ興廢ニモ關スルモノトシテ世人カ重ヲ置キタル大問題ハ爰ニ満足ノ結了ヲ告クヘク候從テ本邦人ハ英國ニ對シテ眞實ノ友愛心ヲ起シ其極同國カ極東洋ニ於テ四千萬ノ人口ト拾八萬ノ精兵及數拾艘ノ堅艦トヲ有スル一大同盟國ヲ得ルノ快事ヲ見ルハ決シテ難事ニ無之ト存候

前陳ノ事實ハ過日本大臣ヨリ英國臨時代理公使ヘ詳細陳述ニ及置候處貴官ヨリモサー、フヒリツブ、カルリー其他英國要路ノ人々ヘ程能御入説相成英國慣手ノ連合政略ヲ打破ル様十分御盡力可有之候

右彼是申進度如此尙ホ本件ニ關スル今後ノ運動ニ關シテハ時々郵便若クハ電信ヲ以テ訓示ニ及ヘク候間其旨ニ從ヒ御配慮有之度候

二二〇 明治二十二年一月十六日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

交渉促進方及最惠國條款ニ關 訓令ノ件

No. 15. You will as soon as possible present to Principal Secretary of State for Foreign Affairs copies of the new draft treaty and draft diplomatic notes accompanying it which reached you by American mail of December 8th. You will also inform Principal Secretary of State for Foreign Affairs that you expect new draft Trade and Bonded warehouse Regulations by American mail of December 19th and that upon receipt you will deliver them to him. Upon presenting draft treaty and accompaniments you will say to Principal Secretary of State for Foreign Affairs that having in view the long time that may elapse before arrival of new British Minister and earnest desire of Japanese Government that British Government should be one of first Powers to conclude new treaty. Japanese Government would be much gratified if British Government would authorize by telegraph Mr. Trench who on account of long experience and resi-

dence at this post is peculiarly well qualified to undertake the work to negotiate and conclude treaty. You will point out that new favored nation clause is expressly conditional and you will add that while the new proposals generally speaking embrace all concessions that Japan can under any circumstances grant, Japanese Government would be willing to meet British Government on favored nation clause so far as to guard positively and absolutely against any discrimination. I have already discussed this question with Mr. Trench and have no doubt we could reach satisfactory solution. The above suggestion concerning favored nation clause is made with view to immediate settlement of question and is therefore made without prejudice. Call attention of Principal Secretary of State for Foreign Affairs to that portion of my telegram to you of December 31st relating to the present tariff and request an early and favorable response. You are authorized to read foregoing telegram to Principal Secretary of State for Foreign Affairs. The following is confidential. On account of international jealousies it is important that it

三三三 明治三十一年一月二十一日

大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

草案提出方督促ノ件

No. 29. Have you presented papers to Minister for Foreign Affairs? Act without any loss of time and report the result by telegraph.

Jan. 21, 1889. Okuma.

三三三 明治三十一年一月二十一日

岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

草案提出ニ關スル件

Already presented them. Trade and Bonded Warehouse Regulations are ready, but I am waiting arrival of mail.

London, Jan. 21, 1889. Okabe.

三三四 明治三十一年一月二十三日

岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

大隈外務大臣時代 對英交渉 三三三' 三三四' 三三五

should appear that proposals reach you directly from this office, consequently you will act as though drafts are received by the two American mails above specified. Saionji has been instructed to send you Trade and Bonded warehouse Regulations.

Tokio, Jan. 16, 1889. Okuma.

三三三 明治三十一年一月十六日

大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

取寄キ草案提出方訓令ノ件

No. 25. Present draft treaty and accompanying diplomatic notes to British Government at once. Time is most important. Other documents should be presented on arrival of the mail by which you are supposed to receive them. Tell British Government that German Government has consented to accept proposals as basis and that Germany and Italy have agreed to separate negotiation.

Jan. 19, 1889. Okuma.

草案提出完了ノ件

Presented Regulations. They promise to discuss with me after a few days of careful examination of all the papers.

London, Jan. 23, 1889. Okabe.

三三五 明治三十一年一月十九日

岡部駐英代理公使ヨリ
大隈外務大臣宛

交渉開始方英政府へ申入ノ件

第三號

二月二十六日到

去ル十二月三十一日發御電訓英政府へ通知後ノ模様本月十一日電申ニ及候間右ニテ其大要御承知相成候儀ト存候一昨十七日御發電ノ御訓意ニ從ヒ同政府へノ通知已ニ取計置候今郵發期ニ迫リ不取敢右ノミ申置候委曲ノ順序ハ後信ニ讓候 敬具

明治三十一年一月十九日

臨時代理公使 岡部長職

外務大臣伯 大隈重信殿

二二六 明治三十二年一月二十六日 閣部駐英代理公使ヨリ
大隈外務大臣宛(電)

接衝ノ經過報告ノ件

附屬書 一月十日付英外務大臣來翰

第五號

三月七日到

今般條約改正新案英政府へ御提出相成候件ニ付本月一日御電訓接受以來今日マテノ手續其大要ハ其都度及電申置候得共更ニ茲ニ之ヲ叙記シ閣下ノ御閱讀ニ供候
一月一日御電訓拜接候處新案中法權條款ノ關係少シク不分明ノ點有之然ルニ同電ノ末尾ニ新案一部在伯林公使ヨリ郵送アルヘキ云々ノ字句有之候間同書類何時郵附可相成哉ノ儀西園寺公使へ電問シ且ツ案中不分明ノ點ヲモ電問ニ及置候然シテ御訓示中或一國ハ既ニ新案ニ同意シ新約ノ調印ニ用意云々ノ儀ニ付テハ之ヲ英政府ニ通知スヘキノ御訓意ナリシカ否電文ノ順序上少シク不分明ニ被存加之英政府ヲシテ今回ノ新案タル先ツ已ニ他國ノ同意ヲ得テ然後始メテ該政府へ提出相成タルヤノ猜疑ヲ惹起サシメ第一着ニ不好ノ感觸ヲ與フルニ至ランコト小官ニ於テ恐レナキニ非サリシヲ以テ一應電信ヲ以テ「一國云々ノ儀ハ通知ヲ要スルヤ若シ之ヲ要スルハ小官ヲシテ其國名ヲ明示セシメラレンコト

我政府ノ志望ヲ貴政府ニ申入ルヘシトノコトナリ今茲ニ同伯ヨリノ電文寫ヲ攜帶セリ願ハクハ一讀アラシコトヲトテ第一貴電ノ寫(在獨國伯林公使以下ノ語ヲ除ク)ヲ出シテ之ヲ示セシニボーンズフオート氏之ヲ讀了シ曰ク一讀ノミヲ以テスレハ新案上特ニ故障アル所ヲ見サルカ如シ條約改正中通商條約ノ部ハ曩ニ同意ヲ表シタルモノト信ス敢テ間フ法權ノ部ニ至テハ別案アルノ意味ナルヤ小官 此電文ニ依テ推考スルニ法權ノ條款ハ通商航海條約中ニ偏入セルモノナリト信ス
又大隈伯カ此電訓ヲ發セシハトレンチ氏ヨリ業已ニ貴政府ニ通報アリシコトト信シタルヨリ出テシナラント推想ス
ボーンズフオート 本官直チニ之ヲ取調ヘ其上何分ノ通知ニ及フヘシ然シテ此電信寫ハ暫時預置度シ故障無之哉小官 毫モ差支ナシ只願クハ調査ヲ了ラレシ上ハ何等ノ御通知有之度シ

右畢リテ退省致候

十一日外務尙書ヨリノ來簡アリ文中在東京代理公使ヨリ提案ヲ受取リタル電報アリシコトヲ記シ且ツ此事ヲ議セルハ

及ヒ新案提出前同伴ニ付英政府へ何等ノ内報相成居リシヤ否ヤ」ノ儀拜問ニ及ヒ候處五日接受ノ御答電ニ依リ御訓意明瞭相成候故直チニ外務省へ出頭致度候得止同日ハ已ニ時刻ニ相成候間不得止(六日日曜日)七日ヲ待テ同省ニ出頭シ次官カレイ氏ヲ相尋候處同氏ハ此休期ニ際シ外國旅行中トノコトニ付次官ボーンズフオート氏ニ面會致シ左ノ談ヲ開キ候(此日早朝伯林ヨリ新案書類ノ寫來到セシヲ以テ小官心得ノ爲メ甚好都合ナリ)

小官 貴我條約改正ノ件ニ付今度我政府ヨリ新案ヲ提出シタルコト貴官已ニ東京ヨリ電報ヲ接セラレシコトト信スボーンズフオート 條約改正ノ事再ヒ着手ニ及ヒ居ラレ候由ハ本官モ此頃聞及ヒタル様ニモ思ハル然ルニ主任者サ1、フイリツプ、カレイ氏現今休暇中ニテ國外ニ在リ小官 トレンチ氏ヨリ此回提案ニ關スル電報已ニ達セシヤ否ヤ

ボンスフオート、未タ知ラス

小官 此事件ニ付小官大隈伯ヨリノ電訓ヲ得タリ其意ハ我政府ハ去ル十二月二十九日ヲ以テ新案ヲ在東京貴國代理公使ニ提出シタルヲ以テ小官ニ命シテ當方ニテモ直チニ

本案書類到達ノ後ニ非サレハ着手スルノ便利ヲ見サル旨ヲ併記有之候(全文寫別紙ニ在リ)其日小官外務省ニ出頭シボーンズフオート氏ニ面會シ尙書ヨリノ來答ヲ論シ候後同氏一已ノ意見承度旨何トナク相尋候處別ニ此ニ記載スヘキ程ノ確説モ發言セス然カシ主意ニ於テ批評スルトコロ相見不申候ノミナラス新案本書來達ノ上ハ速カニ満足ノ結果ヲ見シコトヲ希望スル旨懇ニ語り居候依テ歸館ノ上此旨及答申候(電文略)

十七日新案並公書草案寫直ニ小官ヨリ外務尙書へ差出シ通商規則並倉庫規則ハ西園寺公使ヨリ接手ノ上米郵ニテ接受ト取り爲シ後郵着ノ上尙書へ可差出旨御來電ニ付御訓意ニ從ヒ直チニ謄寫ニ着手シ其間先ツ外務省ニ出頭ボーンズフオート氏ニ面會御來電ノ寫(御訓意ニ從フ)ヲ示シ候處同氏ニハトレンチ氏ヨリノ電報數回相達スレトモ何分本案ヲ見サレハ意味明解シ難ク困却ノ際ナリトテ大ニ小官ノ通知ヲ喜謝致候斯クテ小官退省ノ後猶又謄寫ヲ急促シ右終テ早速送致ニ及置候

十九日御電訓ニテ該書類至急送致可致旨且ツ獨伊兩國ノ現狀英政府へ通知可致旨致拜承候ニ付右兩國ト俱ニ最前電請

ニ及ヒタル米政府ノ答意ヲモロ頭ヲ以テポーレンスノオート
氏迄申通置候

此日發當書類寫差出濟タル旨及ヒ通商倉庫兩規則ハ米郵來
達ヲ待テ差出スヘキ旨申進候

二十三日米郵已ニ着セシヲ以テ兩規則寫ヲ外務省ニ携帶シ
ポーレンスノオート氏ニ面會シ前項(提)出シタル本案ニ付
内話アルヤヲ探問致候處印刷中ニ係ルヲ以テ未タ調査ニ及
ハス何レ後日用意相整ヒタル上ニテ通知可致トノ約ヲ成シ
退省致候

右ノ趣當日及電申置候

右申進候 敬具

明治二十二年一月二十六日

臨時代理公使 岡部 長 職

外務大臣伯 大隈 重 信 殿

註 1 6 3 夫々 二二四、二二五、二二六、
4 5 6 夫々 二二七、二二八、二二九

附屬書

明治二十二年一月十日英外務大臣來翰

Foreign Office

Sir,
Your most obedient,
humble Servant.

(For the Marquis of Salisbury)

J. Paunceforte

二二七 明治二十二年一月二十六日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

憲法發布前ニ調印方交渉ノ件

No. 36. On the 11th February the Emperor will
proclaim the Constitution with great ceremony. You
will make it a special point to ask Minister for
Foreign Affairs if it is not possible for British
Government to give Mr. Trench full powers in time
so that British and American Treaties may be signed
(at the) same time and before that most memorable
day in Japan's history. We are most anxious on this
point.

Jan. 28, 1889. Okuma.

January 10, 1889.

Monsieur le Chargé d'Affairs,

Sir Julian Paunceforte has informed me of the sub-
stance of your verbal communication to him on the
7th instant in regard to certain proposals which have
been made by Your Government respecting the
Japanese Treaty Revision question, and he has also
laid before me the telegram addressed to You by
Count Okuma on this subject, which You were good
enough to leave with him and which I return here-
with. In thanking You for this communication, I
have the honour to state that I have received a tele-
gram from Her Majesty's Chargé d'Affaires at Tokio,
reporting that the Japanese Minister for Foreign
Affairs had formally communicated to him fresh
proposals on this subject on the 29th ultimo.

I beg leave to say that as soon as the text of the
new proposals is reached, Her Majesty's Government
will be happy to discuss them with you, but that
they are unable to do so profitably without more
complete information.

I have the honor to be, with high consideration

二二八 明治二十二年一月二十六日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

外務次官ト面談ノ件

Your message has been delivered to Paunceforte.
He will transmit it to the Minister for Foreign
Affairs immediately and will answer me in a few
days.

London, Jan. 28, 1889. Okabe.

二二九 明治二十二年一月二日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

外務次官ニ關シテ面談ノ件

Sir Julian Paunceforte has not yet appointed time
for promised interview. If you can give me fresh
materials to inform British Government, it will ena-
ble me to urge them once more. Otherwise, simply
urging them repeatedly seems not advisable.

London, Feb. 2, 1889. Okabe.

二三〇 明治三十二年二月二日 岡部駐英代理公使ヨリ
大隈外務大臣宛

接衝ノ經過報告ノ件

第六號 三月十八日到

條約新案提出ニ關シ當國外務省ト小官トノ間往復手續去ル一月二十六日附第五號ヲ以テ申進置候處去ル二十八日貴電拜接來ル十一日新政體御發表相成候ニ付其前英政府ニ於テモ米政府ト同時ニ新條約調印ニ至ルヘキ運ニ相成ルヘキヤ否ヤ云々御訓令ヲ帶ヒ即時外務省ニ出頭シボーインズフォート氏ニ申通シ候處直ニ外務尙書ニ申出且ツ提案調査ノ上何等ノ返答ニ及フヘク候間(草案ハ猶ホ印刷中ナリシ由)數日ノ後用意相調候得ハ早速面談ノ時日ヲ報スヘキ旨相答候依テ右約束ノ上致退省候
右即日及電申候
其後日々相待居候共本日迄何等ノ通知無之ニ付只今又發電致シ右遲延ヲ拜報シ併テ仰御内訓置候
右申進候 敬具

明治三十二年二月二日

臨時代理公使 岡部長職

二三二 明治三十二年二月四日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

新草案ノ條款ニ關スル件

Do you mean to insert new article relating to Colonies in addition to Article 15?

London, Feb. 4, 1889. Okabe.

二三三 明治三十二年二月五日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

新草案ノ條款ニ關シ回答ノ件

No. 49. We mean to insert Articles 15 and 21, of draft treaty of Commerce and Navigation annexed to Protocol 27, which were cancelled in my new draft. You will understand this suggestion is made in reply to your telegram of February 2nd.

Tokio, Feb. 5, 1889. Okuma.

外務大臣伯 大隈重信殿

二三一 明治三十二年二月四日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

改正草案ニ關シ訓令ノ件

No. 48. Japanese Government would be willing to insert in British Treaty Article relating to Colonies and in pursuance of suggestion made to them would be willing to restore Article XV of draft treaty of Commerce and Navigation which in annexed to Protocol 27, late conference, concerning nationality of vessels. Inform British Government in this sense and at same time say that we are still very anxious to receive favorable reply of British Government, you may add that we have in the new proposals endeavored to conciliate all interests and consequently we hope British Government will suggest no material modifications.

Tokio, Feb. 4, 1889. Okuma.

二三四 明治三十二年二月五日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ態度ニ關スル件

Sir Julian Paunceforte was very glad to hear insertion of two articles. He confidentially informed me to communicate their opinions in a few days but that it is impossible to settle before February 11. Their attitude is favorable.

London, Feb. 5, 1889. Okabe.

二三五 明治三十二年二月七日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ回答ニ關スル件

Minister for Foreign Affairs officially communicated that as the subject requires great consideration, it is impossible to reply before February 11.

London, Feb. 6, 1889. Okabe.

