

六三六	七明治三十三年八月	高平駐英公使ヨリ	日瑞條約改正ニ關スル件	九八一
六三七	九明治三十三年七月	大隈外務大臣ヨリ	日瑞條約實施ニ關スル件	九八三
		附屬書 日瑞條約參考書		九八四
六三八	三明治三十三年六月	法律第十四號	關稅定率法公布	九八四
六三九	九明治三十一年	外務省告示	改稅實施ノ件	一〇〇一
六四〇	六明治三十一年四月	勅令第二百五十六號	新條約實施ノ件	一〇〇一
六四一	六明治三十一年三月	御詔勅並ニ内閣訓令	改正條約實施ノ御詔勅	一〇〇二

條約改正ニ關スル日本外交文書 第四卷

第八章 陸奧外務大臣時代

第一節 改正稟議ト對英交渉

一 明治三十六年七月五日 陸奧外務大臣ヨリ 伊藤總理大臣宛

條約改正草案提出ニ關スル閣議案

附屬書 一 通商及航海條約案

二 議定書案

三 附屬稅目

親展送第五三九號

現行條約改正ノ事業ニ關シテハ從來歷任ノ當局者ニ於テ辛
苦經營籌畫シタルニ拘ハラズ其間種々ノ障礙ニ遭遇シ遂ニ
今日迄未タ維新以還ノ宿望ヲ成達シ得サリシ事歴ハ閣僚諸
公ノ業已ニ熟知セラル、所ニシテ今茲ニ其顛末ヲ喋々贅述

陸奧外務大臣時代 改正稟議ト對英交渉 一

スルノ必要無之事ト相信候然ルニ現内閣組織以來政府ハ本
問題ニ關シ昨年十二月一日衆議院ニ於テ内閣總理大臣ノ演
說中ニ其意見ヲ公示シテ曰ク「外交ノ事ハ舊ニ依テ益々輯
睦ヲ加フ吾人ハ内ニ於テ百政ノ釐正ヲ努ムルト同時ニ外ニ
對シテ多年期望セル條約改正ノ大業ヲ決行セサルヘカラサ
ルハ更ニ多言ヲ要セスト雖モ此問題タル殊ニ慎重ヲ要ス故
ニ維新以還ノ宿望ヲ達セント欲セハ余等ハ先ツ國民ノ意嚮
ヲ歸一スルノ必要アルヲ知ル而シテ之ヲ略言セハ條約改正
ノ主要ハ凡ソ國トシテ有スヘキ權利ヲ得凡ソ國トシテ盡ス
ヘキ義務ヲ完クスルニ在リ」ト而シテ一方ニ在テハ衆議院

本問題ニ關シテハ明治十三年以來帝國政府ニ於テ前後數回外國政府ニ向テ約案ヲ提出致候事有之候得共要スルニ其性質ニ就テ論スルトキハ孰レモ完全ナル對等條約ノ性質ヲ具備セシモノニ無之即チ相當ノ過渡時期ヲ置テ以テ現事體ヨ

陸奥外務大臣時代 改正稟議卜對英交渉

露獨ノ三ヶ國ニ向テハ便宜或ハ在外帝國公使ヲシテ各該政
府ニ就キ或ハ本邦駐劄各該國公使ニ就ヒテ其政府ノ意嚮如
何ヲモ相探ラシメ然ル後更ニ閣議ヲ乞フテ談判ニ着手致度
ト存候右閣僚諸公ノ明斷ヲ請フ
右閣議ニ提出候也

外務大臣 陸奥宗光

(附箋) 明治二十六年四月二十六日起草

同
七月五日發遣

陸奥大臣自ラ之ヲ内閣ニ提出セラル

附屬書一
二十六年七月五日附閣議案附屬約案

通商及航海條約草案

[illegible]

々、々、々、ハ何某ヲ各其全權委員ニ任命セリ因テ各全權委員ハ互ニ其委任狀ヲ示シ其良好妥當ナルヲ認メ以テ左ノ諸條ヲ協議決定セリ

第一條

兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ版圖内何ノ所ニ到リ、旅行シ或ハ居住スルモ全ク隨意タルヘク而シテ其身體及ヒ財産ニ對シテハ完全ナル保護ヲ享受スヘシ
該臣民或ハ人民ハ其權利ヲ伸張シ及ヒ防護センカ爲メ自由ニ且ツ容易ニ裁判所ニ訴出ツルコトヲ得ヘク又該裁判所ニ於テ其權利ヲ伸張シ及ヒ防護スルニ就キ内國臣民或ハ人民ト同様ニ代言人辯護人及ヒ代人ヲ選擇シ且ツ使用スルコトヲ得ヘク而シテ右ノ外司法取扱ニ關スル各般ノ事項ニ關シテ内國臣民或ハ人民ノ享有スル總テノ權利及ヒ特典ヲ享有スヘシ
居住權旅行權及ヒ各種動產ノ所有、遺囑又ハ其他ノ方法ニ因ル所ノ動產ノ相續并ニ各種財產ノ授受ニ關シ(井上文部大臣ノ注意ニヨリ「合法ニ得ル」トコロノ各種財產ヲ如何ニ處分スルコトニ關シ)ト訂正)兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ版圖内ニ在テ内國臣民(井上内務大臣ノ

注意ニ依リ「内國若クハ最惠國ノ臣民」ト訂正)或ハ人民ト同様ノ特典、自由及ヒ權利ヲ享有シ且ツ此等ノ事項ニ關シテハ内國若クハ最惠國ノ臣民或ハ人民ニ比シテ多額ノ税金若クハ賦課金ヲ徵收セラル、コトナカルヘシ

兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ版圖内ニ於テ良心ニ關シ完全ナル自由、及ヒ法律規則(井上文部大臣ノ注意ニ依リ「法律勅令及規則」ト訂正)ニ從テ公私ノ禮拜ヲ行フノ權利、并ニ其宗教上ノ慣習ニ從ヒ埋葬ノ爲メ設置保存セラル、所ノ適當便宜ノ地ニ自國人ヲ埋葬スルノ權利ヲ享有スヘシ

何等ノ名義ヲ以テスルモ該臣民若クハ人民ヲシテ内國若クハ最惠國ノ臣民或ハ人民ノ現ニ納ムル所若クハ將來納ムヘキ所ニ異ナルカ又ハ之ヨリ多額ノ取立金若クハ租稅ヲ納メシムルヲ得ス兩締盟國ノ一方ノ臣民或ハ人民ニシテ他ノ一方ノ版圖内ニ居住スルモノハ陸軍、海軍、護國軍、民兵等ニ論ナク總テ強迫兵役ヲ免カレ且ツ其服役ノ代リトシテ取立ル所ノ一切ノ納金ヲ免カレ又一切ノ強募公債及ヒ軍事上ノ賦歛、或ハ捐資ヲ免カルヘシ

第二條

「但シ本條及前條規定ハ兩締盟國ノ各方ニ於テ商業警察及公安ニ關シ現ニ行ハル、特別ノ法律勅令及規則ニシテ外國人一般ニ適用スヘキモノニハ何等ノ影響ヲモ及ホスコトナシ」(井上内務大臣訂加)

第三條

兩締盟國ノ一方ノ臣民或ハ人民カ他ノ一方ノ版圖内ニ於テ住居若クハ商業ノ爲メニ供スル家宅、倉庫及ヒ店舗ハ侵スヘカラス右家宅、店舗ハハ猥リニ侵入搜索スヘカラス又帳簿、書類或ハ簿記帳ヲ檢査點閱スヘカラス但シ内國臣民或ハ人民ニ對シ法律(「法律勅令及規則」ト訂正)ヲ以テ制定セル條件及ヒ定式ニ據ルトキハ此限ニ在ラス

第四條

由ニ到ルヲ得且ツ通商、工業及ヒ航海(外務大臣自ラ「通商及航海」ト訂正)ニ關シテハ政府、官公吏、一私人或ハ會社若クハ何等施設ノ名義ヲ以テスルカ又ハ其利益ノ爲メニ課セラル、所ノ税金或ハ取立金ハ其性質若クハ名稱ノ如何ヲ論セス内國臣民或ハ人民ノ拂フ所ニ異ナルカ或ハ之ヨリ多額ノモノヲ拂フコトナク内國臣民或ハ人民ト同一ノ取扱ヲ受クヘキモノトス

禁止スルニ非サレハ他ノ一方ノ版圖内ノ生産或ハ製造ニ係ル同種ノ物品ヲ何レノ地ヨリ輸入スルコトヲモ禁止スルコトナカルヘシ但シ此末段ノ取極ハ人、蓄或ハ農業ニ有用ナル植物ノ安全ヲ保護スルニ必要ナル衛生上及ヒ其他ノ禁止ニハ適用スヘカラサルモノトス

第五條

兩締盟國ノ一方ノ版圖内ヨリ他ノ一方ノ版圖内へ輸出スル一切ノ物品へハ他ノ各外國へ輸出スル同種物品ニ對シ現ニ賦課シ若クハ將來賦課スヘキ所ニ異ナルカ或ハ之ヨリ多額ノ税金又ハ雜費ヲ賦課スルコトナカルヘシ又兩締盟國ノ一方ノ版圖内ニ於テ他ノ各外國ニ向ヒ物品ノ輸出ヲ禁止スルニ非サレハ他ノ一方ノ版圖内へ同種ノ物品ヲ輸出スルコトヲモ禁止セサルヘシ

第六條

兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ版圖内ニ在リ
テ内地通關稅ハ免除セラルヘク又倉入、特別獎勵(井上内
務大臣之ヲ「獎勵金」ト訂正)及ヒ便益并ニ税金拂戻等ノ
事項ニ就テハ内國臣民或ハ人民ト均等ノ待遇ヲ享クヘシ

第七條

ヘキ物品ニシテ法律ニ違背セサルモノハ（適法ニ現ニ輸出
シ若クハ將來輸出セラルヘキ物品ハ）ト訂正）其輸出ノ日
本國船舶ニ因ルト、ハ、ハ、ハ、ハ、ハ、ハ、國船舶ニ因ルトニ
拘ハラス又其仕向先ノ締盟國ノ一港タルト（外務大臣之ヲ
「其仕向先ハ他ノ一方ノ締盟國ノ一港タル」ト訂正）第三
國ノ一港タルトヲ問ハス締盟國ノ版圖内ニ於テハ之ニ課ス
ルニ同一ノ輸出税ヲ以テシ又之ニ許スニ同一ノ特別獎勵
〔獎勵金〕ト訂正）并ニ税金拂戻シノコトヲ以テスヘジ

第
八
條

政府、官吏、公吏、一私人、會社若クハ何等施設ノ名義ヲ以テスルカ又ハ其利益ノ爲メニ課セラル、所ノ噸稅、港稅水先案内料、燈臺稅、檢疫費其他之ト同種ノ稅金ハ其性質并ニ名義ノ如何ニ拘ハラス同一ノ條件ヲ以テ同様ノ場合ニ於テ內國船舶一般ニ課スルモノニ非サレハ兩締盟國ノ一方ハ其版圖內ノ港ニ於テ之ヲ他ノ一方ノ船舶ニ課セサルヘシ此ノ如キ均等ノ取扱ハ兩國ノ船舶カ何レノ地或ハ港ヨリ來リ又何レノ處ニ往クモノタリトモ相互同一タルヘキモノトス

第九條

兩締盟國ノ一方ノ版圖内ノ海港、海灣、船渠、川河、或ハ

陸奧外務大臣時代 改正稟議卜對英交涉

日本國皇帝陛下ノ版圖内ノ諸港へ日本國ノ船舶ヲ以テ現ニ輸入シ若クハ將來輸入セラルヘキ物品ニシテ法律ニ違背セサルモノ（外務大臣之ヲ「適法ニ現ニ輸入シ若クハ將來輸入セラルヘキ物品ハ」ト訂正）亦、
船舶ヲ以テ同様ニ之ヲ右諸港ニ輸入スルコトヲ得此場合ニ於テハ日本國船舶カ右様ノ物品ヲ輸入スルトキ課スヘキ税金或ハ雜費ノ外何等ノ名義ヲ以テスルモ更ニ別種或ハ多額ノ税金雜費等ヲ課セサルヘシ又、
國內ノ諸港ヘ、
シ若クハ將來輸入セラルヘキ物品ニシテ法律ニ違背セサルモノハ（適法ニ現ニ輸入シ若クハ將來輸入セラルヘキ物品ハ」ト訂正）亦日本國ノ船舶ヲ以テ同様ニ之ヲ右諸港ヘ輸入スルコトヲ得此場合ニ於テハ、
カ右様ノ物品ヲ輸入スルトキ課スヘキ税金或ハ雜費ノ外何等ノ名義ヲ以テスルモ更ニ別種或ハ多額ノ税金雜費等ヲ課セサルヘシ右相互對等ノ處置ハ右物品ノ直ニ原產地ヨリ到ルト其他ノ場所ヨリ到ルトヲ問ハス必ス之ヲ施スモノトス輸出ニ關シテモ前項ノ場合ト同様全ク均等ノ處置ヲ施スヘシ故ニ締盟國ノ一方ヨリ現ニ輸出シ若クハ將來輸出セラル

第十條

其他ノ碇泊所ニ於テ船舶ノ繫留又貨物ノ船積、船卸ニ關スル一切ノ事項ニ就キテハ内國船舶ト同様他ノ一方ノ締盟國ノ船舶ニ許與セサル特典ハ之ヲ内國船舶ニ許與セサルヘシ（井上内務大臣之ヲ「内國船舶ニ許與セサル特典ハ均ク他ノ一方ノ締盟國船舶ニモ許與セサルヘシ」ト修正）但シ本件ニ關シテモ亦兩締盟國ノ目的ハ兩國ノ船舶ニ對シ互ニ均等ノ處置ヲ施スニ在ルモノトス

兩締盟國ノ沿海貿易ハ本條約ニ於テ規定スルノ限ニ在ラス
、
大臣之ヲ「各其法律勅令規則ニ從ヒ」ト修正）之ヲ規定ス
ヘキモノトス然レトモ日本ニ於ル、 、 、 、 、 、 、 、 、
ハ人民又ハ、 、 、 、 、 、 、 、 、 、 、 、 、 、 、 、
項ニ關シテハ各法律（「各法令」ト訂正）ニ因テ他ノ外國臣
民或ハ人民ニ現ニ許與シ若クハ將來許與セラルヘキ諸權利
ヲ享有スルモノトス

ル荷物ヲ外國ニ於テ積載シタル日本國船舶及ヒ日本國皇帝
陛下ノ版圖内ノ二個以上ノ港ヘ仕向ケタル荷物ヲ外國ニ於

第十一條

兩締盟國ノ一方ノ軍艦或ハ商船ニシテ他ノ一方ノ沿岸ニ於テ淺瀬ニ乗上ケ或ハ難破シタルトキハ地方官ヨリ其事件ノ生シタル地方ニ在ル所ノ總領事、領事、副領事又ハ領事代理ヘ其旨ヲ通知スヘシ但シ若シ其地方ニ領事官ノ設ナキトキハ最近地方ノ總領事、領事、副領事又ハ領事代理ヘ通知スヘシ

兩締盟國ノ一方ノ臣民或ハ人民ニ屬スル船舶ニシテ他ノ一方ノ版圖内ニ於テ淺瀬ニ乗上ケ或ハ難破シタルトキ其持主船長、若クハ持主代理人不在ノ場合ニハ當該總領事、領事、副領事若クハ領事代理ハ其自國臣民或ハ人民ニ必要ノ救助ヲ與フル爲メ職權上ノ助力ヲ爲スヲ許サルヘキモノトス此規定ハ持主、船長若クハ持主代理人現ニ其場ニ在ル時ト雖モ右様ノ救助ヲ與フルヲ請求スル場合ニハ亦適用スヘキモノトス

[illegible]

若シ締盟國ノ一方ニ屬スル軍艦或ハ商船ノ海員ニシテ他ノ一方ノ版圖内ニ於テ逃亡スル（井上内務大臣之ヲ「脱船ス

右遭難ノ船舶并ニ其器具及ヒ其他一切ノ附屬品及ヒ該船舶ヨリ救上ケタル貨物并ニ商品及ヒ右等ノ諸物件ニシテ海中ニ投棄セラレタルモノ、又ハ之ヲ賣却シタルトキハ其收得金、并ニ該遭難船内ニ發見セラレタル一切ノ書類ハ右船舶ノ持主或ハ代理人ヨリ要求スルトキハ之ニ引渡スヘシ右持主或ハ代理人ノ現場ニ在ラサルトキハ内國法律ニ定メタル期限内ニ當該總領事、領事、副領事或ハ領事代理ヨリ請求アレハ之ヲ引渡スヘシ而シテ右領事官、持主或ハ代理人ハ内國船舶雖破ノ場合ニ於テ拂フヘキ所ノ物品保存費并ニ難破救助費及ヒ其他ノ費用ノミヲ拂フヘキモノトス難破船ヨリ救上ケタル貨物及ヒ商品ハ消費ノ爲メニ之ヲ賣却ク（井上内務大臣之ヲ「通關手續ヲ爲スモノ」ト修正）

ル」ト修正）モノアルニ際シ右船舶所屬國ノ領事又ハ其代理官ヨリ其逮捕引渡ノ事ヲ地方官ニ依頼スルトキハ該地方官ハ其權力ノ及フ限リ該逃亡人（「脱船人」ト修正）ヲ逮捕シ且ツ之ヲ引渡ス爲メ助力ヲ爲スヲ要スルモノトス此約款ハ右海員ノ逃亡シタル國ノ臣民或ハ人民ナルトキハ適用スヘカラサルモノトス（外務大臣之ヲ「但シ右海員力其各自ノ所屬國ニ於テ脱船シタルトキハ此約款ヲ適用セザサルモノトス」ト修正）

兩締盟國ハ其一方ノ通商及ヒ航海ヲ他ノ一方ニ於テ總テ最惠國ノ基礎ニ置ク主意ヲ有スルニ因リ通商及ヒ航海ニ關スル一切ノ事項ニ於テ現時或ハ將來其一方ヨリ別國ノ政府、臣民或ハ人民ニ許與スル所ノ一切ノ特典、殊遇若クハ免除ハ他ノ一方ノ政府、臣民或ハ人民ニモ即時ニ且ツ條件ヲ附セシシテ之ヲ許與スヘキコトヲ兩締盟國ニ於テ約定ス

總領事、領事、副領事及ヒ領事代理ヲ置クコトヲ得ヘシ但シ領事官ノ駐在ヲ認許スルニ便宜ナラサル場所ハ例外クル

ヘシ

然レトモ右ノ例外ハ他ノ諸外國ニ對シ之ヲ適用スルニ非サ
レハ一方ノ締盟國ニ對シテ之ヲ適用スルヲ得サルモノトス
總領事、領事、副領事及ヒ領事代理ハ一切ノ職務ヲ執行ス
ルコトヲ得且ツ其在留國ニ於テ最惠國ノ領事官ニ現ニ許與
シ或ハ將來許與セラルヘキ一切ノ特典、特權及ヒ免除ハ凡
テ之ヲ享有スヘキモノトス

第十六條

兩締盟國ノ一方ノ臣民或ハ他ノ一方ノ版圖内ニ於テ法律ノ
定ムル所ノ手續ヲ履行スルトキハ事實特許、商標及ヒ意匠
ニ關シ内國臣民或ハ人民ト同一ノ保護ヲ受クヘシ

第十七條

本條約ハ其實施ノ日ヨリ兩締盟國間ニ現存スル、月、
日締結ノ、及ヒ之ニ附屬スル一切
ノ諸約定ニ代ハルヘキモノトス而シテ該條約及ヒ諸約定ハ
右期日ヨリ總テ無効ニ歸シ隨テ、國カ日
本帝國ニ於テ執行シタル領事裁判權及ヒ該權ニ屬シ又ハ其
一部トシテ、國民或ハ人民カ享有
セシ所ノ特典、特權及ヒ免除ハ本條約實施ノ日ヨリ別ニ通

ニ適用スヘシ但シ左ニ列記スルトコロハ此限ニ在ラス

印度

加奈太領地

ニュー、フワウンドランド

喜望峰殖民地

ネタル

ニュー、サウスウエールス

ヅキクトリヤ

クギンスランド

タスマニヤ

南濠太利

西濠太利

ニュー、ジーランド

然レトモ東京駐劄不列顛國皇帝陛下ノ代表者ヨリ本條約批
准交換ノ日ヨリ二箇年間ニ本條約ノ規定ヲ前記ノ殖民地若
クハ外國領地（「領地」ト修正）ノ孰レヘナリトモ適用スヘ
キ旨ヲ通知シタルトキハ之ヲ適用スヘキノモトス

附屬書二（二十六年七月五日附閣議案附屬約案）

議定書案

陸奥外務大臣時代 改正稟議ト對英交渉 一

知ヲナサス全然消滅ニ歸シタルモノトス而シテ此等ノ裁判
管轄權ハ本條約實施後ニ於テハ日本帝國裁判所ニ於テ之ヲ
執行スヘシ

第十八條

本條約ハ調印ノ日ヨリ（五）箇年ヲ經タル後之ヲ實施シ實
施ノ日ヨリ（七）箇年間效力ヲ有スルモノトス
兩締盟國ノ一方ハ本條約調印ノ日ヨリ十一箇年ノ後ハ何時
タリトモ本條約ヲ終結セント欲スル旨ヲ他ノ一方ヘ通知ス
ルノ權利ヲ有スヘシ而シテ此通知ヲ爲シタル後十二箇月ヲ
經過シタルトキハ本條約ハ消滅ニ歸シタルモノトス

第十九條

本條約ハ兩締盟國ニ於テ之ヲ批准シ其批准ハ成ルヘク速カ
ニ、ニ於テ交換スヘシ右證據トシテ、
明治、年、月、日即チ西曆、年、
月、日東京ニ於テ書ス（東京ノ二字削除）

（第 條）（英國ニ限ル）

本條約ノ規定ハ法律ノ許ス限りハ不列顛國皇帝陛下ノ殖民
地并ニ其外國領地（井上内務大臣之ヲ「其領地」ト修正）

日本國皇帝陛下ノ政府及ヒ、
調印セシ通商航海條約ノ外ニ雙方ニ關スル特別ノ事項ヲ規
定スルコト兩國ノ利益上便宜ナルヲ以テ雙方ノ全權委員ハ
左ノ約定ニ同意セリ

第一 日本國政府ニ於テハ本日調印シタル通商航海條約
實施ノ日ヨリ本條約第四條ノ規定ニ從ヒ日本國へ輸入
スル所ノ、國版圖内ノ生産物或ハ製
造品ニ對シ從來賦課セル輸入税ノ代リニ本條約附屬税
目ニ掲クル所ノ税ヲ賦課シ得ルコトヲ兩締盟國ニ於テ
約定ス

第二、國政府ハ各外國人居留地ヲ全
ク其所在ノ日本市區ニ編入シ而シテ日本地方組織ノ一
部ヲ爲シ當該官廳ハ之ニ關シテ其地方施政上ノ責任及
ヒ義務ヲ悉皆負擔シ又之ト同時ニ右外國人居留地ニ屬
スル共有資金及ヒ財産ハ右日本官廳ヘ引渡スヘキコト
ヲ承諾ス

附屬書三（二十六年七月五日附閣議案附屬約案）

附屬稅目

註 改正輸入稅目之ヲ省略ス第三卷一七文書附屬書三參

照

中田政務局長編日英條約改正記事ニ曰ク

「編者云是ノ税目ハ「改正輸入税目」ト稱シ四百七十二種ノ品目ヲ網羅シ之ニ附スルニ各從價税率或ハ從量税率ヲ以テスルモノニシテ井上伯外務ノ職ニ在ルトキ始メテ之ヲ編製シ大隈伯在職ノトキニ及テ其税率ニ多小ノ修正ヲ加ヘ其條約改正談判ノトキ帝國政府ノ提案トナシタルモノナリ」

(左ノ三項ハ税目中ニ具載ス)

日本國政府ハ衛生、風俗或ハ公安ニ有害ノ影響ヲ及ホシ若クハ之ヲ危害スルコトアルヘキ貨物ノ輸入ヲ制限シ或ハ一時之ヲ禁止スルノ權ヲ有スヘシ

日本國ニ於テ輸入貨物ニ賦課スヘキ從價稅ヲ算定スルニハ其仕入地、產出地或ハ製造地ニ於ケル實價ニ其仕入地、產出地或ハ製造地ヨリ陸揚港ニ至ルマテノ保險料及ヒ運賃ヲ加算シ又手數料アルトキハ之ヲモ加算シ其總額ヲ以テ該貨物ノ稅價ト定メ此稅價ニ對シテ本税目ニ定ムル所ノ税金ヲ賦課スヘシ

