

Austrian Minister for Foreign Affairs said that, although they hoped at first to get the answer of the Minister of Justice in a few weeks, yet examination by the interested ministries of the two (monarchies?) of the *matrice* (mutual?) deliberation(?) taking much time, it is very difficult to get the answer before autumn. In reference to the transmission of telegraphic instructions to the Austrian Minister in Japan, Austrian Minister for Foreign Affairs added that it is hardly possible to instruct him by telegraph, because it is impracticable to transmit all details in this way.

(Via Petersburg,) July 12, 1889. Toda.

三三三 明治三十二年七月二十九日 戸田駐埃公使ヨリ 大隈外務大臣宛

埃國政府ノ回答遷延事情内報ノ件

第五十九號 九月十日到

條約改正ノ儀ニ付頃日當外務省主務局長ヨリ内々聞込候趣ニ因レハ當國政府於テ右ニ關シ未タ公然回答セサル理由ハ

話致シ候コトト推察致候此段御報道及ヒ候也

二十二年七月二十九日

在埃特命全權公使伯 戸田氏共 花押

外務大臣伯 大隈 重 信 殿

註 1 前掲三三一

三三三 明治三十二年九月二十五日 戸田駐埃公使ヨリ 大隈外務大臣宛

埃國政府ノ態度内探ノ件

第六十三號 十一月十一日到

兼テ達貴聞置候通當政府ニ於テモ不遠内條約改正談判相開候様ノ運ヒニ可相儀ト確信罷在候得共空ニ之レヲ待チ居候テハ日延ノ恐レ有之候間去月三十一日棚橋書記官ヲザルツ

第八節 對伊交涉

三三四 明治三十二年二月二十日 大隈外務大臣ヨリ 徳川駐伊公使宛(往電)

至急交渉開始ノ儀伊國政府ニ要請方訓令ノ件

大隈外務大臣時代 對伊交涉 三三三 三三四

四省即チ埃國商務司法兩省及ヒ洪葛利國商務及司法兩省ノ協議ヲ經サルヲ得サルニ付之カ爲メ頗ル時日ヲ要シ到底當秋マテニハ改正談判ハ開キ候場合ニ至リ難キ趣ニ有之候此儀ハ既ニ去ル十一日電信<sup>1</sup>ヲ以テ御報知及ヒ候ト同様ノ儀ニ有之候又同人ノ云フ所ニテハ改正談判ノ場所ハ當國ニ於テ開キ候方便利ニ有之談判却テ早ク相纏リ可申ニ付埃政府ヨリ多分此議ヲ提出可致コトニ可相成候然シナカラ此儀ハ目下秘密ニ致シ有之候間拙者ノ國ヨリ出テタルコト他ニ漏レ候時ハ身上ニ關係候儀ニ付拙者ト閣下トノ間限リニ止メ置キ度旨申聞ケ候因テ是迄當外務次官ノ口氣並ニ該局長ノ談話ニ依リテ付度致シ候ニ我邦駐劄ノ埃公使ビーグレーベン男ハ新公使ニ有之未タ本邦ノ事情ニ明カナラス故ニ若シ當政府ニ於テ該公使ニ訓令ヲ下シ東京於テ改正談判ヲ開カシムル時ハ該公使ヲシテ事情ヲ熟知セシムル爲メ幾多ノ手數ト時日ヲ要ス可ク候若シ又當國ニ於テ開談ノコトニ定マル時ハ該局長專ラ之ヲ擔當シ兩國ノ爲メ盡力可致決心ニ相見ヘ申候該局長ハ先年條約改正會議ノ節モ此地ニ在テ其掛リトナリ又今回ニ於テモ專ラ我現案ヲ取調ヘ居リ我條約改正ノ件ニハ能ク明カナル人ニ有之候故拙官ヘ向テ前顯ノ儀談