一三六 明治二十二年二月十三日 岡部駐英代理公使ヨリ
大隈外務大臣宛

折衝ノ經過報告ノ件

附屬書 二月六日付英外務大臣來翰

第七號

四月五日到

條約新案ノ件ニ關シ本月二日發電¹(同日迄ノ手續ハ第六號ヲ以テ申進候)稟請ノ儀ニ對シ同四日御答電ヲ接シ通商航海條約前草案中殖民地ニ關スル一條(第廿一條)並ニ船舶所屬國名認定ニ關スル一條(第十五條)ヲ新案中ニ挿入可相成儀英政府ニ通知可致旨御訓意ニ從ヒ御電文寫携帶サ¹、ジュリヤンボーンスフオート氏ニ面會ノ上懇話中右相示候處該加條ノ儀ニ附テハ已ニ問合ニ及度ト迄存居候處故大ニ喜悅スルトノコトニテ小官ニ對シテ曰ク貴官此ニ目撃セラルル如ク今後ハ新舊案比較讀閱ヲ爲シ明日ヲ以テソイスベレー侯ノ閱讀ニ供セント欲ス斯クノ次第ナレハ過日大隈伯ヨリノ來電ニ應ジ來十一日迄ニ我政府ノ決答ヲ爲サントスルモ到底之ヲ果スコト能ハサルヤ明ラカナリ就テハ一兩日中彼ノ來電ニ對シ貴官ヨリ同伯ニ通申サルルニ足ル²キ答意³御通知可致旨ナリ左リトテ當方ニ於テハ決シテ

of Amity, Commerce and Navigation between this country and Japan, I have the honour to inform you that the subject is receiving the attention of Her Majesty's Government and that I hope shortly to return an answer to the proposals of your Government.

The subject however requires careful consideration, and I regret that Her Majesty's Government find it impossible to send a reply before the 11th instant as requested by Count Okuma.

I have the honour to be with high consideration,

Monsieur le Chargé d'Affaires,

Your most obedient

humble servant,

(for the Marquis of Salisbury)

(Signed) J. Paunceforte

一三三 明治二十二年二月十三日

大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

折衝促進及最惠國條款ニ關シ訓令ノ件

大隈外務大臣時代 對英交渉 一三七

徒ラニ事ヲ緩慢ニ對スルノ精神アルニアラス就テハ用意相整ヒタル以上ハ一日モ速カニ貴官ノ來省ヲ乞ヒ御相談可申ノ覺悟ナリト小官同氏ノ懇話ヲ謝シ他日ノ來招ヲ待ツヘキ旨申述ヘ當日ハ其儘致退省候

六日ソイスベレー侯ヨリノ公書アリ其大意ハ本月十一日前ヲ以テ新條約ヲ決議スル能ハサルヲ遺憾トスル旨ヲ記載有之候(全文別紙ニ在リ)

右亦即日及電申候⁴

其後本日ニ至リ同事件ニ付未タ何等ノ通知無之候

右申進候 敬具

明治二十二年二月十三日

臨時代理公使 岡部長職

外務大臣伯 大隈重信殿

註 1234 夫々 二三九、二三〇、二三一、二三五

附屬書 二十二年二月六日付 英外務大臣來翰

Copy

Foreign Office

February 6, 1889.

Monsieur le Chargé d'Affaires,

In reply to your recent communications in regard to the proposals for the negotiation of a new treaty

No. 60. In previous telegrams I have explained the reason why I have postponed the treaty with the United States. It is impossible to longer delay action and I have notified American Minister that I will be prepared to sign new treaty with him February 20th. The foregoing you will officially but verbally communicate to the Foreign Office and in so doing you will, if you think you can safely and concessfully do so, make the following suggestion, which you will expressly say you make unofficially and as your own personal idea. You will refer to Article 24 of new draft and say that if contemplated treaty with U.S. is textually the same as that proposed to the British Government, then Great Britain, because of her inability to conclude treaty at same time as United States, would, until new British treaty comes into operation, be placed at disadvantage vis a vis United States. You will add that you are convinced that Japanese Government would regret exceedingly such a situation. You will then say that of course you do not know whether it would be possible to avoid such a situation, but that you feel strongly disposed to re-

comment that a longer period than one month intervene between the exchange of ratifications and the time when treaty comes into force in order that other Governments concluding treaties in the interim might take advantage of extended privileges at same time as United States. You will add that your only reason for hesitancy is your ignorance of the wishes of the British Government on the point and that if you were satisfied that British Government would regard such solution as satisfactory you would at once telegraph your Government in that sense. This matter requires delicate handling and you are consequently given wide discretion. My desire is to commit British Government more positively to separate and independent negotiations and (the) request from British Government that period be extended between exchange of ratification and (the) date treaty comes into force, would be tantamount to such committal. It is my intention to extend above mentioned period but I would like to have British Government regardin light of.....to..... If British Government raise question of favored nation clause in connection with

一一三九 明治三十二年二月十五日 大隈外務大臣ヨリ 岡部駐英代理公使宛(往電)

日米條約批准問合ニ關シ回答ノ件

No. 64. It is probable that there will be extra-session (of) U. S. Senate but date of ratification unknown. What is the object of your other question? Are they made at instance of British Government?
Tokio, Feb. 13, 1889. Okuma.

一一四〇 明治三十二年二月十六日 岡部駐英代理公使ヨリ 大隈外務大臣宛(來電)

前電問候事情答申ノ件

Last telegram is for myself solely. Details per mail.
London, Feb. 16, 1889. Okabe.

一一四一 明治三十二年二月六日 大隈外務大臣ヨリ 岡部駐英代理公使宛(往電)

大隈外務大臣時代 對英交渉 二三九、二四〇、二四一、二四二

this question, you will say that you are not authorized to discuss the question but that you are convinced that Japanese Government will never admit that Great Britain can under existing treaty claim unconditional participation in favors conditionally granted to United States. If you think it advisable you can express hope that British Government will find it convenient to comply with our request in reference to giving (Mr.) Trench (the full) power to conclude treaty.

Tokio, Feb. 13, 1889. Okuma.

一一三八 明治三十二年二月十五日 岡部駐英代理公使ヨリ 大隈外務大臣宛(來電)

日米條約批准ニ關シ問合ノ件

Can you inform me at what date U. S. Treaty will be ratified, what interval between ratification and operation and whether there is no condition relating to treaties with other countries?

London, Feb. 15, 1889. Okabe.

交渉促進方訓令ノ件

No. 65. It is not necessary that you should have more information in order to carry out instruction contained in my telegram of February 13th. You must act promptly, otherwise too late.
Tokio, Feb. 18, 1889. Okuma.

一一四二 明治三十二年二月八日 岡部駐英代理公使ヨリ 大隈外務大臣宛(來電)

準備交渉遲滞ニ關スル件

I have been losing no time in carrying out your instruction but with great care. Notwithstanding your ardent desire. British Government show no haste in their considerations. I hope, however, to be able to inform by telegraph further after an interview with Sir Julian Pauncefote again tomorrow.
London, Feb. 18, 1889. Okabe.

二四三 明治三十二年二月九日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)
英外務次官ノ情報ニ關スル件

Sir Julian Pauncefote showed me letter of British
Chargé d'Affaires in Japan received to-day which he
says is the first communication by mail concerning
treaty revision and privately informed me that Mini-
ster for Foreign Affairs will have no objection to
separate negotiation but confidentially to confer with
German Government and perhaps with other powers
if necessary.

London, Feb. 19, 1889. Okabe.

二四四 明治三十二年二月十日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

日米調印終了通知及英政府説得方訓令ノ件

No. 72. Treaty with United States signed to-day.

二四五 明治三十二年二月二十三日 岡部駐英代理公使ヨリ
大隈外務大臣宛

接衝ノ經過報告ノ件

第拾號

四月五日到

條約改正ノ件ニ關シ二月十三日第七號¹ヲ以テ申進候通本月
六日後ポーンズフオート氏ヨリノ招書ヲ相待候得共何等ノ
來事無之際本月十四日御電訓²ヲ接シ本月二十日ヲ以合衆國
トノ新條約締結調印可相成旨御來示ノ上右英政府ヘ申通候
節他ニ小官ノ見込ヲ以テ同政府ヘ内話可致箇條御細訓相成
候ニ付テハ右通知ニ先クチ合衆國新條約ノ批准並ニ實施其
他右實施ニ附キ萬一他條約國ト關係ノ儀有之候得ハ御允許
相成候丈ハ全ク小官ノ心得迄ニ拜承致置度ト愚考シ右ノ趣
致御電問³候處早速御答電⁴ニテ(十六日接)該條約批准實施
期限未タ御豫知難相成旨致拜承候猶他國ノ條約ト關係アリ
ヤ⁵ノ拜問ニ對シ「其來問ハ何故ニ出テタルヤ云々」ノ御
復問ヲ得候ニ付テハ右ハ全ク小官ノミノ心得ニ致度意思ニ
出タル儀ニテ此點ニ關シ再ヒ御電訓ヲ煩ハスヘキ程ノ事由
無之候間單ニ「前電ハ全ク小官ノ爲メノミ委曲ハ郵報」ト
及復電⁵候乍然此御答電ヲ接受シテ一層日米新條約ハ當初御

Inform British Government of this fact and add that
being assured of favorable disposition of British
Government in matter of treaty revision, and not
wishing to place British subjects at disadvantage, we
strongly urged United States to consent to modifica-
tion of Article 24. I am happy to say that our
efforts were finally successful and new treaty will
take effect (on) February 11, 1890. This arrangement
will enable other Powers to sign new treaties in
interim and simultaneously take advantage of extended
privileges. Even with this long interval the greatest
despatch is essential and you will impress this fact
upon British Government. Try to ascertain if British
Government intend to grant full powers to the British
Chrgé d'Affaires in Japan in accordance with our
request.

Tokio, Feb. 20, 1889. Okuma.

提案ノ外ニハ特殊ノ御締約等無之全ク純然タル獨立條約ナ
ル事ヲ確信致候依テ十八日(月曜日)ヲ以テ外務省ヘ出頭
可致豫定候

今回ノ御來電ニ依レハ御訓意ヲ先方ヘ懇話スルノ緩急ハ
臨機小官ノ見込ヲ以テ可取計旨致拜承候故前日ポーンズ
フオート氏ト約束ノ次第モ有之(第七號ニ詳カナリ)餘
リ催促ケ間敷舉動相顯候テハ無益ニ先方ノ感觸ヲ害スル
コト十分相見認居リ且ツ合衆國トノ締約日限ヲ報スルモ
其期前ニサヘ取計候得ハ差シテ不都合ノ廉有之間敷ト相
信シ其間ニハ先方ヨリ面話ノ儀申來ルヘキトモ推想シ特
ニ十八日迄猶豫ヲ與ヘ候次第ニ有之候

十八日外務省ヘ出頭前御來電⁶アリ去十三日御發電御訓意提
示ノ御督促ヲ得候

ポーンズフオート氏ト面談大要左ノ通

小官兩三日前大隈伯ヨリノ電訓ヲ得候處文中不明解ノ
點有之復電ヲ請ヒシヲ以テ爲メニ御通知ヲ遲延セリ
我政府ハ合衆國トノ新條約調印ノ時期最早此上遲引ス
ル能ハサル理由アルヲ以テ大隈伯ハ本月二十日ヲ以テ
該國公使ト東京ニ於テ調印スヘキコトヲ決セリ小官此

電報ヲ以テ推測スルニ米政府ハ頻リニ締約ノ時期ヲ促カセシニ我政府ハ特ニ其遅引ヲ求メテ今日迄ニ至リタルモノト思ハル

ボーンスフオート、日米間ノ新條約ハ我政府ニ提出相成リタルモノト全ク同一ナルヤ

小官、大隈伯ヨリノ最初電訓ノ寫ハ貴官ノ熟閱セララルトコロナリ然シテ其文中ニ「或ル外國ヘモ同一（アイデンテカル）ノ新案ヲ提出セリ云々」トアリ左スレハ「アイデンテカル」ノ文字ニ依テ之ヲ推考スルモ全案貴政府ニ提出セシモノト同一ナル事ヲ信スルニ足ルヘシボーンスフオート、眞ニ然リ而シテ該條約ノ締結タルヤ他ノ條約國ニ何等ノ關係アルモノカ貴下之ヲ知ラルヤ

小官、提案中ノ明文ニ據ルモ又我政府カ該條約國政府ト各別ニ新條約ヲ談決セントスルノ希望アルヲ以テ之ヲ測レハ今回日米間ノ締約ハ全ク獨立ナルヲ確知スルニ足ル

ボーンスフオート、新案ノ大體タル前年改正會議中止ノ時迄ニ運ヒ居タルモノト比スレハ大ニ差違アルコトヲ見タリ我政府ニ於テハ歐洲數國政府ノ意向如何ヲ知

ノ序單ニ卑見ヲ陳セシノミ

ボーンスフオート、ソースベレー侯ノ答書ハ明日接手スヘシ

小官、然ラハ明日再會シテ獨別談判同意ノ公答ヲ承ルヘシト

右終テ致退省候

ボーンスフオート氏ノ談意前陳ノ如クナルヲ以テ條約批准ト實施トノ日數ヲ増加スル云々ノ儀申出スヘキ場合ニハ相成居ラス左スレハ右ヲ發言スルハ未タ其宜シキヲ見認不申候故特ニ此儀ハ致默止候乍然後日ニ至リ好機ヲ見候節ハ適宜開談可致候同伴開談ニ付キ閣下御懇諭ノ御主意篤ト相心得居可申候

翌十九日同省出頭ボーンスフオート氏ト談話如左

ボーンスフオート、ソースベレー侯ノ答書アリ在日本公使館ヨリ最近着ノ來書一閱シタキ旨申來レリ然ル處唯今トレンチ氏ヨリ此來報ヲ得タリ（公書數束ヲ示ス）然シテ此書ハ新案提出後初回來郵ナリ右ノ次第ニハ昨日御約束ニ及ヒタル公答ハ今數日間猶豫アリタシ用意整ヒタル上ハ直チニ發電シテ貴下ノ來省ヲ乞フヘシト

ルニ非サレハ十分ニ決意開談スルコトヲ得ス
小官、我政府ハ第一着ニ貴政府カ獨別開談ノ同意ヲ表セラレンコトヲ切望セリ

ボーンスフオート、此一點ニ附テハソースベレー侯ニ於テモ別ニ異議無之ト信ス因テ先ツ此儀ニ付テハ貴下ヨリ貴政府ヘ電申ナサルコトヲ得ヘキ文ノ公答ヲ爲スヘシ

小官、今ヨリ同侯ニ稟請スヘシ乍去獨別ノ談判ニ同意スルトスルモ當方ニ於テ獨國其他ニ內密ノ照會ヲ爲スハ無論公障ナキ譯ナリ

談話中語次最惠國條款ニ及フ

小官、曾テ貴官ニ示シタル大隈伯電訓ニ依ルモ又獨別談判締約ノ主意ヲ見レハ我政府ハ最惠國條約ノ權理慣行ハ現行條約ヲ維持スルノ諸國臣民ニハ許ササルノ精神ナラント推測ス然シテ我政府ハ貴國臣民ヲシテ一日モ速カニ米民ト共ニ便益ノ權理ヲ享ケシメ英日ノ交際ヲシテ益々親厚ナラシメントスルノ希望ナラン
ボーンスフオート、此儀甚難問題ナリ

小官、小官今此點ヲ論スルノ位地ニアラス前陳ハ談話

依テ空シク及退省候

十九日發電中ボーンスフオート氏ノ內話ハ十八日分ノ追記ト御解相成度候

去二十一日露京ヲ經テ相達候電訓（米國條約調印済云々）ニ付昨二十二日ボーンスフオート氏ニ及面會候右談話ハ以次便可申進候右申進候 敬具

明治二十二年二月二十三日

臨時代理公使 岡部長 職

外務大臣伯 大隈重信 殿

註 123456 夫々 二三六、二三七、二三八、二三九、

二四〇、二四一ナリ 二四四

二四六 明治二十二年二月二十五日

岡部駐英代理公使ヨリ
大隈外務大臣宛（來電）

最惠國條款其他ニ對スル英國側ノ態度ニ關スル件

Sir Julian Paunceforte privately informed that British Government will agree to separate negotiation, but that Most Favored Nation Clause under the existing treaty must be necessarily taken into consi-

deration and it is difficult question to fix period before abolition of consular jurisdiction without seeing working new laws. As to authorize British Chargé d'Affaires in Japan, no decisive answer has been received.

London, Feb. 25, 1889. Okabe.