日本國ノ生産物若クハ製造品ヲ外國ヨリ日本國ヘ積戻ストキハ之ニ對シテ百分五ノ從價稅ヲ納ムヘシ

印スルコト

一先ツ英獨二國ノ意嚮ヲ問フコトニ付テハ青木公使ヲシテ其折衝ノ任ニ當ラシメ米國ニ對シテハ當時在京中ノ「スチーヴンス」歸米ノ上建野公使ヲ助ケテ其任ニ當ラシムルコト

一大體上外務大臣ノ提出案ニ準據スルコトニ一決スヘシト雖モ條約案ノ各條項ニ付テハ各自尙ホ熟考シ意見アレハ本日ヨリ五日以内ニ書面ヲ以テ外務大臣ヘ申出ツルコト

尤事ノ重要ニ涉ルモノアルトキハ更ニ總理大臣ノ決裁ヲ請ヒ或ハ閣議ヲ開クコト

一可成ハ或國ニ對シテニ物品ヲ限リ約定稅目ヲ設クルコト、ナスコト

一條約並ニ改正稅目ヲ調印後幾年ノ後ニ實行スルコト

但シ可成條約全體ノ實行ハ五個年若ハ七個年ノ後トスルモ稅權回復丈ハ調印後即時ニ有效ナラシムル樣試ミルコト

一甲國トノ條約ヲ五年ノ後ヨリ實施スルコトト假定

陸奥外務大臣時代 改正稟議ト對英交渉 三

二 明治三十九年七月六日 內閣會議

條約改正ニ關スル件

同八日總理大臣官邸ニ於テ本件ニ關スル臨時閣議ヲ開カル

當日出席者左ノ如シ

伊藤內閣總理大臣

黑田 遞信 大臣

井上 內務 大臣

大山 陸軍 大臣

陸奥 外務 大臣

渡邊 大藏 大臣

井上 文部 大臣

芳川 司法 大臣

關席者左ノ如シ

西鄉 海軍 大臣

後藤 農商務 大臣

而シテ其要領ヲ約舉スレハ則チ左ノ如シ

一國別談判ヲ開キ其順序ハ英、獨、米ノ三個國ヲ先ニシ次ニ露國佛國等ニ及ヒ談判調熟スルニ隨ヒ調

セハ其後談判了結ノ日ニ應シ乙國トハ四年ノ後又丙國トハ三年ノ後トイフカ如ク詰リ各國同一ノ時期ヨリ新條約ヲ實施スルコト、ナスコト

三 明治三十九年七月十五日

陸奥外務大臣ヨリ
河瀬駐英公使宛

新對等條約案ニ就キ英政府ノ意嚮探知方ノ件

送第五六九號

條約改正問題ニ付テハ閣下ニモ御熟知ノ通り現內閣組織後議院ニ於テ其意旨ヲ公示セシ次第モ有之又國民ニ於テモ輿論衆望ノ傾注スルトコロ顯ハレテ條約改正ノ上奏トナリ且ツ從來帝國政府ト各締盟國政府トノ間ニ於ケル本件談判上ノ行懸ヨリスルモ最早何時迄モ緩慢ニ附シ去ルヘカラザル次第ニ有之候ガ故ニ本大臣ニハ就職以來夙夜苦心經畫シ閣僚諸大臣トモ屢々協議討論ヲ累ネタル末從來有ルトコロノ約案ノ系統ヲ一變シ互相主義ヲ以テ成リタル對等條約案ヲ調製シ閣議ニ提出致候處改正案ハ大體上本大臣提案ノ通ニ可決シ而シテ開談ノ順序ハ英獨米三國ヲ先ニシ次ニ露佛等ニ及ヒ談判調熟スルニ隨ヒ調印スルコトニ廟議一決シ上奏

ノ上御裁可相成候就テハ英國政府ニ向テ先ツ公然ナラス其意嚮ヲ探知スルコト第一ニ着手スヘキ順序ニ有之候處其之ヲ探知スル手段ハ當時歸國中ノ本邦駐劄英公使「フレーザル」氏ヲ利用シ適當ノ時機ヲ見計ラヒ同政府ノ底意ヲ探ルコト最モ上策ト存候而シテ同英公使ハ本邦駐在ノ際ヨリ本件ニ關シテハ當時ノ外務大臣青木子爵ト談判ノ緒ヲ開キタル行懸モ有之候ニ付テハ此際青木在獨公使ヲシテ右英政府ノ意嚮ヲ探知セシムル方得策ト被存候就テハ何レ同公使ニハ右ニ關スル本大臣ノ訓令接受ノ上ハ英國ニ出向候事ニ可相成其節ハ閣下ニモ同公使力可成速カニ其使命ノ目的ヲ達シラレ候様充分御協議御助勢相成候様致度本大臣ノ深ク期望スルトコロニ有之候

右及訓令候 敬具

追申別冊通商及航海條約草案英和兩文爲御内覽封入差進申候也

(八月四日カナダ便)

四 明治三六年七月三十五日 陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

條約改正ノ新基礎確立ノ旨通報ノ件

附屬書 新條約改正案ニ關スル訓令案

送第五六七號 條約改正ニ關スル件(第一)

條約改正ノ義ニ付テハ現内閣組織以來政府ニ在リテハ議院ニ於ケル總理大臣ノ演說中其意旨ヲ公示スルトコロ有之又議會ニ在リテハ國民ノ意思ヲ代表シテ上奏スルトコロ有之且ツ從來帝國政府ト各締盟國政府トノ間ニ於ケル本件談判上ノ行懸ヨリスルモ最早何時迄モ緩慢ニ附シ置クコト能ハサル筋ニ有之是ヲ以テ本大臣ニハ就職以來夙夜苦心經畫シ時々同僚各大臣殊ニ總理大臣内務大臣トモ度々協議討論ヲ重ネ候然ルニ閣下ニモ御承知ノ通り從來ノ約案ハ執レモ皆ナ殊日完全ナル對等條約ヲ獲有スルマデノ一時ノ階梯タルノ性質ヲ帶ヒタルモノタルコトヲ免レサレハ今縱令之ニ多少ノ改善ヲ加フルモ只ク其程度ノ差異アルニ過キサルヘケレハ到底之ニ對スル異議攻撃ハ免カルヘカラサル義ト存候ニ付今回ハ全ク從來ノ系統ヲ一變シ互相主義ヲ以テ成リタル對等條約案ヲ調製シ別紙甲號ノ通り閣議ニ提出致候處本月八日左ノ通り閣議決定相成候即チ

一、條約改正案ハ大體上外務大臣提出ノ通り可決シ其開談ノ順序ハ英獨米三國ヲ先ニシ次ニ露佛等ニ及ヒ談

陸奥外務大臣時代 改正稟議ト對英交渉 五

No. 179. Most confidentially inform you that new ground for Treaty Revision decided with firm and unanimous determination of the Government and approved by His Majesty. When the matter proceeds to such a stage as to begin actual negotiations it is deemed expedient to enter into negotiations with two Governments of England and Germany in advance of others.

The negotiations with the said two Governments are to be entrusted upon yourself, but keep it strictly secret until you receive particular instructions which will be sent by Canadian Mail leaving here on August 3rd.

We shall communicate directly on the subject for the present.

July 25th, 1893. Mutsu.

五 明治三六年七月三十五日 陸奥外務大臣ヨリ
青木駐獨公使宛

談判再開方ニ關シ英獨政府ノ意嚮内探方ノ件

判調熟スルニ隨ヒ調印スルコト

一、先ツ英獨二國ノ意嚮ヲ問フニ付青木公使ヲシテ其折衝ノ任ニ當ラシメ米國ニ對シテハ「スチーヴンス」歸米ノ上建野公使ヲ助ケテ其任ニ當ラシムルコト
右ノ如ク廟議一決致候ニ付上奏裁可ヲ經茲ニ右條約草案和英文及御送附候

本約案ハ前ニモ已ニ申述候通り從來我政府提出案ノ系統ヲ一變シ互相均等ノ基礎ニ因リタルモノナレハ國內ノ物議ハ蓋シ免カル、コトヲ期シ得ヘシト雖モ外國政府ニ對スル談判ハ一層困難ヲ増シ必ス容易ノ義ニ可無之ト豫想致居候就テハ固ヨリ速成ヲ望ミ得ヘキコトトハ存居不申候ヘトモ一ニ閣下ノ能幹ニ因リ充分ノ御盡力ヲ以テ此至難至重ノ要件ヲ完結スルコトヲ得ハ爲國家御同様大慶ノ義ト存候然リ而シテ英政府ノ意嚮ヲ探知スルニハ「フレーザー」氏歸任ノ前ヲ以テ最モ適當ノ時ト存候ニ付テハ閣下ニハ本信御接受ノ上ハ時機ヲ見計ラヒ英國ニ赴キ先ツ同政府ノ意嚮如何ヲ御探知相成度而シテ同政府ニシテ本提案ノ大體主義ニ同意スヘキ模様有之彌ヨ談判ノ緒ヲ開カレ候場合ニ至リ全權ノ御委任ヲ要セラル、節ハ其旨電報ニテ御申出相成候ハ、直

チニ上奏シテ御附與相成候様取計可申候然レトモ英獨兩政府ノ中先ツ孰レノ一方ノ意嚮ヲ探知スルカ其先後ノ順序ヲ定ムルハ閣下ノ御裁量ニ一任可致候間閣下ノ御都合次第ニテ先ツ獨政府ノ意嚮ヲ探知シタル上後ニ英國ニ御旅行相成候モ毫モ差支無之候閣下カ英政府又ハ任國政府ニ向テ開陳可相成理由ノ大綱別紙乙號ニ具シテ及御送附候得共目下ノ事情ニ應シ本案ノ進歩ニ必要トスルトコロノ論理ハ全ク閣下ノ御考察ニ任セ候間右大綱ニ就キ斟酌取捨セラル、モ聊モ異存無之候

將又英國ニ於テハ豫メ河瀬在英公使ト御協議ヲ要セラル、義モ可有之ト存候ニ付同公使ヘハ別紙丙號ノ如ク訓令致置候間同公使ニ御面會ノ節諸事其心得ヲ以テ御協議有之度候右及訓令候 敬具

甲號 二十六年七月五日附閣議案(親展送第五三九號)

丙號 二十六年七月二十五日附河瀬公使宛機送第五六

九號信

註 甲號及丙號「條約草案和英文」ハ省略ス。一文書參照

附屬書 乙號 二十六年七月二十五日附青木公使宛往信附屬

新條約草案送付ニ關スル訓令案

増進スヘキ所以ニ非サルコト猶ホ炳然トシテ火ヲ賭ルカ如シ是ヲ以テ帝國政府ハ從來條約改正ノ事業ニ付キ内外兩面ヨリ種々ノ支障ニ出逢ヒシ困苦ハ今尙ホ未タ忘ル、ニ至ラス亦ク將來ニ於テモ多少同一ナル困難ニ遭遇スヘキヤモ計ラレスト豫憂セサルニハ非サレトモ去述又我帝國ヲシテ世界文明各國ノ伴侶外ニ居ラシムルカ如キ劣質ノ條約ヲ此儘ニ存續センコトハ不羈獨立ノ一立憲帝國トシテ最早一日タモ忍フ能ハサルコトタルノミナラス現行條約ノ如キ内外人民ノ利益幸福ヲ缺損スルモノヲ速カニ除斥シ之ニ代フルニ彼此人民ノ商業交通ヲ活潑ニシ益々相互友愛ノ情誼ヲ増長セシムヘキ新條約ヲ以テスルコトハ我仁愛英武ナル 天皇陛下ノ政府ニ在テハ百難ヲ排除シ誓テ必成ヲ期スルノ一大事業ナリ

是ヲ以テ第四期ノ議會開會ニ際シ内閣總理大臣ハ衆議院ニ於テ帝國政府ノ意見ヲ公示シテ曰ク「外交ノ事ハ舊ニ依テ益々輯睦ヲ加フ吾人ハ内ニ於テ百政ノ釐正ヲ努ムルト同時ニ於テ外ニ對シテ多年期望セル條約改正ノ大業ヲ決行セサルヘカラサルハ更ニ多言ヲ要セスト雖モ此問題タル殊ニ慎重ヲ要ス故ニ維新以還ノ宿望ヲ達セント欲セハ余等ハ先ツ

現行條約改正ノコトタルヤ我帝國維新以還ノ宿望ニシテ明治三年岩倉大使ヲ歐米各國ニ派遣セシ以後帝國政府ハ其改正案ヲ各締盟國政府ニ提出シ各國政府ニモ毎時之ニ同意セシコトヲ勵メタリト雖モ其間内外ニ於テ種々不慮ノ障礙ヲ現出シ將サニ成功ニ垂ントシテ挫折ノ厄運ニ遭逢セシコト壹ニシテ足ラス是レ實ニ帝國ノ爲メニ言フヘカラザル遺憾ノ事ナリ夫レ此ノ如ク帝國政府ニ於テハ毎時固ヨリ銳意熱心ニ其成效ヲ期シ又タ各締盟國政府ニ於テハ當時各自ノ事情ノ許ス限リハ常ニ好意ヲ以テ我カ期望ニ應セントシタルニモ拘ハラス維新ノ日ヲ距ル茲ニ已ニ二十有六年ナルニ該條約ハ依然トシテ其效力ヲ全フシ敢テ渝ハルコトアルコトナシ思フニ舊幕時代即チ我帝國カ歐米文明各國ヨリハ常ニ極東亞洲ノ未開化國ノ一トシテ視做サレ又タ我帝國ヨリハ歐米各國ヲ以テ殆ト支那歷史家カ唱言スル夷狄ト同一視スヘキモノナリトノ觀念ヲ抱蓄スル時世ニ當リテ締結セシトコロノ條約ヲシテ此二十餘年間屢々乎トシテ急足ノ進歩ヲナシ内外ノ政府人民其交互相對ノ觀想ハ宛モ晝夜ノ異ナルカ如キ變象ヲ顯ハシ來リタル今日ニ迄テ尙ホ且ツ之ヲ繼續セシメントスルコトハ其決シテ内外政府人民ノ利益幸福ヲ

國民ノ意嚮ヲ歸一ニスルノ必要アルヲ知ル而シテ之ヲ略言セハ條約改正ノ主要ハ凡ソ國トシテ有スヘキ權利ヲ得凡ソ國トシテ盡スヘキ義務ヲ完クスルニ在リ」ト然リ而シテ又一方ニ在テハ衆議院ハ進テ條約改正ヲ期望スル上奏ヲ捧呈スルニ至リ且ツ一旦條約ヲ重修シ法權ヲ恢復セントキニ當リテ外國人ヲ我法權ノ下ニ服從セシムルタメ必要ナル準備ニシテ然カモ從來本問題ニ關スル談判中各締盟國カ領事裁判制度ヲ撤棄スルコトヲ肯諾スルト同時ニ唯一ノ擔保トシテ要求シタリシトコロノ法典ノ實施ニ對シテモ是迄常ニ反對ノ意思ヲ發表シタリシニモ拘ハラス第四期議會ニ於テハ該法典ノ中ニ就キ商法中主要ノ部分即チ最モ外國人ニ關係アル部分ヲ實施スヘキ法律ニ對シ兩議院トモ殆ト全會一致ノ多數ヲ以テ之ヲ協贊シタルカ如キハ亦タ以テ本問題ニ對スル國民一般ノ意嚮如何ヲト知スルニ足ルヘク況ンヤ現内閣ハ帝國近代ノ歷史上ノ關係ヨリシテモ此事業ヲ成就スヘキ義務ヲ責任トヲ負擔スルモノタルオヤ民法モ今ヨリ多年ヲ經スシテ其實施ヲ見ルニ至ルヘク而シテ此民法及未タ實施ニ至ラサル部分ノ商法ハ勅令ニ因リテ組織セラレタル調査委員會ニ於テ目下慎重周到ナル審査ニ着手中ナリ又帝國

裁判所構成法ハ司法制度ノ正當ニ執行セラルヘコトヲ確實ナラシムルモノナレハ今若シ此等ノ理由ヲ詳明スルニ於テハ從來各締盟國カ條約改正上必要ノ條件トシテ要求セシトコロノ立法上及司法上ノ保證ヲ削除スルモ敢テ異議ヲ容ルヘノ地ナカルヘシ

新草案ノ大眼目トスル所ハ各自別々ニ實施スヘキ各自別個ノ條約ヲ締結セントスルニ在リ而シテ今回再ヒ各締盟國ニ向テ談判ヲ開始スル決心ヲ爲セシ所以及ヒ改正談判ノ基礎ニ新クニ重要ナル變更ヲ加ヘタル所以ニ至リテハ諸締盟國ヲ通シテ同一ノ理由ヲ提陳スルコトヲ得ヘシト雖モ從前ノ談判ノ行懸ニ因リ右ノ理由ヲ提陳スル方法ニ至リテハ各國ニ對シテ聊カ異同ナキヲ得サルヘシ

又或締盟國政府トノ談判ニ於テハ右理由中一二ノ要點ニ向テ特ニ重キヲ置クコトヲ得ヘシ假令ハ英國政府ニ向テ開議セントスル場合ニハ「ソースベレー」侯ヨリ「フレーザー」氏ニ宛タル千八百九十年六月五日附訓令ノ趣旨ニ關シ特ニ同政府ノ注意ヲ促スハ敢テ不當ニ非サルヘシ蓋シ右訓令ノ主旨ハ英國政府カ少クモ裁判權ノ事項ニ關シテハ寧ロ豫定期限ヲ新條約ニ設クルノ冀望アルコトヲ判明ナラシムルモ

ハ國民ノ進歩ヲ害シ且ツ正當ナル國民ノ志望ヲ達スルコトヲ妨クルモノタルコトヲ斷言スルモ敢テ不可ナルコトナシ又之ト同時ニ新提案ヲ維持勸唱スルニハ帝國各般ノ事物ハ既ニ截然トシテ一變シ且ツ尙ホ現ニ開進ノ方途ニ向テ驛々トシテ前進シツヘアル事實ニ對シ特ニ重キヲ置クヲ得策トス帝國政府ハ新鮮ナル事態ニ對シテハ新鮮ナル方法ヲ以テ之ヲ處理セサルヘカラス然ルニ從來談判ノ基礎トナリタル各提案ハ其間多少ノ異同ナキニ非サレトモ其大體ノ主義ニ至テハ全ク一軌同轍ニ出タルモノニシテ孰レモ過渡期限ヲ設クルノ主義ヲ採リタルモノナリ而シテ其結果如何ヲ問ヘハ總テ失敗ニ歸シタルモノナリ斯ノ如キ期限ヲ設クルノ考案ハ全ク效益ナキモノナリト言フコトヲ得サレトモ奈何セシ是レ即チ從來失敗ヲ重ネタル原由ナリシコトヲ是ヲ以テ今如シ成ルヘク從來反對ヲ受ケタルコロノ改正案トノ關係連絡ヲ絶ツトキハ國民ノ興望ニ副ヒテ本事業ヲ遂行スルコトヲ期シ得ヘシトノ意ヲ明述スヘシ

又前述ノ理由ヲ提陳スルニ當リテ各締盟國臣民ノ利害ハ重モニ帝國ノ外國貿易ナルモノハ他ノ商業ト一般ニ常時ニ於テハ益々増進スヘキモ事體ニ變動ヲ生スル場合ニハ必ス退

ノナレハナリ又右訓令中ニ左ノ如キ意見ヲ開陳シタルヲ以テ之ニ對シ同政府ノ考慮ヲ促スモ亦タ不可ナカルヘシ即チ新司法制度ニシテ若干年間實施セラレ且ツ其運用ニ關シ實驗ヲ經タル後ニ於テハ何等ノ特例若クハ制限ヲ設クルコトナク外國人一般ニ右司法制度ヲ適用スルモ敢テ困難ヲ感スルコトナカルヘシトイフコト是ナリ

各締盟國ニ向テ今回改正談判ノ基礎ニ變更ヲ加ヘタルノ理由ヲ提陳スルニ當リテハ前ニ已ニ述ヘシ所ノ改正ノ必要ナル所以ト談判ノ基礎ヲ變更スルノ利益アル所以トヲ第一着ニ論明セスンハアルヘカラス而シテ此理由ヲ敷衍スルニハ條約改正ト憲法問題トノ關係ニ特ニ重キヲ置クヲ要ス憲法ノ制定及憲法制度ノ圓滑ナル運用ハ自ラ各國ノ注意ヲ惹キタルコト尠カラサルヘシ因テ條約改正ノ必要ヲ促ス種々ノ原因ニシテ常ニ存在スル所ノモノヲ姑ク置キ立憲制度ト領事裁判制度トノ如キ互ニ相抵觸スルコロノ兩制度ヲ併立セシメントスルカ如キハ世界ノ歷史上未ダ曾テ其類例ヲ見サルコロニシテ到底兩々相對立スヘキモノニ非ラス然ルヲ強ヒテ現時ノ事體ヲ繼續セントスルニ於テハ當ニ衝突ヲ來タスノ恐アルノミナラス領事裁判權及之ニ附從スル弊害

縮ノ色ヲ顯ハスモノナレハ各締盟國ニ取リテハ即時ニ現事體ヲ變更シ且ツ過渡期限ヲ經タル後更ニ事體ニ變動ヲ加フルカ如キ考案ニ同意スルヨリハ寧ロ五ヶ年間現事體ノ儘ニ繼續スル方利益ナルヘシトノコトニ注意ヲ促スヲ可トス

又新草案中最モ重要ニシテ特ニ注意ヲ要スルモノハ沿海貿易ト噸稅ニ關スル條款トス沿海貿易ニ關スル條項ノ如キハ日本船舶ノ數僅少ニシテ其貿易ノ必要ヲ滿タスニ足ラサリシ時ニ於テ之ヲ設ケクリシモノナレトモ既往十年間ニ於ケル日本船舶ノ増加及ヒ鐵道線路ノ延長ヲ示ストキハ最早外國人ニ沿海貿易ヲ許スヘキ必要ノ頓ニ消滅シタルコトヲ證明スルニ足ルヘク又噸稅ノ件ニ關シテハ新約案ニテハ國民ト同一ノ待遇ヲ與フヘキコトヲ規定シタレハ更ニ噸稅率ニ關シ特ニ規定ヲ設クルノ必要ナキニ至リタル旨ヲ言明スヘシ

新約案ヲ任國政府ニ提出スルニ當リテ以上所述ノ理由ヲ參酌詳述スヘシ

六 明治三十六年七月十五日

陸奥外務大臣ヨリ
青木駐獨公使宛

約定稅率協定方針ニ付訓令ノ件

第五六八號 條約改正ニ關スル件(第二)

別信ニテ申進候條約案ニ附屬スル税目ノ義ハ從來ノ談判ニ伴居候税目案ノ末面ニ多少ノ修正ヲ加ヘ而シテ帝國政府カ或場合ニ於テ輸入ヲ禁止シ制限シ或ハ一時停止スル事從價稅ノ算定法ヲ設クル事及日本ヘ積戻シタル内國產物ノ稅率ヲ定ムル事等ハ從前ノ約案ニハ本文中ニ具載シアレトモ今回ハ之ヲ税目中ニ規定スルコトナシ右修正ヲ加ヘタル分玆ニ及御送附候

尤右税目ニ據ルトキハ凡ソ五百種ニ近キ物品ニ對シ一品コトニ其稅率ヲ規定スルモノニ有之候ヘハ現ニ歐洲各國間ニ行ハレ居ルトコロノ約定税目トハ全ク其趣ヲ異ニスルトコロ有之彼ノ所謂約定税目ナルモノハ兩締盟國双方互ニ其利益ヲ謀リ一方ノ國ヨリ他ノ一方ノ國ヘ輸入スル重モノナル物品ヲ指摘シ之ニ對スル稅率ヲ規定スルモノニシテ甲國ニ對シテハ甲國ノ約定税目ヲ有シ乙國ニ對シテハ又乙國トノ約定税目ヲ有シ各國ニ對シ均ク同文一律ノ税目ヲ約定致居候モノニ無之ハ勿論ノ義ニ付此點ニ關シテハ多少物議ノ生スルコトナキヲ保シ難キ恐モ有之候ヘハ可相成ハ閣下力御赴任前伊藤伯ヨリ榎本前任大臣ニ提出セラレタル各國各別ニ

トナリ以テ條約改正事業ヲ大成スルコトヲ得タランニハ所謂稅權回復ノ途徑ニ向テ一步ヲ進メタルモノニシテ隨テ國內ノ異議攻撃ノ跡ヲ絶ツニ至ルヘシト致思考候因テ可相成ハ是非此方案ノ相行ハレ候様閣下ニ於テモ充分御盡力相成度爲國家深ク致期望候
右更ニ及訓令候 敬具

註 改正輸入税目案ハ之ヲ省略ス

七 明治三六年七月三十五日

陸奥外務大臣ヨリ
青木駐獨公使宛

條約改正ニ對スル政府ノ決意披露ノ件

私信

(前略) 井上伯カ外務大臣トシテ條約改正ノ問題上ニ局面一變ノ大決案ヲ下シタル時ヨリ朝野ノ一大難問題トナリ歷任ノ外務當局者ハ此大事業ニ關シ各國政府ト開談スル毎ニ多少ノ進歩ヲ増加シ來リタレトモ未タ其成功ヲ奏スルニ至ラス而シテ斯ク我カ政府ノ成案ハ歷任當局者カ開談スル毎ニ歩一步ツ、進行シタル改正ヲ加ヘタル丈ケニ各締盟國ニ對シテハ我政府ノ廟議動モスレハ變更常ナキモノ、如キ感觸ヲ與ヘタルニモ拘ラス彼ハ始終好意ヲ以テ我提案ヲ迎ヘ

陸奥外務大臣時代 改正稟議ト對英交渉 七

其特有重要(インボルト)ナル數種ノ物品ニ限り約定税目ヲ定ムルノ方案ヲ採用致度ト存居候即チ假令ハ英國トハ綿絲、綿絲製品、毛絲製品金屬及金屬半製品等ノ數種ニ對シ約定税目ヲ設ケ又獨國トハ染粉、フラネル、毛絲、鐵釘、鐵線及印刷料紙等ノ數種ニ對シ約定税目ヲ設ケ其他ノ各種物品ハ總テ普通稅率(先ツ別冊約案附屬ノ税目ニ定ムルトコロノ割合ヨリハ甚タ高カラサルトコロヲ目的トシテ設定セラルヘキ普通稅率)ニ因テ課稅スルコトト相成候ヘハ各國各々其國ヨリ專ラ日本ヘ輸入スル重要物品ノミニ對シ約定稅率ヲ協定スルコトヲ得ヘク而シテ物品ノ種類モ各國ヲ通シテ合算スル時ハ必ス百種以上ニ上ルヘケレハ此百種以上ノ物品ニ對スル約定稅率ハ各國互ニ最惠國條款ニ因テ均霑スルコトヲ得ヘキヲ以テ其享有スヘキ利益ニ至テハ其間異同アルコトナシ就テハ彌ヨ御開談ノ節ハ先ツ第一着ニ此方案ヲ以テ御談判被相試候様致度尤此方案ハ先ツ各締盟國ヨリ日本ヘ輸入スル各種物品ノ高ヲ一々取調ヘ毎年ノ比較ヲ取り且ツ隨テ議定書中第一項ヲ全改スヘキ必要有之目下右起草最中ニ付追テ出來上リ次第直チニ御送附ニ可及候然シテ若シ此方案ニシテ幸ニ各國政府ノ許諾スルトコロ