ブルク地ヘ差遣シ條約改正主任局長ト内密ニ爲致談話申候然ル處同局長ノ曰ク未タ四省ノ同意ヲ得サルカ故外務省ニ於テハ難致處分候乍去不日歸府ノ上專ラ該事件ニ取掛リ一日早ク日本政府ノ御請求ニ應シ候様盡力可致トノ事ニテ有之申候左候テ當時商務大臣並司法次官等アウスゼ<sup>1</sup>地ニ滞在ノ旨聞込候間同官等ニ面會ノ爲メ本月三日棚橋書記官ヲザルツブルクヨリアウスゼ<sup>1</sup>地ヘ差遣シ爲致談話候處夫々歸府ノ上速カニ可致處分トノ事ニテ有之申候而シテ其後聞ク處ニ依レハ商務大臣ヨリハ已ニ同意相成タル趣猶他省ヨリモ不日確答可相成趣ニ御座候此段得貴意候也

明治二十二年九月二十五日

特命全權公使伯 戸田氏共

外務大臣伯 大隈 重 信 殿

No. 68. Treaty with United States signed to-day on exact lines of proposals submitted by me to Italian Minister at end of last December. Inform Italian

Government of this fact. Refer to favorable reception accorded by Italian Government to our proposals and add that drafts have now been in their hands for some time, Japanese Government earnestly hope that Italian Government will authorize Italian Minister by telegraph to enter upon negotiations with me with view to conclude treaty similar to that signed with United States.

February 20, 1889. Okuma.

三三五 明治三十二年四月十四日 德川駐伊公使ヨリ  
大隈外務大臣宛

談判開始方伊政府ニ催促ノ件

第一號

六月一日到

條約改正ノ件ニツキ本年一月送第一號並二月送第一三八號<sup>2</sup>ヲ以テ續々御訓示ノ趣逐一致敬承候右第一回ノ訓示ニ依リ直ニ伊國外務大臣へ我政府ノ旨意ヲ詳細ニ申入御提出ノ新按書類一部ツツ相渡置キ爾來數回其確答ヲ該大臣ニ請求致候得共其都度「成ル可ク速カニ調査ヲ了シ御答可致」トノ回答ニ止リ候ニ付未タ右ニ關スル判明ナル伊政府ノ旨趣ヲ

務大臣並次官へ拙者ヨリ兩三度及催促候得共精々速カニ調査ヲ遂ケ成ルヘク速カニ好結果ヲ得ルコトヲ希望スル旨相答フルノミニテ實際際急ニ相運ヒ候様子無之遺憾不少候得共強テ催促過度ニ失シ候テハ却テ不都合ト被存候間徐々ニ相謀リ候外手段有之間敷ト相考候又伊外務ノ主務官吏ヨリ我公使館參事官へノ内話ニ依ルニ伊政府ハ本邦ヨリノ提出案ノ大體ニ付キ他ノ同盟國ノ二三政府へ意見ヲ聞合セタル趣ニ御座候此儀ハ外務大臣並次官ヨリ拙官へハ素ヨリ發言不致又右ノ照會ニ對シ外國政府ヨリ伊政府へノ返答ハ如何ナルヤ未タ之ヲ探知スルコトヲ得ニ候且又本件ニ付キ本邦駐割伊國公使ハ如何ナル見込ヲ閣下ニ申陳候哉拙官參考ノ爲メ御内示被下度候右申進候也

明治三十二年五月二十日

在伊特命全權公使侯 德川篤敬 花押

外務大臣伯 大隈重信 殿

三三七 明治三十二年六月七日 大隈外務大臣ヨリ  
德川駐伊公使宛(往電)

拙官ヨリ閣下ニ報告スルノ場合ニ至リ不申候乍然單獨的條約締結ノコトハ右大臣ニ於テ不同意無之様被察候然ルニ其確答遲延ノ理由ハ何ノ點ニアルヤヲ探問致候ニ全ク初メ外務主任官ニ於テ我提出按ノ調査ヲ爲シ以テ外務省ヨリ司法農商務ノ兩省へ照會シ目下該兩省ニ於テ各々其主務ノ事項ヲ調査中ニ有之趣ニ御座候右ノ次第ニツキ前途ノ事未タ明言シ難シト雖モ精々注意盡力今後成ル可ク速ニ好結果ヲ得候様致度熱意ニ罷在候右先以及報告置候也