二四四 明治三十一年二月二十五日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

最惠國條約其他二種スル日本側ノ態度を明ノ事

No. 80. Your Telegram of 25th February received. While gratified that British Government are willing to negotiate separately, we are disappointed at length of time taken to arrange preliminaries. Japanese Government cannot of course formally object to British Government consulting other Powers provided Japan is not invited to join in such consultation, but we hardly think desire to consult other Powers can be given as valid reason for delay. As to views of Japanese Government concerning most favored nation

clause, see my telegram (of) February 13th. You are now at liberty to cite those views officially. If Sir Julian Pauncefort meant to say that British Government must see working of new laws before fixing period for abolition of Consular jurisdiction, then that claim exceeds the demands made at the late Conference and could not under any circumstances be accepted by Japanese Government. The new Constitution which is universally commended for its liberal spirit and the existing Criminal laws of the Empire are in opinion of Japanese Government sufficient guarantees concerning new laws while the manner in which Japan has in the past fulfilled burdensome treaty obligations ought to be conclusive as to her good faith for the future. Present these considerations to British Government in such manner as to make them most effective. Sir Julian Pauncefort seems to be exceedingly slow. Is it not possible for you to approach Lord Salisbury on the subject? We must be persistent in our endeavors.

February 27, 1889. Okuma.

二四八 明治三十一年二月二十六日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

最惠國條約其他二種スル件

Officially communicated from the Minister for Foreign Affairs to the effect that the British Government are quite willing to discuss our proposals in the most friendly spirit and to arrive at equitable solution, but that whatever may the result of the separate negotiation with other powers, the existing rights of Great Britain under the Most Favored Nation Clause will be respected and it is most important that no misapprehension should exist on this point in the face of new treaty with the United States. Last telegraphic instructions arrived after this. I am waiting for further instructions for my official reply. In regard to instructions regarding Most Favored Nation Clause I had fully expressed as my opinion.

London, Feb. 28, 1889. Okabe.

二四九 明治三十一年三月一日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

最惠國條約二關スル件

No. 82. Express to British Government our gratification that they are willing to approach treaty revision in friendly spirit and add that as Japanese Government are similarly disposed no doubt can exist as to satisfactory result and consequently it is sincerely hoped that no necessity to discuss bearing of most favored nation clause on American treaty will arise. Japanese Government have no desire to discriminate in any way whatever against Great Britain, but in order to avoid any misapprehension on the point you are authorized to say in most formal and positive manner that Japanese Government cannot admit any interpretation of Article 23 of Anglo-Japanese treaty of 1858, that would secure to Great Britain unconditional participation in privileges conditionally granted to a third Power. This just and equitable interpretation is confirmed by the words equal participation in that article. Renew our request that British Government authorize Trench or

some other person to enter upon negotiations here without further delay.

March 1, 1889. Okuma.

二五〇 明治三十二年三月二日

岡部駐英代理公使ヨリ
大隈外務大臣宛

接衝經過報告ノ件

附屬書 二月二十六日付英外務大臣來翰

第拾壹號

四月十日到

二月二十三日第拾號ノ末尾ニ致記載置候同月二十二日小官
外務省ニ出頭ボーンスフォート氏下面談ノ概略如左

小官、小官昨日日本ヨリ電訓ヲ接セリ然ルニ文尾不明
鮮ノ數字アルヲ以テ目下複電ヲ待居レリ依テ先ツ其前
半ノミヲ携帶セリ

ボーンスフォート氏 右電文ヲ讀了シテ曰ク

前日ヨリ御約束ニ及置タル新條約獨別開談ノ儀ニ付已
ニソースベリー侯ヨリ公答ニ可及用意相整ヒタリシカ
此電報ニ據リ日米ノ條約業已ニ調印ヲ了リタルコトヲ

ボーンスフォート、御懇示ノ事ハ猶之ヲソースベリー
侯ニ通知致スヘシ

貴政府ハ我政府ノ新提案ニ對スル公答ヲ待タルコト
頗ル急ナリト推測ス如何

小官、然リ我政府ハ一日モ速カニ貴政府ノ應諾ヲ得ル
コトヲ欲セリ

ボーンスフォート 然ラハ猶又之ヲソースベリー侯ニ
通シ明日中ニテモ公答ヲ發スル手續ヲ計ルヘシ

右終テ致退省候

小官少シク思考スル所アリ同日携帶電文ノ後半解了ノ上猶
函報スル所アルヘケレハ次回面會迄ハ公答ヲ見合吳度旨ボ
ーンスフォート氏迄致意ニ及候

御電訓文尾ノ數字不明解ノ分ハ之ヲ西公使ニ西公使ニ電質
シ二十三日晩刻ヲ以テ右致解了候(二十四日日曜休日)

二十五日外務省へ出頭ボーンスフォート氏ニ面會談話如左
小官、前電文ノ後半全ク解了シ得タリ乞フ一讀アレハ

「電文」此都合ニ依レハ他國モ亦タ其時間ニ於テ締約シ
而シテ米國ト同時ニ便益ヲ共受スルコトヲ可得云々」
之ヲ見ラルル時ハ我政府ハ他ノ條約國ノ便宜ヲ推量シ

確知スル以上ハ今又一應ノ熟考ヲ要スルコトヲ見認タ
リ我政府ニ於テハ現行條約ニ依リ享用スル所ノ最惠國
條款ノ權利ノ在ルアリ然ルヲ日本政府ハ米國ニ向ヒ大
ニ與フル所アルヲ以テ我ニ於テハ此問題ニ就キ大ニ阻
難ヲ感セサルヲ得ス然レトモ未タ之ヲ今日ニ提議スヘ
キノ要用ヲ見サルナリ

此問題ニ關シ小官囊キニ説明スル所アリタルヲ以テ再論ノ
却テ益ナキヲ知リ特ニ致默止候因テ語ヲ轉シテ曰ク

小官、談判權ヲトレンチ氏ニ委任セララルノ一條ニ附
テハ若何ノ御評議アリタルヤ

ボーンスフォート 右ニ關シソースベリー侯未タ何等
ノ決意ヲ表セラレス然レトモ同氏ノ新任地ヨリ其赴任
ノ催促モ有之加之新公使フレイザー氏近々貴國ニ赴任
スヘケレハ旁以テ右委任ノ事甚タ難取計場合アルナリ
小官、トレンチ氏ハ多年日本ニ在リテ貴我官民間ノ情
狀ニ通曉シ居ラルレハ是レ我政府力今回ノ事件ニ就テ
ハ特ニ同氏ノ極メテ適任ナルヲ信シ貴政府力其意ニ應
セラレンコトヲ切望スルコトハ小官力已ニ反覆申述タ
ルトコロナリ

勉メテ米政府ノ催促ヲ忍ビ遂ニ新條約ノ實施ヲ明年二
月迄延期セシメタルコトヲ審知アルヘシ

ボーンスフォート、然リ

小官、貴官ノ讀過サレシ如クトレンチ氏ノ委任ノ事我
政府ノ希望前日小官力續陳セシ所ト同一ナリ

ボーンスフォート、然リ此電報ヲ來示アリシハ本官ノ
多謝スルトコロナリ猶之ヲソースベリー侯ニ示シ彌ヨ
公答ヲ爲スノ順序ヲ促カスヘシ

小官、小官ノ記憶スル所果シテ誤ナケレハソースベ
リー侯ヨリノ公答中ニハ貴政府力獨別談判ノ諸意ヲ表示
セラルルノミニ止マル事ナラン敢テ問フ如何

ボーンスフォート、然リ然レトモ兼テ致意シタル如ク
彼最惠國條款ノ事之ヲ默止スルコト不能事情アルヲ以
テ獨別談判ノ諸意ヲ表示スルト共ニ該條款證ノ數語ヲ
附記スルノ必要ヲ見認ムルナリ其文意ハ新條約ノ速ニ
好完結ノ功ヲ奏スルハ我政府ノ預期スル所ナル力之ニ
達スルニ先タテ該條款ノ現行條約中ニ存在スルヲ不問
ニ置クヘカラサルコトヲ加記スヘシ然シテトレンチ氏
委任ノ事モ亦何分ノ返答ヲ爲スヘシ

小官、トレンチ氏委任ノ事ハ別ニ公書ニ明記サルノ
要用ヲ見サルカ如シ左レハ其任否ニ付幸ニ御内通アラ
ハ小官ニ於テ夫ニテ満足致スヘシ（若シ否答アリシ時
ハ今一應ノ電訓ヲ仰クヘキ猶豫ヲ得ル爲ナリ）
ボーンズフォート、貴意承諾ス

右終テ致退省候

前記ノ通り英政府ヨリ來達スヘキ公答ニハ最惠國條款ヲ引
證スルノ決意アルヲ見認メタルヲ以テ不取敢同日ノ談話中
必要ノ點ヲ掲記シ即タ之ヲ電申ニ及ヒ竊カニ御來訓ノ如何
ヲ相待居候際ニ十七日夕刻外務尙書ヨリ別紙寫ノ通公書來
達致シ猶又略ホ同刻ヲ以テ御答訓モ亦タ着電致候

右ノ次第故最早訓意ヲ相含ミ其儘外務省ニ出頭可致場合無
之候間速カニ公答ノ要領ヲ摘擧シ翌二十八日ヲ以テ及電申
候處昨一日御來電ヲ得小官ヨリ外務尙書ニ差出スヘキ復答
公書ノ文意御指訓相成右一々致御承候

餘ハ後信ヲ以テ陳記可致候

右申進候 敬具

明治二十三年三月二日

臨時代理公使 岡部長職

of August 1858, Article XXIII, will be respected, and that the British Government and British subjects will be allowed free and equal participation in all privileges, immunities and advantages that may be granted to the Government or subjects of any other Power.

It is most important that no misapprehension should exist on this point, as I learn from the communication which I had the honour to receive from you on the 22nd instant, that your Government have signed a separate Treaty with the United States of America which they propose to carry into effect on the 11th of February 1890.

I have the honour to be with high consideration,
Monsieur le Chargé d'Affaires,

Your most obedient humble Servant
(Signed) Salisbury.

二五二 明治二十三年三月二日 岡部駐英代理公使ヨリ
大隈外務大臣宛（來電）

外務大臣伯 大隈重信殿

附屬書

二十二年二月二十六日付英外務大臣來翰

Foreign Office.

February 26, 1889.

Monsieur le Chargé d'Affaires,

With reference to my letter of the 10th of January last, and to the subsequent communications received from you on behalf of the Government of His Majesty the Emperor of Japac in regard to the proposals made by them to the Government of Her Majesty for the negotiation of a new Treaty of Amity, Commerce and Navigation, I have now the honour to state to you that Her Majesty's Government are quite willing to discuss the proposals in the most friendly spirit, and with every desire to arrive at an equitable solution of the questions involved.

Her Majesty's Government however wish it to be clearly understood that whatever may be the result of the separate negotiations which your Government propose to carry on with the other Treaty Powers, the existing rights of Great Britain under the most favored nation clause of the Treaty of the 26th

閣下政府ヨリ英國公使宛出シテ歸ルベシ

British Government can not authorize British d'Affaires in Japan, having in view that the negotiations will last for long time and much time will be taken up even before they can commence it. Fraser will leave for Japan very soon probably, but he will not be authorized to negotiate until they have fully consulted with other countries and they can not ever intimate how soon they will be prepared.

London, March 2, 1889. Okabe.

二五三 明治二十三年三月三日 岡部駐英代理公使ヨリ
大隈外務大臣宛（來電）

今般府署業田大ニ關シ諸語ハ件

In consequence of my telegram of yesterday, I still withhold official reply. May I be authorized to add specially in the letter all the reasons in your former instructions for earnest desire to open negotiation as early as possible.

London, March 3, 1889. Okabe.

二五三 明治三十三年三月四日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

公式返書ニ關スル回訓並ニ情報問合せノ件

No. 85. Make official reply in the sense of my telegram of March 1st without any delay. Was the contents of your telegram of 2nd March communicated to your officially or otherwise and by whom?

March 4, 1889. Okuma.

二五四 明治三十三年三月四日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

情報申報ノ件

The former half of my telegram (of) March 2 (was) informed verbally by Sir Julian Pauncefote, expressly stating as the message of Minister for Foreign Affairs and to my further enquiry, Sir Julian Paun-

forte, Sir Philip Currie jointly informed the latter (half) agreeing (to) my proposal to communicate by telegraph.

London, March 4, 1889. Okabe.

二五五 明治三十三年三月九日 岡部駐英代理公使ヨリ
大隈外務大臣宛

英政府ト接衝ノ經過報告ノ件

附屬書 三月五日付岡部代理公使ヨリ英外務大臣ニ宛テ

タル往翰

第拾二號

四月十八日到

本月二日附第拾壹號¹⁾ヲ以テ申進候通本月一日接受ノ御電訓委細致拜承候小官公答ヲ外務尙書ニ差出候前今一度トレンチ氏へ談判委任可相成哉否哉ノ模様耽ト承置度存シ二日夕刻外務省ニ出頭シボーンスフォートニ面會ノ上右ノ儀相尋候處同氏相談候ニハ

ソースベレー侯ニハトレンチ氏委任ノ事ハ甚タ不本意ナカラ貴政府ノ望ニ難應旨分ケテ貴官へ御通知可申様

被命タリ其理由ハ過日モ申入タル通り同氏新任地伯林

ヨリ其速カニ赴任アランコトヲ請求アリ然ルニ今回ノ問題タル其完結ヲ見ルニ至ル如何程ノ日月ヲ要スヘキカ之ヲ今日ニ豫定スヘカラサルヲ以テ若シ其談判權ヲ同氏ニ委ネントスル時ハ先ツ同氏ノ新任ヲ止メ他人ヲ選テ特ニ之ニ充テサルヲ得ス是レ我政府カ貴政府ニ應諸スルヲ難ンスル所以ナリ加之フレーザー氏ニハ不日貴國へ赴任セラルルコトナレハ同氏ニ談判權ヲ附與スヘキ内定相成タリ前述トレンチ氏ノ事ヲ過日ソースベレー侯照會中ニ挿記セサリシハ兼テノ御來意ニ應セシ譯ナリ

小官、貴政府ノ御都合ニ依リトレンチ氏へ御委任難相成トアラハ最早此儀ニ付再言スヘキニ非ラス然ラハフレーザー氏ニハ何日頃ヲ以テ出發セラルルヤ
ボーンスフォート、一週乃至十日ノ中ニ在ルヘシト思ハル

小官、然ラハ同氏ハ右御委任ヲ帶ヒテ出發致サルヘキ御内決ナルヤ小官之ヲ審知致度シ

ボーンスフォート、此事ニ就キ今御確答ニ難及幸ニサ
1、フイリツプ、カレー氏ニハ已ニ歸府本日出勤ナレ

ハ今貴官ト共ニ同氏ヲ見ント

俱ニサー、フイリツプ、カレー氏ニ面會ス兩次官互ニ英政府カトレンチ氏ヲ委任スル能ハサルノ情狀ヲ縷陳スル概ネ前談ノ如シ小官因テ更ニ兩氏ニ問フテ曰ク

フレーザー氏ノ赴任已ニ不日ニ迫ルト聞ク左ラハ同氏ノ出發ニ先ツテ談判權ヲ附與サルルノ御處分有之度モノナルカ此儀ハ如何

カレー、談判權ヲ同氏ニ附與スルハ當方ニ於テ諸外國ト篤ト内議ヲ經タル後ニ非サレハ假令其名アルモ其實ヲ行フコト能ハス反テ無効ニ屬スヘシ

小官、然ラハ同氏東京着任ノ頃ニ至ラハ直ニ全權ヲ被與開談ノ運ニ可相成ノ御見込ナルヤ

ボーンスフォート、カレー 右ハ今日ニ於テ輒スク豫約致シ難キコトナリ

小官、只今御確定難相成ハ情實止ヲ得サル所ナリトスルモ略ホ何程ノ後ト云フコトハ若シ御見込アラハ御示意アリテ別ニ御差支有之マシ

ボーンスフォート氏、カレー氏ニ向テ曰ク二ヶ月モ經レハ開談ノ運ニ可相成哉

カレ、是トテモ今ヨリ豫想シ得ヘキ所ニアラス

小官、開談ノ期斯ク御豫定ヲ難セラルコトナレハ小官不取敢今日兩位ヨリ聞ク所ノ儘之ヲ我政府ニ電報セン

トス兩位御異アルヤ否ヤ

兩次官、御電申アリテ然ルヘシ

小官、ソースベレ候ヨリノ照會ノ大要ハ速カニ之ヲ大

隈伯ニ電報セリ依テ該書ニ對スル小官ノ公答ハ多分次

週ヲ以テ貴省ニ致スコトヲ得ヘシ

小官、依テ他日ノ再會ヲ期シ致退省候

即日電信ヲ發シ其日面談ノ要領ヲ申進候然ルニ其文意少シク卑意ヲ盡ササル所アルヲ追想シ又翌三日ヲ以テ發電請追訓候

四日御答電アリ一日ノ訓意ニ依リ公答可致旨並ニ二日ノ電報中ノ事ハ公カ私カ又誰ヨリノ來通ナルカヲ御追尋可致旨御指示有之候ニ付即日發電御回答及置候

五日去一日御來訓ノ御主意ニ從ヒ公答ヲ裁シ同日附ヲ以テ之ヲ外務尚書ニ送致シ置候（同書寫別相添候）

右申進候 敬具

明治二十三年三月九日

Japanese Legation
March 5, 1889.