我目ラニ於テハ最初ニハ其必成ヲ期セサリシ所ノ提案スラ彼ヨリ進ンテ之ニ同意ヲ表シタル例(假令ハ老臺カ外務大臣御在職中英國政府ノ提案ヲ接受ナサレタル如キ例)モ有之條約改正ノ事ハ從來各國政府ヨリ故障ヲ言立テタルヨリハ寧ロ日本政府否日本官民力自ラ故障ヲ言ヒ出シタル形跡ハ掩フヘカラス更ニ言語ヲ換ヘテ言ヘハ是迄條約改正談判ノ失敗ハ其原因内ニ在リテ外ニ在ラサル實績有之寧ロ我ヨリ彼ニ對シ多少國信ヲ失ヒタル痕跡アルモ彼ヨリハ常ニ我ニ好意ヲ表シタル如キ觀ナキ能ハス是亦小生力縷說スルヲ俟タス老臺ノ御熟知セラル、所ニ可有之候斯ノ如キ行懸リナルカ故ニ今後條約改正ノ談判ヲ開キ其必成ヲ期セントスレハ國內ノ輿論如何ヲ顧ミス老臺カ英國政府ト御談判掛リニ相成リ居タル英國提案ニ向ヒ少々修正ヲ加ヘタル位ヲ以テ満足スルニアラサレハ殆ント他國政府ニ向テ我政府ヨリ口ヲ開クヘキ機會ナキ場合ニ有之候ヘハ若シ國內ノ輿論ヲ如何様ニモ誘導シ得ヘキカ若クハ之ヲ壓制シ得ヘキモノナランニハ我輩ニ於テハ英國提案ニ向ヒ老臺カ嘗テ修正ヲ加ヘラレタルモノ位ヲ基礎トシ満足ヲ表スルヲ以テ今日ノ得策トハ存候得共如何セン井上伯ノ條約改正失敗特ニ大隈伯

條約改正末路ノ時ヨリ此條約改正ノ問題ナルモノニ對スル世論ハ單ニ條約改正其物ノ利害得失ヲ論難スルニ止マラスシテ之カ爲メ水火其性ヲ同クセス氷炭其色ヲ異ニスル如キ兩立シテ相和セサル人心ノ錯亂ヲ來タシ恰モ維新前ノ開鎖兩主義ノ戰爭ヲ再演スル如キ姿トナリ一回條約改正ト云フ問題ヲ起シ來レハ之ニ乗シテ各人種々ノ思想ヲ政界百般ノ事情ニ配合シ來リ或ルモノハ之ヲ以テ政府攻撃ノ材料トシ或ルモノハ之ヲ以テ敵黨退治ノ武器トナシ又或モノハ數十年來未タ死灰トマテニ冷却セサリシ一種ノ頑人ノ腦裡ニ存スル攘夷の根性ヲ燃發スルノ薪炭トナリテ殆ント國內人民ノ心胸ニ發狂劑ヲ投スル如キ狀ヲ露出シ來レハ他ノ大抵ノ事ナレハ如何ニ國內ノ輿論ト背馳スルモ政府ノ決心寧ロ眞正ニ國家ノ利益トナルヘシト自信スル吾輩ノ決心ヲ斷行スルコトニ躊躇セサルノ覺悟ニハ候得共此問題ニ付テハ若シ一般ニ國內ノ輿論ニ反對シタル政略ヲ執ルトキハ國民全體ノ形體上及精神上ノ大爭亂ヲ惹起シ眞ニ國家ヲ維持スル能ハサルノ禍機ニ陥ルコトナキヲ保セスト被存候故ニ之ヲ慮リ之ヲ恐ルレハ條約改正ハ寧ロ當分ノ内中止シ置ク事力先ツ小廉ノ政略ナルヘキ歟ト存セラレ候程ニ有之候

トシテ申上候義ニ有之候得ハ御參耐ノ上御一讀被下度候前迹ノ如キ事情ナルカ故ニ條約改正ノ問題ハ現政府否御一新以後ノ政府ニ於テハ常ニ最モ困難ヲ極ムヘキ事柄ニ有之而シテ他ノ事ニ就テハ御一新後ハ國家全體ノ進歩ニ應ジ最初ニ困難ナリト感シタル事モ今日ニハ追々其困難ノ度ヲ減却シ來レル有様ナレトモ條約改正ノ一事ノミハ一日ト困難ノ度ヲ増長シ來リタル有様ニ御座候少シク愚痴ラシキ申分ナレトモ小生力老臺ト共ニ井上伯ノ配下ニ居タル頃ニ井上伯ノ條約案ニシテ實行サレシナランニハ此頃ニテハ最早彼ノ階梯條約ノ期限モ盡キテ更ニ完全ナル條約改正出來得ヘカリシナラン左ハナクトモ今日ノ如キ人心ノ錯亂ハナカリシナラント被存候得共我政府ノ提案ハ每次失敗シテ外ニハ國信ヲ失ヒ内ニハ人心ノ錯亂ヲ増長シタル結果ノミヲ存存スルニ至リタルハ如何ニモ歎ケカハ敷次第二御座候右ノ通りノ事情ニ付今回政府力條約改正ニ對スル意見ハ種々討議ノ末

第一ニハ大體外部ニ對スル困難アルモ寧ロ内部ノ困難ハ避ケ得ラルヘキ丈ケハ之ヲ避クヘシト決定セリ
第二ニハ各締盟國へ每次我政府最後ノ希望ヲ披露スルニ

偕テ如斯困難ナル地位ニ於テ本問題ニ關シ現政府ハ如何ナル方法ヲ執ルヘキカト云フコトニ付テハ昨年伊藤伯力現内閣ヲ組織シ不肖宗光外務ノ重任ヲ辱フシタル時ヨリ實ニ屢々伊藤井上兩伯ハ勿論其他ノ閣員トモ熟議討論シタルトモ誰レニシテモ此難局ヲ容易ニ解除スヘキ丈ノ名案卓說モ有ルヘキ様ナク又之レアリトスルモ我國今日ノ内外ノ事情ニ照シテ之ヲ實行セラルヘキ論モナク始終評議ニ評議ヲ盡シタルトモ今便迄ハ結局ノ決定ヲ申上ルニ至ラスシテ總テノ議論總テノ考案ハ未タ外部ニ向テ發言シ得ヘキ丈ケニ成熟セス從テ廟議未タ決定セサルニ小生一個人ノ考ヘトシテ老臺ニ御報道スルコト亦早計タルヲ免レヌト存シ今日迄ハ何事モ申進シサリシコトニ有之候ヘハ老臺ハ今便初テ別封機密信其他ヲ以テ申進シタル公文及改正提案等ヲ御接收相成候時ニハ或ハ餘リニ突然ナル寧ロ急激ナル注文ヲ申進シ候様ニ御引受モ不被計候得共廟議力茲ニ決定スルニ至ルマテハ殆ト數月間種々ニ熟議シ種々ニ考案シタルノ結果ニシテ決シテ匆卒輕舉ニ成案シタルモノニ無之候其大體主義ニ於テハ本便ノ公文ニ申進候閣議案並ニ機密信等ニテ御承知相成度候又此私信ハ右公信中ニ明言スヘカラサル箇條ヲ註釋

至ラサル以前所謂階梯條約案ノ談判ノ中途ニ於テ變更シテ其度毎ニ我國信ヲ各締盟國ニ失フノ嫌アラシヨリハ寧ロ今日ハ腹藏ナク打開ケ我政府唯一ノ目的ナル對等條約ヲ披露スルノ得策ナルコトヲ決定セリ

第三ニハ本問題ニ就テ國民ノ意向ヲ歸一ニスルコトヲ勉ムレトモ實際全一般ノ贊同ヲ得ル能ハサルモ其一部人民ノ贊同ヲ得ヘキ方針ヲ執ルコトニ決心セリ

右三箇條ノ得策ナルコトヲ決定シタルカ爲メ外部ニ向テノ困難ハ舊日ニ數倍スルコトタルハ論ヲ俟タス極言スレハ殆ント其必成ヲ期シ能ハサルコトモ承知シタル上ノ義ニ有之候

次ニ我政府唯一ノ目的即チ最後ノ決心ヲ各國政府ニ示スコトノ必要ナルコトハ恰モ千八百八十一年ニ井上伯力各國代表者ニ向ヒ寺島伯力種々姑息ナル改正談判ノ後テヲ承ケ全ク局面一變ノ大決心ヲ以テ所謂治外法權撤去ノ代リトシテ全國開通ノ大主意ヲ發表シタル宣言ノ如ク現ニ其當時ニ在テハ英公使「パークス」氏ノ如キハ井上伯力此大提斷ニ向テ痛論シタルト云ハンヨリハ寧ロ冷罵ヲ下シタルニモ拘ラス其後一千八百八十三年ニ至リ右井上伯力宣言ニ基キタル

英獨覺書（アングロゼルマン、プロゼクト）ナルモノハ彼ヨリ之ヲ提出スルコトトナリタル例モ有之本案ノ如キモ少クトモ千八百八十一年ニ於テ井上伯力大決心ヲ以テ發表シタル提議ノ如キ結果ヲ得ヘキコトヲ望マサルヲ得サル義ニ有之候

第三ニハ抑モ從來國內ノ人心カ條約改正ニ向テ反對スルモノ衆多ナリシハ事實ナレトモ其之ニ反對スル各人各個ノ間ニハ種々ナル原因「モチイブス」ヲ有シ居ルコトモ亦爭フヘカラサル事實ニ有之候彼ノ攘夷的ノ根性未ク消滅セス何時迄モ外人ヲ視ルコト一種異類ノ如ク之ト同等ナル交際スルコトヲモ嫌忌スル徒（彼ノ非内地雜居論者流ノ中ニハ此類甚多シ）ハ到底縁ナキ衆生ト斷念シテ徹頭徹尾之ヲ味方ニ引入ル、コトハ出來不申候得共又他ノ反對論者ノ中ニハ井上案ナリ大隈案ナリノ條約文中ノ或ル條款ニ對シ不承知ヲ唱ヒタル徒即チ或ル不經ナル高慢心ヨリ條約改正ハ希望スル所ナレトモ其條約ハ不對等ノ條約ナルカ故ニ反對スルト云フ如キ徒ニ對シテハ最早彼ノ階梯條約ヲ以テ満足セシムルコトハ到底六ヶ敷切迫ニ言ヘハ井上伯以來ノ系統ヲ引キタル階梯條約案ハ今日ニ至リテハ鎖國主義派ニモ開國

八 明治三十六年八月七日

陸奥外務大臣ヨリ
青木駐獨公使宛（往電）

英國公使發程ニ關スル件

No. 186. Kawase reports that Fraser will leave for Japan about end of August. My instructions to you on treaty revision mailed August 4 via Vancouver. Ascertain whether the report is true and try to induce him to postpone his departure for Your interview with him will be necessary.

Tokio, Aug. 7, 1893. Mutsu.

九 明治三十六年八月十四日

青木駐獨公使ヨリ
陸奥外務大臣宛（回電）

英國公使發程ニ關シ回答ノ件

Mutsu, Foreign Minister, Tokio.

Fraser will leave for Japan end of September. I propose Japanese Government to address at once confidential request to the British through their Chargé d'Affaires in Japan that they should keep back Fraser until the draft treaty revision will be submitted to

主義派ニモ容レラレス此種ノ條約案ニ對シテハ如何様ナル修正ヲ加フルモ到底一人ノ味方ヲ得ヘキ望ナキカ故ニ彼ノ頑固ナル非開國者流トハ到底同スヘキ望ナキモ責メテハ一種ノ開國主義者流ニ就テハ其贊同ヲ得ンコトヲ望マサルヲ得ス是レ政府カ最早對等條約ヲ以テ（外部ノ困難アルヲ豫知スト雖モ）各國政府ト開談スルノ外他策ナシト決心シタル所ニ有之左レハトテ小生ハ強チニ今年ノ春議會ヨリ提出シタル所ノ上奏ニ對シ唯儀式的ニ國民數多ノ意見ナリトシテ深ク之ニ依頼スルニハ無之候得共兎モ角モ今日ニ至リテハ我邦ト各國トノ條約ハ對等條約以下ノ條約ニ満足セスト云フ所ノ人士ハ先ツ中等ノ智識ヲ備ヘタルモノ又ハ稍々海外文明ノ風味ヲ悟リタルモノ多クハ此部類ニ屬スルコトト被存候ニ付好シ小生ノ推測其實ヲ誤リタリトスルモ若シ今回御郵送致候所ノ提案カ果シテ此種ノ人民丈ノ贊同ヲ得ヘキ望アリトセハ彼ノ井上大隈兩伯案ノ如ク今日國內全般推シナヘテ嫌惡スル所トナルモノニ比スレハ多少ノ利益有之コト勿論ト存候（下略）

明治二十六年七月二十五日

陸奥 宗 光

Her Majesty's Government. His presence in London will be of great importance as the both Governments have confidence in him.

Aug. 14, 1893. Aoki.

註 中田敬義「日英條約改正記事」ニ曰ク、

「同十八日 陸奥外務大臣ハ英國臨時代理公使「ド・ブレン」氏ニ面晤シ今回條約改正問題ニ關シ青木公使ヲシテ英國政府ノ意嚮ヲ問カシムル筈ニ付「フレーザー」氏ノ尙ホ須臾ラク英國ニ滞留シテ以テ青木公使ヲシテ同氏ニ面會スルニ便ナラシメ度就テハ此趣ヲ英國政府ニ電通致吳度旨依頼セラレシニ同代理公使ハ之ヲ承諾シ直チニ電信ヲ發セリ」

一〇 明治三十六年九月十二日

陸奥外務大臣ヨリ
青木駐獨公使宛

稅目案及修正議定書案送附ノ件

- 附屬書一 帝國政府ニ於テ諸締結國ト約定稅目中ニ明記スルコトニ同意スヘキ重要輸入品目錄
- 二 改訂議定書
- 三 日本帝國ト大不利願國トノ間ニ締結セシ議定書附屬稅目

送第六八四號 條約改正ニ關スル件（第四）

税目ノ義ニ付テハ先キニ送第五六八號信(七月二十五日附)
ヲ以テ縷々申進置候末八月十七日附送第六四七號信ヲ以テ
不取敢輸入重要品ヲ列記シタル税目案寫及御送附置候處其
後尙ホ伊藤總理大臣トモ熟議ノ上彌ヨ新方案ヲ以テ第一ニ
談判ヲ試ムルコトニ決シ英獨兩國ニ對スル各別ノ約定税目
案及御送附候尤モ彌ヨ御談判ノ場合ニ當リ彼ニ於テ更ニ他
ノ品目ヲ増載スルコトヲ冀望致候節ハ前記税目案中ヨリ適
宜摘出シテ約定税目中ニ被組入候テモ不苦義ニ付若シ右様
ナル場合相起リ候ヘハ其旨御申越有之度候

將又此方案ヲ採用スルニ付テハ最初ノ税目即チ「改正輸入
税目」ト題スルモノ、中ニ掲クル禁制品ノコト及或ル有害
ノ物品ノ輸入ヲ制限シ若クハ一時禁止スル權利ニ關スルコ
トハ移シテ之ヲ議定書第一項中ニ規定シ又帝國政府ニ於テ
何時ニテモ豫告ヲ與ヘタル後從價稅ヲ同額ノ從量稅ニ變換
附屬書一

○帝國政府ニ於テ諸締盟國トノ約定税目中ニ明記スルコトニ同意スヘキ重要輸入品目錄

税目序次	品 目	從價稅率	三箇年間ノ輸入				輸入國貿易關係ノ順序ニ依ル			
			明治廿三年	同 廿四年	同 廿五年	圓	第一	第二	第三	第四
三五	置時計。掛時計及其部分品類	一〇	二九、九七	三〇、六三	三三、一七	圓	米國	獨國	英國	佛國
○綿布及綿絲類										

スルノ權利アルコトヲ約定致置度ニ付是モ同ク議定書第一
項中ニ規定スルコトナシ其趣意ヲ以テ議定書第一項ヲ全
改致候ニ付其印刷ノ分和英文併セテ及御送附候
前信中ニモ反覆申進置候通此ノ如ク各國各別ニ税目ヲ約定
シテ以テ始メテ所謂約定税目ノ體裁ヲ全フシタルモノトイ
フコトヲ可得候ニ付閣下ニ於テモ國內ノ輿情御觀察相成彼
ヲシテ此方案ヲ肯諾セシムル様飽迄御盡力相成度爲國家冀
望ノ至ニ有之候
右及訓令候 敬具

逐テ八月十七日附送第六四七號信ヲ以テ寫及御送附置
候税目案ノ印刷ニ附シタル分及佛國米國ニ對スル約定
税目案是亦爲御參照茲ニ及御送附候

註 1及2 送第六四七號及税目案ハ之ヲ省略セリ尤モ
各國ニ對スル附屬税目ニ付テハ附屬書一及三參照

五八	綿 織 絲(絲縷ノ別ナク)	八 九、九六、〇六一	五、九、九六、二六九	七、三、一、九七九	英國	英領印度				
五九	綿 織 絲	一〇 九、六〇	八、三、七、九	三〇、七、一	英國	獨國				
六〇	更 紗 類	一〇 四、八、四六三	四〇、九、五	四、八、五五	英國	獨國				
六一	綿純子。綿縷子	一〇 三、三、三、三	一七、〇、九	五、五、七、五	英國	獨國				
六二	雲 齋 布	一〇 四、六、四七	四〇、九、三	二七、九、三	英國					
六三	綿 帆 布	一〇 三、五、九、三	二七、六、四	三、七、六、一	米國	英國				
六四	綿 天 鷲 絨	一〇 三、八、八、一	二七、九、三〇	五、八、七、四	英國	獨國				
六五	生 金 巾	一〇 一、七、六、六、一	一、六、六、六〇	一、七、七、一、六六	英國					
六六	晒 金 巾	一〇 三、五、九、一	二六、八、五	三、〇、五、九	英國	獨國				
六八	綾 金 巾	一〇 九、三、九、九	三、二、七、八	一〇、九、〇、三	英國	米國				
七〇	天 竺 布	一〇 一、四、八、六、三	一四、〇、三	二六、九、一	英國					
七一	緋金巾其他色金巾類	一〇 六、三、一、〇、八	六〇、四、三、六	五〇、四、四、九	英國	佛國				
七二	寒 冷 紗	一〇 五、三、三、五	一〇、八、三、三	九、四、〇、五	英國					
(染料及彩料類)										
一四八	アニンタイス	一〇 三、九、九、七九	三、六、六、三	四、八、八、一	獨國	瑞國				
一五六	乾 藍	一〇 二〇、一、〇、〇	一、八、六、八、七	三、六、一、九三	英領印度	英領印度				
一五九	蘇 木 越 斯	一〇 九、三、五、五	九、八、七、六	一、四、九、九	佛國	獨國				
一六一	色 油	一〇 一〇、八、四、八	一、〇、九、八、八	九、七、一、六四	英國	獨國				
一八三	麻 芋 織 絲 類	一〇 八、七、五、八	九、七、三、三	一、四、五、六	英國	獨國				
二四	麻 帆 布	一〇 一〇〇、九、九	五、六、八、一	三、三、九	英國	獨國				
一八五	穀 粉	一〇 三、九、五、六	三、四、二、五〇〇	二、七、八、一、六	米國	英國				
一九一	玻 璃 片(尋常ノ)	一〇 二〇、三、六、八	三、〇〇、一、二〇	一、六〇、六、四	白耳義	英國				
乙	有色無着色若ハ砂磨ノ	一〇 二〇、三、六、八	三、〇〇、一、二〇	一、六〇、六、四	英國	獨國				

○金 屬 類

二六二	塊 鐵	五	一五、九六八	一五、二八	二四、三七	英國	獨 國	
二六三	條 鐵 及 竿 鐵	七、三分一	八〇、二六	八七、四〇	八七、七三	英國	白耳義	獨 國
二六七	板 鐵	七、三分一	三四、〇六八	二九、〇〇七	二四、〇五	英國	白耳義	獨 國
二六七	電 鐵 ノ 板 鐵	一〇	七三、〇五	六三、八六	八〇、一五	英國	米 國	佛 國
二六八	筒 鐵 及 管 鐵	一〇	二六、五五	一六、五二	五五、八五	英國	米 國	佛 國
二六九	道 鐵	五	一、三九、六〇	七〇、五五	六七、四六	英國	獨 國	
二七三	鉛 (塊錠ノ別ナク)	五	八五、三四	一〇、〇元	二四、六四	英國	獨 國	
二七六	水 銀	五	一〇、八三	一五、六九	九五、五八	米 國	獨 國	
二八〇	銅 (塊錠ノ別ナク)	五	九四、五〇	二四、〇〇	三九、六四	英國	佛 國	
二八二	錫 (塊錠ノ別ナク)	五	六九、六三	七、七二	六三、六四	獨 國	英領印度	支 那
二八三	葉 鐵	一〇	三三、四五	五五、〇三	五三、五五	英國	獨 國	
二八八	鉛 (塊錠ノ別ナク)	五	六九、七六	四二、七六	四六、七〇	英國	獨 國	
二八九	板 鉛	七、三分一	二八、六八	一五、七四	二五、〇元	獨 國	白耳義	
三〇一	鐵 釘	一〇	六五、九一	六五、二九	九六、四三	獨 國	白耳義	英國
三〇五	鐵螺旋釘及牝牡螺旋釘	一〇	六六、八三	五、二二	三〇、〇元	英國		
三一	鐵線及徑二因ノ四分ニヲ超ヘサル細竿鐵	一〇	七、七六	五、二三	一〇、六二	獨 國	英國	白耳義
三一二	電 線	五	七五、五七	六〇、八六	八九、九四	獨 國	英國	白耳義
三二三	鋼線及徑二因ノ四分ニヲ超ヘサル細竿鋼	一〇	七五、五七	六二、〇四	一四、五三	英國	獨 國	
三二五	石 油	二五	四、九五、五八	四、五五、七〇	三、三八、五八	米 國	露 國	
三二八	無 味 香 油	一〇	一〇七、二八	一五、八三	三三、九三	英國	獨 國	
三二八	無 味 香 油	五	一〇七、二八	一五、八三	三三、九三	英國	獨 國	

○卓 用 食 物 類

三六九	乳 膏、乳 粉	五	一七、六四	一〇、九〇	一五、五八	米 國	英國	瑞 西
三七八	硝 石	五	四九、六八	六、元七	七五、四四	英領印度	支 那	

○絹 布 類

三八八	絹 綿 子	一五	四八、九三	四〇、六七	三六、五二	獨 國	佛 國	瑞 西
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○皮 革 類

三八八	靴 底 皮	一五	二四、六〇	二四、五〇	二九、四三	米 國	英領印度	支 那
三八九	他ノ熟皮類	一〇	四八、四七〇	四〇、九八	五三、六三	英領印度	支 那	獨 國

○時 計 類

四二八	甲 銀 計 金 屬	一〇	七四、九二	四一、六六	四八、五三	瑞 西	米 國	佛 國
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○毛 布 及 毛 絲 類

四五一	フランケツト	一〇	七三、三七	二五、七三	五八、九七	英國	獨 國	
四五五	フランネル (純毛ト否トノ別ナク)	一〇	九七、五三	四〇、八八	一〇、七三	獨 國	英國	
四五七	毛 織 子	一〇	一六六、六三	一八、六三	一〇、六三	英國	獨 國	
四六〇	縮緬吳呂 (純毛ト否トノ別ナク)	一〇	二、六四、五三	一八、九一、八三	二、四八、九〇	佛 國	獨 國	
四六四	セルチ (純毛ト否トノ別ナク)	一〇	六三、四七	五八、九三	六二、五八	英國		

○羅 紗 類

四六六	甲 純毛ノ	一〇	九〇、一三	四三、〇〇	六四、四七	英國	獨 國	白耳義
四六九	乙 雜セモノアル	一〇	一五、九一	六四、九八	一六、六七	英國	獨 國	

○毛 織 絲

四六九	毛 織 絲	八	四九、三六	一六、三六	四七、九三	獨 國	英國	佛 國
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以上ニ列記スル諸品ノ原價

普通海關稅率ニ依リ

陸奥外務大臣時代 改正稟議ト對英交渉

輸入總計

二、七六、五二六、三六、〇〇

附屬書二 二十六年九月十一日附青木公使宛往信附屬

改訂議定書

日本國皇帝陛下ノ政府及ヒ、ハ本日調印セシ通商航海條約ノ外ニ雙方ニ關スル特別ノ事項ヲ規定スルコト兩國ノ利益上便宜ナルヲ以テ雙方ノ全權委員ハ左ノ約定ニ同意セリ

第一、ハ、ハ、ハ、國臣民或ハ人民カ日本國ニ輸入スル貨物及ヒ商品ニ關シテ現今日本ニ於テ實施スル所ノ輸入税目ハ本日調印シタル通商航海條約實施ノ日ヨリ無効タルコトヲ約ス而シテ本書附屬税目ハ右ノ期日ヨリ該條約第四條ノ規定ニ準據シ、ハ、ハ、ハ、國領地及ヒ所屬地ノ生産若クハ製造ニ係ル物品ニシテ該税目ニ掲クルモノヲ輸入スル場合ニ之ヲ適用スルモノトス但シ日本國政府ニ於テ純良ナラサル藥材製藥、食物若クハ飲料、猥褻ノ印刷物、圖書、書籍、紙牌石版若クハ其他ノ彫刻畫、寫眞及ヒ其他總テ猥褻ノ物品、日本帝國ノ專賣特許、商標及ヒ版權ニ關スル法律ニ違背スル物品又ハ其他衛生、公安若クハ風俗ニ關シ危害ヲ生スヘ