明治三十二年四月十四日

在伊特命全權公使 德川篤敬 花押

外務大臣 大隈重信 殿

註 1 及 2 夫々一〇及一九

三三六 明治三十二年五月二十日 德川駐伊公使ヨリ  
大隈外務大臣宛

談判開始ノ儀ニ關スル伊國政府ノ態度報告ノ件

第拾壹號

六月二十八日到

日伊條約改正ノ件去月第一號ヲ以テ申進置候處其後伊國外

談判開始ノ儀重ネテ要請方訓令ノ件

No. 215. Inform Minister for Foreign Affairs of signature of treaty with Germany, call his attention to long time that has elapsed since our proposals were submitted to him, refer to friendly spirit in which those proposals were received and appreciation of Japanese Government at such friendly reception and express earnest hope entertained by Japanese Government that Italian Government will, without further delay, instruct Italian Minister to enter upon negotiations here with view to conclusion of treaty similar to German treaty.

June 17, 1889. (via Peteraburg). Okuma.

三三八 明治三十二年六月二十日 大隈外務大臣ヨリ  
德川駐伊公使宛(往電)

伊國政府ノ回答催促ノ件

No. 223. Referring to my telegram of June 17th, what answer has Italian Government made? Answer by telegraph.

June 21, 1889 (Via Petersburg). Okuma.

三三九 明治三十二年六月二十四日

徳川駐伊公使ヨリ  
大隈外務大臣宛(來電)

伊國政府ノ全權委任ニ關スル件

I saw yesterday Crispi, Minister for Foreign Affairs of Italy. He made to me an answer definitive and assured that he will give instruction to Martino this week that he may begin conference with you for the revision of treaty.

June 24, 1889. (Via Petersburg). Tokugawa.

三四〇 明治三十二年六月二十四日

徳川駐伊公使ヨリ  
大隈外務大臣宛

在本邦伊國公使ニ全權委任ノ件

第十三號

八月七日到

伊政府ニ對スル條約改正談判ノ結果ハ本日電報ヲ以テ及御通知候如ク當外務省ニ於テ他省トノ打合セ相濟候ニ付今週ノ中ニハ其地駐在伊國公使マルチノ氏ヘ電報ヲ以テ訓令ヲ

伊國政府ヨリ修正箇條書提出ノ件

附屬書 伊國外務大臣手交ノ修正箇條書

第十四號

九月七日到

第十三號信六月二十四日附ヲ以テ伊外務大臣クリスピー氏ヨリ同月同日ヨリ一週間内ニ其地駐在伊公使マルチノ氏ニ電信ヲ以テ訓令ヲ下シ貴大臣閣下ト條約改正ノ談判ニ着手致サセ候旨確答ノ段申進尙直ニ電報ヲ以テ貴大臣閣下ニ御通告致候後尙又一週間ヲ經テ同月三十日ニ再ヒ伊大臣ニ面會ノ上約定ノ如ニマルチノ氏ニ訓令通達有之候ヤ問合候處未タ其儀ニ運ハサル旨ニテ同大臣モ遺憾ニ存尙各省ニテ右改正案ノ調査ヲ爲急候上直ニ其運ニ可致様申候然ニ其内七月八日ノ貴電信ニ接スルニ付尙其旨ニテ伊大臣ニ屢面會ノ上掛合申候末今朝電信ニテ申進候通リ本日伊外務大臣ヨリマルチノ氏ニ右改正ノ談判ニ付テノ全權及ヒ訓令ヲ溪與候事ニ治定候此ノ確答ハクリスピー氏ヨリ既ニ先月二十四日ニ承知候後本日迄延引殆ト三十日ノ日數ヲ經過候事ハ甚不都合ノ廉不尠候得共伊農商務省ノ提出案中再應調査ノ件有之等ニテ甚遷延致候次第ニ有之候尙又伊大臣ヨリ在

下シ全權ヲ付與シテ貴大臣ト談合ノ上該條約締結可致手續ニ相運ヒ可申旨昨日當外務大臣クリスピー氏ニ面會ノ節確答有之候間左様御承了相成度此段申進候也  
二十二年六月二十四日

侯 徳川 篤 敬 花押

外務大臣伯 大隈 重 信 殿

三四一 明治三十二年七月八日

大隈外務大臣ヨリ  
徳川駐伊公使宛(往電)

伊國ニ對シ全權委任方再説ニ關スル件

No. 248. Referring to your telegram of June 24, ask Minister for Foreign Affairs whether instructions have been sent by telegraph to Italian Minister. If Minister for Foreign Affairs answers in negative, again urge him to send instructions.