Monsieur le Marquis,

I have the honor to acknowledge the receipt of your Excellency's note of the 26th of February last, in reference to the proposals of the Government of His Majesty the Emperor of Japan on the subject of Treaty Arrangements.

I now permit myself to express to your Excellency the instructions, which, as the result of telegraphic communications, I have received from the Japanese Government, in reference to the above named subject.

The Government of the Emperor authorize me to express their gratification at the acquiescence of the Government of Her Majesty the Queen in the proposal that the negotiations should be carried on separately between Japan and Great Britain.

The Japanese Government also highly appreciate the willingness of the British Government to discuss the proposals in the most friendly spirit, and with every desire to arrive at an equitable solution of the question involved. The Japanese Government are

臨時代理公使 岡部長 職

外務大臣伯 大隈重信 殿

追テ前信機第十一號ヲ以テ申進候二月二十五日ボーンスフォートヘ對話ノ際同氏ノ言ニ領事裁判ノ全ク撤去セララルコトハ我政府ノ常ニ欲スル所ナルカ今日日本政府ニ於テハ布法準備中ナルヲ以テ之ヲ實施好果ヲ見ルモノト同一視スヘカラサル所アリ然ルニ單ニ未頒ノ諸法ヲ信認シ在日本英民安全ノ保護ヲ日本政府ニ全委スルハ英國官民ノ甚ク難シスル所ナリト小官依テ日本政府ハ豫期年月ニ至ラハ新法ノ十分ニ内外國民ノ安全ヲ保護スルコト毫モ危疑スル所ナキ旨明言致置候

又ヒウ、フレージャー氏ヘ其後及訪問候處折悪シク不在ニテ面會ヲ得ス何レ不日面談ノ上御報可致儀モ可有之カト存居候兎ニ角過日ボーンスフォート氏ヨリ承及タル同氏發英期日ハ多少延引相成候事ト被存候

右致追申候 敬具

註 123456 夫々 二五〇、二四九、二五一、二五二、二五三、二五四

附屬書

明治二十二年三月五日附岡部代理發英外務大臣宛往翰

similarly disposed, and, in these circumstances, entertain no doubt that a satisfactory result will be speedily attained.

I am specially to inform Your Excellency that in treating these questions the Japanese Government have no desire to discriminate in any way whatever to the prejudice or detriment of the interests of British Subjects, and that consequently they sincerely hope that no necessity will arise for discussing the bearing of the "Most Treaty Nation Clause" in connection with the Treaty recently concluded between Japan and the United States of America.

But, in order to prevent any possible misapprehension on this point, I am instructed to state clearly that His Majesty's Government cannot admit any interpretation of Article XXIII in the Treaty of August 26th, 1858 between Japan and Great Britain that would secure to the latter Power unconditional participation conditionally granted to a third Power. I am to point out that the words "Equal participation" which appear in that Article of the Treaty confirm this just and equitable decision of the Japan-

ese Government.

And, finally, as farther delay is to be highly deprecated, I am instructed to express to Your Excellency the earnest desire of the Japanese Government that Her Majesty's Representative at Tokio may speedily be authorized to enter into the necessary negotiations.

I have the honor to be, with the highest consideration, Monsieur le Marquis.

Your Excellency's most obedient humble servant,
(signed) Okabe.

二五六 明治二十二年三月十一日

大隈外務大臣ヨリ
岡部駐英代理公使宛

英商トーマス氏紹介ノ件

送第一八八號

横濱居留外國商賈ノ重立テタルモノニシテ二十餘年間本邦ニ在留シ目下外商設立横濱商法會議所ノ會頭相勸居候英國商トム、トーマスト申者有之候同人ハ兼テ條約改正ノ一日モ速ニ實行セラレンコトヲ熱望シ改正ノ結果ハ外人ニ利益

他ヘ相洩シ候テハ折角ノ盡力モ其効ヲ奏セサルヘキニ付本件ハ極メテ機密ニ可被致置候

同人ハ一旦外務省ヘ入説ヲ試ミタル上若シ同省ニ於テ自分ノ説ニ傾耳セサレハマンチエスタ―並倫敦商法會議所員等ニ遊説シ其力ヲ借リテ外務省ヲ動かスコトヲモ目論見居候間右邊モ御舍ノ上適宜御助勞可有之候
右申進候也

明治二十二年三月十二日發進

二五七 明治二十二年三月十二日

岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英國公使赴任ノ件

(Via Petersburg.) British Minister to Japan will leave for Japan (on) March 13 via India.
London, March 12, 1889. Okabe.

二五八 明治二十二年三月九日

岡部駐英代理公使ヨリ
大隈外務大臣宛

大隈外務大臣時代 對英交渉 二五七、二五八

アリテ害ナキヲ認メ居ルモノ、一人ニ有之候處此度本大臣提出ノ新案ニ關シ米國政府カ既ニ調印ヲ爲シタルノ今日迄モ英國政府カ因循躊躇シテ決答ヲ爲ササルヲ深ク遺憾トシ該政府優柔不斷ノ政略ハ其極英國商人ニ不利ノ影響ヲ及ホスヘシトテ大ニ慷慨致居候然ルニ家事ノ都合等ニ依リ早晚一度歸國致度心算モ有之候處故幸ヒ此際歸國シテ本國ノ外務卿ニ面會ヲ求メ數拾年間本邦ニ居留シタルモノナルコトト現今横濱商法會議所ノ會頭タルコトヲ資格トシ前陳ノ意見ヲ開陳致候ハハ幾分カ其説ニ重キヲ置カレ英國政府ノ即答ヲ促カスノ一助トモ相成ルヘキニ付若シ本大臣ニ於テ異議ナクンハ早速歸國ノ上其事ニ從事スヘキ旨申出候仍テ本大臣ハ其志ヲ賞シ右周旋及依頼候處本便米國船ニテ出發致候同人倫敦ヘ到着ノ上ハ不取敢其公使館ヲ訪問シ從前貴宣ト英國外務省トノ談判行懸リヲ承知シ其上ニテ適宜英國外務省ニ入説ヲ試ムヘキ筈ニ有之候間本人罷出候ハハ是迄ノ應接振等大略御申聞相成候上尙又時宜ニ依リ相當ノ御心添可有之候

同人ハハ本大臣ヨリ新案ノ要領ヲ説明致置候尤モ書類ハ相示サス候將又同人儀我政府ノ爲メ周旋ノ勞ヲ取ルコト自然

接衝暫時休止ノ件

第十四號

四月二十三日到

本月九日第拾貳號及發郵候後他事有之一日外務省ニ出頭ノ上サリ、フイリツプ、カレ―氏ニ面會ノ際新條約ノ件何トナク開話ヲ相試候處同氏ニハ之ヲ避ルノ色相見ヘ候ニ付當日強テ其談ニ入ルヘキ必要モ無之候間其儘ニ差置致退省候本月十二日及電申候通我邦駐劄英國公使フレ―ザ―氏赴任ノ儀ハ小官前郵ヲ以テ申進候推想ニ違ヒ矢張本月十三日ヲ以テ當府出發相成四月下旬ニハ着任可致旅程ノ由致承知候同氏發府前ニ迫リ再度致面會候間條約新案ニ關シ發話致候處同氏ニハ未タ何等ノ訓令モ受ケ居ラストノ答ニ有之候右等ノ狀況ニ有之候間目下當府ヨリ英政府ニ對シ更ニ催促可申入好手段モ見出不申候得共其機會ヲ得候節ハ兼テノ御訓意ニ從ヒ反覆申入ルヘキ儀モ可有之候乍然已ニ前信ニテ御推解相成候通英政府ニ於テハ我請求ノ甚ク急ナルヲ多少感觸セシ様子ニ相見候ニ付此際更ニ催促ニ及候節ハ一層彼感觸ヲ惹起シ却テ我不利益カト被存候依テ閣下ヨリ特ニ御督促ノ訓命無之以上ハ今暫ノ處我政府ノ持重耐忍ノ精神ヲ表示スル方體面上必要カト致思考候間此處目下注意相加居候

右申進候 敬具

明治二十二年三月十九日

臨時代理公使 岡部長職

外務大臣伯 大隈重信 殿

二五九 明治二十二年五月八日 岡部駐英代理公使ヨリ
大隈外務大臣宛

トレンチ、及トマス氏ト會談ノ件

第十七號 六月十一日到

前在日本英國代理公使トレンチ氏前週歸英致候事相分候ニ付早速訪問ニ及候處談話中同氏ノ語ニ英政府ニ於テハ他事繁多ニ有之候故條約改正事件モ同氏ノ豫想セシ程ニハ涉不居候得共徐々其順序ニ可運旨ニ有之同氏ニモ獨國ヘ赴任前時々外務省ヘ出頭可致ニ付改正問題ノ可成速ニ相運候様盡力可致旨申居候又同氏ノ話中英政府ニ於テハ近來我政府ノ政略外人ヲ厭忌スルノ狀ヲ顯ハシタルヤノ感觸ヲ含居候様相見候ニ付同氏ノ經驗ニテハ一時同様ノ疑ナキニシモアラサリシカ全ク誤想ニ出タリシコトヲ反復説明致置候旨申居

二六〇 明治二十二年五月八日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

トレンチ及トマス會談ノ件

Opinions of French and Thomas seem to have been favorably (received?). This is a good opportunity to give me fresh telegram to urge British Government strongly.

London, May 8, 1889. Okabe.

二六一 明治二十二年五月十日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

英國公使拜謁及英政府催告ニ關スル件

No. 170. Fraser received to-day in audience by His Majesty the Emperor. Urge British Government to now forward instructions to Fraser by telegraph to open negotiations without further delay. Certain other Powers that gave favorable replies to our proposals are only delaying action in consequence of the representations of British Government to them. This fact may be assigned as reason why British Govern-

候

將又橫濱外商會議所長トマスニモ次官サー、フイリツプ、カレニ面會ノ上條約改正ニ關シ在日本英商ノ利益ヲ説明シ大ニ同氏ノ參考ニ相成タル様見認候旨致來報候右ノ次第故此機ニ投シ更ニ閣下ノ新訓ヲ帶ヒ英政府ノ措施ヲ促カシ候ハ最モ適當ナラント存候ニ付其旨本日以電信及稟請候儀ニ候

將又當府駐劄蘭國公使(同公使ハ公使ノ筆頭ナルノミナラズ當國外務省ヲ始メ外交官其他ニ對シ大ニ勢力アリ今回モ米國トノ條約調印ハ米政府ニ於テ率先其當ヲ得タルモノナリト致賛成居候右ハ同公使一ケノ意見ニハ候得共蘭政府ニ於テモ速ニ該問題ノ收局ヲ希望スルノ意思アルヲ暗示セルモノノ如ク被察候依テ是亦備御參考候

右申進候 敬具

明治二十二年五月二十八日

臨時代理公使 岡部長職

外務大臣伯 大隈重信 殿

ment ought to take immediate and favorable action.
May 10, 1889. Okuma.

二六二 明治二十二年五月二十日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ回答據ニ關スル件

Minister for Foreign Affairs officially communicated to me to the effect that British Government have been in communication with other countries and that counterproposal will be made as soon as it has been drawn. I am unable to learn what alterations they propose, but Under-Secretary confidentially informed me that most important will be jurisdiction.

via Petersburg, May 20, 1889. Okabe.

二六三 明治二十二年五月二十二日 大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

英政府ノ對蒙ニ關シ問合セノ件

No. 187. Does British Government mean new pro-

posals or amendments to our proposals by words counter proposal.

May 22, 1889. Okuma.

二六四 明治三十二年五月二十三日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ對案ニ關シ回申ノ件

It is amendment and will be sent out probably in amonth.

Via Petersburg, May 23, 1889. Okuma.

二六五 明治三十二年五月二十二日 岡部駐英代理公使ヨリ
大隈外務大臣宛

英政府下接衝ノ經過報告ノ件

附屬書一 五月十一日附英外務大臣宛往翰
二 五月十七日附英外務大臣返翰

第拾九號

六月二十八日到

本月八日第十七號¹ニ致陳述候補條約改正提案ニ對シ英政府ノ應諾ヲ促カス爲メ同日以電信御訓令及稟請候處十日

聞候ニ付其修正案脱稿ノ期最早豫知スヘキヤ否更ニ推反シ相尋候處右ハ固ヨリ確答スルコトハ得サレトモ目今三週乃至四週以内ヲ以テ訓令附郵ノ手續ニ可相成新案ハ驛遞商務ノ兩院ノ審査ヲ經又タ法權ニ關スル部分ハ大法官ノ檢閱ヲ經ヘキ内議ニ有之最早商務院ヘノ照會ニ着手セントスルノ場合ニ到リ居レハ此後他官廳ニテノ査閱ノ時日ヲ見込メハ略ホ前記ノ日數ヲ要スヘシ云々申聞候ニ依テ其大要直チニ及電申置候儀ニ候⁶

右申進候 敬具

明治二十二年五月二十五日

臨時代理公使 岡部長職

外務大臣伯 大隈重信殿

註 123456 夫々 二五九、二六〇、二六一、二六二、
二六三、二六四ナリ

附屬書一

甲號三十二年五月十一日附岡部代理公使ヨリ英外務大臣宛往翰

May 11, 1889.

Monsieur le Marquis,

With reference to the proposed New Treaty between Japan and Great Britain I have the honour to in-

大隈外務大臣時代 對英交渉 二六五

「フレイザー公使ニハ國書捧呈ヲ了ハリタルヲ以テ直ニ談判委任可有之様英政府ヘ可申入旨且ツ他國政府ノ曩キニ諸意ヲ表セシモノモ英政府ヨリノ示意ニ依リ其措處ヲ遲延スル現狀ナルヲ以テ特ニ英政府ノ斷行ヲ促カスヘシ」トノ御電訓³有之候ニ付立所ニ別紙甲號寫ノ通り外務尙書ニ照會シ其後一兩日ヲ經テ小官外務省ニ出頭シ次官サー、トーマス、サングーソンニ面晤シ改正案取調何程迄相運居候哉相尋候處當時專ラ對案調製中ニ付該案脱稿ノ上ハ一日モ速カニ日本政府ニ提出スヘシ乍去以電信訓令ヲフレイザー氏ニ下スコトハ條件錯雜ナルヲ以テ行ヘルヘカラサルノ事情有之トノ答ニ付更ニ推反シ我提案ニ修正ヲ求メラルル點ハ數多ニ涉ルヤ否相尋候處細少ノ點ハ數多アルヘケレトモ其最緊要ニ屬スルモノハ法權ニ關スル條項ナリ兎ニ角一兩日ヲ出サル内前日ノ御照會ニ對スル外務尙書ヨリノ照復ヲ送付スヘシトノ約束ニテ退省シ其後答書ヲ相待居候處本月十七日附ヲ以テ別紙乙號寫ノ通來簡有之候ニ付該照復ノ大意並次官ト面談ノ概略ヲ及御電通候處對案トハ別ニ新案ノ意ナルヤ將タ我提案ノ修正ノ意ナルヤ御電問⁵有之候間爲念サングーソン氏ニ面會相尋候處右ハ固ヨリ修正案ノ意味ナル由申

form Your Excellency that I have now received telegraphic instructions on the subject from the Japanese Government.

I am to state that as a considerable time has now elapsed since the new proposals on the subject were made to the British Government in December 1888, the Japanese Government feel confident that the British Government have by this time completed their consideration of the questions involved and would now be prepared to enter upon negotiations in accordance with the communication, which I had the honour to make to Your Excellency, in my note of the 5th March last.

The Japanese Government have been informed that certain other Powers who have made favorable replies are delaying their acceptance of the proposals in consequence of representations which have been made to them by the British Government and that immediate action on the part of the British Government would at once favorably influence these Powers.

I am instructed specially to add the earnest desire of the Japanese Government that Her Majesty's Re-

representative at Tokio should be immediately authorized to negotiate on the subject so that a settlement of the question may speedily be arrived at.