ハ之ニ關シテ其地方施政上ノ責任及ヒ義務ヲ悉皆負擔シ又之ト同時ニ右外國人居留地ニ屬スル共有資金及財産ハ右日本官廳ヘ引渡スヘキコトヲ承諾ス

附屬書三

明治 年 月 日日本帝國ト大不列顛國トノ間ニ締結セシ議定書

附屬税目

品 目

從價税率

麻帆布。綿帆布	一割
セメント	五分
綿縫絲	一割
更紗類	一割
綿純子。綿繻子	一割
雲齋布	一割
生金巾	一割
晒金巾	一割
綾金巾	一割
天竺布	一割

キ物品ノ輸入ヲ制限シ若クハ禁止スルノ權利ハ本議定書又ハ其附屬税目ノ爲メ制限セラル、コトナカルヘシ

日本國政府ハ右税目實施以前若クハ以後ニ於テ必要ト看做ストキハ時々其税目ニ定ムルトコロノ從價税率ヲ同額ノ從量税率ニ換算スルノ權利ヲ保有ス但シ此税率ノ換算ハ其公布ノ日ヨリ少クモ六箇月ヲ經過スルニ非ラサレハ效力ヲ有セサルモノトス

又日本國政府ハ右換算ノ從量税率ヲ二箇年毎ニ改正スルノ權利ヲ保有ス而シテ此改正ヲ行フトキハ其都度右換算ノ前三箇月間ニ於ケル外國爲替平均相場ト其改正ノ前三箇月間ニ於ケル外國爲替平均相場ノ差額ヲ以テ改正ノ標準ト爲スヘシ但シ右ノ如キ改正ハ其公布ノ日ヨリ少クモ六箇月ヲ經過スルニ非サレハ效力ヲ有セサルモノトス

右税目ニ掲ケサル物品ニ對シテハ前記條約第四條ノ規定ニ準據シ日本國ニテ其時現ニ行ハル、トコロノ普通關稅則ヲ適用スルモノトス

第二、ハ、ハ、ハ、國政府ハ各外國人居留地ヲ全ク其所在ノ日本市區ニ編入シ而シテ日本地方組織ノ一部ヲ爲シ當該官廳

緋金巾。色金巾	一割
綿天鵝絨	一割
寒冷紗	一割
窓玻璃片(尋常ノ)	八分
甲 無色。及無着色ノ	一割
乙 有色着色若ハ砂磨ノ	一割
乾藍	一割
塊鐵	五分
道鐵	五分
條鐵。竿鐵。板鐵	七分半
電鍍板鐵	一割
筒鐵。管鐵	一割
鉛(塊錠ノ別ナク)	五分
靴底皮	一割五分
他ノ熟皮	一割
水銀	五分
乳膏。乳粉	五分
鐵釘類	一割
無味香油	一割

帝國政府カ今回ノ稅目案ヲ提出スル所以ハ從來談判ノ基礎トナリタル稅目ニ關スル提議ニ當然幾分ノ改良ヲ加フルヲ得ヘキ時機ニ達シタルコトト確信スルニ由リ今ヤ帝國政府ハ帝國立法制度ノ現狀ヨリ生スル擔保ヲ以テ各種ノ輸入品ヲ總括スル條約稅目ノ一部分ニ代ヘンコトヲ要望スルモ敢テ不當ニ非サルヘシト思惟セリ且ツ又連合談判及ヒ各國ニ劃一ノ條約ヲ締結スルノ考案ニシテ既ニ消滅シタル以上ハ最早日本トノ貿易僅少ナルカ又ハ全ク皆無ナル諸國ト殆ント五百餘種ノ品目ヲ掲クル條約稅目ヲ締結スルノ口實モ亦消滅スルニ至リタリト信スルナリ

故ニ帝國政府ハ日本トノ貿易ニ於テ稅目約定ヲ要スルニ足ルヘキ輸入價格ヲ有スル國々ニ限り稅目約定ヲ締結センコトヲ欲ス又條約稅目ニ掲クル物品ハ其性質上若クハ重要ノ輸入品トシテ特別ノ詮議ヲ要スルモノニ限ランコトヲ期望スルナリ

千八百九十二年間諸條約國（支那朝鮮ヲ除ク）ヨリノ輸入總額ハ

五千四百八拾九萬七千三百拾三圓

其内英國、獨逸、合衆國及ヒ佛國ヨリノ輸入價格ハ

五千百七拾貳萬四千貳百貳圓

其殘額

三百拾七萬三千百拾壹圓

ハ他ノ條約國十二箇國ヨリノ輸入價格ニシテ其割合ハ左ノ如シ

右十二箇國中四箇國（布哇、秘魯、丁抹、葡萄牙）ヨリノ輸入價格ハ

壹萬八千八百八拾八圓

他ノ四箇國（埃國、蘭國、伊國、瑞典諸國）ヨリノ輸入ハ拾四萬五千三百六拾壹圓

其餘ノ四箇國（白耳義、露國、瑞西、西班牙「菲律賓群島ヲ包含」）ヨリノ輸入ハ

三百萬八千八百六拾貳圓

右ノ計數（此計數ハ千八百九十二年ノ外國貿易年表ニ依ル）ニ由テ觀レハ歐米諸條約國及ヒ其所屬地ヨリ日本ノ輸入價格ノ十分ノ九ハ英國、獨逸、合衆國及ヒ佛國ニ屬セリ而シテ爾餘ノ各國ヨリノ輸入ハ千八百九十二年間ニ於テハ孰レモ其總額百萬圓ニ滿タサリシナリ

前述ノ如キ次第ナルヲ以テ帝國政府ハ英、獨、米、佛ノ四

箇國ニ限り其稅目ニ關スル發議ヲ提出スルノ至當ナルヲ認メタリ然レトモ此措置ハ實際ニ於テハ重要ノ關係アルニ非ス何トナレハ條約稅目ノ各項ハ何レノ國ト締結スルモノト雖モ新條約中最惠國待遇及ヒ均等待遇ニ關スル條款ニ據リ他ノ新條約ヲ締結スル諸國ニモ亦均シク適用スヘキモノナルヲ以テナリ

條約稅目ニ掲クヘキ輸入品ノ種類ヲ撰定スルニハ帝國政府ハ實際上ノ關係如何ヲ考察シタリ即チ第一千八百九十年乃至九十二年ニ於ケル一箇年ノ平均輸入價格五萬圓ニ滿タサル物品ハ稅目ヨリ除去シ且ツ爾餘ノ物品モ亦其性質上稅目約定ノ保護ヲ與フルニ足ラス又ハ之ヲ要セスト認メタルモノヲ除去シタリ

第一種類即チ日本カ他ノ諸國ト均シク其課稅ニ關シテ自由ノ措置ヲ爲シ得ヘキ種類ニ屬スル物品ハ左ノ如シ

各種ノ酒類

煙 草

砂 糖

左記ノ物品ハ其輸入價格前述ノ標準額ヲ超過スルモ其性質上ヨリ多額ノ關稅ヲ課セラル、ノ虞ナキヲ以テ條約稅目案

ヨリ除去シタリ

一、兵 器 類

二、鐵 道 客 車

三、鐵 道 汽 關 車

四、船 舶

五、藥材、製藥、化學用品

六、機 械 類

七、綿花、羊毛、苧麻類

八、石 炭

九、茶 鉛

右ノ中第一目ハ官用ニ供スル爲メニ輸入シ第二及ヒ第三目ハ政府又ハ政府ノ補助ヲ受クル會社ノ爲メ輸入シ船舶ノ輸入モ亦政府ノ獎勵スル所ナリ第五目ハ多額ノ關稅ヲ課セザル、如キ性質ノモノニ非ス第六及ヒ第七目ハ之ニ過度ノ重稅ヲ課スルトキハ日本ノ製造業ヲ萎縮セシムルニ至ルヘシ石炭ハ殆ント皆ナ外國航行汽船ノ消費スル所ニシテ實際通過品トシテ輸入スルニ過キス第九目ハ專ラ日本輸出製茶ノ荷造ニ用ユルナリ即チ此等ノ理由アルヲ以テ帝國政府ハ前記ノ物品ヲ條約稅目案ヨリ除去シタリ油糟、包席、生皮及

ヒ豆類ハ其輸入價格前記ノ標準額ヲ超過スレトモ此等ハ條約稅目ニ關係ナキ國々ヨリ輸入スルモノナレハ之ヲ除去シタリ之ニ反シ綿帆布及ヒ葉鐵ハ其輸入價格前記ノ標準額ニ達セサルモ稅目案ニ之ヲ加ヘタリ綿帆布ニ對シ此變例ヲ用ヒタル所以ハ原稅目案ニ於テハ綿帆布ト麻帆布ト同一項目ニ置キタルニ由ルナリ而シテ從價稅ヲ變シテ從量稅トスル場合ニハ綿帆布及ヒ麻帆布ノ兩項目ヲ再ヒ合併スルハ或ハ便宜ナルヘシ今右兩項目ヲ分離シタルハ參照ノ便ヲ計ルカ爲メナリ又葉鐵ニ對シ變例ヲ用ヒタルハ千八百九十一年及ヒ千八百九十二年ノ貿易年表ニ據レハ葉鐵ノ輸入價格ハ漸次増加シタルヲ以テ將來ニ於テモ貿易ノ情勢上ヨリ推ストキハ引續キ増進ヲ來スヘキコトヲ確信スルニ由ルナリ前述ノ如ク條約稅目ニ編入スルコトニ決シタル項目ハ千八百九十二年ノ輸入總額八千七百七拾貳萬八千五百八拾壹圓⁽¹⁾ノ内三千五百六拾四萬九千五百八拾六圓ニ當ル價格ヲ表シ即チ最惠國待遇ヲ享受スヘキ諸國ヨリノ全輸入價格ノ三分ノ二ニ當ルナリ此ニ由テ觀レハ帝國政府提案ノ寬大ナルハ充分ニ承認セラル、所ナルヘキヲ信スルナリ

今回ノ條約改正案ニシテ其功ヲ奏スルモ新稅目ハ今ヨリ五

稅目案ノ採用セラル、ニ於テハ帝國政府ハ法律ヲ以テ國定關稅則ヲ設クルノ必要ヲ生スヘシ而シテ本件ハ既ニ帝國議會ノ議事ニ附セラレタルコトアリ

註 1 此ノ額ハ千八百九十年ノモノ

一四 明治三十六年九月二十三日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

稅目ニ關シ請訓ノ件

Had two conferences with Fraser. I have great difficulties to overcome on account of mistrust respecting the present political aspect in Japan. I am continuing. I have mentioned Ito's scheme. May I consider the tariff received in the sense of maximum tariff while the tariff on the way is to be the minimum tariff for conventional agreement.

Berlin, Sept. 22, 1893. Aoki.

一五 明治三十六年九月二十三日 陸奥外務大臣ヨリ
青木駐獨公使宛(回電)

稅目ニ關シ回答ノ件

箇年餘ヲ經ルニ非サレハ實行スルニ至ラス又十二箇年餘ヲ經ルニ非サレハ滿期ニ至ラサルナリ而シテ帝國政府ハ一方ニ於テハ從量稅ナルモノハ其制定ノ時ニ於テ如何程完全ナルモ物價ノ變動及ヒ其他ノ理由ニ依リ二三年ヲ出テスシテ不完全不平均ヲ來スノ事實アルヲ認メ又他ノ一方ニ於テハ從價稅ノミヲ以テ定メタル稅目ヲ適用スルノ實際困難ナルヲ察シタルヲ以テ今回ノ新案ヲ提出スルト同時ニ此問題ヲ調停スル爲メ一ノ便法ヲ設ケサルヲ得サルニ至レリ依テ帝國政府カ此問題ヲ調停スルニ最モ適當ト認ムル所ノ考案ヲ左ニ陳述スヘシ即チ條約稅目ニハ單ニ從價稅ノミヲ掲ケ且ツ一定ノ制限及ヒ算定法ニ從ヒ適宜ニ從價稅率ヲ同額ノ從量稅率ニ變換スルノ權利ヲ帝國政府ニ附與スル事是ナリ條約稅目ノ從價稅率ト時々現ニ實施スル所ノ從量稅トハ如何ニ其平均ヲ保タシメントスルモ外國爲替相場ノ高低ノ爲メ其平均ヲ失フヲ免カレサルモノナレハ此變動ヲ避ケンカ爲メ帝國政府ハ一定ノ期限内ニ於ケル爲替相場ノ高低ニ基キ何時ニテモ從量稅率ヲ改正シ得ルノ權利ヲ得ンコトヲ求ムルモノナリ尤モ稅率ノ變換又ハ改正ハ相當ノ豫告ヲ與ヘテ始メテ實施スルモノナリ終ニ臨ミ一言スヘキハ即チ條約

No. 213. I sympathize with your difficulties but I rely upon you to smooth the way fully assured of complete harmony and firm attitude of the Cabinet. Ito's scheme contemplates conventional tariffs respecting about fifty important articles at about rates named in revised tariff which you have received. Remaining articles to come under general statutory tariff but Japanese Government will use best endeavors to keep statutory tariff near the rates named in revised tariff.

Sept. 23, 1893. Mutsu.

一六 明治三十六年九月二十九日 陸奥外務大臣ヨリ
青木駐獨公使宛

輸入稅目ニ關スル件

送第七七五號三十 條約改正ニ關スル件(第六)
本月二十二日伯林發貴電翌日接讀致候英政府ニ向テ開談ノ御困難ナルコトハ深ク推察致居候義ニ有之候然ルニ本問題ハ内閣ニ於テモ一同協心戮力シテ首尾能ク其成效ヲ見ルコトヲ熱望致居候義ニ付閣下ニ於テモ其意ヲ體セラレ飽迄進

テ御盡力相成度致冀望候右電信中「既ニ接受セシトコロノ
税目ヲ最高税目ト看做シ現ニ途中ニ在ルトコロノ税目ヲ條
約上ノ最低税目ト看做シ可然哉」トノ御問義有之候處右最
高税目最低税目ナルモノハ立法部ニ於テ定ムヘキ普通税則
即チ國定税則中ニ可有之區別ニ候ヘハ御電報中ノ「最高税
目」ナル語ハ蓋シ普通税則ノコトヲ意味シ「條約上ノ最低
税目」ナル語ハ約定税目ノコトヲ指シタルモノナラント解
釋致候ニ付同日其意味合ニテ電答致置候次第ニ有之候

本信御接受ノ頃迄ニハ約定税目案モ已ニ御落手可相成居候
ニ付疾ク御了悉ノ事ニハ可有之候得共右約定税目案中ニハ
英、獨、米、佛ノ四ヶ國ニ對スル分ヲ合セテ約ネ五十餘種ノ
重要品ニ對スル税率ヲ規定シタルニ過キサレハ其他ノ諸品
ハ總テ普通税則ニ依テ課税スルノ經畫ニ有之而シテ右普通
税則ハ固ヨリ立法部ノ制定スヘキモノニ係レトモ七月二十
五日附機密送第五六八號²信ヲ以テ申進候通帝國政府ニ於テ
ハ右普通税則ヲシテ可成從來ノ條約改正談判ニ伴居候「改
正輸入税目」ト稱スル税目案ニ定ムルトコロノ税率ト大差
ナカラシメンコトニ盡力可致積ニ有之候
右申進候 敬具

各國ヨリ輸入セシ重要品

税目序次	品目及 國名	三箇年 間ノ輸入 額	關係ノ 順序
二四	綿帆布、麻帆布	圖 圖	0
獨	英	二、二二	二、一八
英	獨	一〇、四七	五、〇三
米	英	一〇、〇〇	二、五、三三
其他	英	一、三三	七、元
佛	獨	二、六九	八、六四
置時計、掛時計及其部分品類	佛	三、六九	九、七一
獨	英	三、九七	一〇、四七
英	獨	三、五二	一、九四
米	英	三、九六	一、八四、〇三
其他	英	三、六八	一、五、七四
石炭及コークス	獨	二、九八、九七	二、〇〇、六三
獨	英	二、四、七〇	一、四、二二
英	獨	二、四、七〇	二、七、八五
米	英	一、五、二六	七、四四
其他	英	一、五、二六	二、四、四四
其他	英	一、五、二六	二、四、四四
五八 綿織絲	英	一、五、二六	二、四、四四

一七 明治二十六年九月十九日 陸奥外務大臣ヨリ
青木駐獨公使宛

輸入重要品表送付ノ件

附屬書 明治二十三年二十四年二十五年ノ三箇年ニ於
テ各國ヨリ輸入セシ重要品

條約改正ニ關スル件（第七）

過日及御送附候新税目案ニ關スル參照ノ爲メ別冊千八百九
十年、九十一年、九十二年度ノ三箇年度間ニ於テ各國ヨリ
我國ヘ輸入セシ重要品表調製致候ニ付今便及御送附候
右表中「税目序次」トアルハ從來ノ條約改正談判ニ伴居候
「改正輸入税目」ニ載スルトコロノ番號ニ有之又「關係ノ順
序」トアルハ即チ過日送附セシ「輸入品税目」ヲ製セシ基
礎ニシテ輸入量額ノ多寡ニ因テ順序ヲ附シタルモノニ有之
又〇印ヲ附シタルモノハ右「輸入品税目」中ニ適載シタル
分ニ有之候
附屬書

明治二十三年二十四年二十五年ノ三箇年ニ於テ

英領印度	三、四三、五九	一、二、五、四九	一、八、四三、九三	二
獨	八、八八			
英	六、七四、二八	四、四三、二二	五、三六、六八	一
其他	二、四三	七、八	九、〇三	
獨	九、九六、〇六	五、五九、二九	七、三三、九七	
英	八、四	五、七九	七、四九	二
其他	五、八五、〇七	七、七六	二、三、四七	一
佛	五、九、六〇	八、九三	一、〇、五二	〇
更紗類	三、二六	二、四二	一、八二	〇
獨	一、一、五八	一、五、四	四、〇九	三
英	四、八、八四	一、七、六三	四、三、〇四	一
瑞西	二、二、七五	九、八八	九、八八	二
其他	一、九二	一、七六	一、四九	二
綿純子、綿織子	四、八、四二	一、四、〇五	四、三、四四	〇
佛	一、一、七			〇
獨	二、三、八二	五、七〇	六、二七	二
英	三、七、九二	二、六、五〇	五、六、七七	一
其他	三、〇一	二、一、八二	二、六、八	〇

六二 雲齋布	三三、三三	一七、〇四九	五五、七五三	〇
英 獨	四四、一四	三六、五五	一二七、四四	一
其他	五三	一、三六	三四七	〇
六四 綿天鷲絨	四四、六四七	四〇、九三	一二七、四三	〇
英 獨	五、〇三	六、六三	二六、八四	二
其他	三三、三六	二六、三三	五五、〇七	一
六五 生金布	三三、八五	九八五	八四九	〇
英 獨	一、七六、九六	一、六五、八七三	一、七六、四八	一
其他	一、七六、九六	一、六五、八七三	一、七六、四八	〇
六六 晒金巾	三、六九	三、六九	九、九三	〇
英 獨	三〇、七六	三六、四四	三〇、〇七	一
其他	一、四三	四〇	四九〇	二
六七 絞金巾	三三、八五	二六、八五	三〇、五九	〇
英 獨	四、五四	二、〇〇	四、七	〇
六八 綾金巾	四、五四	二、〇〇	四、七	〇
獨	六八	六八	六八	〇

六九 唐棧	九、四七五	三〇、六九	一〇六、一七	一
英 獨	一、二四	五七九	二、一六	二
米	九、五九	三、七	一〇九、〇三	〇
七〇 天竺布	三、四三	二、〇〇	一、〇四〇	一
英 獨	五、九〇	二、三八	六、三八	〇
其他	九、三四	五、四八	七、三八	〇
七一 緋金巾其他色金巾類	一、四、四三	二、四、〇三	二六、九	〇
白	四、七五七	一〇	二六、九	〇
佛	一、三、五八	二五、〇九	九、〇五七	二
獨	一、四〇	四、五八	四、五八	〇
英	六、三三	五、三八七	四、四、九八	一
伊	一、一七〇	九、〇	九、三	三
瑞西	六、三三	二、一	五、八	〇
其他	六、三三	二、一	五、八	〇
七二 寒冷紗	五、三、四	一〇、八三	九、九	一
英 獨	五、三、四	一〇、八三	九、九	〇
其他	五、三、四	一〇、八三	九、九	〇

七九 石炭酸	五、三、九	一〇、八三	九、四、〇	一
英 獨	四、二二	三、七六	二、八四	〇
八〇 撒里矢爾酸	四、二二	三、七六	二、八四	〇
佛	三、〇五	七、七	一、三	一
獨	三、〇五	七、七	一、三	一
英	三、〇五	七、七	一、三	一
八二 酒石酸	三、〇五	七、七	一、三	一
白	三、〇五	七、七	一、三	一
佛	三、〇五	七、七	一、三	一
獨	三、〇五	七、七	一、三	一
英	三、〇五	七、七	一、三	一
一〇六 偈里設林	三、〇五	七、七	一、三	一
獨	三、〇五	七、七	一、三	一
英	三、〇五	七、七	一、三	一
蘭	三、〇五	七、七	一、三	一
佛	三、〇五	七、七	一、三	一
赤	三、〇五	七、七	一、三	一
佛	三、〇五	七、七	一、三	一

一二五 貌魯密度刺篤亞斯	三、二九七	三、八三	三、〇五	一
英 獨	五、〇六	四、〇五	四、八〇	〇
米	八、九七	八、〇五	八、〇五	〇
英	一、四、九	一、九三	一、〇九	一
獨	七、〇〇	四、〇三	七、三	二
米	五、〇〇	三、一	一、八四	〇
格魯兒酸刺篤亞斯	二、九、九	一、九、九	一、八四	〇
白	二、九、九	一、九、九	一、八四	〇
佛	二、九、九	一、九、九	一、八四	〇
獨	二、九、九	一、九、九	一、八四	〇
英	二、九、九	一、九、九	一、八四	〇
沃度刺篤亞斯	四、三、二	六、〇七	五、一	一
獨	三、二九	三、七四	一、八、九〇	〇
英	三、二九	三、七四	一、八、九〇	〇
其他	六、六四	九、五七	七、七	〇
一二八 規尼涅	五、〇六	八、七	五、七	一
佛	三、六、五	六、六三	九、九	二
獨	三、六、五	六、六三	九、九	二
英	三、六、五	六、六三	九、九	二

伊	三、二六	五、七〇三	六、九六
其他	三、三三	六、	
重碳酸曹達	四、五九	四、一七三	四六、六三三
獨	一、七〇	六、九	五、五
英	六、五〇	四、八三	五、七三
獨	六、九〇	四、二五	六〇、三三八
苛性曹達	八、六四	八、〇九	三、八八
獨	二、八八	二、四七、〇六六	一、六九、二〇三
英	二、八八	一、四	一、七三、〇一〇
其他	一、四八、八三三	二、五、三六	
アニリンタイス	八、六〇〇	七、七五	七、六三
白	一、四、一六	一、五、一八九	
獨	三、三、六三	三、〇〇、六六	三、三、四三七
英	三、〇、六	一、三、七九	九、六五
獨	四〇、八七四	四七、六四四	四九、七三
瑞西	三、五	八、六	
其他	三、九、五九	三、六、六三	四八、八八一
白	二、一〇〇		

一四九 紺青乾濕ノ別ナク鑛物ヨリ製シタル支那錠。苧漏生錠。
伯林錠。巴里錠等ノ如キ)

獨	九、三三	一、四、九三	三〇、八三三
英	一、四六	二、三三	一、三三八
瑞西	一、三八八	一、七、五三	三、三、九三
乾	一、五、二六	二、三、六九	二、三、二九四
英領印度	一、五、二六	二、三、三三	二、九、六三
佛	一、五、二六	二、三、三三	二、九、六三
英	一、五、二六	二、三、三三	二、九、六三
非律賓群島	一、五、二六	二、三、三三	二、九、六三
其他	一、五、二六	二、三、三三	二、九、六三
白	一、五、二六	二、三、三三	二、九、六三
佛	一、五、二六	二、三、三三	二、九、六三
獨	一、五、二六	二、三、三三	二、九、六三
英	一、五、二六	二、三、三三	二、九、六三
其他	一、五、二六	二、三、三三	二、九、六三
油	一、五、二六	二、三、三三	二、九、六三
白	一、五、二六	二、三、三三	二、九、六三
獨	一、五、二六	二、三、三三	二、九、六三
英	一、五、二六	二、三、三三	二、九、六三
其他	一、五、二六	二、三、三三	二、九、六三

一六三	スマルト及コバルト	一〇、八、五四八	二、〇、九四八	九七、一八四
佛	三、八四	五、九	五、八	
獨	四、九、五三	二、〇、九二	四、四、四四	
英	四、九、五三	二、〇、九二	四、四、四四	
一六六	洋	二、三、八	九、三	三、四、七
支那	二、三、八	九、三	三、四、七	
佛	二、三、八	九、三	三、四、七	
英	二、三、八	九、三	三、四、七	
米	二、三、八	九、三	三、四、七	
其他	二、三、八	九、三	三、四、七	
一八三	苧麻織絲	一、九、一〇	九、六	一、六、四三
支那	一、九、一〇	九、六	一、六、四三	
獨	二、九、五三	二、三、三九	四、四、四四	
英	二、九、五三	二、三、三九	四、四、四四	
其他	二、九、五三	二、三、三九	四、四、四四	
一八五	蠶	七、九、五八	九、七、六	一、四、五、六
獨	一、〇、六	二、六、一一	二、六、一一	
英領アメリカ	一、〇、六	二、六、一一	二、六、一一	
獨	一、〇、六	二、六、一一	二、六、一一	
英	一、〇、六	二、六、一一	二、六、一一	
香港	一、〇、六	二、六、一一	二、六、一一	
米	一、〇、六	二、六、一一	二、六、一一	