July 8, 1889 (Via Petersburg). Okuma.

三四二 明治三十二年七月二十二日

徳川駐伊公使ヨリ  
大隈外務大臣宛

本邦伊公使ニ送達相成候伊政府ノ條約改正案中ニ修正ヲ望候件ニハ別紙ノ通ノ旨ニテ昨日曜日同大臣ニ面會ノ節ニ受領致候間當館ニ寫ヲ取置其原書進送候其旨ニ因ニ伊政府ヨリハ條約改正ニ付獨政府ニ問合ノ廉モ有之候様相見申候右御承知相成度此段申送候也

明治三十二年七月二十二日

侯 徳川 篤 敬 花押

外務大臣伯 大隈 重 信 殿

註 1 及 2 三三九及三四一

附屬書

二十二年七月二十一日伊國外務大臣ヨリ手交ノ修正箇條書譯文  
日本政府ヨリ提出ニ係ル修好、通商及ヒ航海條約案ノ首ナル修正案(クリスピー氏ヨリ七月二十一日落掌)

第一

本國臣民ノ航海及商業ノ爲メ現ニ開キ或ハ將來開クヘキ日本國ノ港ハ總テ之ヲ伊太利人ノ航海及商業ニ開クコト(第二條)

第二

日本ノ船舶カ同種ノ商業ヲ營ムヲ得ル所ノ帝國ノ總テノ港ニ於テ寄港貿易ハ全ク自由ナリト宣言スルコト

寄港貿易トハ外國ヨリ積ミ來ル所ノ商品ヲ日本國ノ數港ニ於テ漸次ニ積ミ卸シ或ハ外國ヘ輸送スヘキ商品ヲ日本國ノ數港ニ於テ順次ニ積ミ込ムコトト了解スルヲ要ス(第十條)

### 第三

報酬ヲ附シ或ハ報酬無クシテ別國ニ許與シタル特權權利或ハ殊遇ハ直チニ且條件ヲ附セスシテ之ヲ他ノ一方ニ及ホスヘキニ付キ最惠國ノ條款ハ總テノ條件ヲ免除スルコト  
此議與ハ既ニ日耳曼ニ與ヘラレタリ(第十九條)

### 第四

最惠國ノ取扱ヘ之ヲ通商及航海ニ適用スルノミナラス尙ホ裁判權及ヒ總テ他ノ件ニモ亦之ヲ適用スルコト  
此擴用モ亦日耳曼ニ許與セラレタリ(第十九條)

### 第五

假期中ハ領事裁判所及日本裁判所ノ管轄權ヲ定ムル爲メノ規則ヲ簡易ニ爲スコト  
此管轄權ハ僅少ナル例外ヲ除クノ外ハ先ツ一般ニ對人ノ訴訟及ヒ動産ノ訴件ナレハ原告人ノ居住地或ハ所在地又ハ不

(別紙二號)

### 第十一

外國裁判官ヲ各國ニ分配スルノ問題ハ他日ノ協議ヲ以テ定ムルコト(別紙二號)

### 第十一

條約實行ノ日ニ至リ新混合裁判施行ノ準備整ハサル時ハ假ニ他ノ方法ヲ以テ外國人裁判上ノ保護ヲ保證スルコト(別紙二號)  
(右原文)

Modifications principales à apporter au projet de traité d'amitié, de commerce et de navigation proposé par le Gouvernement du Japon.

#### 1.

Ouverture à la Navigation et au commerce italien de tous les ports du Japon, qui sont ou seront ouverts à la navigation et au commerce des sujets du pays.  
(art. 2).