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

Monsieur le Marquis,
Your Excellency's most obedient
humble servant
(Signed) Okabe.

The Most Honourable
The Marquis of Salisbury K. G.
&c. &c. &c.

附屬書

二六六 二十二年五月十七日附英外務大臣ヨリ閣部代理公使宛返翰

Foreign Office
May 17, 1889.

Monsieur le Charge d'Affaires,

I have the honour to acknowledge the receipt of Your Note of the 11th instant, in which you express the desire of the Japanese Government that Her Majesty's Representative at Tokio may be at once authorized to negotiate the proposed New Treaty between Great

Britain and Japan, as already suggested in Your Note of the 5 March last.

I beg leave to inform you, in reply, that Her Majesty's Government have been in communication upon this subject with the other Powers concerned, and that they are now engaged in drawing up counterproposals which shall be communicated to the Japanese Government as soon as practicable.

I have the honour to be, with high consideration,
Monsieur le Chargé d'Affaires,
Your most obedient
humble servant,
(Signed) Salisbury.

Viscount Okabe.
&c. &c. &c.

二六六

明治三十二年五月二十六日

閣部代理公使ヨリ
大隈外務大臣宛(來電)

最惠國條款ニ關シ英外務大臣來書ノ件

Minister for Foreign Affairs officially communicated

that doctrine stated in my letter of March 5 concerning Article 23 is not sufficiently developed so as to enable him to comment on it in detail, but while refraining from premature discussion British Government must not be understood as making any admission in prejudice of the rights which Great Britain has always claimed under the clause in question.

London, May 28, 1889. Okabe.

二六七

明治三十二年六月一日

閣部駐英代理公使ヨリ
大隈外務大臣宛

最惠國條款問題ニ付英政府ヨリ回答ノ件

附屬書 五月二十二日附英外務大臣返翰

第貳拾號

七月九日到

本年三月五日附ヲ以テ小官ヨリ(當時ノ御電訓ニ從ヒ)外務省書ノースペリー侯ヘ差出候公書(三月九日附第十二號ヲ以テ申進候)ノ答トシテ去五月二十四日附同侯ヨリノ書簡同月二十七日ヲ以テ致接手候其文初ニハ我政府カ英國臣民ヲ待遇スル公正ノ意ヲ謝シ文末ニ至リ最惠國條款問題

大隈外務大臣時代 對英交渉 二六七

及ヒ小官ヨリ申通候字句ノミニテハ未タ十分ニ明解詳論スルコト能ハサル旨ヲ述ヘ次ニ從來英國カ同條款ニ據リ享用スル所ノ權利上ニ關シテハ一切障害ヲ受ルコト無カルヘキ云々ノ意ヲ記載有之候右ハ條約ニ關シ最緊要ノ儀ニ有之候間其要領即日以電報申進候依テ此ニ來書寫別紙備御閱讀候 敬具

明治三十二年六月一日

臨時代理公使 閣部長 職

外務大臣伯 大隈重信 殿

附屬書 二二五

附屬書

二十二年五月二十四日附英外務大臣ヨリ閣部代理公使ヘ返翰

Foreign Office
May 24, 1889.

Monsieur le Chargé d'Affaires,

I have the honour to acknowledge the receipt of your note of the 5th of March last in reply to my communication of the 26th of February last, on the subject of the Treaty arrangement between Great Britain and Japan.

In expressing to you my thanks for this courteous

communication, I beg leave to say that Her Majesty's Government have noted with much satisfaction your assurance that the Japanese Government have no desire to discriminate in any way whatever to the prejudice or detriment of the interests of British subjects. Her Majesty's Government on their part can freely reciprocate this assurance, being convinced that by such a policy the important relations both of commerce and good understanding which have so greatly developed under the existing Treaty stipulations between Great Britain and Japan will be best promoted and preserved.

It is necessary, however, that I should advert to a further statement in your note, to the effect that the Japanese Government "cannot admit any interpretation of Article XXIII of the Treaty of the 26th August 1868 between Japan and Great Britain that would secure to the latter Power unconditional participation (in privileges) conditionally granted to a third Power."

The doctrine you lay down is not sufficiently developed in the despatch under reply to enable me

to comment on it in detail; but in refraining from a discussion which would be probably premature, I must not be understood as making any admission in prejudice of the rights which Great Britain has always claimed under the clause in question.

I have the honour to be with high consideration,

Monsieur le Chargé d'Affaires,

Your most obedient,

humble servant

(Signed) Salisbury

Count Okabe
&c. &c. &c.

二六八 明治三十二年六月五日

大隈外務大臣ヨリ
閣下駐英代理公使宛

英國政府ノ回答ニ關スル件

送第四一八號

條約改正一件ニ付電信及郵便ヲ以テ時々英國政府ト往復ノ顛末御報告ノ趣逐一致承知候去五月二十八日付貴電、別紙甲號ヲ以テ最惠國條款ノ解釋ニ關シ本大臣ノ命ニ依リ貴

官力去ル三月五日付ヲ以テ英國外務大臣ニ差送ラレタル書翰ニ對シ同大臣回答ノ要領被致報告了承致候右回答ノ論旨ハ極メテ薄弱ニシテ毫末モ我議論ヲ左右スルノ力無之モノニ候處察スルニ英國政府ハ我方ノ解釋ニ對シ恰好有効ノ論辯ヲ爲スコト能ハス態ト消極的ノ答ヲ爲シタルモノト存候然ルニ右解釋ニ關スル議論ハ元ト當方ヨリ之ヲ求メタルモノニアラスシテ彼ノ提議ニ應シ我意見ヲ陳述シタルニ起因スルコトユヘ彼ニ於テ最前ノ論旨ヲ積極的ニ維持スルコトヲ勉メサル以上ハ我ハ素ヨリ沈黙スル計ニ有之候仍テ英國外務大臣最後ノ書翰ニ對シテハ何等ノ回答ヲモ要セス受取捨ニテ可然候

英國新任全權公使フレーザー氏過般來朝ニ付早速本件ニ關スル談話ヲ當方ヨリ開始候處未タ公然何等ノ訓令ニモ接セサル趣ニテ涉々應答モ無之結局貴官ヨリ御報告相成候趣ト大同ノ事ヲ申唱ヘ居候

本件ニ付英國政府カ歐洲ノ各大國(一説ニハ米國ヘモ送りタリト云)ヘ送リタル回章ノ寫頃日或ル處ヨリ接手候ニ付爲御内見寫²(別紙乙號)一通差進候右ニテ御覽可有之通回章ノ趣旨ハ漠然トシテ採ルニ足ラサルモノニ有之候右ニ付

各國ヨリ如何ナル回答ヲ得タルヤハ不分明ニ候處下ニ記ス所ノ事情ニヨリ之ヲ察スルニ他國ハ去サ知ラス獨佛露ノ三國ヨリハ決シテ満足ナル答ヲ得サリシモノト被存候獨國トノ談判ハ先般西園寺公使ニ全權ヲ付與シ伯林ニ於テ從事爲致居候獨逸政府ハ始終好意ヲ以テ我案ヲ討議致候ニ付談判十分ニ涉取リ頃日既ニ全ク結了ノ運ニ相成候勿論最初ハ隨分種々ノ異議有之數多ノ修正ヲ發議致候處當方ノ辯論說明ニ依リ多クハ修正論ヲ棄損致候結局當方ニ於テモ若干ノ修正ヲ承諾致候ヘ共大抵字句文章ノ變更ニ過キス我案ノ基本主義トスル點ニ於テハ一步モ讓ル所ナクシテ二三日ノ前談判首尾好結了ヲ告ケ今ハ唯條約調印ノ一段ト相成居候ニ付此上不測ノ變事出來スルコトナクンハ今ヨリ數日ノ内ニハ調印濟ノ吉報ニ接スヘクト期望致居候右報知有之候ハハ早速電信ヲ以テ申及御報候右ノ次第ニテ獨逸ハ英國ノ回章ニ同意ヲ表セスシテ我希望ノ通り單獨談判ノ方法ヲ採リ來候該國政府カ英國ノ回章ニ對シテ如何ナル回答ヲ爲シタルヤハ承知不致候處其誘引ニ應セサリシハ前述ノ事實ニ依リ明亮ニ有之候

佛國政府ハ我案ニ基キ開談スヘキ旨ノ訓令ヲ四月下旬ヲ以

テ在本邦同國公使へ發送シタル由田中公使ヨリ電報有之候
ニ付昨今ハ右訓令ノ當地ニ到着スル日順ニ有之候仍テ同國
公使ト本件開談ニ及フモ近日ノ内ニ可有之候右ノ次第ニテ
佛國モ亦英國ノ誘引ニ應セサリシコトト相見エ候

露國政府ハ我案ニ對シ格別ノ異議無之段既ニ明言シ疾クニ
在本邦ノ同國公使ニ訓令ヲ發シテ公然ノ談判ヲ開始セシメ
ントスル迄ノ運ニ相成候折柄恰モ例ノ英國回章ニ接シタル
由ニテ一時他國ノ進退ヲ窺フ爲メナルカ其進ミ足ヲ控ヘ今
日迄躊躇致居候處露國亞細亞局長カ西公使ニ明言シタル所
ニ依レハ英國ノ回章ニ對シテ露日兩國ハ隣國ニテ其關係モ
自ラ他國トハ異ナル處アレハ英國ノ誘引ニハ應シカタク旨
ヲ斷然相答ヘタル由ニ有之候

右ノ次第ニ付殘ル國々ハ唯填伊兩國ノミニ有之候處是ハ英
國へ如何ナル回答ヲ爲シタルヤ不相分候得共右等本邦ニ殆
ント毫末ノ關係ヲモ有セサル國々カ如何ナル舉動ヲ取ルト
モ格別英國ノ助ケニハ相成間敷兎モ角英國ノ回章ハ同國ニ
取リ豫期ノ結果ヲ生セサリシコト被存候
右近況申進候也

別紙甲號 電文第二三五號(五月二十八日發岡部代理

二七〇 明治三十二年七月三日

岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

交渉開始承諾ノ件

Minister for Foreign Affairs has now agreed to
instruct by telegraph British Minister in Japan to
open negotiations, but to avoid confusion *caused by* (?)
insufficiency of simple telegraphic communications, he
will delay till arrival in Tokio of Indian mail of June
21 by which official despatch on the subject was sent
out. I may add also (that) Vice-Minister for Foreign
Affairs stated yesterday in the House of Commons
that he hoped negotiations will shortly commence to
secure privileges for British subjects similar to those
in American and Mexican treaties.

London, July 3, 1889. Okabe.

二七一

明治三十二年七月十日

岡部駐英代理公使ヨリ
大隈外務大臣宛

談判開始準備完了ノ旨英政府ヨリ來報ノ件

第貳拾貳號

八月二十一日到

大隈外務大臣時代 對英交渉 二七〇、二七一

公使來電

別紙乙號² 英國回章寫(三月二十九日付西公使來信)
追テ本文英國回章寫ハ最モ機密ニ御取扱可被成此段申添
候也

明治三十二年六月五日發達

註 1 及 2 二六六及二八附屬書二

二六九

明治三十二年六月二十日

大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

改正案並ニ訓令電通方申入レノ件

No. 225. Referring to your telegrams of May 20th
and May 23rd, ask Principal Secretary of State for
Foreign Affairs, if amendments have been prepared,
and if not when we may expect to receive answer.
Urge that the amendments and instructions concern-
ing negotiations be if possible sent by telegraph to
British Minister.

Tokio, June 21, 1889. Okuma.

本年五月二十日並ニ同月二十三日ヲ以テ申進候電報¹ニ因リ
英政府ヨリ提出致スヘキ條約改正案已ニ完結相成候ヤ否若
シ未タ完結ニ至ラサレハ何時ヲ以テ同政府ノ來答ヲ期スヘ
キヤ外務尙書ハ推問ニ及フヘキ旨且相成ルヘクハ改正案
並ニ開議委任ノ儀在日本英公使へ電通相成度旨併テ申入ル
ヘキ様去六月三十一日接受御電訓ニ從ヒ小官速ニ外務省ニ
出頭シ次官サー・トマス・サングルソン氏ニ面會ノ上委細
及口述候處同氏曰ク改正案未タ全ク完結ヲ告ケサレ共同案
ニ付今回フレイザル氏へ詳細ノ書面發送ニ及ヒタリ右ハ他
日開議ノ電訓ヲ發スルノ必要アル時電文ノ不充分ヲ補フヘ
キノ便利ヲ計リタルノ主意ナルヲ以テ同郵信東京到達ノ上
ハ電訓開議モ亦行ハルヘキ事ト思考ス去リ乍ラ貴下御來示
ノ趣速ニソースベリー侯ニ申入レ然ル後御決答ニ及フヘシ
ト其日ハ退省致シ其後同氏ヨリ面會致度旨申越候ニ付去三
日出頭候處ソースベリー侯ニ於テ電訓開議ノ儀應諾セル旨
且前日申開候如ク六月二十一日發郵信東京ニ達スルニ及テ
彌改正案提出並ニ談判ヲ開クヘキ旨ヲ傳候依テ右大要即日
及電²申候

右申附候 敬具

明治二十二年七月十日

臨時代理公使 岡部長職

外務大臣伯 大隈重信殿

註 1 二六二及二六四 2 3 夫々 二六九、二七〇

二七二 明治二十二年五月三十一日 加藤秘書官ヨリ
岡部駐英代理公使宛

英外務大臣宛書翰訂正方ノ件

送第三八三號

去ル三月一日ヲ以テ外務大臣ヨリ發セラレタル電信中最惠國條款解釋ニ關スル一節ニ (unconditional participation in privileges conditionally granted) ノ數語有之候處右電信ニ基キ貴官ヨリ英國外務大臣ヘ送ラレタル三月五日付書面² (寫本年三月九日附第拾二號信付屬トシテ外務大臣ヘ進達セラレタル分) ヲ看ルニ (unconditional participation conditionally granted) ト有² (participation) ト (conditionally) トノ間ニ入ルヘキ筈ノ (in privileges) ノ一語脫落致居候右ハ全ク當方ヘ送ラルヘキ寫調製ノ際ニ生シタル誤寫トハ存候得共尙ホ爲念御取調ノ上萬一英政府ヘ

紙寫ノ通私信ヲ以テ右二語已ニ加入致置候旨申越候間其旨貴官ヨリ大隈大臣ヘ御具覆且ツ御注意ヲ蒙候段致深謝候旨御申陳相成度候右御答申進候也

明治二十二年七月十日

臨時代理公使 岡部長職

外務大臣秘書官 加藤高明殿

附屬書

二十二年七月八日附英外務次官來翰脫落文字改訂承諾ノ件

Foreign Office

July 8, 1889.

Private

Dear Viscount Okabe,

In compliance with your request we have incerted the words "in privileges" after the word "participation" in the sixth paragraph of your Note to Lord Salisbury of the 5th of March last.

Believe me,

Yours sincerely

(signed) T. H. Sanderson

御送附ノ書面ニモ前記ノ二語脫落致居候ハ其段御申込ノ上訂正方可然御取計有之度三月一日付外務大臣發信寫別紙寫相添ヘ大臣ノ命ニ依リ此段申進候也

註 1 三月一日附第八二號電信寫ヘ前出二四九ニ付參照

2 二五五 附屬書

二七三 明治二十二年七月十日 岡部駐英代理公使ヨリ
加藤秘書官宛

英外務大臣宛書翰訂正方ノ件

附屬書 七月八日附英外務次官來翰

第二十三號

八月二十一日到

去ル三月五日拙官ヨリ英國外務尙書ヘ送リタル公牘第六節中 (participation) ト (conditionally) ト兩語ノ間ニ (in privileges) ノ二語脫落致居候儀ニ付本年五月三十一日附送第三八三號ヲ以テ御來示ノ旨承悉早速相取調候處英政府ヘ送付セシ書面中ニモ全ク脫漏致居候事發見致候ニ付直チニ中田書記官ヲ外務省ニ遣シ次官サ、トーマス、サングルソニシ就キ右訂正方爲申入候處無異議承諾ノ上去ル八日別

二七四 明治二十二年八月六日

大隈外務大臣ヨリ
岡部駐英代理公使宛(往電)

英國公使ト會談ノ件

No. 271. I have discussed with British Minister all British amendments to our proposals. British Minister telegraphed result and we now await action of British Government.