白	六五	七九	二四〇二
佛	九〇	三三	
獨		四、〇八四	一八、一六九
英	一、三八	四、〇九七	三、一二七
其他	一九五	零	六五
二五五 管 眞 餘	二、四八	四八、三三八	三、七五三
白	二、六五四		
佛	二、五九九	四三	八、二三
英	二、八三	五、二六	一六、五九
二五八 條銅、竿銅及板銅類	一七、〇七五	五、五九八	二四、七〇
白	四、六五	一、四二	一、六八
佛	一、六八	七、九九	三、七一
英	二、四五	三、二九	八、六〇
其他	七四		
二五九 管 銅	八、九三	三、六九	一三、七九
佛	四、六三	八、一三	四、二七
獨	一、九八		三五
英	三、二三	二、六七	二、九六
其他	二九、七四六	六五	一七、三五八
二六一 日耳曼銀			

	獨	空	三	四、三〇	一
	英	二四、五八	四、八五	三八、四五	
	其他		四四五		
二六二	塊鐵	一四、四六	四、二元	四、一〇六	〇
	白			二、八四四	
	英領印度	四、九三			
	佛	一〇、七〠	三七四	四八	
	獨	八、五三	六、二〇元	二三、八六八	二
	英	八六、七三	一二、七三	三四、二六七	一
	其他	五三	四		
二六三	條鐵、竿鐵	一八、九四八	一九、〇八一	二四、三七	〇
	白	二九、六三	一七、四五	一五、三五	二
	佛	七、〇〇	二四、七七	三一、二	四
	獨	零、八三	一〇、七四	一五、一〇一	三
	英	六五、四四	五七、三六	五五、一八五	一
	瑞典諸威		二、〇八一	一、九九〇	
	其他	一六八	三	六	
二六四	箍鐵、帶鐵	八〇、二六	八〇、四〇	八七、七〇	
	英	三、〇九五	三元、三三	二四、七〇	一
	其他		一元五七	二七	
		三、〇九五	四、〇	四、九五七	

二六五	釘	八、八五	三、六三	三、四三
	英	九		
	其他	八、八四	三、六三	三、四三
二六七	板			
	鐵	六、三五	二、六五	四、六三
	白	一九、五七	九、七三	二、一〇
	獨	二八、七七	二七、〇五	一八、二九
	英	六四	一、四四	
	米	六五	一七三	五七一
	其他	三四、〇八	二九、〇七	二四、五八
二六〇	電鍍板鐵	七、三九	六、六二	八、一五
	英	一、六六	二、七四	
	其他	七、〇三	六、八六	八、一五
二六八	筒鐵、管鐵	四、三三	六、六三	五、五〇
	佛	一〇九、三七	一〇四、九〇	四七、四七
	英	二、五八〇		六、三九
	米	三〇七	一、〇九	一、七〇
	其他	二六、五三	一〇六、九二	五五、八五
二六九	道			
	白	八四、〇五〇	二〇、七三	
	佛	二、七五二		
	獨	二七、五七六	一五、一六四	三三、六四

英	其他	六九四、八三三	四八四、四〇一	三三、六四
二七三	鉛（塊錠ノ別ナク）	一、二三九、三〇〇	七〇〇、五三八	六七、四八八
濠洲		二、五九六	九、八五五	六八、〇六六
塙		二、三八七	二、一〇〇	
白				
英領印度		三、五〇〇	二、二九五	
支那		三、七五五	二、一三五八	一、三四七
獨		三、七五五	二、六八三	一〇、九〇八
英		五、六六七	五九、四八	二六四、六三三
西		四、五九	二、一六一	
其他		八、五、四四	一〇四、〇三九	二四、五、三八四
二七四	板			
英	鉛	六〇、九五	一四、四〇一	三七、六〇九
		六〇、九五	一四、四〇一	三七、六〇九
二七五	管			
英	鉛	八、六〇七	六、八七九	八四、四三
			一九	一七三
	其他	八、六〇七	六、八八	八、六六六
二七六	水			
支那	銀	一、一二〇	一、二六五	三、〇六四
英		三、五、三〇	一五、六五	四三、五六六

西	六、九三	一、九三	一四、八七六	一
米	六、九三	六、三三	三、〇四〇	一
其他	一〇、八三三	五、二七	九、五、四六	一
白銅	一七、〇二五	二、〇〇元	六、四、七	一
獨	一〇、四八八	七、六四二	三、九、八〇四	一
英	一八、四三三	九、五、一	四、六、二六	一
鋼（塊錠ノ別ナク）	四、〇七	六、六、九	二、二、六五	一
獨	三、九、四	一、九、九三	一、九、一、六三	一
英	三、九、四	一、九、九三	一、九、一、六三	一
瑞典諸國	四、〇七	六、六、九	二、二、六五	一
其他	一、九、〇四	三、四、〇四	九、六	一
錫（塊錠ノ別ナク）	一、九、〇四	三、四、〇四	九、六	一
英領印度	九、七、六	一、六、四〇一	二、五、四、五	一
支那	一、三、一、九	一、七、〇、九	二、五、〇	一
獨	三、六、四、九	二、六、三、〇〇	二、五、七、五	一
英	九、八、八	二、二、八	八、三、四	一
非律賓群島	六、七、〇	一、四、〇	一、四、〇	一
其他	六、七、〇	一、四、〇	一、四、〇	一

葉鐵	六、三、二	七、七、三	六、三、九四	〇
獨	三、三、二	三、三、三	一、一、九八	一
英	三、三、二	三、三、三	一、一、九八	一
其他	三、三、二	三、三、三	一、一、九八	一
條黃銅、竿黃銅及板黃銅類	九、七	三、三、二	三、三、二	一
獨	二、八、五〇	一、六、〇、六九	三、三、三	一
英	四、四、六三	三、五、〇、七	三、四、一、八〇	一
瑞西	四、四、六三	三、五、〇、七	三、四、一、八〇	一
亞鉛（塊錠ノ別ナク）	三、三、八	一、三、九	二、〇、一〇三	一
支那	三、三、八	一、三、九	二、〇、一〇三	一
獨	二、九、四、六	一、七、〇、七	二、六、〇、七	一
英	二、九、四、六	一、七、〇、七	二、六、〇、七	一
其他	七、〇	一、三、九	二、〇、一〇三	一
板亞鉛	三、三、八	一、三、九	二、〇、一〇三	一
獨	三、三、八	一、三、九	二、〇、一〇三	一
英	三、三、八	一、三、九	二、〇、一〇三	一
其他	三、三、八	一、三、九	二、〇、一〇三	一

英	八、九、三三	六、〇、七、九八	二、二、〇、八	一
其他	一、六、〇	二、〇、五、八	四、九	一
鐵鉛及徑半因以上ノ鐵鏈	三、六、六、八	一、四、三、七、四	二、五、五、〇、九	一
英	三、六、六、八	一、四、三、七、四	二、五、五、〇、九	一
其他	三、六、六、八	一、四、三、七、四	二、五、五、〇、九	一
鐵釘類	二、五、〇、六、六	三、五、八、〇、一	二、六、一、七	一
白	二、五、〇、六、六	三、五、八、〇、一	二、六、一、七	一
獨	二、五、〇、六、六	三、五、八、〇、一	二、六、一、七	一
英	二、五、〇、六、六	三、五、八、〇、一	二、六、一、七	一
其他	二、五、〇、六、六	三、五、八、〇、一	二、六、一、七	一
銅釘、眞鍮釘及黃銅釘類	六、三、七、九	六、五、六、七、九	九、六、四、三	一
英	六、三、七、九	六、五、六、七、九	九、六、四、三	一
獨	六、三、七、九	六、五、六、七、九	九、六、四、三	一
英	六、三、七、九	六、五、六、七、九	九、六、四、三	一
鐵螺旋釘及鐵牝吐螺旋類	二、〇、六	二、二、九	九、六、九	一
獨	二、〇、六	二、二、九	九、六、九	一
英	二、〇、六	二、二、九	九、六、九	一
其他	二、〇、六	二、二、九	九、六、九	一
鐵螺旋釘及鐵牝吐螺旋類	二、〇、六	二、二、九	九、六、九	一
獨	二、〇、六	二、二、九	九、六、九	一
英	二、〇、六	二、二、九	九、六、九	一
其他	二、〇、六	二、二、九	九、六、九	一

螺旋釘（鐵ニ非サル金屬ノ）	三、〇、五	一、七、八	六、八、九	一
英	三、〇、五	一、七、八	六、八、九	一
鐵線	三、一、一	七、一、三	二、一、七、七	一
獨	三、一、一	七、一、三	二、一、七、七	一
英	三、一、一	七、一、三	二、一、七、七	一
白	三、一、一	七、一、三	二、一、七、七	一
電線	三、一、一	七、一、三	二、一、七、七	一
獨	三、一、一	七、一、三	二、一、七、七	一
英	三、一、一	七、一、三	二、一、七、七	一
其他	三、一、一	七、一、三	二、一、七、七	一
銅線	三、一、三	一、七、五	二、一、七、七	一
獨	三、一、三	一、七、五	二、一、七、七	一
英	三、一、三	一、七、五	二、一、七、七	一
鐵線索	三、一、四	九、三	五、〇、〇	一
白	三、一、四	九、三	五、〇、〇	一
鐵線索	三、一、四	九、三	五、〇、〇	一
白	三、一、四	九、三	五、〇、〇	一
鐵線索	三、一、四	九、三	五、〇、〇	一
白	三、一、四	九、三	五、〇、〇	一
鐵線索	三、一、四	九、三	五、〇、〇	一
白	三、一、四	九、三	五、〇、〇	一

獨	三、八一〇	元七	二
英	一、三、四五五	五、九七七	一
露	元	五、三	一
三二四 鋼線索	一七、三六六	六、八六七	一
獨	七	一三、四八八	二
英	九、五九元	三、七三三	一
露	五、七五五	一、八、四九九	一
米	一五、〇三二	五、一三三	二
三二五 石油	七、五八八	一、九七六	二
露	八、五八八	三、三六〇	二
米	四、二四二〇	七、七、五八八	二
其他	一八	二、五、〇七四〇	一
三三八及 三三二	四、九、〇、三、五、七、〇、三、三、六、元八	三、三、六、元八	一
獨	八、八三四	一、八、四三三	二
英	九、八、七七	一、八、四三三	二
米	一、七、六六	一、八、四三三	二
三四〇 印刷料紙	三、六三七	一、九六六	二
白	八、四三三	七、二五	三

獨	三〇、八六八	六、五五五	二
英	一、七、九六八	一、六、八六一	一
其他	一、七、九六八	一、七、九六八	一
三五六 ポートランド、セメント	四、二、三、四、五	一、五、六、三三	二
白	一、四三三	三、七	二
佛	七、五八八	三、七	二
獨	七、五八八	三、七	二
英	一、九、七、七九	三、〇、七、七九	一
其他	一、四三三	三、〇、七、七九	一
三六九 乳膏、乳粉	一、七、五八八	四、七、五八八	二
佛	七、二	四、九	二
獨	二、七	四、九	二
英	二、七	四、九	二
露	二、七	四、九	二
瑞典諸威	二、七	四、九	二
瑞西	二、七	四、九	二
米	二、七	四、九	二
其他	二、七	四、九	二
三九八 硝石	一、七、五八八	一、七、五八八	二
英領印度	四、九、五八八	五、五八八	二
支那	一、四	一、八、四三三	二

佛	一、六六八	一、二六八	二
英	六	四、七	二
米	一、〇〇〇	三、二五五	二
其他	六、六六八	三、二五五	二
三六六 絹綿繻子	四、六六八	一、五一一	二
白	四、六六八	一、五一一	二
佛	一、二、四、四〇	一、八、四三三	二
獨	一、二、四、四〇	一、八、四三三	二
英	一、二、四、四〇	一、八、四三三	二
瑞西	一、二、四、四〇	一、八、四三三	二
其他	一、二、四、四〇	一、八、四三三	二
三三八 靴底皮	四、六六八	一、五一一	二
英領印度	四、六六八	一、五一一	二
支那	四、六六八	一、五一一	二
米	四、六六八	一、五一一	二
其他	四、六六八	一、五一一	二
三八九 他ノ熟皮	四、六六八	一、五一一	二
英領印度	四、六六八	一、五一一	二
支那	四、六六八	一、五一一	二
米	四、六六八	一、五一一	二
其他	四、六六八	一、五一一	二

佛	一、二、四、四〇	一、八、四三三	二
獨	一、二、四、四〇	一、八、四三三	二
英	一、二、四、四〇	一、八、四三三	二
瑞西	一、二、四、四〇	一、八、四三三	二
其他	一、二、四、四〇	一、八、四三三	二
四二八 袂時計	一、二、四、四〇	一、八、四三三	二
佛	一、二、四、四〇	一、八、四三三	二
獨	一、二、四、四〇	一、八、四三三	二
英	一、二、四、四〇	一、八、四三三	二
瑞西	一、二、四、四〇	一、八、四三三	二
其他	一、二、四、四〇	一、八、四三三	二
四二八 同部分品附屬品類	一、二、四、四〇	一、八、四三三	二
佛	一、二、四、四〇	一、八、四三三	二
獨	一、二、四、四〇	一、八、四三三	二
英	一、二、四、四〇	一、八、四三三	二
瑞西	一、二、四、四〇	一、八、四三三	二
其他	一、二、四、四〇	一、八、四三三	二
四五〇 紹吳呂	一、二、四、四〇	一、八、四三三	二
佛	一、二、四、四〇	一、八、四三三	二
獨	一、二、四、四〇	一、八、四三三	二
英	一、二、四、四〇	一、八、四三三	二
瑞西	一、二、四、四〇	一、八、四三三	二
其他	一、二、四、四〇	一、八、四三三	二

[illegible]

獨	四、四六六	二、八五五	二、一三〇	二
英	一五〇、四六六	六二、〇九一	一八三、三五四	一
其他	三六七			
佛	一五、一九九	六四、九四六	一九六、六二七	
毛				
純子				
佛			七六	
獨	一、七六一	四、五三五	五、〇七五	一
英	一、六四一	四、六六九	一、五七七	二
毛	三、四〇二	九、一五四	六、九六〇	
絲				〇
白	一、一三五	一、八三一	二、五九〇	四
佛	九、七三五	六、五四	三、一三六	三
獨	三七、五六一	二九、四七六	三七、〇〇七	一
英	一〇〇、七五	一六、四三	五、一七	二
其他			三三	
	四四、三六	一六、六四	四七、九三	

明治三十八年九月二十四日
 青木駐獨公使ヨリ
 陸奥外務大臣宛（來電）

ソールズベリー學書ノ保證問題ニ關スル件

十月二日上奏ス
 九月二十四日到

其後日本駐劄英國公使及外務次官「サー、フィリップ、カリイ」氏ト尙ホ數回面晤セリ、本使ハ幸ニ彼ヨリ最モ調和

ソールズベリー覺書ノ保證問題ニ關スル件

十月二日上奏ス
九月二十四日到

其後日本駐劄英國公使及外務次官「サー、フイリツプ、カリイ」氏ト尙ホ數回面晤セリ、本使ハ幸ニ彼ヨリ最モ調和

ノ意向アル證言ヲ得タリ然レトモ「ロード、ソリスベリー」ノ覺書ノ保證ナクシテ領事裁判權ヲ廢止スルコトハ彼ヨリ承諾ヲ得ルコト能ハス、英國ハ他各國モ亦タ此點ニ付飽マテ反對ヲ試ムルノ決意ナルヲ知ルカ故ニ此點ニ關シテハ我ニ屈服セサルヘシ併シ其他ノ問題ニ就キテハ本使ヨリ伺出テタル趣旨ニ基キ速ニ稅目ヲ實施スルコト及互相ノ體裁ヲ採用スルコト等ニ至ルマテ英國ノ意向我ニ好都合ナルカ如シ

近々二大強國ノ同盟ヨリシテ亞細亞ニ於テ發生スルヤモ難計キ危險ナル出來事ノ中心ニ居ナカラ我國漫ニ孤立ノ地位ヲ墨守セシテ英國ト互相休戚ノ感情ヲ増進スヘキ此好機會ヲ利用スルノ便益ヲ熟考セラレ何卒右保證ノ問題ヲ御再考アラントコトヲ請フ

註 1 三卷三六五附屬書參照

(右電文)

Had further interviews with Fraser and Under-Secretary of State Currie. Succeeded in obtaining assurances of most conciliatory disposition but impos-

コトヲ熱望スト雖モ憲法政體ノ下ニ在テハ將來ノ立法事項ニ關シ保證ヲ與フルコトハ全ク爲シ能ハサルコトナリ但シ日本政府力可成速ニ諸法典ヲ實施スルタメニ有ラン限リノ手段ヲ盡スヘキコトハ從來ノ所爲ニ徴シテモ自然證明セラレハシ

法典ニ至テハ民法及商法ノ或部分ヲ除クノ外總テ現ニ實施シツ、アリ而シテ千八百九十六年十二月三十一日迄實施ヲ延期シタルトコロノ法典ハ外國人ニ對シテハ比較的ニ關係少ナキ方ナリ而シテ現ニ伊藤伯委員長トナリテ専門家ノ改正調査中ニ在リ此等修正ヲ加ヘタル法典ハ新條約實施ニ先クツコト一ケ年以上ノ内ニ實施セラル、ノ遲ニ至ルヘキコトハ日本政府力疑ヲ置カサルトコロナリ

此外ニ閣下ハ送第五六七號信ニ詳陳スルトコロノ各種ノ理由ヲモ併セテ英國政府ニ提陳セラルヘシ

總理大臣伊藤博文、大藏大臣渡邊國武
司法大臣芳川顯正、文部大臣井上毅、
內務大臣井上馨、外二大臣花押

註 1 五文書

sible to obtain abolishment of Consular Jurisdiction without guarantee of Lord Salisbury's protocol. England will not yield on this point knowing other powers are also determined to resist; on other questions, however, including reciprocal form and early application of tariff on the principle of my inquiry, British dispositions seem favorable. Please reconsider the question of guarantee and expediency of availing ourselves of this opportunity to promote feeling of mutual interest with Great Britain instead of remaining single-handed exposed to the dangerous eventuality which the approaching alliance of two great powers may produce in Asia.

Rec'd. Sept., 24, 1893.

Berlin. Aoki.

一九 明治三十二年九月二十七日

陸奥外務大臣ヨリ
青木駐獨公使宛(往電案)

ソールズベリー覺書ノ保證問題ニ關シ訓令ノ件

十月二日此ノ電文ヲ上奏ス

日本政府ハ法典ノ實施ニ關シ可及丈英政府ヲ満足セシメン

(右電文)

No. 217. Japanese Government (is) anxious to do everything possible to satisfy British Government regarding operation of codes, but impossible for Japanese Government under existing constitutional conditions to give express guarantee as to future legislation, but past efforts of Japanese Government are guarantee that Japanese Government will exhaust every means to bring all codes into operation as soon as possible.

All codes with the exceptions of Civil Code and portion of Commercial Code are now in actual operation and the codes, enforcement of which was postponed until December 31, 1896, are comparatively of trifling importance to foreigners and they are now under examination and revision by Committee of Experts under presidency of Count Ito and Japanese Government entertain no doubt that those revised codes will come into force more than one year before new treaties would take effect. Besides the above,

you should also state to the British Government several reasons set forth in confidential letter number 567.

September 27, 1893. Mutsu.

二〇 明治三十六年九月二十九日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

開談ノ時期ニ關スル件

十月二日上奏ス 九月三十日到

法典ヲ實施ノ運ニ至ラシムルノ證言ニ關シテハ既ニ英國政府ニ向テ實際貴大臣ノ訓令ヨリモ尙ホ一層精密ノ説明ニ及ヒタレトモ無効ニ屬セリ而シテ英國政府ニ於テモ亦領事裁判權廢止ノ問題ヲ延期スヘキ考ヘナルカ故ニ目下談判延期ノ方可ナルカ如シ且又同政府ニテハ今後何時ニテモ欣然開談スルカ故ニ今日ハ最早日本駐劄英國公使ヲ英國ニ滯留セシムルノ必要ナシ

獨逸政府ニ對シテハ御指定ノ條件ニテハ折合ノ付キ難キコトヲ知ルカ故ニ未タ提陳セス

(右電文)

十月二日上奏ス

十月一日發

公然タル擔保ヲ與フルコト難シ併シ英國政府ヲ満足セシムル爲メ日本政府ハ結局新條約案第十八條ノ修正ニ同意スルコト差支ナシ即チ日本政府ハ條約調印後五ケ年經過ノ後ニ一ケ年ノ豫告ヲ與ヘ何時ニテモ新條約ヲ實施ニ至ラシムル權ヲ有スヘシ乍去日本政府ハ現ニ法典實施スル迄ハ前述ノ如キ豫告ヲ爲ササル旨外交文書ヲ以テ約束スヘシ

前述ノ次第英國政府ニ通知スル前ニ果シテ英國政府ハ倫敦ニ於テ開談スルコトニ關シ大體上異存ナキヤ否ヲ本大臣ニ御報告アルヘシ

(右電文)

No. 220. Difficult to give express guarantee but to satisfy British Government Japanese Government may finally consent to modification of Article XVIII of new Draft in (the) sense that Japanese Government shall have right to bring new Treaty in operation at any time after expiration of five years after signature upon giving previous notice of one year and Japanese Government to agree by Diplomatic Note

Made already representation to British Government regarding the assurance of bringing codes into operation, in fact more thoroughly than your instructions but in vain. It seems, therefore, better to postpone negotiations at present as it is also the idea of British Government to postpone the question of abolishment of Consular Jurisdiction. Inasmuch as they are willing to open negotiation (at) any future time, now no longer necessary to detain Fräser in England. As to the German Government, made no representations knowing it is impossible to arrive at any understanding for the given conditions.

Berlin, Sept. 29, 1893 Aoki.

二一 明治三十六年十月二日 陸奥外務大臣ヨリ
青木駐獨公使宛(回電)

新條約案第十八條ヲ修正シ外交文書ヲ以テ
保證ヲ與フルノ件

not to give such notice until codes are in actual operation, but before bringing above to the notice of British Government inform me if British Government is in principle willing to open negotiation in London.

Oct. 1, 1893. Mutsu.

二二 明治三十六年十月三日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

外交文書ニ關スル件

十月三十一日上奏ス

十月四日到

英國政府ハ寧ロ倫敦ニテ談判スルコトヲ欲スト雖モ在日本英國公使ハ貴大臣力充分ナル保證ヲ與フルコト能ハサルヲ恐レ急ニ日本ニ歸ルコトヲ熱望シ居レリ

外交文書ヲ交換セントスル貴案ハ貴大臣ノ讓歩ノ最極限ナルヤ否御内示アリタシ

外國人居留地ヲ日本市區ニ編入スル件ニ關シテハ本使ノ前案ヲ復活スル方望マシクアリ

(右電文)

British Government would have rather negotiations in London, but Fraser (is) extremely anxious at once to return to Japan fearing you cannot give sufficient guarantee. Intimate me whether the contemplated exchange of Diplomatic Note is the extreme limit of your compromise. Regarding incorporation of settlements, my former propositions also desirable to be revived.

Berlin, Oct. 3, 1893. Aoki.

二三 明治三十六年十月四日 陸奥外務大臣ヨリ
青木駐獨公使宛(回電)

外交文書ニ關シ回答ノ件

十月三十一日上奏ス

十月四日發

外交文書ヲ以テ保證ヲ與フルコトハ最極限ノ擔保ニシテ開議ノ決定スル所ナリ本大臣ノ意ハ千八百九十年ソースペル侯ノ對案ニ對スル回答トシテ兎ニ角新約案ヲ英國政府ニ提出シ細目ノ如キハ實際ノ談判ニ讓ラントスルニ在リ因テ若シ前述ノ條件ニテハ英國政府ハ倫敦ニテ開談スルコトヲ

欲セサルヘシト閣下ニ於テ思考セラレバナハ東京ニ於テ談判ヲ再開セサルヲ得ス

(左電)

No. 223. Assurance by Diplomatic Note is extreme limit of guarantee decided by Cabinet and it is my intention to present new draft to British Government anyhow as answer to counter-proposal of Marquis of Salisbury of 1890, leaving details for actual negotiations. If you think British Government would not have negotiations in London under the above condition, negotiations must be resumed in Tokio.

Oct. 4, 1893. Mutsu.

二四 明治三十六年十月五日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

倫敦開商井ニ外交文書ニ關スル件

十月三十一日上奏ス

十月十八日到

倫敦ニテ開談スルコトハ英國政府ノ好ム所ナリト雖モ英國政府ニ於テハ法典ノ性質如何ヲ熟知セサルカ故ニ單ニ外交

文書ノミヲ以テスルカ如キ擔保ニハ同意スルコト能ハスト是レ在日本英公使ノ斷言スル所ニシテ本使モ尤ト思考セリ。而シテ外國人居留地ニ關スル本使カ前案ヲ復活スルハ半ハ國ヲ開放スルニ均シク雙方ノ爲メ有益ナリト思考ストノ廉ヲ以テ英國政府ハ其復活ヲ促スコト頻ナリ。我提案中通商事項ニ關スル部分ハ稅目ヲモ併セテ英國政府ノ協意ヲ得ヘキニ似タリト雖モ若シ貴大臣ニテ以上ノ要求ヲ肯諾スルコト能ハサルニ於テハ此上本使ノ談判ハ無用ナルヘシ。就デハ在日本英公使ヲ留メ置クコト必要ナルヤ否至急指示アリタシ英國政府ニテハ同氏カ日本ニ歸任スルコトヲ望ミ居レリ

ments considering them (as?) partial opening (of?) the country useful to both sides. If you can not concede to these demands my further negotiations are useless although our proposal in regard to commercial part including tariff will meet with favorable spirit. Inform at once whether Fraser's stay necessary. British Government desire his return to Japan.