#### 2.

Commerce d'escale déclaré entièrement libre pour tous les ports de l'Empire, ou les navires nationaux

動産ノ訴件ナレハ其所在地ニ因テ之ヲ定ムルヲ要スヘシ(第十六條)

### 第六

現今ノ居留地ニ六ヶ年以上住居スル外國人ニハ其居留地ヲ日本ノ地方制ニ組入ルル時ニ當リ行政上ノ選舉權ヲ讓與スルコト(第二十二條)

### 第七

英吉利語ヲ日本ニ於ケル裁判用ノ外國語ト認ムルヲ要ストモ他ノ國籍ナル原被兩造ニ於テハ協議ノ上選定シタル他ノ歐洲國語ヲ裁判所ニ於テ使用スルノ特典ヲ失ハサルコトヲ要スヘシ(別紙一號)

### 第八

裁判取扱上必要ノ數タケ混合控訴院ヲ設置スルコト(別紙二號)

### 第九

身體ノ自由ヲ剝奪スヘキ總テノ刑事事件ハ混合裁判權ヘ控訴ノ道ヲ存スルコト(別紙二號)

### 第十

混合裁判ノ成存中ハ外國裁判官ヲ免官スヘカラサルコト

pouront exercer cette sorte de commerce. Pour commerce d'escale on doit entendre, soit le déchargement gradual dans plusieurs ports du Japon, de marchandises provenant de l'étranger, soit la formation graduelle, dans différents ports japonais, d'un chargement destiné à l'étranger. (art. 10).

#### 3.

Clause de la nation la plus favorisée exempte de toute condition, tout privilège, droit, on favour accordés titre gratuit ou onéreux à une tierce puissance devant être immédiatement et sans condition de sorte étendus à l'autre partie contractante. Cette concession a été déjà faite à l'Allemagne. (art. 19).

#### 4.

Le traitement de la nation la plus favorisée applicable non seulement au commerce et à la navigation, mais aussi à la matière.

Cette extension a été aussi accordée à l'Allemagne.  
(art. 19).

#### 5.

Simplification des règles pour déterminer, pendant la période transitoire, la compétence des Tribunaux

Consulaires et des Cours Japonaises. Cette compétence devrait, en général, et sans peu d'exceptions, être avant tout déterminée par le lieu de domicile ou de séjour du défendeur dans les actions personnelles et mobilières, et par le *locus, rei sitae* dans les actions immobilières. (art. 16).

6.

Concession du droit électoral administratif aux étrangers domiciliés depuis six ans dans les settlements actuels, lorsque ceux-ci seront incorporés dans les Municipalités Japonaises respectives. (art. 22).

7.

Si la langue anglaise doit être reconnue comme la langue judiciaire étrangère au Japon, cela ne devra pas exclure la faculté aux parties d'autre nationalité de se servir, par devant les tribunaux, d'une autre langue européenne, choisie par elles d'un common accord. (Nota N. 1).

8.

Etablissement de Cours d'Appel mixtes en nombre suffisant pour tous les besoins de l'administration de la justice. (Nota N. 2).

9. Toutes les affaires pénales portant privation de la liberté personnelle, réservées du moins en voie d'appel à la juridiction mixte. (Nota N. 2).

10.

Inaurovibilité des juges étrangers pendant toute la durée de l'existence de la juridiction mixte. (Nota N. 2).

11.

La question du partage entre les différentes Puissances des magistrats étrangers réservée à des accords ultérieurs. (Nota N. 2).

12.

Dans le cas où la nouvelle juridiction mixte ne se trouverait prête à fonctionner à la date de la mise en vigueur du traité, pourvoir, en voia transitoire, par d'autre garanties à la protection judiciaire des étrangers. (Nota N. 2)

reçu de Mr. Crispi

le 21 dimanche juillet 1889

三四三 明治三十二年七月二十三日 徳川駐伊公使ヨリ  
大隈外務大臣宛(來電)

伊國公使ニ對シテ政府訓令ノ件

Italian Minister for Foreign Affairs sent Martine to-day by telegraph the order with instructions to enter into conferences for the revision of treaty. Letter follows.

Rec'd (via Petersburg), July 24, 1889.

Tokugawa.

三四四 明治三十二年七月二十七日 大隈外務大臣ヨリ  
徳川駐伊公使宛(往電)

伊國公使ニ對スル同政府訓令ニ關シ掛合方ノ件

No. 255. Referring to your telegram of the 23rd instant, Italian Minister in Tokio says that he has received no instructions so far. Ascertain whether the Italian Minister for Foreign Affairs sent the instructions as you reported and, if not, urge him to do so without delay.