Say verbally to Minister for Foreign Affairs that Japanese Government approached subject with fixed determination to leave nothing in their power undone to bring negotiations with Great Britain to successful conclusion. In this spirit I met the wishes of British Government as far as possible. In presenting proposals in December last to British Charge d' Affaires I was careful to declare that the proposals touched extreme limit Japanese Government could go especially in judicial matters and I am convinced that in those matters neither Japanese Government nor nation would consent to any concessions beyond those contained in our proposals and hence I was unable to accept jurisdictional amendments suggested by

British Government. Japanese Government consider that guarantees in Constitution which by new treaty will be extended to British subjects; the high standard of qualifications now imposed for appointment of judges; their permanency of tenure; the reorganisation, shortly to be introduced of judicial system of Empire at additional annual outlay of several million dollars as well as appointment in Daishin In of judges of foreign origin are sufficient to protect British rights and interests and to prevent miscarriage or denial of Justice.

Japanese Government might point to fact that British Government have concluded treaties on equal terms with Powers whose judicial organisation and administration are certainly not superior to those of Japan but they prefer to rely upon inherent merit, liberality and justice of their proposals. Japanese Government earnestly hope for friendly consideration of British Government especially as they are unable to accept British Proposals although at the same time fully aware of paramount necessity of bringing treaty revision to successful conclusion.

談判ノ際ニハ双方互ニ格別ノ辯論ヲ須キス隨分簡單ニ成否何レニカ決スヘシトハ豫期致居候得共今回同人ノ舉動ハ餘リ簡單ニ過キ本大臣開陳ノ意見ニ對シ一向質問モ不致候處同人ノ真意ハ果シテ何レニ可有之乎新任以來日尙ホ淺キニヨリ本件ノ歴史及本邦ノ事情モ熟知スルノ遑無之從テ本大臣ノ陳述ニ對シ意見ヲ陳フル丈ノ材料ナキ乎又ハ本國政府ヨリ委任ノ權限狹少ニシテ百事其指揮ヲ受ケサルヘカラサルニ因リ自己ノ責任ヲ以テ彼是ノ意見ヲ開陳スルヲ得サル儀乎何分手對ヘノナキ談判ニシテ本國政府ヘノ電報モ何様ノ意味ヲ以テ申遣候哉推測スルコトヲ得ス隔靴ノ憾有之候

英國政府ノ修正箇條ハ別紙條約案中朱色インキヲ以テ記入シタル廉々ニ有之右ニ對シ本大臣力開陳シタル帝國政府ノ意見ハ其文字ノ上ニ又ハ其側ニ黑色インキヲ以テ記入シタル通ニ有之候間右御對照有之候ハハ彼我ノ意見一目ニ御了解可相成ト存候右ニテ御了知可相成通り條約中彼我意見ノ相違ハ格別ノ事ニハ無之且ツ彼力最モ重キヲ置ク所ノ最惠國條款ノ中「裁判及其他一切ノ事項」云々ノ文字ヲ挿入スルコトハ當方ニテ承諾不致候處裁判事項ノ最惠國待遇ニ就

Telegraph result of interview.

August 18, 1889. Okuma.

二七五 明治二十二年八月二十日

大隈外務大臣ヨリ
岡部駐英代理公使宛

英國公使ト談判ノ景況ニ關スル件

送第五九九號

英國公使ト條約改正談判相開キ候儀ハ去ル十八日別紙電信寫¹ノ通り申進候ニ付御承知ノ事ト存候英國公使ハ七月三十一日ヲ以テ我提出案ニ對スル同國政府ノ修正案ヲ差越シ女皇陛下ヨリ談判調印ノ全權委任狀ヲ付與セラレ候旨申越候ニ付本大臣ハ本月十四日及十五日ト三回同公使ト本省ニ會合シ該英國修正案ニ對スル帝國政府ノ意見申述ヘ候處フレーザ²氏ハ我意見ニ付爲指議論ヲ爲サス大抵ハ我云フ所ヲ默聽シタル末本大臣陳述ノ次第ハ速ニ本國政府ヘ電報スヘク其回答ヲ得タル上ニテ再ヒ會合該政府ノ諾否可申述旨ヲ約シ相別レ候全體フレーザ³氏ハ至極溫柔ノ性質ニテ徒ラニ辯論ヲ好ム人物トハ見受不申候ニ付最初ヨリ同人ト

テハ獨逸及露西亞兩國ニ對シ既ニ約束シタル如ク別段ノ書面ヲ以テ之ヲ與フルコトヲ約束スルコトハ我ニ於テ異議無之候ニ付本條約ノ條々ニ就テハ此格別ノ困難ナク協議折合ヲ付クルコトヲ得ヘシト存候處外國出身裁判官任命及法典編纂ノコトニ關スル二通ノ書翰ニ付彼ノ差出シタル修正ハ判事ノ資格ニ關スル一項ヲ除クノ外悉ク我ニ於テ承諾難致然ルニ英國政府ニ於テモ右修正ノ條々ニハ最モ重キ置クコトト存候ニ付是ニ付テハ此末多少ノ議論可有之乎ト懸念致候乍併獨米兩國等條約改正ニ利害ヲ有スルコト甚ク英國ニ相讓ラサル國々ニ於テ已ニ承諾シタル事項ヲ獨リ英國力拒ムヘキ理由無之ニ付到底ハ我意見ニ從ハサルヲ得サル事ニ可相成ト存候

過日ノ電信ニ依リ貴官英國外務大臣若クハ其代理者ト御面議相成候ハハ目下本件ニ關スル同政府ノ内意如何及フレーザ⁴氏ヨリ如何様ニ報告ヲ爲シタルヤノ邊モ或ハ幾分力親知ルコトヲ得ヘシト存候ニ付貴官ノ御答電ヲ頻リニ相待居候

先ハ目下ノ景況申進度如斯候也

明治二十二年八月二十日發遣

二七六 明治三十二年八月二十四日 岡部駐英代理公使ヨリ
大隈外務大臣宛(來電)

英政府ノ訓令ニ關スル件

Verbally am informed that instructions have been sent to British Minister in Japan showing desire to meet wishes of Japanese Government but British Government think it very important in order to avoid future difficulties that there should be possibility of appeal in matters of fact before European judges and that Police Regulations affecting foreigners should be translated and published. These are points on which they lay most stress for the interest of all parties.

London, August 24, 1889. Okabe.

二七七 明治三十二年九月四日 岡部駐英代理公使ヨリ
大隈外務大臣宛

英國ノ修正案ニ付懸談方ノ件

如キ此種ノ告訴多ク彼我政府間ノ談判ヲ要スルニ至ルモノ有之甚タ好マシカラサル有様ナリ依テ我政府ハ貴政府カ先ツ警察規則中ニテ外國人ニ關スル條項ヲ英譯セラレ英民ヲシテ之ヲ明知セシムルノ途ヲ開カレンコトヲ冀望スルナリ此他數項ノ貴政府ニ向テ請求スヘキモノアレ共前述ヲ以テ最必要トナス然シテ今回フレイサル公使ヨリ來電ニ對スル訓令ハ已ニ昨日ヲ以テ發電ニ及ヒタレハ東京ニ於テ再ヒ談判ニ從事スルコトナラシ我政府ハ成ルヘク丈ケ貴政府ノ提議ニ同意スルノ精神ナレトモ之ト同時ニ在日本英民ノ私事ニ起ル後來貴我兩政府間ノ談判ヲ成ル可ク今日ニ豫防セント欲スルノ意有ルヲ以テ斯ク丁寧ニ注意ヲ爲スノミ貴下宜ク之ヲ了解セラレヨト(語次他ノ二三項ニ及フ略ス)

小官曰ク

今回フレイサル公使ヨリ來電ノ後已ニ昨日ヲ以テ尊訓ヲ下サレタルコトヲ聞ク以上ハ本日ノ御面談中御高示ノ旨一々之ヲ大隈伯ニ電通スルモ或ハ紛雜ヲ生スルノ恐ナキヲ保セス因テ今回ハ甚タ簡單ノ復電ヲ發セント愚考ス如何ト

別錄(參考)英國外交文書

第貳拾八號

十月十一日到

條約改正ニ付英政府ヨリ提出相成候對案法權上御同意相成難キ趣我政府ノ御主意外務尙書ヘ篤ト口述可致旨御訓去八月十九日ヲ以テ致接受候處符語中不解ノ字々有之間合中少々時日ヲ經過シ右取調濟御訓意了解ノ上外務省ニ出頭シ次官サ、トマス、サングルソンニ面會御訓意委細申述ヘ御電文寫ヲモ相示候處同官曰ク

御通知ノ趣委細ソースベリ候ニ申入ルヘシ貴政府ヨリ申越サレタル廉々御尤ト愚考スルナリ貴政府カ司法上ノ改正ニ付キ特ニ多額ノ歳費ヲ増加セラルルハ甚贊美スル所ニシテ我政府カ貴政府ニ對シ後來ノ司法上危疑ヲ懷クコトアルニ非ス又條約文面上特ニ彼レ是レ異議ヲ表スルノ意ニモアラネ共英民力事實上ニ付外國人裁判官ヘ告訴シ得ヘキ方法ヲ詳ニシ置キ度ク且ツ貴政府ニ於テハ警察規則並ニ其執行甚嚴正ナルト聞ク然ルニ我英民ノ通慣トシテ他邦ニ入ル者其國法ニ注意スルノ不充分ナルヨリシテ動モスレハ不知不識警察官吏ノ手ヲ煩ハシ苦情ヲ訴フルコト間々有之彼ノ南米諸邦ノ

同次官ト供ニ電案ヲ草シ談ヲ終テ致退省候依テ右文意ヲ以テ別紙寫ノ通及電申候

右申進候 敬具

明治三十二年九月四日

臨時代理公使 岡部 長 職

外務大臣伯 大隈 重 信 殿

註 1 及 2 二七四及二七六

別錄(參考)英國外交文書

No. 1. Mr. Trench to the Marquis of Salisbury. — (Sub stances received by telegraph, December 30.)

Tokio, December 29, 1888.

My Lord,

The new proposals with regard to Treaty revision, which formed the subject of my telegram to your Lordship of to-day's date, were communicated to me by the Japanese Foreign Minister at an interview which took place this morning.

Count Okuma opened the conversation by observing that his Government was anxious to resume at once

the negotiations which had been interrupted by the adjournment of the late Conference in July 1887. In the new proposals which his Government were now bringing forward, their desire was to adhere as far as possible to the basis of the previous negotiations. That basis included two important points: the completion of Japan's Codes, and the arrangements to be made for the exercise of jurisdiction over foreigners. The preparation of the Codes was being pushed on rapidly, and the Japanese Government hoped that they would be completed and promulgated before the close of the year 1889. He felt confident that they would, when completed, be found to be in no way inferior to the laws obtaining in Western countries, but it must be borne in mind that their application to Japanese subjects, and not to foreigners residing in Japan, was the primary object for which these Codes were prepared. Western Powers could not but admit that the progress, both moral and material, which Japan had made during the thirty years which had elapsed since the conclusion of the existing Treaties was great. Her railways and telegraphs, her educational meas-

and the United States. The other Powers, whose interests in Japan were inconsiderable, would, he felt assured, acquiesce readily in any settlement which might be arrived at in the course of the separate negotiations which it was proposed to institute. The Japanese Government, moreover, felt that to wait until the completion of Japan's Codes before revising the present Treaties would be to delay that revision unnecessarily, and it was considered that sufficient guarantees for the exercise of jurisdiction over foreigners would be provided by the employment for a term of years of a certain number of experienced foreign jurists in the Supreme Court, and the concession for the same period of a right of appeal to that Court in all cases, whether civil or criminal, above 2 certain degree of gravity in which foreigners might be directly concerned.

His Excellency went on to observe that he trusted that these new proposals of the Japanese Government would be favourably received by Her Majesty's Government. He was especially anxious to secure their favourable reception by Great Britain, because her

res and administrative and social reforms, placed her in a position quite different to that which previously existed, and the development of her trade showed that at the present rate of progress her foreign trade would before long exceed in amount the total foreign trade of China. Simultaneously with this material progress a concurrent growth of public opinion had taken place, and the course of affairs, both foreign and domestic, was being watched by the Japanese public with an ever-increasing interest. The failure of the late Conference had been caused by the strong pressure brought to bear upon the Cabinet by the nation, which had condemned the scheme of Treaty revision then put forward, on the ground that the concessions therein made to Western Powers were not consistent with the dignity of Japan.

The Japanese Government were now of opinion that it was undesirable to assemble a fresh Conference for the discussion of matters relating to Treaty revision, and that a more satisfactory solution of the question would be obtained by separate and independent negotiations with the Great Powers of Europe

interests in Japan were larger than those of any other Treaty Power, and in view also of the extension of those interests in the near future, which was confidently anticipated as the natural outcome of the growing trade of Great Britain's Colonies and possessions with Japan. He referred in warm terms to the valuable support afforded to the Japanese Government by Sir Harry Parkes throughout the grave difficulties of the revolution which preceded the Restoration, and concluded by expressing the hope that the same generous feeling which had characterized British policy towards Japan in the past would be manifested in the future.

I took this opportunity of assuring his Excellency that the sentiments of Her Majesty's Government towards Japan remained unchanged.

Count Okuma then, in reply to my inquiry as to whether he had already communicated the new proposals to any of the Treaty Powers concerned, informed me that he had shown them to the Representatives of Germany and the United States, and that the American Government had signified by telegraph

their approval of the principles contained in them ; ill-health and dimesic bereavement had prevented him from communicating them to me at the same time.

I thought it advisable to express my regret that this delay hae occurred, observing that Her Majesty's Government, as his Excellency must be aware, would always give their friendly attention to any proposals on this subject which might emanate from the Government of Japan.

In placing the text of the new proposals in my hands, his Excellency again remarked that his Government had kept clearly before them the advisability of disturbing as little as possible the work of the late Conference, and he added that he should instruct the Japanese Charg d'Affaires in London to enter into communication with your Lordship on the subject.

I replied briefly that I should have much pleasure in forwarding, by the earliest opportunity, the documents he had presented to me to your Lordship, and that it would of course be premature on my part to express any opinion either as to the nature of the proposals, or as to the views which Her Majesty's

Government might form on the subject.

I have, & c.
(Signed) P. LE POER TRENCH.

No. 3. *The Marquis of Salisbury to Mr. Fraser.*
Foreign Office, June 21, 1889.

Sir,

I TRANSMIT to you herewith two copies of a counter-draft Treaty of Amity, Commerce, and Navigation, with Annexes containing the alterations and additions which Her Majesty's Government desire to introduce in the proposals communicated by the Japanese Government.

These amendments are shown throughout by italics.

The terms of the counter-draft must not for the present be considered as positively settled, and it is intended further to communicate it to the Governments of the other Great Powers before it is submitted to the Japanese Government.

You will, therefore, take no action whatever in regard to it until you receive instructions by telegraph.

(Signed) SALISBURY. I am, & c.

Inclosure in No. 8. Draft treaty of Amity, Commerce and Navigation.

Her Majesty the Queen United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respecting States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India.....And His Majesty the Emperor of Japan,.....Who, after having communicated to each other their full powers, fund to be in good and due form, have agreed upon and coucluded the following Articles:—
Liberty of entrance, Art. I. The subjects or citizens of each of the two High Contracting Parties shall have

full liberty to enter, travel, or reside in any part of the territories of the other Contracting Party and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts and in all other matters connected with administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights Residence, real estate, &c., succession to and disposal of property.

and effects of any kind, to the succession to real or personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever, the subjects or citizens of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects or citizens, or subjects or citizens

of the most favoured nation.

Liberty of con- science, private and public worship. Right of burial according to respective religious customs. The other entire liberty of con- science, and, subject to the Laws and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen according to their religious customs, in such suitable and convenient places as they may be established and maintained for that purpose.

National and most- favoured-nation treatment as to charges on taxes. They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are or may be paid by native *subjects or subjects or citizens of the most favoured nation.*

Exemption from compulsory military service, forced loans, &c., exceptions as to duties and charges on land, &c. The subjects or citizens of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service

whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions. The duties and charges connected with the ownership or leasing of lands and other real property, to which all subjects of the country may be liable, are excepted. *The Japanese Government, moreover, undertakes to exempt British subjects from billeting.*

Art. II. There shall be entire freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects or citizens of each of the Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly or in partnerships with foreigners or native subjects, conforming themselves to the Laws Police, and Customs Regulations of the country, like native subjects or citizens.

of the other, as far and as long as they are protected in their own country.

Art. IV. No other or higher duties shall be imposed on the importation into the dominions of His Majesty the Emperor of Japan of any article the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving; and no other or higher duties shall be imposed on the importation of His Majesty the Emperor of Japan, from whatever place arriving, than on the like article produced or manufactured in any other foreign country, nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the Contracting Parties, into the dominions or possessions of the other, from

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of industry, manufacture, commerce, and navigation as native subjects or citizens, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination levied in the name, or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, other or greater than those paid by native subjects or citizens.