Berlin, Oct. 15, 1893. Aoki.

内地電信不通ノ爲メ延着セリ

註 十月三十一日附青木公使來信ニ添付セラレタル本電信寫ニハ十月十三日發トアリ

二五 明治三十六年十月九日 陸奥外務大臣ヨリ
青木駐獨公使宛(回電)

倫敦會商井公式提議方ノ件

十月三十一日上奏ス

十月十九日發

British Government (are?) willing to negotiate in London but Fraser's definite assurances finally convince me that they cannot agree upon such guarantee as to be effected by mere diplomatic Note being ignorant of nature of codes and they press us for reviving my former arrangements regarding Settlements

貴電ニ據テ察スレハ英國政府ハ談判ノ場所ヲ倫敦ニ移スコトヲ承諾スヘキモノノ如シ就デハ閣下ニハ日本政府ニ於テハ談判ノ場所ヲ倫敦ニ移スコトニ付公然英國政府ニ請求スル積ナル旨ヲ同政府ニ向テ公然トナク通告セラレテ可ナリ

然ル上ハ閣下ニハ伯林ニ歸任シテ開談ノ準備整フヲ待タル
ヘシ。我提案ニシテ一々總テ英國政府ノ直チニ承諾スル所
トナルトイフカ如キコトハ殆ト望ムヘカラサルコトニシテ
其細目ニ至テハ帝國政府ハ之ヲ實際談判ニ歸セント欲ス
ルモノナリ。在日本英公使ニ今須叟ラク其發程ヲ遅延セシ
ムルコトヲ請フト否トニ關シテハ閣下コソ之カ判定ヲナス
ニ適當ナルハシ

(右電文)

No. 229. Assuming from your telegram that British Government will consent to transfer negotiations to London, you may unofficially announce to British Government our intention to make request for such transfer officially.

You can then return to Berlin and wait necessary arrangements for opening negotiations. You are aware we can hardly expect that our proposals will in every particular meet immediate acceptance of British Government, but we wish to have details

depend upon actual negotiations.

You can best judge whether we should ask for further delay in departure of Mr. Fraser.

Oct. 19, 1893. Mutsu.

二六 明治三十六年十月三十一日

青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

改正草案ニ關スル件

十月三十一日上奏ス

十月二十三日到

本使當地ニ在ル數週間、英國政府ハ將來談判ノ場合ニ本使
カ公然ノ資格ヲ帶ヒテ歸ルヲ知ル尤モ實際ノ談判ハ帝國政
府ニ於テ會テ本使提出シタル舊取極案ヲ復活シ「ソースベ
リイ」侯ノ提案ニ同意ヲ表セラル、ニ非ラサレハ之ヲ開ク
コト能ハサルヘシ、右ハ貴大臣ニ於テ細目ト見做サレシ
テ全問題ノ運命ニ關繫スル至要ノ件ト見做ササルヲ得ス、
若シ貴大臣ニ於テ右要件ヲ承諾スルコト能ハスハ直チニ
日本駐劄英國公使ノ歸任ヲ許可アリタシ

(右電文)

I am here for weeks. British Government know that I would return in official capacity in case actual negotiations (脱字アルガ如シ), while this can only take place provided that Imperial Government agree upon Marquis of Salisbury's proposals reviving my former arrangements. You must consider this not as details but as very main point upon which destiny of the whole questions depend. If you are not able to accept these essential conditions, relieve Fraser at once.

Berlin, Oct. 22, 1893. Aoki.

註

十月三十一日附青木公使來信ニ添付セラレタル本電
信寫ニハ十月二十三日發トアリ

二七 明治三十六年十月三十一日

陸奥外務大臣ヨリ
青木駐獨公使宛(回電)

談判地ヲ倫敦ニ移スコト并ニソールズベリー

覆案ニ對スル答案ニ關スル件

十月三十一日上奏ス

十月二十三日發

日本政府ハ東京ニ於テ談判ヲ繼續スヘキ十全ノ權利ヲ有ス

陸奥外務大臣時代 改正稟議ト對英交渉 二七

ルカ故ニ之ニ條件ヲ附シテ倫敦ニ移スコトニハ同意スル能
ハサルニ付閣下及英國政府ニ於テ宜シク此意ヲ諒セラレン
コトヲ希望ス日本政府ハ英國政府ノ回答如何ハ素ヨリ豫知
スル能ハサルニモ拘ハラズ談判ヲ倫敦ニ移スコトニ同意ヲ
請フ爲メ公然該政府ニ照會スルコトニ決定セリ若シ右請求
ニ對シ英國政府ノ回答カ無條件ノ承諾ナルトキハ日本政府
將來ノ方針明白ナリ、日本政府ハ「ソールズベリー」侯ノ覆
案¹ニ對スル答案トシテ十月一日附本大臣ノ電信²ヲ以テ修正
ヲ加ヘタル案文ヲ提出シ其修正ニ關スル一切ノ問題ノ如キ
ハ實際談判ノ際雙方ノ讓歩ニ依テ之ヲ整理セントシ、依テ
遂ニ談判ノ成效スルト否トハ唯タ談判結了ノ日ヲ待テ始メ
テ知ルヘキノミ若シ又右請求ニ對スル英國政府ノ回答カ閣
下ノ指示シタル意味ヲ以テ我カ案文ノ修正ヲ要スルカ如キ
條件付キノ承諾ナリトセハ本問題甚タ困難トナリテ日本政
府ニ於テ如何ナル方針ヲ採用スヘキヤハ本大臣豫メ之ヲ斷
言スルコト能ハス

日本駐劄英國公使ノ事ニ關シテハ本月十九日日本大臣ヨリノ
電信³ノ旨趣ヲ茲ニ再言スルアルノミ

註 1 ソールズベリー侯覆案ハ三卷三六五附屬書參照

(本國外)

No. 234. I wish to impress upon you and through you British Government that as Japanese Government have absolute right to continue negotiations in Tokio they cannot accept conditional transfer to London. Japanese Government are decided to request British Government officially to consent to transfer negotiations to London regardless of their anticipated answer. If British reply to that request be an unconditional consent the course of Japanese Government is clear. Japanese Government submit their scheme as modified by my telegram of October 1st as answer to counter proposal of Marquis of Salisbury leaving all questions of modification thereof for adjustment by means of mutual concessions during actual negotiations. Whether negotiations are finally successful or not can only be ascertained at the conclusion of

大〇

negotiations. If British reply to that request be conditional consent dependent upon modifications of our scheme in the sense you have indicated, the question becomes very difficult and I am unable to state in advance what course Japanese Government would adopt. As to Fraser, I can only repeat what I said in my telegram of October 19th.

Oct. 23, 1893. Mutsu.

二八 明治三十六年十月三十日

陸奥外務大臣ヨリ
河瀬駐英公使宛

非内地雜居説ニ對スル意向通報ノ件

送第八五〇號

本月十二日英國代理公使來省本大臣ニ面晤シ近來日本ニテハ非内地雜居説ヲ唱フルモノ益々其數ヲ加ヘ頓ニ勢力ヲ増來リタルヤニ相見ヘ候處右ハ重大ナル國家問題トハ相成不申候哉又右ニ對シテハ帝國政府ニハ何等ノ處置ヲモ執ラサル積ニ候哉トノ問有之候ニ付本大臣ハ之ニ答フルニ右内地雜居可否ノ論ハ全ク政黨間ノ關係ニシテ夫ノ非内地雜居説ハ詰リ改進黨自由黨ニ反對スル一派ノ人士カ右兩黨ヲ攻撃

品名	英		獨		米		佛		白		最惠國	
	約定	最惠國條款	約定	最惠國條款	約定	最惠國條款	約定	最惠國條款	白	露	瑞	西
アニリンダイス	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
綿帆布、麻帆布	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
ポットランド、セメント	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
置時計、掛時計及其部分品類	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
更紗類	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
綿純子、綿織子	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
雲齊布	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
生金巾	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
晒金巾	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
綾金巾	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
天竺布	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
緋金巾其他色金巾類	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
緋天鵝絨	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
寒冷紗	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
穀粉	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
窓玻璃片(尋常ノ)	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
甲 無色及無着色 乙 有色若ハ砂磨	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
乾 藍	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
塊 鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
條鐵、竿鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
板 鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
電鍍板鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
筒鐵、管鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
道 鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鉛(塊錠ノ別ナク)	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
靴底皮	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
他ノ熟皮	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
ログウッド越邊斯	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
水 銀	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
乳膏、乳粉	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鐵釘類	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
石 油	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
無味香油及無油香蠟	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
色 油	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
印刷料紙	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
硝 石	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鐵螺旋釘及鐵牝牡螺旋類	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
絹綿織子	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鋼(塊錠ノ別ナク)	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
錫(塊錠ノ別ナク)	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
葉 鐵	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鉄時 計	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
電 線	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
鐵、鋼線及細竿鐵、鋼	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
ブランケット	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
フランネル	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
毛 織子	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
綿織具呂	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
セルデス	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
羅 紗	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
綿芋麻毛織絲	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
亜鉛(塊錠ノ別ナク)	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
亜 鉛	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
約定税目	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
國定税目	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3
總 計	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	79.3	79.3	79.3	79.3

61.
(2)

セントスルニ止リ差シタルコトモ存居不申尤此後ノ模様
若何ニ依リテハ帝國政府ニ於テモ之ニ對シ何トカ相當ノ處
置ヲ執ルノ必要モ可生候得共今日ノ處ニテハ無論左程ノ事
ハ無之ト考居候旨ヲ以テセシニ代理公使ハ此對話ノ次第ヲ
本國政府ニ報告シテモ不苦ヤト相尋候ニ付本大臣ハ聊モ差
支無之旨相答置候
右參考迄申進候 敬具

註 日英條約改正記事ニ曰ク

「同十二日 英國代理公使來省陸奧外務大臣ニ面晤
シ「近來日本ニテハ非内地雜居說ヲ唱フルモノ益々
其數ヲ加ヘ頓ニ勢力ヲ増來リタルヤニ相見候處右ハ
重大ナル國家問題トハ相成不申候哉又右ニ關シテハ
帝國政府ニテハ何等ノ御處置ヲモ不被執御積ニ有之
候哉」トノ問アリタルヲ以テ外務大臣ハ之ニ答フル
ニ「右内地雜居可否ノ論ハ全ク政黨間ノ關係ニシテ
夫ノ非内地雜居說ハ詰リ改進黨自由黨ニ反對スル一
派ノ人士カ右兩黨ヲ攻撃セムトスルニ止リ差シタル
コトトモ存居不申尤此後ノ模様如何ニ依リテハ帝國
政府ニ於テモ之ニ對シ何トカ相當ノ處置ヲ執ルノ必
要モ生スヘク候得共今日ノ處ニテハ無論左程ノ事ハ
無之ト考居候」トノ旨ヲ以テセシニ同代理公使ハ又
「左様ニ候哉唯今御話ノ趣ヲ本國政府ニ報告致候テ

陸奧外務大臣時代 改正稟議ト對英交渉 二九 三〇

モ不苦候哉」ト相尋ネタルヲ以テ外務大臣ハ「聊カ
モ差支無之」旨ヲ對ヘラレタリ」

二九 明治三六年十月三十五日

陸奧外務大臣ヨリ
青木駐獨公使宛

英獨米佛其他各國ヨリ千八百九十二年度ニ
於ケル輸入價額表送附ノ件

附屬書 輸入價額表

條約改正ニ關スル件（第八）

過日及御送附置候英獨米佛四箇國ニ對スル約定稅目案中所
掲物品ノ千八百九十二年度ニ於ケル輸入總價額及右四箇國
並ニ各締盟國ヨリノ輸入額ニシテ約定稅目ニ依リテ直接ニ
且ツ最惠國條款ニ依リテ間接ニ該稅目ノ範圍ニ屬スル割合
ヲ示シタル表調製致候ニ付爲御參照及送附候

三〇 明治三六年十月三十五日

陸奧外務大臣ヨリ
青木駐獨公使宛

法典實施保證問題ニ關スル件

附屬書 法典實施保證ニ關スル外交文書案

送第八五八號三十五

條約改正ニ關スル件（第九）

法典ニ關スル保障之義ニ付過日來累次電報ヲ以テ御來示ノ趣遂一致闊悉候然ルニ已ニ去月二十七日發ノ電報¹ニテ申進候通り右ニ關スル英政府ノ希望ニ對シテハ帝國政府ニ於テモ可成丈同政府ヲ満足セシメ度期望致居候得共今日ハ昔時ノ狀態ト事變リ立憲制度ノ下ニ在ル義ニ有之候ヘハ將來ノ立法事項ニ關シテハ如何ナル事情アリトモ政府單獨ノ意思ヲ以テ保障ヲ與フルカ如キコトハ萬爲シ能ハサル次第ニ有之候コトハ今更申迄モ無之義ニ候乍去新約ノ實施期限ヲシテ法典實施後少クトモ一ケ年ノ後ニ在ラシメントスルコトハ從來英政府ノ希望スル所ニシテ「ソースベレー」卿ヨリ「フレーザ」氏ヘ宛タル千八百九十年六月五日附書簡中ニモ明載有之畢竟此條件ナクシテハ英政府ニ於テ我提議ヲ肯諾致聞敷コトハ過日來ノ貴電中ノ意味ニテモ推測被致候ヘハ本月一日及電報²候通新約案ノ第十八條ノ前段ヲ左ノ如ク修正シ

本條約ハ調印ノ日ヨリ少クモ五ケ年ノ後マテハ實施セラレサルモノトス而シテ日本帝國政府ニ於テ本條約ヲ實施セント欲スル旨ヲ大不列顛國政府ニ通知シタル後一ケ年ヲ經ルニ非サレハ實施セラレサルモノトス尤此

通知ハ調印ノ日ヨリ四ケ年ヲ經タル後何時ニテモ爲スコトヲ得ヘシ云々

而シテ別ニ外交文書ヲ以テ目下未タ實施中ニ無之法典ノ實施セラルヘニ至ルマテハ前記ノ通知ヲ爲ササルコトヲ約定致置クコトトナスヘク此修正スラモ全ク帝國政府力英政府ノ期望ヲ可成限満足セシメ度意衷ヨリ生シ來リシ最極限ノ讓與ニ有之候尤モ向後公然開談ノ上彼此互相ノ讓與スヘキ事件出來候場合ニハ外交文書ヲ議定書ニ變更スル位ノコトハ絶對的ニ出來得ヘカラサルコトニハ非レトモ今日未タ公然ノ談判相開カサル以前ニ於テ此ヨリ以上ノ保障ハ何分與フヘキノ道無之候因テ此主意ヲ以テ約案ニ多少ノ修正ヲ加ヘ茲ニ千八百九十年英政府ヨリ差出候對案³ニ對スル帝國政府ノ提出案トシテ別冊約案(和英文)議定書案(和英文)約定稅目案及外交文書案(和英文)相揃ヘ及御送附置候要之本件ニ付彼ニ向テ發議スルハ帝國政府ノ權利内ニ屬シ居候コトナレハ彼ニ於テ我提案ノ性質如何ニ因テ受理ト否トヲ決スルカ如キコトハ國際公法上成シ得ヘシ筋ニ無之ハ申迄モナク明晰ナルコトニ有之但シ右約案中ノ條項ニ關シ彼ニ於テ多少ノ修正ヲ提議スルコトハ是亦事實免カルヘカ

ラサル所ナルヘケレトモ夫等ノ提議ハ一々實際談判ヲ開始シタル上ニテナサシムルコトトナシ我ニ於テハ先ツ談判ノ場所ヲ倫敦ニ移スコトヲ公然彼ニ請求シ然ル後新提案ヲ提出シ夫ヨリ談判ヲ開始シテ逐細商議ヲ遂クルコトト致度我提案ヲ公然彼ニ提出スル前ニ當リテ彼ヲシテ右提案中ノ詳細ナル點ニマテ立入りテ口ヲ開カシムルコトハ帝國政府ノ得策トセサルコロニ有之候因テ本月二十二日發ノ貴電⁴ニ對シテハ翌二十三日前述ノ意味ニテ及電答置候義ニ有之候將又新稅率施行期限ノ義ニ付テハ去月十四日接到ノ貴電⁵中條約調印後直チニ之ヲ施行スル方閣下ニ於テ可然ト思考被致候旨御申越相成候ニ付翌十五日日本大臣モ此點ニ付テハ閣下ノ御意見ニ御同意ニ有之候旨及答電置候處御承知ノ通り今回ノ約案ハ全ク從來ノ系統ヲ一變シ對等互相ノ主義ニ因テ立案セシモノナレハ彼ヲシテ此新主義ナル提議ニ同意セシムルニハ一ノ相當ナル報酬ナキヲ得スト思考致候處ヨリ新稅率ノ施行期限ヲモ從來ノ提議ト異リ新條約ノ實施ト同時ニナスコトニ仕組ミ置キタル次第ニ有之候得ハ實際ノ談判上ニ於テ若シ彼ニ於テ新主義ヲ肯諾スルト同時ニ新稅率施行期限丈ヲ本條約ヨリ離シテ調印後直チニ開始實行スル

コトヲモ肯諾致候ヘハ無論此上モナキ大幸ナレトモ夫ハ實際談判上ノ話トナシ帝國政府ノ提出案トシテハ矢張在來ノ舊新條約ノ實施ト同時ニ實行スルコトトナシ置キ以テ彼ヲシテ帝國政府今回ノ提出案ハ充分寬大公平ナル精神ニテ立案セシモノナルコトヲ明知セシメ度ト存候ニ付能ク此主意ヲ御了解相成度候且又實際開談ノ上ニテハ其模様ニ因リテハ前記第十八條(修正ヲ加ヘタル方ニテハ第十九條)中ノ「帝國政府ヨリ本條約ヲ實施セント欲スル旨ヲ通知シタル後一ケ年ヲ經ルニ非サレハ實施セラレサルモノトス」トアル右一ケ年ヲ三ヶ月乃至四ヶ月ト改メ又外交文書中「目下未タ實施中ニ無之法典ノ實施セララルヘニ至ルマテハ右通知ヲナササルヘシ」トアルヲ「目下未タ實施中ニ無之法典ノ實施セララル、後一ケ年ヲ經ルニ非サレハ右通知ヲナササルヘシ」ト改メ詰リ英政府ノ希望ニ副ヒ法典ノ全部實施後一ケ年ヲ經タル後ニ至テ始テ新條約ヲ實施ノ旨ヲ通知シ此通知ヲナシタル後或ハ三ヶ月或ハ四ヶ月目ニテ新約ヲ實施スルコトトナシ候テモ宜敷候ヘトモ此修正トテモ彌ヨ實際談判ニ取懸リタル上ノ驅引ニ因テ爲スト爲ササルトヲ決定致度ト存候ニ付今日ハ唯御含迄ニ申進置候義ニ有之候

右申進候 敬具

註 123456 夫々一九、二一、二六、二七、一一、

一二文書ナリ

約案、議定書案、約定税目案ハ之ヲ省略ス

附屬書

法典實施保證ニ關スル外交文書案

日本國皇帝陛下ノ特命全權公使タル下名ハ帝國政府ノ特命ヲ奉シ左ノコトヲ大不列顛國皇帝陛下ノ外務大臣ニ通告スルノ光榮ヲ有ス

帝國政府ハ日本帝國ト大不列顛國トノ間ニ現存スル條約消滅ニ歸スルトキニ當リテ帝國政府カ已ニ發布セシ各法典ノ實施セラレ居ルコトノ利便ナルヲ認メタルヲ以テ目下未タ實施中ニ之ナキ法典ノ實施セラルノニ至ルマデハ本日調印セシ通商航海條約第十九條第一項ニ規定スルトコロノ通知ヲ爲ササルコトヲ約ス

在倫敦日本帝國公使館ニ於テ

明治ノノノ年ノノ月ノノ日

日本皇帝陛下ノ特命全權公使 某

大不列顛國皇帝陛下ノ外務大臣ノノノノ閣下

註 青木公使へ送付セラレタル約案ハ既出一文書閣議決

定案ノ第十七條十八條ヲ夫々第十八條十九條トシ英領殖民地ニ關スル條ヲ第十七條トナシタルモノナリ

議定書案及約定税目案一〇文書參照

三二 明治三六年十月三十一日

陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

談判地ヲ倫敦ニ變更方ノ件

No. 243. Fact of your presence in London appeared in Yokohama papers stating that you are engaged in treaty revision affairs. The Matter begins to attract public attention. Your speedy reply to my last telegram is required.

Oct. 31, 1893. Mutsu.

註 陸奥外務大臣ノ最後ノ電信トハ談判地ヲ無條件ニ倫敦ニ移サントスル前出十月二十三日附青木公使宛往

電二ハナリ

三二 明治三六年十月三十一日

青木駐獨公使ヨリ
陸奥外務大臣宛(回電)

英政府ニ於テ倫敦會商承諾其他ニ關スル件

October 27.

November 3, 1893. Mutsu.

Foreign Minister, Tokio.

As I twice mentioned British Government (is) always willing to negotiate in London. I have already communicated to Fraser your intention in your last telegram. Owing to, no doubt, some misunderstanding you apprehend conditional acceptance of transfer of negotiation. I meant to impress you the success of negotiation depend upon the arrangement of the two main questions. Send me at once printed draft and revised tariff.

Rec'd Nov. 1, Berlin, Oct. 31, 1893. Aoki.

三三 明治三六年十一月三日

陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

伯林へ歸任方ノ件

No. 246. Your telegram of October 31 received. You may now return to Berlin and wait the completion of arrangements for officially opening negotiations. Amended drafts mailed via San Francisco

陸奥外務大臣時代 改正稟議ト對英交渉 三三 三四

候議ニ有之候

三四 明治三六年十月六日

青木駐獨公使ヨリ
陸奥外務大臣宛

條約改正ノ件ニ關シ明治二十六年九月中訓

令ニ基キ倫敦府ニ赴キ談セル始末報告

附屬書一 二十六年九月十八日青木公使ヨリ英公使フレ

ーザー氏ニ手交シタル覺書

二 議定書第一項ニ對スル青木公使ノ修正案

十一月二十九日到

本年七月二十六日并ニ八月八日閣下ヨリノ電訓致接受候就

中八月八日接受ノ電信中ニハ英公使歸任ノ日取ヲ聞紀シ且

其出發期ヲ遷延セシムヘシトノ訓旨ニ有之候ニ付即日英公

使フレーザー氏へ電信ヲ以テ其歸任ノ期日ヲ問合候處「九

月下旬英國ヲ發シ十一月東京へ到着可致心算ニ有之旨」返

答有之依テ別紙八月十四日附電信差上候事ニ有之候即チ英

公使ヲシテ其歸任ヲ遷延セシムルコトハ英政府ノ指令ニ非

ラサルヨリ外ハ他人敢テ之ヲ左右スルコト不相叶義ト思考

然ルニ九月五日ニ至リ七月二十五日附機密信第五六七及五六八號並改正條約案附海關稅率各壹冊到着候(以下省略)
九月五日接到貴改正條約草案(今日之ヲ締結スルモ其效力ハ五年後ヲ期シテ實施セシムト云フニ在リ而シテ之ニ關スル訓令ヲ熟讀細研スルニ其理由記載セラル、所ナシト雖モ今日ニ於テ所謂對等條約ヲ改訂シタリトノ名分ヲ收メ諸法典實施ノ後ニ於テ「ヲートノミカル」權挽回ノ實ヲ舉ルコト蓋シ貴案ノ骨子ニシテ之ヲ換言スレハ外交上法典實施ノ擔保ヲ逃レ以テ內國ノ輿望ヲ満足セシムルノ御心底ト認知シタリ而シテ此種ノ條約即チ何許ノ年所ヲ經タル後實施スルノ條約ヲ締結シタルハ我邦ニ於テ其例ナシトセス即チ安政己未六月十二日批准日英條約第三條ノ如キ是ナリ然レトモ時勢變遷ノ今日ニ際シ且歐米外交家ハ諸般ノ商議ヲ敏活且簡略ニ結了スルコトヲ尊フノ世紀ニ遭遇シ我政府特リ恬然トシテ五年間全分據置ノ條約ヲ締結スルコトヲ提議スルカ如キハ決斷力ニ富メル英政府ニ對シ重ネテ我弱點ヲ示スノ虞ナキニ非ラス是最理由ノ親易キモノナリ且彼若シ言フ作リ日本政府ニシ五年後ニ於テ效力ヲ有スルノ條約ヲ締結セント欲セハ焉ソ四年後ニ來リテ之ヲ商議セサル左スレハ

將又該電信中米國ニ對シ談判ヲ開始スルコトハ一先御見合セ可然旨申進候理由ハ他ナラス英國ト談判ヲ開キ其模様ニテ米國ニ御着手相成候方御便利ト存候故ナリ
從來我ニ對スル合衆國ノ政略ヲ推察スルニ我ヨリ彼ニ對シ特ニ不快ナル待遇ヲ加ヘサル限リハ同國政府ハ我對等條約ニ關シ何時ニテモ故障ナク同意ヲ表スル筈ナリ況ンヤ五年間依然舊稅則ヲ維持ストノ規約ニ對スルヤ是早ニ及ンテ之ヲ談判ヲ開クノ御必要無之義ト存候理由ナリ且合衆國ハ帝國ニ對シ好意アルニモセヨ discrimination ヲ避クルノ必要ヲ感スルカ故ニ今般ノ貴案ニ對シ直ニ贊成スヘシト雖モ方ニ一條項ヲ挿入シテ亦吉田條約ノ如キ約ヲ結フニ躊躇セサル應シ然レトモ此類ノ贊成ハ我政府ニ取リテ利益ナキノミナラス事情次第却テモ吹テ疵ヲ寬ムルノ結果可相生候何トナレハ斯ル手續ハ英國ニ對シ其 intitation ノ名譽ヲ奪フト同時ニ內國人民ノ感覺ヲ搖動セシムルノ虞有之様被存候