July 27, 1889. Okuma.

三四五 明治三十二年八月二日 徳川駐伊公使ヨリ  
大隈外務大臣宛(來電)

伊國政府ノ訓令ニ關スル件

Italian Minister for Foreign Affairs sent (?) by telegraph summary of instructions to Martino to-day or to-morrow. Other (?) detailed instructions by post. I am assured for it. Letter follows.

Rec'd (via Petersburg), August 4, 1889.

Tokugawa.

三四六 明治三十二年八月二日 徳川駐伊公使ヨリ  
大隈外務大臣宛  
在本邦伊國公使ニ全權委任ノ件

第十五號

九月十八日到

本日拙官ヨリ電信ヲ以テ及御通知候如ク條約改正談判開始ニ關シ委任全權及ヒ訓令ハ本日又ハ明日伊政府ヨリ在東京伊公使ニ電信ニテ發送可致旨本日伊外務大臣ニ面晤ノ節確答有之候間左様御承了相成度尤モ右發送ノ儀延引候次第ハ判然承知スルヲ不得候得共第十四號ヲ以テ申進候修正ノ條項及訓令等ノ要約ヲ電文ニテ該公使ニ申達スル爲メ日數意

外ニ遷延候趣ニ御座候  
此段申進候也

明治二十二年八月二日

特命全權公使侯 德川篤敬 花押

外務大臣伯 大隈重信 殿

註 1 前掲三四五

三四七 明治二十二年八月九日

大隈外務大臣ヨリ  
德川駐伊公使宛

伊國公使ト交渉ノ經過通報ノ件

添第五八九號

去ル七月二十四日接手貴電信ヲ以テ伊國外務大臣ハ同日在  
本邦ノ伊公使ヘ條約改正談判ニ着手スヘキ旨ノ電訓ヲ送り  
タル旨被申越候ニ付早速其旨ヲ伊公使ヘ及通知候處同人ヘ  
ハ未タ何等ノ訓令無之旨回答有之仍テ其段同月二十七日付  
電信ヲ以テ申進シ再慮伊國外務大臣ヘ掛合ハルヘキ旨及訓  
示候超エテ本月四日ニ到リ伊國外務大臣ハ本日(三日)又  
ハ明日電訓ヲマーチノー氏ヘ送ル旨御報有之候翌日

今日ノ景況大略申進置度如此候也

明治二十二年八月十三日起草

同 年八月十九日發遣

三四八 明治二十二年十月四日

大隈外務大臣ヨリ  
德川駐伊公使宛(往電)

伊國政府ノ再修正案送達問合セノ件

No. 318. Italian Minister has been informed by  
telegraph that Italian Government has sent him  
counter-project. Ascertain when counter-project was  
sent.

October 4, 1889. Okuma.

三四九 明治二十二年十月六日

德川駐伊公使ヨリ  
大隈外務大臣宛

伊政府ノ再修正案交付ノ件

附屬書一 日伊和親通商及航海條約案

二 法典編纂ニ關スル宣言案

三 裁判權ニ關スル宣言案

大隈外務大臣時代 對伊交涉 三四八、三四九

即チ五日伊公使來省政府ヨリ開談ノ訓令ニ接シタレトモ電  
信文中不分明ノ處有之ニ付問合中ナルヲ以テ先ツ電信文中  
明瞭ニ解シタル廉即チ通商上ノ事項ヨリ談判相始ムヘキ旨  
申出候ニ付其意ニ任セ去ル七日再ヒ會合候處通商ノ事項ニ  
付二三ノ修正申出候然ルニ右ハ何レモ不當ノ修正ニ付本大  
臣ハ斷然承諾難致旨ヲ相答ヘ候處同公使ハ何レ伊政府ノ修  
正ヲ悉ク書面ニ列記シテ可申入旨ヲ約シ相別レ候其折柄恰  
モ別信ニ申進候英政府カ修正案ヲ提出シタルコトヲ聞知シ  
タル容子ニテ伊國政府ハ凡テ英政府ノ修正ニ同意ナル旨ヲ  
自分ニ訓示シタリナト前後不揃ナル事ヲ申唱ヘ出シ候得共  
目下英國ト談判最中ニモ有之旁先ツ當分ハ同人ノ方ヲ打捨  
置候積ニ有之候