Patents, trademarks and designs; native treatment. Art. III. The subjects or citizens of each of the Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

Such protection shall mutually be granted by each of the Contracting Parties to the subjects or citizens

whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle, or of plants useful to agriculture.

Art. V. It is agreed by the High Contracting Parties that, in lieu of the import duties hitherto levied and collected, the duties specified in the Tariff hereunto annexed may *subject to the provisions of Article IV*, be levied by the Japanese Government on all goods, the growth, produce or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. *The valuations in the said Tariff shall be revised every three years, in order that they may correspond to the latest trade prices. Such revision shall be effected by a Committee, to be composed of an equal number of Japanese officials and of the representatives of the foreign merchants in Japan.*

duction, or fabrication to the port of discharge, as well as commission if any exists. The sum thus obtained shall be regarded as the dutiable value of the goods, upon which the rate of duty provided in the Tariff shall be paid.

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| Import duties on foreign goods reimported into Japan. | Goods of foreign production or manufacture reimported into Japan, after having been exported therefrom, shall pay import duty in accordance with the Tariff, notwithstanding duty may have been paid upon such goods when originally imported. |
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| Import duties, on Japanese goods reimported. | Goods of Japanese production or manufacture brought back from foreign countries to Japan shall pay an <i>ad valorem</i> duty of 5 per centum. |
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| Export duties most-favoured-nation treatment. | Art. VI. No other or higher duties or charges shall be imposed in the territories of either of the Contracting Parties on the exportation of any article to the territories of the other, than such as are, or may be, payable on the exportation of the like articles to any other foreign country; nor |
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The Japanese Government, Reservation as to however, reserves to itself the articles dangerous right to restrict or temporarily to health, &c. prohibit the importation of any article which, *for sanitary reasons, or in view of public security or moral might offer any danger, may injuriously affect or endanger health, property moral or public security.*

It is understood by the Internal duties on Contracting Parties that the sake, shoyu, mirin or Japanese Government, in the tobacco. event of its imposing or augmenting any internal duty on sake, shoyu, mirin, or tobacco, may impose a compensatory duty on such articles imported into Japan, provided such compensatory duty, with the customs duty added, shall not exceed the internal tax or duty.

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| Import duties payable <i>ad valorem</i> in Japan shall be calculated on the actual cost of the goods at the place of purchase, production, or fabrication, with the addition of the cost of insurance, and transportation from the place of purchase, pro- | Import duties payable <i>ad valorem</i> in Japan. |
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| shall any prohibition be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other country. | Prohibitions of importation; most favoured-nation-treatment. |
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| Art. VII. The subjects or citizens of each of the Contracting Parties shall enjoy immediately and unconditionally in the dominions and possessions of the other in respect to exemption from transit duties, and in all that relates to warehousing, bounties, facilities, and drawbacks, all the advantages which have been, or may be hereafter, granted to the most favoured nation. | Transit duties, warehousing, bounties, facilities, and drawbacks; most-favoured-nation treatment. |
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| Art. VIII. It is however understood that all goods imported into Japan by British subjects or citizens, on which the duty shall have been paid according to the Tariff annexed to this Treaty may be conveyed to and Japanese port free of duty, and when transported into | No duties in addition to Tariff. |
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the interior shall not, except as herein otherwise provided, be subject to any additional tax, excise, or transit duty whatsoever in any part of the Japanese Empire.

Drawbacks on goods re-exported from Japan. Art. IX. When goods of foreign production or manufacture, which have been removed from the custody and control of the Customs, are, within two years from the date of their importation exported from Japan, such goods shall be allowed to pass the Customs free of export duty, and the importer thereof shall, in addition, be entitled to receive a drawback certificate for the amount of the import duties paid thereon, provided that all charges upon the said goods to the Customs shall have been paid; that they are *bona fide* exported to a foreign country; that they are so exported in the casks, bottles, cases, boxes, trunks, or packages & c., in which they were originally imported without having been opened or unpacked, except by the Customs or with their permission; that the original import permit shall accompany the application for drawback of duty, and be retained

Importation and exportation. All articles which are or may be legally imported into the ports and Japanese vessels to be on equal footing of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels, and reciprocally all articles which are or may be legally imported into the ports of the dominions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions or possessions of

by the Custome authorities, and that the said goods shall be, at the time of their exportation, subject to such examination and inspection as the Customs authorities may deem necessary to determine their identity with the goods described in the import permit. These drawback certificates shall either be redeemed on demand, or be at any time accepted by the Customs authorities in payment of duties.

Art. X. The same duties shall be paid on the importation into the dominions of either of High Contracting Parties of any article which is, or may be, legally importable therein by native or foreign subjects or citizens, whether such importation shall be in Japanese or vessels. The same duties shall be paid on the exportation from the dominions of either of the High Contracting Parties of any article which is, or may be, legally exportable therefrom by native or foreign subjects, whether such exportation shall be in Japanese or vessels.

either of the Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

Art. XI. The coasting trade of both the Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws of Great Britain and Japan respectively. It is, however, understood that British subjects in Japan, and Japanese subjects in the dominions and possessions of Her Britannic Majesty shall enjoy immediately and unconditionally in this respect the rights which are, or may be, granted under such laws to the subjects or citizens of any other country.

A Japanese vessel, laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel, laden in a foreign

country with cargo destined for two or more ports in Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and Customhouse Regulations of the two countries.

British vessels may carry cargoes between Treaty ports.

But the Imperial Japanese Government makes the following concession in addition that British vessels may carry cargoes between any of the ports hereinafter mentioned, namely: Yokohama, Kobe, *Hiohō, Osaka, Nagasaki, Niigata, and Hakodate, and Nagasaki.* *British vessels may also take, on board at all Japanese ports cargoes destined for immediate carriage to any port other than a Japanese port.*

Coasting trade. *Art. XII.* The Imperial Japanese ships may de nese Government agrees that chartered under ce- for a period of ten years from

tain conition. the time the present Treaty comes into force British subjects shall be entitled to charter ships to Japanese subjects for employment *employ their ships in charter*

Customs authorities shall, upon the payment of a fee of 50 yen, issue a permit to be called the "charter permit".

Duration of charter. The term for which *foreign British* vessels may be chartered shall not exceed twelve calendar months. At the expiration of the charter, the charter-permit shall be returned to the Customs authorities of the port of charter. The charter may, however, be renewed and a charter-permit obtained upon the payment of a further fee of 50 yen, and upon application being made in the same manner as in the case of the original charter. Fees on charter. In addition to the foregoing fee, chartered *British foreign* vessels shall pay from the date of first clearance under charter tonnage and light dues at the rate of 2 sen per ton for every month, or fraction of a month, during which their charters continue.

Chartered vessels must carry distinguishing flag.

Such chartered *foreign* vessels shall carry a distinguishing flag to indicate that the vessels are so chartered by Japanese subjects.

in the coasting trade of Japan, subject, however, to the observance of the following stipulations.

No *foreign British* vessel shall be permitted to engage in the coasting trade of Japan under the provisions of this Article except such as are *bonâ fide*, and in whole chartered by Japanese subjects

alone, or by *British and Japanese subjects trading jointly, either in partnerships or Companies*

Any *Japanese subject person* "Charter - permits" to be issued by Customs authorities of a *foreign British* vessel for the port of charter.

coasting trade shall apply in writing to the Customs Authorities of the port of charter, setting forth in his application all the particulars relating to the vessel, so far as it is possible to give them, and the name and nationality of the master. The application shall be accompanied by a draft of the charter-party, to be signed by the owner, master, or agent of the vessel; this draft shall mention the object of the charter, its duration, and the amount of charter-money to be paid. Upon the receipt of this application the

Must carry mails. They shall, in the same manner as Japanese vessels, be obliged to carry mails when required to do so by the Japanese postale authorities. But such vessels shall, under no circumstances, be allowed to carry mails without permission from the said authorities.

Such chartered *foreign* vessels May only engage in shall only be permitted to engage coasting trade. in the coasting trade. When going abroad the charter-permit shall be surrendered to the Customs authorities of the port of clearance, and all such goods as may have been shipped at any port while the vessel was so chartered shall be subject to the prescribed export duties.

Such chartered *foreign* vessels Subject to Trade are subject to the Trade Regulations. Regulations. tions, in so far as *such those* Regulations are applicable, but their charter-permits shall, when in port, be deposited with the Customs authorities.

It is, however, expressly understood that any more favourable treatment in these respects which is now, or may hereafter

be, granted by Japan to the ships or subjects or citizens of any other nation, shall be extended immediately and unconditionally to British ships or subjects.

Art. XIII. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or, if there be no such Consular officers,

by the laws of the country, and such Consular officers owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses, which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs, unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective State. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

Deserters from mer- Art. XIV. If any seaman chant-ships. should desert from any man-of-

they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of British vessels, wrecked or cast on shore in the territorial waters of the Japanese Empire, shall take place in accordance with the laws of Japan; and reciprocally, all measures of salvage relative to Japanese vessels, wrecked or cast on shore in the territorial waters of Her Britannic Majesty, shall take place in accordance with the laws of Great Britain.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents, upon being claimed by them within the period fixed

war or merchant-ship belonging to either of the Contracting Parties within the territory of the other the local authorities shall be bound to give every assistance in their power for the apprehension and handing over of such deserter, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that this stipulation shall not apply to the subjects or citizens of the country where the desertion takes place.

Art. XV. *Mail-steamers visiting* Privileges of mail-Japanese ports shall not, on any steamers. account, be diverted from their destination, nor be subjected to seizure, detention, embargo, or "Arret de Prince."

Passengers on mail-steamers who do not see fit to land during their stay in a Japanese port shall not under any pretext be removed from the vessel, nor be subjected either to search or to the formalities of the visa of their passports. However, the Japanese authorities may claim through the Consular authority of the ship's nationality the expulsion from on board the ship of any individual

who may be pursued in virtue of a regular warrant for crimes or delicts against common law, and who may have taken refuge in Japan on board a mail steamer. This expulsion cannot be refused. In case of necessity, search may be made by the local authorities with the assistance of the Consul or his delegate, or after the Consul has been duly informed beforehand.

Japanese subjects on board of a British mailsteamer who may be pursued for a crime of delict against common law within the competence of a Japanese Court can be claimed, and shall, upon the presentation of a regular warrant, be expelled from on board as stated above, although they may not have embarked in Japan.

On no account shall the execution of these measures delay the departure of the vessel.

Mail-steamers may enter and leave the ports of Japan at all hours of the day and night.

All facilities shall be granted to them for assuring the rapid dispatch of their business and their safety during their stay in port.

Mail-steamers shall be subjected, in all that regards their commercial transactions, to the Regulation of Commerce

and Navigation in so far as those Regulations do not conflict with the above stipulations.

Mail-steamers must be represented by a responsible agent residing in Japan.

Art. XVI. British vessels Tonnage and light dues on British vessels entering Japanese ports shall pay tonnage and light dues at these ports.

the time of entry at the Customs-house according to one of the following rates at the option of the masters, owners, or agents of such vessels:—

1. 25 sen per ton for one Scale of dues. Japanese port of call only.
2. 30 sen per ton for a period of two months, with the option to call at any number of Japanese ports, but at no foreign port or ports.
3. 80 sen per ton for a period of six months, with the option to call at any Japanese or foreign port or ports.
4. Mail companies may, if Mail Companies may they desire, free their vessels compound for seven from tonnage and light dues for consecutive schedule-voyages. seven consecutive schedule-voyages on paying a duty

of 80 sen per ton on the average tonnage of the vessels making such voyages. This payment must be made at the time of the first entry. It shall be calculated according to the schedule arrangement of the Company, on condition that reimbursement shall be made either by the Customs authorities or by the Mail Companies, as the case may be, at the time of the seventh entry, of any excess or deficiency in the dues paid, arising from any changes which may have taken place in the vessels employed.

Definition of mail-steamers and Companies. Mail-steamers are steamers carrying or departing at regular scheduled dates, and carrying mail-bags.

Mail Companies are Companies owning or working steamers arriving or departing at regular scheduled dates and carrying mail-bags.

Calculation of tonnage. The dutiable tonnage of British vessels shall be the net tonnage according to the Rules adopted by the Japanese Government for the measurement of vessels, as shown by the certificate of registry or other papers.

Art. XVII. No duties of tonnage, harbour, pilotage, light and quarantine, or other similar or National treatment corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, Corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port, or place they may arrive, and whatever may be their place of destination.

The following vessels shall be exempt from the payment of tonnage and light dues in Japan:—

1. Men-of-war.
2. Pleasure yachts and pilot-boats.
3. Fishing-vessels having no cargo on board.

4. Vessels of less than 20 tons burden.
5. Vessels putting into port in distress or for repairs, provided they do not engage in trade.
6. Vessels entering and clearing in ballast.
7. Vessels leaving port within forty-eight hours after anchoring, provided they do not land, ship, or tranship cargo, or land or take on board passengers or mails. Such vessels shall, however, pay a Customs fee of 15 yen.

The fees hitherto paid on the entrance and clearance fees to be no longer levied.

vessels in Japanese ports shall be no longer levied.

Art. XVIII. For the period of five years from the date this Treaty goes into operation, the jurisdiction exercisable by Courts over subjects *or citizens* and property shall be territorially limited to the Foreign Settlements of Hakodate, Tôkiô, Yokohama, Osaka, Kobe and Nagasaki and to such of the ports and harbours thereof as are now open to vessels, and to the other localities adjacent to such foreign Settlements where by Treaty or other

express arrangements subjects are now permitted permanently to reside and rent land, and from the same date everywhere in Japan outside of the limits of the above-named Foreign Settlements, ports, harbours, and localities, Japanese Courts shall have and exercise complete and exclusive jurisdiction, both civil and criminal, over subjects and property, in accordance with the laws of Japan. At the expiration of the five years aforesaid all the jurisdiction then exercised by Courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by subjects as a part or as appurtenant to such jurisdiction shall absolutely and without notice wholly cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts. The jurisdiction of Courts shall be continued until final decision in respect of all actions its pends in said Courts at the time fixed for the abolition of Consular Jurisdiction.

For the period of five years from the time this Treaty goes into operation the jurisdiction exercised by British Consular

British Consular jurisdiction to remain in force for five years within Treaty limits.

Courts over British subjects and their personal property shall remain in force within the Treaty limits es Tôkiô, Kobe, Osaka, Nagasaki, Niigata, Hakodate, and Yokohama, and from the same date everywhere in Japan outside the above limits, Japanese Courts shall have and exercise (with the exception hereinafter provided) complete and exclusive jurisdiction, both civil and criminal, over British subjects and property, in accordance with the laws of Japan.

Japanese Courts shall, moreover, exercise jurisdiction over all real property of British subjects outside the foreign Settlements from the time this Treaty goes into operation, but in matters of personal status all British subjects, whether resident or domiciled within or without Treaty limits, shall be subject to British Courts only.

At the expiration of the five years aforesaid all the jurisdiction after five years then exercised by British Courts in

Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter

all such jurisdiction shall be assumed and exercised by Japanese Courts.

Nothing in this Treaty shall apply to or in any manner affect any suit or proceeding, either of a civil or criminal nature, pending at the time fixed for the abolition of Consular jurisdiction outside Treaty limits, or throughout the whole of Japan, as the case may be.

Art. XIX. The following Rules Jurisdiction of Japanese and British Courts. In criminal matters. In civil matters.

Courts:

- (i) In criminal matters, jurisdiction shall be determined by the place of commission of the offence.
- (ii) In civil matters jurisdiction shall be determined alternately in the order named:—
 - (a) In actions "ex contractu."
 1. By the place of performance.
 2. By the domicile of the defendant; or
 3. By the place of sojourn of the defendant at the time the summons is served.
 - (b) In actions "ex delicto."

1. By the place where damages are suffered : or
2. By the place where the articles are situated.

(c) In all other personal actions.

1. By the domicile of the defendant : or
2. By the place of sojourn of the defendant at the time the summons is served.

(d) In real and mixed actions, and in probate, administration, and bankruptcy proceedings, by the place where the property is situated.

In the event Japanese and Courts should in any case have, under the foregoing Rules, concurrent jurisdiction such concurrent jurisdiction shall become exclusive in the Courts first taking jurisdiction.

In the matter of the service of process and the execution of judgments, decrees, and sentences, Japanese and Courts shall be auxiliary to each other.

Rules for determining the period of five years mentioned in Article XVIII the following Rules are laid down for the purpose of determining the jurisdiction of Japanese and British Courts :—

of the business of a branch office may be brought at the place of such branch office.