右電信ヲ差出スニ際シ本官以爲ラグ貴訓令中屢々伊藤伯稅則案ノ文字アリ然ルニ該案未タ到着セスト雖モ其大旨ハ略々了承セルノ處貴案議定書ニハ五年後ニ稅則ヲ實行スルト

今後變遷スル四年間ノ時態及事情ヲ參酌スルニモ甚タ好都合ナラント主張スルモ料リ難シ果シテ然ラハ我辭柄ハ英政府一言ノ下ニ塞リ兎角ノ挨拶ハ却テ我決意ノ軟弱ヲ披露スルニ過キサル可シ蓋シ立案ノ際閣下ニ於テハ種々內國ノ事情ヲ回顧セラレ右ノ如ク御取極有之候義ト被存候得共本官靜籌スルニ到底貴大臣ノ訓令ニ據リ貴案ヲ抱テ英國ニ赴キ直ニ談判ヲ開始スルカ如キハ談判ノ地歩ヲ絕對的損傷スルノ虞アリト斷定シタルニ由リ敢テ一案ヲ思起セリ要スルニ貴案中稅則丈ケハ批准後直チニ實施スルノ規約ヲ付シテ舊條約ヲ改訂スルノ決意ヲ以テ談判開始候方可然ト存候依テ同月十四日附電稟ニ及ヒタル次第ニ有之候
本官曾テ外務省ニ於テ英公使ト談判ヲ爲スニ方リ密ニ計算ヲ試ミタルニ改正稅則ヲ適用スルトキハ現ニ收入スル海關稅ノ外殆ント更ラニ金貨五百萬圓前後ノ額ヲ増加シ得ヘキ筈ナリキ然ルニ貴案ノ議定書ニ明記アル如ク五年間依然トシテ舊稅則御據置有之ニ於テハ其間金貨二千五百萬圓ノ新稅源ヲ拋棄スル都合ナリ願フニ此際我政府ニ於テ稅源ヲ益シ以テ國務發達ノ費途ニ支給スル必要アルハ不快言義ト存候

ノ明文アリ且ツ本官ハ條約批准後直チニ稅則ヲ實行スルコトヲ建言シタルヲ以テ貴案ハ目下未定案トモ可申位置ニ立テリ就テハ英公使ト面會ノ際ニハ可相成貴案ヲ開視セスシテ談判ヲ開始スル事必要ナリト仍テ此段ヲモ弁セテ申進置候末九月十五日ノ夜此境ヲ發シ十六日龍動府ニ着セリ翌十七日ハ日曜日ニ當リ英人ト會合スヘキニ非サルヲ以テ先ツ河瀬子爵ヲ訪問シ預メ受領セル訓旨ニ據テ本官來英ノ旨趣ヲ説述セリ

十八日午後一時外務省ニ於テ英公使フレージャー氏ニ會晤セシニ氏ハ大ニ再會ヲ欣悅シ且改正事件ニ關シテハ本官ハ早既ニ英國ニ渡來スルナラント久シク屈指相待チタリトノ旨ヲ陳ヘタルニ由リ

本官答テ曰ク帝國政府ハ本件ヲ左置セルニ非ラサレトモ種々ノ都合アリテ遺憾ナカラ今日マテ之ヲ延期セリ而シテ今般本官渡來ノ旨意ハ先ツ貴公使ト至懇ノ談判ヲ開クニ在リテ乃チ貴公使ハ特ニ英政府ノ信用ヲ有セラル、コト我政府ノ熟知スル所ナリ故ニ本件ニ關シ先ツ貴公使ノ意嚮ヲ質シ之ヲ以テ將來談判ノ基礎ト爲サント欲スルニアリ要スルニ英政府ハ再ヒ改正談判ヲ開クニ躊躇セサルヤ否ヤ

英公使曰我政府ノ意嚮ハ前後搖動スルコトナシ明カニ之ヲ約言スレハ則チ何時ニテモ商議ヲ開キ友好ノ情誼ヲ尋キ以テ本件ヲ結了セシメント欲スルモノナリ云々

依テ本官ハ英政府ノ前後搖動ナク友好ノ情誼ヲ保持スルヲ謝シ左ノ陳述ヲ爲セリ

帝國政府ハ又復タ從來ノ基礎ヲ一變シテ商議ヲ開ラクヘク決議セリ茲ニ其理由ヲ略述センニ會テ貴公使在任中親炙目撃セラレタル事情ノ外近來日本諸新聞ノ記載スル事項ハ定テ承知ナラン要スルニ帝國ノ輿論ハ本件ニ關シ頗ル活潑ノ舉動ヲ表シ政府ニ對シテモ間接ニ直接ニ其希望スル條件ヲ吐露スルニ至レリ即チ其目的タル數十年來慎重丁重ニ負擔セル條約上ノ義務ハ帝國ノ立法行政特ニ經濟ニ關シ不都合ナル取極タルニ依リ此弊ヲ一掃シ直チニ進ンテ對等條約ヲ締結シ并セテ稅權ヲ恢復スヘシト云フニ在リ而シテ政府ノ本旨モ亦最初ヨリ茲ニ起因セルニ由リ今般ハ輿論ヲモ容レ純乎タル對等條約ヲ締結セント欲スルニ在リ云々

然ルニ英公使ニ於テハ本官力渡英シ談判ヲ開ラク以上ハ嚮キニ本官ト同公使ノ間ニ於テ商議セル基礎ハ變更セサル可シト豫想セル所豈料ラン又復タ新基礎ニ就テ談判ヲ開始ス

廉ナキニ非ラス故ニ目下電信ヲ以テ其條項ニ關スル訓示ヲ求メツ、アルナリ隨テ東京ヨリ返答アル迄ハ該草案ヲ貴覽ニ呈スルヲ欲セス去リトテ我政府ニ於テ保持スル大體ノ意嚮ヲモ知ラスシテ商議ヲ開カル、コトハ出來サル次第ナレハ本官茲ニ一ノ摘要書ヲ製シ懷中スルヲ以テ之ヲ貴覽ニ供スヘシトテ左ノ英文ヲ示セリ

英文摘要書ハ別紙ニ製シテ紙尾ニ附シタリ即甲號

英公使之ヲ一讀シ直チニ外國人居留地ノ取扱ハ如何從前商議セル手續ト同一ナルヤト質問シタルニ付

本官ハ之ヲ否ミ五ヶ年後領事裁判廢止ノ日ニ至ラハ裁判管轄ハ全ク我ニ於テ取扱フニ依リ彼ノ永代借地權疑問ノ如キハ我立法權内ニ於テ適當ノ處分ヲ爲ス覺悟ナリ

英公使復曰領事裁判廢止ニ關スル從前ノ規約即チ法典編纂及實施ノ件ハ如何

本官答テ曰直接ノ擔保ハ與ヘサル覺悟ナリ何トナレハ斯ル擔保ノ問題タル實ニ我立法權ヲ檢束スルニ外ナラサルヲ以テ井上大隈兩伯時代ヨリ帝國ノ輿論ハ之ヲ是認セス是貴公使ノ熟知サル、所ナリ故ニ今ヤ我政府ハ明文ヲ以テ右等ノ義務ニ係ル擔保ヲ爲スヲ欲セサルナリ然レトモ間接ニハ

ルト聞キ大ニ喫驚シ

且曰此ノ如キ提議ニハ我政府ハ同意セサルコトト信ス抑々貴公使ニシテ本件ヲ執掌セラル、以上ハ前後 reason-ableノ相談アル可シト豫想セシニ豈料ン斯ル意外ノ提議ニ接セントハ甚タ奇怪ナリ遺憾ナリ云々

本官曰我政府ハ深ク政治及政略上ノ狀態ヲ參酌シタル上成功覺束ナキ商議ヲ重ルハ却テ其失態タルコトヲ認知シ今般ノ提議ヲ爲スニ至リタル次第ナリ貴公使且奇怪トナス勿レ本官細カニ其理由ヲ説明シテ貴公使ノ惑ヲ解カン姑ク靜聽ヲ煩ス可シ

英公使曰勿論我政府ハ貴政府ニ對シ休戚ノ情淺カラス本官ハ貴公使ニ對シ舊誼ヲ維持スルニ切ナルヲ以テ何等ノ談話ヲモ傾聽スヘシ就テハ今般ノ新提議ニ關スル草案アラハ之ヲ開示シ之ニ據テ談話サレンコトヲ希望ス

本官即チ答テ曰草案ナキニ非ラス然レトモ前段已ニ緒言セル如ク我外務大臣ノ訓旨ニ徴スレハ貴公使英國ヲ出發スルニ先チ至懇ノ談話ヲ開クヘシトノ事ニテ新基礎大體ノ旨意ヲ記載シタル草案ヲ最近ノ郵便ニテ領收シタリ然ル處案中印刷ノ間違カ將タ本官ノ理會シ能ハサルモノカ不明瞭ノ

今般ノ案中充分右等ノ義務ニ係ル擔保ヲ爲シアルナリ其故ハ新條約ヲ五ヶ年間据置キ此時間ニ於テ已ニ編纂セル法典ヲ修正シ及實施スル決算ナリ故ニ現内閣ハ夙ニ富識者ヲ鳩テ委員ヲ組織シ正ニ之ヲ修正シツ、アルナリト陳述セシニ英公使忽チ歛容シテ曰貴公使ノ言ノ如キハ本官ノ意見ニテハ擔保ト親做シ難シ且ツ貴國ノ立法權ノミヲ以テ居留地ノ處分ヲ爲スコトハ不安心ノ極ト謂ハサル可カラス其上五年後實效ヲ有スヘキ條約ヲ今日及ンテ締結スルノ必要焉クニ在ルヤ單ニ稅率ヲ増加スルノ趣向ナランニハ隨分自勝手ノ相談ニ似タリ此ノ如キ情實事體ニ縈繞スル以上ハ所詮我政府ハ談判ヲ開クコトヲ希望セス然レトモ是本官一己ノ想像タルニ由リ今直チニ外務次官ニ面晤シ我政府ノ決答ヲ領承シ來ル可シ貴公使ハ暫時此處ニ待居ラル可シ抑々此ノ如キ日本政府ノ提出案ヲ俟ツ爲メ今日迄歸任ヲ見合セタルハ實ニ無益千萬ナリキ本官ハ在東京フオン、ブンセン氏ノ報知ニ接シ已ニ收手シタル乗船券ヲ郵船社ニ返付シタレトモ更ニ之ヲ取返シ次便ニテ早々歸任センコトヲ希望ス云々依テ

本官曰貴公使ハ餘リニ短慮ナラスヤ此般ノ談話ハ悉ク兩

國ノ利害休戚ニ關スルモノナリ貴公使果シテ本官ニ傾聴セ
スハ本官ハ何等ノ手續ヲ要スルモ貴政府ニ對シ談判ヲ申
入レ我政府ノ意思ヲ透徹セシムヘシ

英公使曰貴公使ノ言一理ナキニ非ラス然ラハ本日ハ次官
ニ具申スルコトヲ思止ム可シ就テハ縱令全部ノ體裁不完全
ナリトモ貴政府ノ草案ヲ重示アルヘシ貴公使ノ簡略ナル摘
要書ノミニテハ事ノ大體タモ理會シ難シ

本官曰其義ハ甚タ困難ナリ何トナレハ未定稿ニ類スル書
類ヲ以テ談判ノ基礎ト爲スヲ好マサレハナリ然レトモ貴公
使ノ要求ハ寔ニ理ナリ故ニ明日午後二時迄猶豫アルヘシ若
シ其時ニ及フモ我外務大臣ヨリ電訓到來セサレハ本官自ラ
責任ヲ體シテ草案ヲ展覽ニ供スヘシ(是議定書第一項ノ書
體ヲ改ムルニ必要ノ時間ヲ得ル爲メノ口實ナリキ)ト約シ
テ其日ハ別レタリ

左候テ新案議定書第一項稅則ノ件ニ關シテハ既ニ電信ヲ以
テ申稟セシ事及英公使ニ示シタル摘要書ノ旨趣モ有之ニ由
リ此夜旅宿ニ歸リ一考ヲ得テ終ニ他ノ文字ヲ以テ該第一項
ニ換置コトニ決意シ之ヲ乙號ノ如ク改メタリ

十九日約ヲ履ンテ午後二時外務省ニ至リ英公使ニ面晤シ貴

メノ切言ナリ故ニ若シ反對ノ所存アラハ靜カニ之ヲ明言セ
ラル、モ何ノ妨カ之レアラシクモナクテ寸時モ早ク破談ヲ
催サル、ハ本官甚タ其意ヲ領得スルニ苦ムナリ

英公使曰寔迫トハ思モ寄ラス貴公使ノ言葉カナ唯出來得
ヘカラサル議案ヲ提出セラル、ニ因リ本官ハ事態ニ對シ斯
ク憤懣ニ堪エサルナリ

本官曰然ラハ貴公使ハ今日次官ノ決答ヲ取ルノ必要ヲ見
サルヘシ本官内命ヲ得テ此地ニ來ル以上ハ幾日逗留スルモ
更ニ苦ム所ナシ且商議ヲ拒絕セストノ事ナレハ我政府ヨリ
接受セル訓令ノ旨意并ニ本官ノ考案ヲ更ニ説明スルコト必
要タルヲ以テ暫時傾聴アルヘシト言ヒナカラ機密訓令五六
七號ニ記載アル理由ヲ陳述シ及種々ノ考案ヲ直言シタルニ
(五) 英公使曰英國人民ハ法治國ノ秩序ヲ維持シテ生活上ノ幸
福ヲ享受スルヲ以テ最大至高ノ目的トスル者ナレハ裁判權
廢止ノ一項ニ關シ五年後ノ驗效ヲ假想シ別ニ何等ノ擔保モ
ナキ條約ニ調印スルコトハ人民ニ對シ我政府ノ首肯シ能ハ
サル所ナリ

本官曰成程我邦ノ法律ハ未タ完然ト言フヘキニハ非ラサ
レトモ帝國ハ決シテ無法ノ國ニ非ラス試ニ想フヘシ日本政

新案及稅則ヲモ内覽セシメタルニ

同公使ハ一讀一驚ヲ喫シ且曰昨日貴公使ノ摘要書ニハ今
般ノ案ハ千八百八十三年英伊條約ヲ基礎ト爲シタル書體ナ
リト言ハレタレトモ此案ノ體裁及文字ヲ見ルニ全ク米國流
ナリ近來貴外務省ハ米國流ヲ模擬スルニ似タリ而シテ議定
書ノ擔保ヲ削除シタルハ實ニ奇怪ナリ其上五年後各居留地
ヲ日本ノ市區制度中ニ編入スルトノミ書放シ別ニ何等ノ規
約ヲモ附隨セシメサルハ殆ント貴政府ノ意ヲ領スルニ苦ム
ナリ此案ヲ我政府ニ提出シタリトテ逆モ我外務部ニ於テ之
ヲ以テ談判ノ基礎ト親做サバル可シ然レトモ昨日モ陳ヘタ
ル如ク兎角本官ノ專斷ヲ以テ決答スヘキニ非ス故ニ今日コ
ソハ次官ニ協議シ最終ノ決答ヲ申進スヘシト云ヒツ、挾ヲ
拂ツテ起タントセリ依テ

本官急ニ之ヲ制シ且曰貴公使ハ本官ヲ寔迫スル爲メ斯ル
言語ヲ吐露セラル、ヤ若シ寔迫トアラハ本官ハ更ニ困ム所
ナシ何ナレハ昨日モ已ニ陳ヘタル如ク本官ハ何等ノ手續ヲ
假ルモ貴政府ニ就キ我政府ノ意思ヲ徹底セシムヘシ若シ又
寔迫ニ非ラサレハ姑ク本官ノ言ヲ聽カレヨ抑々本官ノ喋々
タル貴公使ニ降ス命令言語ニハ非ラス專ラ商議ヲ遂クル爲

府ハ其從來ノ成跡ニ就テ之ヲ判スルモ歐洲各國ノ文明事業
ヲ取採スルニ吝ナラス現ニ刑法治罪法ハ數年來實施シアル
ノミナラス彼ノ裁判所構成法ノ如キハ貴國ニ於テ尙ホ實行
サレサル輒今ノ思想ニ據テ之ヲ組成シ及實施セルニ非ラス
ヤ殊ニ通商貿易ニ必要ナル商法中ノ會社法手券法及破產法
ノ三部ハ本年七月一日ニ至リ已ニ實施セラレタリ加之政府
ハ商法中必須ノ要項ヲ認知シ毎次之ヲ修正シ議院ノ協賛ヲ
經テ其實行ヲ決行スル權利ヲ保持スルナリ將又民法全部ノ
制度ハ外國人ニ對シ不必要ト言フニハ非ラサレトモ此レ重
ニ內國四千萬ノ人民ニ關係ヲ有スルニ外ナラス故ニ外國人
ハ特ニ此法律ニ重ヲ措クノ必要アリト思ハレス

英公使曰民法ハ外國人ニ關係ナシト言ハル、ハ本官ノ理
會シ能ハサル所ナリ何ナレハ法律ヲ以テ行爲ノ準繩トナシ
テ生活ヲ營ム人民ハ同一ノ思想ヲ有スル人民ト棲息スルヲ
以テ安心スルモノト思ハルヘナリ

本官曰貴公使ノ言大ニ理アリ然レトモ personal status
及遺產法ニ關シテハ歐洲大陸ノ各國ハ所謂領事條約ヲ交換
シ甲國領事乙國ニ於テ乙國領事甲國ニ於テ殆ント駐在國ノ
裁判權ニ抵觸スル程ノ權利ヲ以テ當該本國人民ヲ保護スル

ニ非ラスヤ但此類ノ條約ハ貴國ノ採用スル所ニ非レトモ想像スルニ新條約果シテ締結サル、後ハ各國ハ我邦ニ對シ領事條約ノ締結ヲ要求セン我國モ亦其立約ノ體面互相ニシテ我領事ノ權利ヲ most favored nation 規約ニ據テ執行セシムル以上ハ之ヲ否拒セサルヘシ果シテ然ラハ貴國領事ハ最惠國條款ニ基キ我邦ニ於テ他ノ歐洲各國ト同様ノ領事權ヲ享有セラルヘシ是本官力私法ニ重ヲ措カサル所以ナリ又我裁判官ノ行為ヲ觀ルニ營ニ行政權ノ爲メニ牽掣セラレサルノミナラス少シク理屈ケ間敷資性ニ富ル歟ハ知ラサレトモ決シテ法意ヲ枉矯スルノ惡弊ヲ有スルコトナシ此ニ過去ノ出來事ニ説及フハ甚ク不快ナレトモ大津事件ニ關シ其當時在東京外交官某々君ヨリ本官ヘ申聞タル如ク日本裁判官ハ輿論ニ左右セラル、者ニ非ス

英公使曰貴說明ノ細縷充分ニ會得セリ然レトモ本官ハ私交上ノ舊誼ニ由リ一言ヲ陳述セントス請フ失敬ヲ咎ムル勿レ抑々日本政府ハ實ニ弱キ政府ナリ弱キ政府ニハ充分ノ信用ヲ措テ條約ヲ結ビ難シ（此際人名及箇條ヲ揚テ云々シタレトモ之ヲ略ス）

本官曰日本政府ハ最強至剛ノ政府ニハ非ラサレトモ本官

之レト對等條約ヲ交換シテ疑ハサルハ抑々何等理由ニ因ルモノ哉是等ノ事實ヲ舉テ論スルトキハ歐洲各國ハ我邦ニ對シ今日モ尙ホ徒ニ prejudice ヲ維持スルモノト言ハサル可カラス是日本ノ輿論カ本件ニ關シ不滿ヲ唱フル所以ナリ英公使曰法律及政治問題ニ關シ貴公使ノ精確ナル説明ハ悉ク明晰ニ理會セリ然レトモ貴公使ハ徒ニ道理ヲ説テ自國ノ爲メニ復權ヲ幾望シ其改約ニ關スル讓與物件ニ至リテハ未曾テ分毫モ説明セラレサルナリ其上日本政府ハ稔一稔變更セル改正案ヲ提出シ殆ント一定確執ノ意向ナキニ似タリ假リニ此案ヲ商議ニ付スルトスルモ其央ニ於テ復更ラニ何等ノ案ヲ提出サル、モ料リ難シ是レ本官力英政府ニ對シ責任ヲ取テ云々ヲ獎諭スルコト能ハサル所以ナリ

本官曰事此ニ至レハ最早本案以上ノ提案ヲ試ムルコトナカル可シ何トナレハ日本政府ニシテ英政府ニ對シ dictate シ能ハサル以上ハ對等條約ヲ以テ其友誼ヲ全シ之ヲ以テ満足セサルヲ得サレハナリ尋テ

英公使ハ新條約調印後直チニ新稅則ヲ實行スルハ殊ノ外勝手ケ間敷ト申述タルニ付

本官更ニ説明シテ曰否、決シテ自分勝手ニ非ラス抑々千

ハ軟弱ノ語ヲ以テ其性質ヲ判定セシメサルナリ維新以來ハ大小ノ内亂屢々起リ就中所謂薩摩騷動ノ如キハ巨大ノ勢焰ヲ張リシニ係ラス我政府ハ斷乎トシテ之ヲ鎮壓セリ今日ニ至ルモ尙ホ此ノ類ノ一揆ヲ鎮壓スルノ實力ヲ有スルナリ蓋シ貴公使ニ於テ之ヲ弱シト言ハル、點ハ近來我政海動モシテ溢流スルモ政府ハ之ヲ鎮壓セスト云フニ在ラン然レトモ我憲法政治ノ歴史タル甚ク幼ナリ十二世紀以來ノ經驗ヲ蒐メテ成就セシモノニ非ラサルヲ如何セン故ニ動モスレハ政府ト議院ノ間ニ衝突ヲ生スルヲ免レサレトモ其際政府輒チ忿々ニ堪エスシテ安リニ之ヲ壓制セント欲セハ大ニ不可ナリ故ニ唯ク妥當ヲ旨トシ鍊熟及良習慣ヲ鍛成センカ爲メ忍シテ協和ノ手段ヲ取ルモノナリ其外何等秩序ヲ紊亂スルノミナラス其裁判權ヲ濫用スルノ弊害タル實ニ言語間斷ト云フヘシ轉シテ經濟上ヨリ論スレハ我國庫歲入額ハ現行條約ノ規定等ニ阻ラレ比較的頗ル小額ナリト雖モ其整理及節儉主義ヲ堅執スル等ニ至リテハ敢テ他國ニ讓ラス然ルニ貴國及他ノ文明國ハ前記ノ諸邦並ニ本官力今春實地ニ就テ國態ヲ踏査セル「セルビア」及「ブルガリヤ」等殆ント未開明邦ニ對シ裁判權執行ノ可否ヲ按シ更ラニ問フ所ナク默肯

八百八十二年ニ改正シタル稅率ハ貴方ノ請求ニ由テ之ヲ實施セサルニ非ラス從前商議結了セサルニ由リ寧ロ我方ノ都合ニ據テ之ヲ存置シタレトモ假リニ八十三年ヨリ之ヲ實施シタリトセンカ爾後十年間ニ我政府ハ六七千萬圓ノ稅額ヲ收メ開明事業ノ資本ト爲シ得タル管ナリ然ルニ之ヲ收入セサルノ結果ハ恰モ我政府ハ輸入商タル外國人ニ免稅ノ特許ヲ與ヘタルニ同シ法律問題勿論須要ナレトモ國家ノ財政權ヲ不羈獨立ニスルコトモ亦我政府及國民力最モ希望スル所タリ國家體内ヲ循環スル血液トモ言フ可キ資材ヲ涸渴セシメハ國家安ソ健康ナル生活ヲ保ツヲ得ン開明事業ヲ以テ任スル各國特ニ英國ハ日本ノ文明事業發達スルヲ欣望スルヤ必セリ然ル以上ハ此點ニ關シ英國政府ハ一言ハ反對論ヲモ提出セサル管ト思惟スルナリ

英公使曰善シ貴意ノ所在ハ明カニ領承セリ故ニ今ヨリ篤ト次官ニ商議スル所アラント欲ス而シテ今夕本官逆旅ニ於テ粗餐ヲ供ス可シ請フ枉臨ノ榮ヲ與フヘシ又其時刻迄ニハ次官ノ意向ヲモ領得シ之ヲ貴公使ニ通知シ能フヘシトノ事ニテ告別セリ

左候テ英公使ト右二回ヲ經タル談判ノ模様ヲ一應貴聞ニ達

スル爲メ即日伯林府ヲ經テ九月二十二日附電信ヲ呈セリ
 此夕七時約ヲ履シテ英公使ヲ其旅館ニ訪問シタルニ同公使
 纔カニ其瞬間ニ方リ次官ノ官房ヨリ歸館セリト云ヘリ仍テ
 其勞ヲ慰メ談笑ノ間ニ晚餐ヲ喫シタル後左ノ三ヶ條ヲ次官
 ト商議シタル結果ナリト告知セリ

第一領事裁判ノ廢止ニ關シテハ會テ「ソースベリー」侯
 ノ案トシテ貴政府ヘ提出シタル議定書ノ擔保條項ヲ
 維持ス到底英政府ハ擔保ナクシテ廢止論ニ協賛セサ
 ルヲ以テ本件ハ日本政府ニ於テ法典編纂及實施ノ日
 マテ寧ロ延期アリテ如何

第二財政調理ヲ目的トシテ稅率ヲ増加セント欲スル貴國
 ノ希望ニ付テハ英國ノ輸入品ニ對シ貴政府ニ於テ幾
 分力優遇ヲ示サル、ニ於テハ貴公使ノ提議ニ付商議
 ヲ開ラクノ價值アリト思惟ス

第三各開港場ノ居留地ニ關スル貴政府ノ提議ハ甚タ漠然
 タルニ由リ同意ヲ表シ難シ

本官曰擔保云々ニ關シテハ本官カ會テ帝國ノ外務省ニ長
 官タリシ時ニ方リ貴公使ノ提出案ニ對シ左ノ文字ヲ以テ修
 正ヲ加ヘタリ

爲サシムルニ在リ

英公使曰貴說或ハ然ラン然レトモ日本ノ立法部ニ於テ條
 約締結後一定ノ年所ヲ經過シ俄カニ永代借地ノ制度ヲ廢ス
 可シト議決シタリトセンカ居留外國人ハ非常ノ困難ヲ蒙ム
 ルヤ必セリ是外國政府ニ於テ豫メ思慮スヘキ要點ナリ故ニ
 少クトモ會テ貴我ノ間ニ相談ヲ遂ケタル丈ケノ擔保ナクテ
 ハ所詮妥當ノ協議ヲ整ヘ難シ云々

此ニ於テ本官ハ充分明瞭ニ英政府ノ意向ヲ察知シ且其瞬間
 別ニ討議スヘキ箇條ナキニ由リ本件ニ關スル談判ヲ止メ雜
 話ニ涉リテ一霄ノ興ヲ共有シタリ尤モ別ル、ニ臨ミ（英公
 使ハ明朝ヲ期シ海濱ノ寓居ニ歸ル筈ナリ）

本官曰向後日本ヨリ訓令ヲ接受セハ再ヒ英國ニ來ルカ又
 ハ書狀ヲ以テ照會スルコトヲ許サレヨ

英公使曰欣然貴望ニ任スヘシ

當時外務大臣ロースベリー伯ハ蘇格蘭土ヘ英皇ヲ追フテ參
 訪シ不在ナルニ付英公使ノ紹介ヲ得テ本月二十日常置外務
 次官 Sir Curie 氏ニ面晤セリ然ルニ同氏モ亦殊ニ懇意ヲ
 表シテ本官ヲ引見セリ但シ條約一件ニ關シテハ已ニ「フレ
 ガー」公使ト充分意見ヲ交換シタルヲ以テ右次官ニ對シテ

“Foregoing stipulations are based upon expectation that the Japanese Codes and Laws recently promulgated are in the meantime to be put into force.”