全體マーチノハ種々ノ行掛リヨリ帝國政府特ニ本大臣ニ對  
シ好意ヲ欠キ殊ニ近來ニ到リテハ稍ヤモスレハ我事業ヲ放  
ケントスルノ領有之從テ伊國政府ニ取リテハ殆ント痛痒ノ  
關係無シトモ云フヘキ我政府ノ修正案ニ對シテモ出來得ル  
丈種々ノ反對ヲ爲サントスルモノノ如ク相見エ候就テハ今  
後ノ模様ニ因リ或ハ伊國政府ニ對シ斷然ノ照會ヲ要スル場  
合出來スルヤモ難計何レ其節ハ詳細ノ訓示ニ及フヘク候共

第十八號

十一月二十一日

伊國政府ヨリ何日比ニ條約改正案ニ對シ修正請求案ヲ送達  
致ヤ問合ヘキ旨ノ貴電信ニ接シ太日電信ニテ申進候如ク外  
務省ニ出頭大臣不在ノ事故ニ次官ニ面會ヲ求候處同人モ那  
港ニ行不在中故ニ政務局長マルキーッファアツサツチー氏  
(Marquis Fasseti)ニ面會ノ上委細尋問致候處右修正請  
求案ハ去月三十日ニマルチノー氏ニ郵送ニ及候旨確答致候  
右ハ先般御郵送致候伊政府ノ修正請求ノ箇條ヲ大略八月初  
旬ニマルチノー氏ニ電報致候後初テ全文中ニ修正案ヲ加ヘ  
更ニ印刷シテ送り候コトニテ右修正案到着ノ上ハ伊政府ノ  
意モ照明ノ儀ト存候右送附ノコトニハ兩三日以前ニ伊外務  
省ヨリ電信ヲ以テマルチノー氏ニ通知有之候此儀ニ付貴大  
臣ニ其旨御通知ニ及候儀ト存候然ニ封中御送達ニ及候修正  
請求案中藍色ヲ以記候部分ハ修正ヲ希望致候心算ノ由ニテ  
以前ニ御送達申候修正案ニ比較スレハ其場合増加ノ様ニ相  
見從テ前ノ修正案ハ全ク御參考ニ屬シ候モノト考定致候又  
既ニ調印相成候分參考ニ供候疑モ無ニシモ非ス存候右申進  
候也

二十二年十月六日

特命全權公使侯 徳川 篤敬 花押

外務大臣伯 大隈 重信 殿

註 一前掲二三四八

乙十月六日附徳川公使來電見當ハス

附屬書

日伊和親通商及航海條約案

註 下線ハ伊國側修正ナリ原案ハ一八二附屬書參照

### TREATY

of

### AMITY, COMMERCE AND NAVIGATION

His Majesty the Emperor of Japan and His Majesty the King of Italy being equally desirous of maintaining the relations of good understanding which happily exist between them.....

#### Art. I.

(最後ニ追加) The Japanese Government, moreover, undertakes to exempt Italian subjects from billeting.

#### Art. II.

.....

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other to which native subjects generally are or may be permitted to come, and shall enjoy, respectively,.....

#### Art. III.

(最後ニ追加) provided such protection shall, in no case, exceed the period prescribed by the laws of the country affording such protection.

#### Art. IV.

.....

#### Art. V.

..... produce or manufacture of Italy 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

....., under such laws, to the subjects or citizens of any other country.

The vessels of each of the two Contracting Parties shall, moreover, be at liberty, according as the captain, proprietor, or other person duly authorised to act as agent for the vessel or cargo, shall consider advisable, to proceed from one port of one of the two states to one or several ports of the same state, in order to discharge the whole or part of their cargo brought from abroad, or in order to take in or complete their cargo, without paying other duties than those to which nation vessels are, or may hereafter be, liable in similar cases, subject always to the laws and custom house regulations of the two countries.

But the Imperial Japanese Government makes the following concession.....