(e) In matters relating to deceased estates, by the place of (last) domicile of the deceased.

(f) In cases where real property is concerned, the action shall be brought before the Court of the place where the real property in question is situated ; the same rule shall apply to personal actions which relate to the ownership or usufruct of real property.

Actions concerning real property situated outside the limits in which foreigners have hitherto had the right of holding real property shall come under the exclusive jurisdiction of the Japanese Courts.

In the event of Japanese and British Courts having in any case under the foregoing Rules concurrent jurisdiction, such concurrent jurisdiction shall become exclusive in the Courts first taking jurisdiction.

In the matter of the service of process Japanese and British Courts in Japan shall be auxiliary to each other.

In the matters of execution of judgment, decrees, and sentences, Japanese and British Courts in Japan shall render to each other such assistance as by international

1. In criminal matters the jurisdiction shall be determined by the place of commission ; but, in the event of the offender escaping before or during the proceedings, by the place of his arrest.
2. In civil cases the jurisdiction shall be determined in the following manner :—

(a) By the place of performance of contracts as shown by the contracts themselves when those contracts are in writing.

(b) In case no place of performance is designated, and in all other personal actions, from whatever cause arising, by the domicile of the defendant ; and in case the defendant has no domicile, by the place of his sojourn at the time when the writ of action is served.

(c) In personal actions where there are several defendants, by the domicile of any one of them, at the choice of the plaintiff ; and if such defendant has no domicile, by the place of his sojourn at the time when the writ of action is served.

(d) In cases where Associations are concerned, by the district in which the Association which is defendant in the case has its head office ; but any claim arising out

law and the law of Japan and Great Britain the Courts of each country are bound to render to the Courts of the other.

Besides the execution of judgments the Japanese and British Courts in Japan shall, upon due application, render each other further legal assistance, especially for the determination and elucidation of facts ; this applies equally to the summoning of witnesses who are residing in the respective districts to give evidence before a Court of the other State in that district.

Art. XX. In case any British subjects should at any time in advance of the final abolition of British Consular jurisdiction de-

sire to submit themselves exclusively to Japanese civil jurisdiction, they may do so by making and filing, with their own proper Consular authorities, and with the proper local Japanese authorities, formal declarations to that effect ; but no such submission shall deprive the British Consular Courts of Jurisdiction over such subjects which they would otherwise have in connection with liabilities incurred prior to such

submission.

Art. XXI. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Proconsuls, and Consular Agents, in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties, without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Proconsuls, and Consular Agents shall *may* exercise whatever *all* functions, and *shall* enjoy whatever *all* privileges, exemptions and immunities *which* are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Art. XXII. The Contracting Most favoured-nation treatment to be Parties agree that in all matters relating to commerce and navigation to travel through, or to residence in, their respective dominions, any privilege, favour, or immunity whatever, which either Contracting Party has

actually granted or may hereafter grant, to the Governments, subjects, or citizens of any other State, shall be extended to the Government, subjects, or citizens of the other Contracting Party gratuitously, if the concession in favour of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concessions shall have been conditional. •

The Contracting Parties agree Most favoured-nation that, in all that concerns commerce, treatment, navigation, jurisdiction, or any other matter whatsoever, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government or subjects of the other Contracting Party; it being their intention that each country shall be placed in all respects by the other on the footing of the most favoured nation.

Art. XXIII. All privileges and immunities which British subjects or citizens have hitherto enjoyed in Japan, in virtue of

Privileges and immunities in Japan to be retained till cessation of Consular jurisdiction.

the existing Treaties and Arrangements, are maintained during the continuance of Consular jurisdiction, in so far as they are not abrogated by the stipulations of this Treaty; and from the date Consular jurisdiction ceases to exist all such privileges and immunities shall be regarded as abrogated, unless maintained by this Treaty.

Art. XXIV. During the continuance of Consular jurisdiction subjects or citizens in Japan shall, within the territorial limits of such jurisdiction, be liable only to such taxes, rates, fees, duties, and charges as are imposed upon Japanese subjects in respect of industrial and manufacturing enterprises. From the date of the exchange of ratifications of this Treaty, outside of the territorial limits of Consular jurisdiction, and from the date Consular jurisdiction ceases to exist, throughout the entire Empire,

subjects or citizens shall be liable to the same taxes, rates, fees, duties, and charges as Japanese subjects. Taxes, &c., in Japan. If during the period Consular National treatment. jurisdiction still continues, British subjects manufacture, fabricate, or prepare within the

Settlements, fish, "sake," tobacco, "shoyu," "mirin," wine, beer or spirits, they shall pay the same dues and taxes as Japanese subjects engaged in a similar business.

Any British subject who desires to retail wine, beer, or spirits must take out the same license and pay the same license fee as Japanese subjects; this licence can never be refused without just and reasonable cause.

Art. XXV. Simultaneously Titles to real property with the abolition entire cessation of Consular jurisdiction in Japan, in conformity with Article XVIII of this Treaty, the titles to all real property then held or rented by British subjects or citizens, either jointly or severally, as trustees, in trust or otherwise, from the Japanese Government under leases in perpetuity, shall be converted into absolute titles, and the lessees of such real property shall thereupon become absolute owners thereof as trustees or otherwise as the case may be, and shall, upon surrendering their leases, obtain title-deeds free of cost from the Japanese Government. The rents hitherto paid on such real property shall then cease to be collected, and in lieu thereof such real property shall

be subject to the same Imperial and local taxes as are imposed in respect of similar real property owned by native subjects, and shall also in all other respects be subject to the laws of Japan relating to real property.

It is, however, understood that, in all cases where a reduction in rent on land held under leases in perpetuity has been made by the Japanese Government on account of the uses to which such land has been devoted, the taxes hereafter to be levied in lieu of such rent shall not exceed the amount of such reduced rent.

Foreign Settlements, When the foregoing changes to be incorporated in the tenure of real property with Japanese communes have been effected, the several foreign Settlements shall be completely incorporated with the respective Japanese communes. They shall thenceforth form integral portions of the municipal system of Japan, and the competent authorities shall assume all municipal obligations and duties in respect thereof. At the same time, the municipal funds

and property belonging to such Settlements shall be transferred to the said Japanese authorities.

Such transfer of funds or property or vesting of title shall only be made after all outstanding municipal contracts or liabilities of said foreign Settlements have been satisfied or accepted by the competent Japanese authorities as their own contracts or liabilities, in accordance with the original terms and conditions of such contracts or liabilities. British subjects who for the preceding six years have been domiciled and have possessed real property in Tokio, Kobe, Osaka, Nagasaki, Niigata, Hakodate, and Yokohama, shall have the right to take part in municipal elections there, as electors, under the same conditions as Japanese subjects.

All lands which have been Public lands to be hitherto given by the Japanese free of taxes. Government free of rent for public purposes in the foreign settlements shall, subject to the right of eminent domain, be permanently reserved, free of all taxes and charges, for the public purposes for which they were originally set apart.

Art. XXVI. The High Con-

Trade, Government, and Private Bonded tracting Parties agree that the Warehouse, and Harbour Regulations annexed to this Treaty, namely, the Trade, Government and Private Bonded Warehouse Treaty. verment Bonded Warehouse and Harbour Regulations, shall be regarded as forming a portion of the same.

Similarly the engagement contained in the two notes signed by the Japanese Minister for Foreign Affairs, and annexed to this Treaty, shall be regarded as having the same force and validity as if the said notes formed an integral portion of the Treaty.

Accession of British Art. XXVII. The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.

The Cape.

Natal.

New South Wales.

Victoria.

Queensland.

Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tokio, within two years from the date of the exchange of ratifications of the present Treaty.

Art. XXVIII. The present Duration. Treaty shall come into force one month after the exchange of the ratifications, which shall take place at Tokio within one year after its signature, and shall remain in force for twelve years after the exchange of ratifications.

Termination. Either High Contracting Party

shall have the right, at any time after eleven years shall have elapsed from the date of the exchange of ratifications, to give notice to the other of its intention to terminate this Treaty, and, at the expiration of twelve months after such notice is given, this Treaty shall wholly cease and determine.

In witness whereof, the respective Plenipotentiaries have signed and sealed this Treaty in quadruplicate, two copies being in the Japanese and two copies in the English language. All of these copies have the same meaning and intent, but in case of conflict the (English) text shall decide.

Done at the City of Tokio, this.....day of the.....month.....year of Meiji, corresponding to the.....day of.....in the year.....of the Christian era.

Department of Foreign Affairs,

(Confidential.) Tokio,.....

The Undersigned, His Imperial Majesty's Minister for Foreign Affairs, taking into consideration the stipulations contained in the Treaty this day con-

cluded between the Governments of Japan and Great Britain, in reference to the final total abolition of British Consular jurisdiction in Japan, deems it proper to announce that His Imperial Majesty's Government are now actively engaged in the labour of elaborating the following Codes, *in accordance with Western principles* : —

1. Criminal Code.
2. Code of Criminal Procedure.
3. Civil Code.
4. Commercial Code; including bankruptcy laws, and laws relating to shipping and bills of exchange.
5. Code of Civil Procedure; including the procedure to be followed in commercial matters.

It is confidently expected that this great work will be completed not later than next year. The Imperial Government fully appreciate the necessity of bringing the work of codification to a successful conclusion some time in advance of the final abolition of British Consular Courts, and in the event it is of its being found impossible from any cause to complete and issue the Codes above enumerated within two years

after the new Treaty shall have gone into operation, His Imperial Majesty's Government will then be compelled to request *the British* Government to consent to the postponement of the date named in the Treaty for totally abolishing *British* Consular jurisdiction until at least three years after the Codes in question shall have been promulgated.

The determination of His Imperial Majesty's Government to employ for some years a number of foreign jurists to act in the capacity of Japanese Judges has convinced the Imperial Government of the necessity of rendering the substantive Laws and Police Regulations of the Empire into some European language. The English language being the European language in most common use in Japan, the undersigned begs to state, on behalf of His Imperial Majesty's Government, that authentic English translations of the Codes in question will be made public not later than one year and a-half after they are promulgated. The Undersigned has the honour to add in conclusion, that the system of issuing authentic translations of the Laws and *Police Regulations* will be

maintained so long at least as the services of Judges of European or American origin are continued, and that the *English language shall be declared to be the foreign judicial language of all Courts in which Judges of foreign nationality sit.*

The Undersigned. &c.

Department of Foreign Affairs.

(Confidential.) Tokio,.....

The Undersigned, His Imperial Majesty's Minister for Foreign Affairs, has the honour to announce tothat the Imperial Government have reached the determination *determination* to appoint a number of foreign jurists to act in the capacity of Judges in the *Appeal Courts* ("*Kass In*") and in the Supreme Court ("*Dai Shin In*"), and Undersigned is authorized to state, on behalf of His Imperial Majesty's Government, that when any proceedings, either civil or criminal, in which a British subject or citizen is directly as a defendant or accused are heard in the Supreme Court, either in the last or first and last instance, any of the above-mentioned Courts, a majority

of the Judges hearing such proceedings will be Judges of European or American origin.

In order to indicate the extent to which British subjects or citizens will be able to take advantages of the proposed system, it is proper for the Undersigned to say that, under the new judicial organization of the Empire, all criminal cases in which the punishment exceeds two month's imprisonment a fine of 50 yen or exceeds a fine of 100 yen without imprisonment, may be taken either on appeal or in first and last instance to the Supreme Court, and that generally all civil cases where the amount involved exceeds 100 yen may in like manner be carried on appeal to the Supreme Court.

It is impossible for the Imperial Government to declare in advance how many foreign jurists will be thus appointed employed as Japanese Judges, but the Undersigned does not hesitate to assure.....that a sufficient number will be employed to perform with thoroughness and promptitude the duties which will be assigned to them.

The gentlemen to be selected to fill these honourable

positions will, subject only to the exception of dismissal for cause, be given a fixed tenure of not less than four years, and in all other directions be such as in their own countries would be eligible to be appointed Judges there. They will, subject only to the exception of dismissal for cause at the instance of a disciplinary Court composed of the members of foreign nationality of the Supreme Court, be given a fixed tenure of six years at least, and will not be eligible for reappointment. In all other directions equal care will be taken to secure and encourage their complete independence and impartiality, His Imperial Majesty's Government are, moreover, of opinion that it would be extremely undesirable to permit the Judges of European or American origin to remain even for a limited period subject to the jurisdiction of courts foreign to those in which they will be called upon to sit as Judges, and for this reason His Imperial Majesty's Government deem it essential that the persons selected for the positions should in pursuance of the stipulations contained in the Treaty which has this day been concluded between the Governments of Japan and of

Britain make formal submission to the jurisdiction of the Imperial Japanese Courts of Justice.

The new system which the Undersigned has had the honour briefly to outline will be put into active operation at the same time the Treaty above referred to takes effect, and it will be continued in force without circumscription for the period or twelve years.

While His Imperial Majesty's Government with be fully prepared to maintain the new system beyond the period named, in the event it is found that that course is necessary, they would nevertheless desire to have it understood that they reserve to themselves the faculty of determining at the proper moment whether or not such necessity actually exists.

The Undersigned begs to add, in conclusion, that this measure has been adopted primarily for the purpose of improving the judicial system of the Empire. His Imperial Majesty's Government, however, venture to hope that it will be regarded as a sufficient guarantee that, under the new Treaty, the rights and interests of Her Britannic Majesty's Government and subjects will be fully respected and protected.

The Undersigned, &c.

No. 4. *The Marquis of Salisbury to Mr. Fraser.*
(*Substance telegraphed.*)
Foreign Office, July 27, 1889.

Sir,

I AUTHORIZE you, on receipt of my despatch of the 21st ultimo, to communicate a copy of the counter draft of Treaty therein inclosed to the Japanese Government, and to state that Her Majesty's Government trust that it may be possible to come to an early agreement as to the terms of the Treaty and its Annexes, for the negotiation of which you have been furnished with full powers.

You should report by telegraph when this has been done, in order that a copy of the counter-draft may also be communicated to the Japanese Chargé d'Affaires at this Court.

If it should become necessary for you to apply to the Japanese Government for passports to enable British subjects to travel in the interior of the country, you should accompany your application with a state-

ment to the effect that under Article XXIII of the Treaty of 1858 Her Majesty's Government consider themselves entitled to claim free and equal participation in all the privileges, immunities, and advantages granted to the subjects of Mexico by the Treaty between that Republic and Japan which has just been published, including the rights of travelling, residence, &c., granted in Article IV, and that your application is made without prejudice to that claim.

You should, however, make it clear that no change of attitude, as regards the desire of Her Majesty's Government to conclude a Treaty satisfactory to both parties, is implied by this reservation of rights.

I am, &c.

(Signed) SALISBURY.

No. 6. *Mr. Fraser to the Marquis of Salisbury.*

(Received November 28.)

Tokio, October 28, 1889.

My Lord,

The Cabinet Council from which Count Okuma was returning when he was attacked appears to have been

Minister of Agriculture, both members of the Choisin clan, and persons connected intimately with the earlier attempts at Treaty revision, had sent in their resignations before the Cabinet meeting. That of Count Ito has been accepted by the Emperor, but nothing is known yet as to the fate of Count Inouyé's. Finally, the Prime Minister, Count Kuroda, has given up his post. The result, hitherto, is that Prince Sanjo, Prime Minister from the establishment of the present Imperial system till 1886, has succeeded Count Kuroda

a rather stormy one. The point in debate, I am told, was the question whether the date originally fixed for the coming into operation of revised Treaties, the 11th February next, should or should not be maintained; some Ministers wishing to postpone it in the belief that not enough progress had been made to warrant a hope of the Treaties being ready at the time fixed, but desiring to give every opportunity for their completion; others rather inclined to throw aside Treaty revision altogether, and others, lastly, determined to insist upon observing the exact date, whatever the consequences might be.

In a few days from Count Okuma's accident, it began to be rumoured that the whole Ministry had resigned. It was notorious that considerable dissension existed in the Ministry upon almost every conceivable subject, but hitherto the impartial influence of a few had been able to keep the whole Cabinet together. This difficulty, in regard to the prompt accomplishment of Treaty revision, appears to have sufficed to break up the common understanding. Count Ito, President of the Council, and Count Inouye

as the Head of the Cabinet, whilst Count Kuroda is to preside over the Council in Count Ito's place.

It is impossible to say at present how far the disorganization of the Ministry may go; whether the changes already made will suffice to make things go smoothly or not; or what may be the final result in regard to Treaty revision.

I have, &c.

(Signed) HUGE FRASER.

第六節 對佛交涉

二七八 明治三十二年一月七日

大隈外務大臣ヨリ
田中駐佛公使宛

對佛交渉心得訓示ノ件

添第三號

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