#### Art. XI.

....., chartered by Japanese subjects alone, or by Italian and Japanese subjects trading jointly, either in partnerships or Companies. Any person or persons so desiring.....

and of the representatives of the foreign merchants in Japan. The Japanese Government, however, reserves to itself the right to restrict or prohibit the importation of any article which, for sanitary reasons, or in view of public security might suffer any danger, and, under exceptional circumstances, the importation of munitions of war:

It is understood by the contracting parties that the Japanese Government,.....

#### Art. VI.

.....

#### Art. VII.

..... exemption from all transit duties .....

..... It is moreover understood.....

#### Art. VIII.

.....

#### Art. IX.

.....

#### Art. X.

.....

Art. XII.

Art. XIII.

Art. XIII. bis. All vessels which according to Japanese law are to be considered Japanese vessels, and all vessels which according to Italian law are to be considered Italian vessels, shall, for the purposes of this treaty, be deemed Japanese and Italian vessels respectively.

Art. XIV.

The dutiable tonnage of Italian vessels shall be the net tonnage. The capacity of the vessels, as stated in their registers shall serve as the basis upon which the tonnage and light dues are to be calculated.

Art. XV.

Art. XIX.

Art. XIX. The Contracting Parties agree that, in all that concerns commerce, 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. XX.

Art. XXI.

If during the period Consular Jurisdiction still continues, Italian subjects or citizens manufacture, fabricate, or prepare within the territorial limits of Consular Jurisdiction fish, sake, tobacco, shoyu, mirin, wine, beer or spirits, they shall pay the same dues

Art. XVI.

In the matter of the service of process and the execution of judgments, decrees and sentences, Japanese and Italian Consular Courts shall so far as the laws of their respective countries permit, render legal aid.

During the continuance of Consular Jurisdiction the Italian Consular Courts shall continue to exercise throughout Japan jurisdiction over Italian subjects or citizens in questions of personal status; it is, however, understood that if in proceedings before Japanese Courts, questions of personal status are incidentally or collaterally raised such Japanese Courts shall, for the purpose of such proceedings, have jurisdiction to determine questions so raised in accordance with Italian law.

Art. XVII.

Art. XVIII.

and taxes as Japanese subjects engaged in a similar business.

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

Art. XXII.

When the foregoing changes in the tenure of real property have been effected, ..... 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. Italian subjects who for the prebiding 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 hitherto .....

### Art. XXIII.

### Art. XXIV.

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

帝國憲法

英皇陛下の詔

(Nota I).

Department of Foreign Affairs

Tokio, .....

Consular Courts, and in the event it is 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 Italian Government to consent to the postponement of the date named in the Treaty for totally abolishing Italian Consular Jurisdiction, until at least 3 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 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, His Imperial Majesty's Minister for Foreign Affairs, taking into consideration, the stipulations contained in the Treaty this day concluded between the Governments of Japan and of Italy in reference to the final total abolition of Italian 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:

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 sometime in advance of the final abolition of Italian

The undersigned has the honour to add in conclusion that the system of issuing authentic translations of the laws will be maintained so long at least as the services of Judges of European or American origin are continued.

The undersigned avails himself &c., &c., &c.

帝國憲法

英皇陛下の詔

(Nota II).

Department of Foreign Affairs.

Tokio, .....

The undersigned, His Imperial Majesty's Minister for Foreign Affairs, has the honour to announce to ..... that the Imperial Government have reached the determination to appoint a number of foreign jurists to act in the capacity of Judges in the Supreme Court (Daishin In), and the undersigned is authorized to state on behalf of His Imperial Majesty's Government that when any proceedings, either civil or criminal in which an Italian subject or citizen is directly interested are heard in the Supreme Court, either in last or first and last instance, a majority of

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

In order to indicate the extent to which Italian subjects or citizens will be able to take advantage 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 a fine of Yen 50 or exceeds a fine of Yen 100 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 Yen 100 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 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 be taken from among those who

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 of 12 years.

While His Imperial Majesty's Government will 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

would be eligible for similar positions in their over country and 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 their office for the whole period the new system is to be continued in force, and 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 Italy make formal submission to the jurisdiction of the Imperial Japanese Courts of Justice. The new system which the undersigned has had

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 Italian Government and subjects will be fully respected and protected.

The undersigned avails himself &c. &c. &c.