今ヤ貴公使ノ考慮ニテハ更ニ前日ノ協議ニ立戻リ此類ノ擔
 保ヲ要求セラル、ヤ

英公使曰今般ハ商議ノ基礎甚タ變換シタルニ付ソースベ
 リー侯ノ案ニ復歸スル必要アリ云々

此時本官ハ我ニ於テ彼ノソースベリー侯ノ擔保ヲ與フル以
 上ハ英公使ハ貴案ヲ納レ互相對等條約ヲ承諾スルノ意旨ア
 ルコトヲ諒察セリ而シテ本官ハ第二項ニ關セス第三項ヲ揭
 ケテ何故ニ漠然云々ヲ言ハル、ヤト質疑シタルニ

英公使曰貴公使帝國ノ外務省ニ長官タリシ時ニハ居留地
 ニ限り外國人ニ土地所有權ヲ許ストノ覺悟アリタリ然ルニ
 今般ノ案ニ據レハ一言モ此件ニ論及スルコトナク依然永代
 借地ノ舊規ヲ存スルニアリ

本官曰是ニ然リ此等ノ事項ハ元來條約ヲ以テ規定スヘキ
 モノニ非ラス依テ自國ノ立法權ニ一任シ隨時適當ノ處分ヲ

ハ最早一言モ交エサル覺悟ニテ面會シタリシニ却テ彼ヨリ
 端緒ヲ開キタルニ付又復タ一場ノ條約談ヲ開キ互ニ意見ヲ
 交換セリ尤モ次官ノ意見ハ大體英公使ノ言ヘル所ニ異ナラ
 ス唯耳新シク聞エタルハ彼一己ノ意見トシテ陳ヘタル項ナ
 リ即チ領事裁判廢止ノ事タル擔保ナクテハ到底承諾シ難シ
 故ニ日本ニ於テ擔保ノ義務ヲ取ル必要ナキニ至ル時ヲ俟テ
 協議ヲ整ヘ尙ホ遲キニ非ラサル如シ尤刑法治罪法ハ業已ニ
 實施セラル、ニ由リ此部分ニ限り貴方ヘ裁判權ヲ交付スル
 モ亦一案タルニ似タリ云々

本官曰甚タ善シ況ンヤ貴案ハ眞率ナル好意ニ出テタルヲ
 認知スルニ於テオヤ但日本ニ於テハ英國ニ於ケル如ク數百
 年ノ事業ニ係ル Common Laws ノ成立ナク又之カ爲メ
 養成サレタル法治上保守的慣習ナク特ニ斯ク巨大ナル執行
 機體ノ構成アルコトナシ帝國舊邦ナレトモ其政維レ新ナリ
 故ニ我邦ニ於テ法律編纂ニ關シテハ簡明ナル「システム」
 ヲ取採シ其行政ニ關シテハ單純ナル組織ヲ旨トシ之ニ依テ
 歸一ノ治轍ヲ挽回シツ、アルナリ依テ今ヤ區々タル刑法治
 罪法ノミニ關シ外國人ノ行爲ヲ治定スルトナレハ司法行政
 ノ管轄上歸一若クハ統一ノ政治ヲ害スルノ結果ヲ見ルニ至

ランノミ

次官曰貴公子ハ今般全ク密ニ此地ニ來ラレタリ然レトモ後日公然商議ヲ開クニ至ラハ命ヲ帶テ再ヒ此地ニ來ルヲ得ルヤ

本官曰若シ今般ノ内議ニシテ繼續スルトナレハ我政府ハ公然タル商議權ヲ本官ニ付與スルモ知レス此事ハ業已「フレザー」氏ニ内告シ置タリ然レトモ同公使ト懇親的商議スルコトヲ希望ス

次官曰其ハ本官等ヲシテ最モ満足セシムルノ言ナリ遠慮ナク同公使ト意見ヲ交換セラル可シ要スルニ我々英人ハ商務的國民ナリ商業上ノ利益ヲ警護スルコトハ政府ノ最大ナル義務タルヲ以テ多數商人ノ利益ニ背馳スル處分ヲ爲シ難シ是即チ貴政府ヲ悉皆容レ能ハサル所以ナリ然レトモ我政府ハ貴政府ニ對シ倦々タル情誼ニ厚シ貴公使ノ滞在甚タ短キヲ以テ貴公使ノ身ニ對シ此情誼ヲ表示スルコト能ハサルヲ遺憾トス

本官謝シテ曰貴次官及フレザー公使ノ懇誠ナル交情ヲ謝スルニ辭ナシ而シテ此ニ一言ヲ添テ貴官ニ質スヲ許サレヨ本官ノ考慮ニ據レハ商業上ノ利益ハ常ニ政治上ノ利益ト相

在伯林府

特命全權公使子爵 青木周藏 印

外務大臣

陸奥 宗 光 殿

別ニ往復電信拾壹通并甲乙英文貳通添付候也

註 旁記括弧内ノ數字ハ本書ニ於ケル文書番號ナリ

附屬書一 甲號

二十六年九月十八日青木公使ヨリフレ

ザー氏ニ手交シタル覺書

Memorandum.

“Private and Confidential”

The Imperial Japanese Government has come to the conclusion that negotiations for the revision of the Treaty should again be resumed. In view of the fact that public opinion in Japan has lately been showing a growing restlessness in respect to the various questions connected with our foreign commercial relations and the legal status of foreign residents in the country, it seems desirable in the

七六

關連シテ離レサルヲ要スルニアリ如何

次官曰貴公使ノ言實ニ是ナリ云々頗ル意味アリケニ首肯セリ此ニ於テ英政府トノ談判ヲ終了セルヲ以テ翌二十一日伯林府ヲ經テ九月二十三日附電信^(四)ヲ差出タリ

右ハ閣下訓令機密五六七、五六八號ノ貴意ニ基キ今般英國ニ赴キ談判セル始末書ニ有之候將又右二十一日(伯林ヨリハ二十三日)附ノ電信中突然東亞細亞ノ政略ニ關スル數語ヲ副申セル理由ハ他ナラス第一英政府ノ我政府ニ對シ保持スル「ジスポジーション」甚タ可ナルニ由リ此時ニ方リ多少ノ讓與ヲ必要トスルモ寧ロ斷然改正事件決行相成候方將來ノ利益ト判定セリ第二近來露佛ノ情誼日ニ密ナルノ外觀アルノミナラス頃日本邦在勤ノ外交官某ヨリ接受セル内信ニ據レハ露佛公使ハ一致協和ノ舉動ヲ表示スル内意アリ云々又該兩國間ニハ亞細亞政略ニ關シ何等敷密ニ協定シタルコトアリ云々輓今歐洲新聞誌ノ評論セル如ク現ニ「サイアム」事件ニ付露國カ佛國ニ聲援ヲ假シタルコトハ蔽フ可カラサル事實タルニ由リ敢テ閣下ノ注意ヲ喚起シタルナリ右及御報道候也

明治二十六年十月十六日

interest of Japan and the Western Powers to lose no time in bringing to a mutually satisfactory conclusion the Treaty-Revisions work which has now for several years occupied their attention.

In preparing a revised Draft the Imperial Government have sought to give expression to a principle generally adopted in Commercial Treaties and eagerly claimed by the national feelings in Japan, namely the principle of reciprocity.

By the new project British subjects in Japan and Japanese subjects in England are to enjoy full and equal liberties in respect to Residence, Commerce and Taxation. The Japanese Empire is thereby opened to British merchants on terms of equality with the native subjects and their interests are besides secured respecting foreign competition by the unlimited adoption of the most favored nation clause.

As regards the form of the convention it may be observed that the British and Italian Treaty of Commerce of 1883 has generally served as model.

However, in order to allow sufficient time for pre-

parations to effect the contemplated abolition of the consular jurisdiction and the opening of the interior, it is proposed that this part of the Treaty should only come into force after 5 years from the signature of the same: this is in fact another form of the principle, which was under consideration during the last negotiation in Tokio.

The question of the incorporation of the Foreign Settlements into the Japanese municipal system is proposed to be treated in a separate protocol.

The tariff has also been under consideration. In deference to the desire manifested in Japan for the introduction of a general tariff, the Imperial Government propose to adopt this form, which would be modified however by addition to the Treaty of a conventional Tariff containing a résumé of the principle (principal?) British Articles of Import with the corresponding duties agreed upon by the two Governments. Whilst in the first instance the General Tariff, which will previously be communicated to H. B. M.'s Government will show that the legitimate interests or British Import have been secured, the

specific conventional Tariff will offer an additional opportunity for promoting special British commercial interests particularly if the interests of the Japanese export trade into Great Britain and her colonies could be conjointly taken into consideration by Her Britannic Majesty's Government.

(別紙申號譯文)

譯文 覺書

(機密私書)

日本帝國政府ハ條約改正ノ商議ニ再ヒ着手スルコトニ決セリ抑々近來ノ日本ノ輿論ハ外國ト通商上ノ關係及在留外國人ノ法律上ノ地位ニ關スル諸問題ニ付益々喧動ヲ醸セシヲ以テ此際時機ヲ失ハス夫ノ多年來經營シタル所ノ條約改正事業ヲ雙方満足ナル結局ニ至ラシムルコトハ日本及西洋各國ノ利益上望マシキモノノ如シ今般改正條約案ヲ起草スルニ當リ帝國政府ハ通商條約上普通ニ採用セラレ且ツ日本國情ノ切望スル所ノ主義即チ互相主義ヲ表白セムト欲セリ

新約案ニテハ日本在留英國臣民及英國在留日本臣民ハ住居、通商及課税ニ關シテハ全ク均一ノ自由ヲ享有スヘキモノトス而シテ日本帝國ノ内地ハ其本國臣民ト同一ナル制限ヲ以テ英國商民ノ爲メニ之ヲ開放スヘク加之他國人ノ競争ニ對シテハ條件ヲ附セサル最惠國條款ヲ以テ英國商民ノ利益ヲ擔保セリ

條約ノ體式ハ概シテ千八百八十三年締結ノ英、伊通商條約ヲ以テ其模範トセシコトヲ知ルヘシ

然レトモ目論見ノ如ク領事裁判權ノ廢止及内地ノ開放ヲ行フヘキ準備ノ爲メ充分ノ時日ヲ與フル目的ヲ以テ條約中之ニ關スル部分ハ其調印後五箇年ヲ經ルノ後始メテ之ヲ實施スヘキコトトス是レ即チ莫キニ東京ニテ商議セシトキ考案中ニ在リシ旨意ヲ別ニ具案シタルニ外ナラス

各外國人居留地ヲ日本市區ニ編入ノ件ハ別ニ議定書ヲ以テ之ヲ定ムルコトトス

税目モ亦考案中ニ在リ普通税目ヲ創用スルコトハ日本國民ノ輿望ナルヲ以テ帝國政府ハ之ヲ採用セムト欲ス但シ英國輸入品中重要ナル物品ヲ撮摘シ之ニ對シ兩國政府ニテ協定シタル税率ヲ附シタル約定税目ヲ條約ニ附加シ以テ普通税

目ヲ節限スヘシ第一普通税目ハ豫メ英國政府ハ知照スヘケレハ英國輸入品ニ對シ正當ナル利益ノ擔保セラレタルコト知ルヘシ又約定税則ハ特ニ英國通商ノ利益ヲ増進スル爲メ更ラニ一層ノ好機會ヲ與フヘシ若シ又英國政府ニ於テ日本ヨリ英國及其殖民地ヘ輸出スル貿易品ニ對スル利益ヲモ併セテ勘考セラルトキハ尙更ノコトナリトス

附屬書一 乙號

議定書第一項ニ對スル青木公使ノ修正案

Article I of Draft Protocol.

1) (Refers to the question of Tariff as generally indicated in the memorandum) Redaction reserved for future communication.

三五 明治三十六年十月三十一日

青木駐獨公使ヨリ
陸奥外務大臣宛

改締條約内談ニ關スル件

附屬書一 二十六年十月十日附フレージャー公使ヨリ青木

公使宛來信(一)

二 同右(二)

別信第貳號

十二月十一日到

非ラスシテ（尤モ我政府ノ決議ニ根據シ難シトハ明言シタ
ルトモ）寧ロ其對外策ノ本旨ニ對スル義務トシテ同意シ能
ハサル歟ニ洞察被致候ニ付九月二十三日附伯林發ノ電信ヲ
以テ領事裁判權廢止ノ件ニ關シテハ英公使「フレーザー」
氏ノ申告ニ由リ「ソースベリー」侯ノ提出案ニ再歸スルノ
必要ヲ申進候處別紙十月二日接貴電信ニテ明文上ノ擔保ヲ
與フルコト困難ナルニ付帝國政府ハ終ニ外交文書ノ交換ヲ
以テ各法典實施迄ハ新條約實施（前一年ニ）ノ告知ヲ提出
セサルコトニ同意ス可シ云々御申越相成候依テ其翌日
Intimate me whether the contemplated exchange of
diplomatic note is the extreme limit of your com-
promise
（三）
ト申進候處其回答トシテ
Assurance by diplomatic note is extreme limit of
guarantee

ト申進候處其回答トシテ
Assurance by diplomatic note is extreme limit of
guarantee

云々御申越相成候茲ニ於テ貴訓示ノ旨趣ト英政府ノ執議ト相合ハサル一點卽チ法典實施擔保ノ件明晰ニ相分リタルヲ以テ直チニ「フレーザー」公使へ書翰ヲ以テ擔保ノ一項ハ外交文書ノ交換ヲ以テ妥當ノ處分ニ歸シテ如何要スルニ新

員公使此案ヲ納レハ本官ハ此義ヲ我政府ヘ建議ス可ク又居留地處分ニ關シテハ追テ我外務大臣ヨリ何分ノ訓示可有之
ナリ事若シ如此ナレハ我政府ハ立法及行政上ノ障礙ヲ避
ヲ得又英政府ハ間接ニモ充分ノ擔保ヲ得ル都合タルニ付
旨趣ヲ協議ノ基礎トナシ實際ノ談判ヲ開クヘシ依テ日本
赴任ノ期日ヲ一先延引致吳候補懇々申遣候處同公使ヨリ
別紙横文寫ノ通回答有之候其要略ハ左ノ如シ

青木子爵閣下、本使ハ閣下ノ本月三日附ノ書簡ヲ接收ス
ルノ榮ヲ謝スヘ、ヘ、ヘ、ヘ、ヘ、ヘ、ヘ、ヘ、ヘ、ヘ、ヘ、
此ニ閣下ノ文字ヲ載センニ

第二、機密外交文書ヲ製シテ日本政府ハ法典實施迄ハ前記ノ告知ヲ爲ササルコトヲ約スルコト

各居留地ニシテ領事裁判撤去ノ時ニ至ラハ向來准許ヲ得
テ所有スル外國人ノ物權ハ如何ニ之ヲ保護スヘキヤノ問
題ニ關シ閣下ハ未タ日本ヨリ何等ノ訓旨ヲモ接受セサル

陸奧外務大臣時代 改正稟議卜對英交涉 三五

旨ヲ告ケラレタリ

本使茲ニ閣下ニ感謝スルモノアリ即チ閣下兩國間ニ立チ相互ニ満足スヘキ協議ヲ整フル爲メ斡旋勉強セラレタルコト是レナリ閣下ノ執議ニ對シ全然同意ヲ表シ得ンニハ本使ノ欣悅スル所ナレトモ如何セン本使ハ不本意ニモ左ノ陳述ヲ爲ササルヲ得サルナリ即チ本國ノ法律管轄ヲ撤去スルノ以前貴國ノ法典一年間實施云々ノ點ニ關シ僅カニ機密上ノ規約ヲ設クルノミニテ（英政府ハ機密規約ニテハ其臣民ニ満足ヲ與フル能ハス）英政府ハ其既ニ日本ニ居住スル女皇直轄ノ（OWN）臣民力將サニ提出スヘキ苦情ニ對シ殆ント答辭ヲ有セサル可シ即該臣民此ノ如キ場合ニ際シテハ曾テ日英兩政府間ニ於テ彼等ノ待遇ニ關シ同意ヲ以テ結約シタル條款ハ逐次消滅シタル後終ニハ充分其性質ヲモ知ラサル所ノ法律管轄ニ服従スヘシト決定セラレタルモノト判定スヘキハ道理至極ノ事ナリ又土地所有權ニ關シ貴國ノ法典結局何等ノ規定ヲ設ク可キヤモ知り難シ故ニ（我立法部カ他日外國人ノ土地所有若クハ永借權ヲ褫奪スルコトニ決議スルヲ恐ル、ナリ）本使ハ閣下ニ對シ居留地内ニ於テ現ニ前來賣買ノ手續ニ

由テ外國人ノ所有スル土地ノ問題ニ關シテハ新條約締結前何分ノ取極アランコトヲ勸諭シタル所以ナリ將又本官ノ返答ハ閣下ノ來意ノ區域ノミニ止マルコト至當ナリト存スレトモ左ノ一言ヲ添フルハ又不可ナカルヘシ

即チ新條約締結ト其實施トノ時間ニ於テ貴國ノ小部分ヲ外國人ニ開放スルハ將來全國開放ノ手始めニシテ如此スル時ハ危險ナク且内外人互相ノ猜忌心モ之ニ由テ消滅スル都合タルニモ拘ラス該小部分ノ開放ニ關シ日本政府毫モ豫定スルコトナキハ本使ノ遺憾ト爲ス所ナリ云々

フレザー公使書面ノ旨意ハ此ノ如ク簡明且卒直ニシテ其様一箇ノ警戒線ヲ張り此ヨリ以內ヘハ一步モ退クノ氣色ナキノミナラス其書面ノ體裁ニ由テ考フレハ此書ヲ貴大臣ヘ轉送シ英政府ノ決意最早動シ難キ旨ヲ報告スヘシト云フ意味ヲ含蓄スル(ヤ)ニ察セラレタリ該公使ハ寡言沈黙ニシテ卒直ナル天質タルニ由リ一回決心シタルコトハ容易ニ之ヲ變換セザル特色ヲ有スル人物ニ有之又一方ニ於テハ驕進名譽ヲ貪ルニ意ナク相見候間先般本官倫頓府滯留中同公使ハ本官ニ對シ閣下今外務大臣ニ非ラス然レトモ尙ホ戀々本件ニ熱心セラルハ奇怪ナリト嘲笑的ノ懇話ヲ開ラキ候事

モ有之候要スルニ該公使ハ本件ニ關シ先年來數度ノ出來事ニ鑑ミ德義上ノ約束ニ信據スル勇氣ヲ有セサルニ似タリ果シテ然ランニハ今後本官同公使ト幾回ノ懇談ヲ重ヌルモ事無用ノ周旋ニ屬スヘク就テハ使命ノ本分ヲ辱メサル事コソ甚タ必要ト致思考候抑々當時貴訓令第五六七號ヲ細研セルニ內閣決議文中ニハ「先ツ英獨二國ノ意嚮ヲ問フニ青木公使ヲシテ其折衝ニ當ラシメ」云々トアリ又貴訓詞中ニハ「英政府ニシテ本提出案ノ大體ニ同意スヘキ模様有之彌ヨ談判開始セララルハ場合ニ至ラハ其時全權ヲ付スヘシ」云々ト有之候ニ付本官使命ノ區域ハ差當リ英政府ノ意嚮ヲ探リ談判開始ノ基礎ヲ協定スルニ在ト信シタリ之ニ反シ最初ヨリ英政府ノ意嚮如何ニ拘ラス若クハ基礎協定ノ有無ニ關セス兎ニ角ニ談判ヲ開ラク可シトノ御趣意ニ候得ハ預メ内々英政府ノ意嚮ヲ探ルノ必要ナキ筈ト判定ヲ降候ニ付貴内訓ノ旨ニ基キ本件ヲ以テ所謂懸案ト爲シ閣下ヲシテ細思熟考シ得ヘキ餘地ニ立シメ且閣下ヲシテ他日躬自ラ其折衝ニ當ラシムル歟又ハ本官更ニ訓旨ヲ得テ其折衝ニ當リ得ヘキ氣脈ヲ繋キ置クコト甚タ緊要ト思慮セリ依テ今般ノ内談ハ是ニテ一先ツ切場ケ候方却テ得策ト存候ニ付十月十三日發電信

(一七)

ヲ以テ英政府ハ到底機密文書ノ擔保ニ同意スル能ハス且居留地處分ノ件ニ關シテハ本官ノ前案ヲ復用スル必要及

嫌アリ況ンヤ英政府ハ倫頓ニ於テ最初ヨリ商議ヲ開クコトヲ拒絕セサルニ於テオヤ且同氏ノ日本ヘ赴任スヘキ期日ヲ更ニ延引セシムルコトハ半公半私ノ書面ヲ以テ請求難相成都合ニ有之候

you can not concede to these demands my further negotiations are useless 等ノ文意ヲ含有スル電信ヲ差進候ハ是全ク本件ニ關スル要點ハ僅カニ擔保及居留地處分ノ兩問題ニ集リ事ノ成否モ亦兩問題ノ處置如何ノミニ起因セルニ依リ豫メ何分ノ御處置無之以上ハ今後本官英政府ニ對シ何程談判スルモ到底徒勞ナルコトヲ貴聞ニ達度存候都合ニテ有之候然ルニ十月二十一日接貴電信ヲ以テ「我ニ於テハ談判ノ地ヲ倫頓府ニ移スコトヲ請求スルノ意思アルニ由

因ニ曰「フレザー」公使ハ毎々其政府ノ希望ニ依リ至急本邦ヘ歸任致度旨申聞ケ候處熟々其内情ヲ察スルニ賜暇ノ期限ヲ超ヘ久ク滯在スル時ハ減給ノ爲メ同公使ハ其内政上大ニ困難ヲ感スル様子ニ有之其情殊ノ外氣ノ毒ニ被存候ニ付電信中屢々同公使ノ歸任ヲ急ク旨ヲ申上候事ニ有之候

(一八)

リ此旨ヲ英政府ヘ知告スヘク又我提出案ハ逐條故障ナク直チニ英政府ノ承諾ヲ期シ難キニ付詳細ノ事項ハ實際ノ談判ニ讓ツテ之ヲ協議セント欲ス」トノ意味ヲ含メル訓旨ヲ以テ御回答相成候然處前來詳陳候通本件ニ關スル基礎的(即詳細ノ問題ニ非ルヲ云)問題ハ擔保及居留地處分ノ二項ニ集リ其他詳細事項ハ英政府ニ於テモ實際ノ談判ニ讓リ之ヲ協議スルニ躊躇セサル底意ニ有之候間今更右二項ノ處置如何ニ拘ラス實際談判ヲ開クヘキ旨ヲ英政府ニ通知スルハ「フレザー」氏ノ明確ナル投書ノ旨意ヲ理解シ能ハサルノ

依テ十月二十三日發電信ヲ以テ「帝國政府若シ「ソースベリ」候ノ提出案ニ同意シ本官ノ前案(居留地處分ニ關シテ)ヲ復用スルニ非ラサレハ縱令實際ノ談判ヲ開始スルモ其奏功覺束ナク云々」具申セリ即擔保及居留地處分ノ二項ニ關シ豫メ協定スルコトナク公然談判ヲ申込ムハ豫メ出來サル相談タルコトヲ承知シナカラ強テ之ヲ要求スルト同様ノ奇觀ヲ呈スル場合ニ遭逢スルノ虞アルヲ慮リ右ノ如ク及具申候都合ニテ有之候然ルニ十月二十五日接ノ貴電信ヲ以テ帝國政府ハ素ト東京ニテ談判ヲ繼續スルノ權ヲ有シ且該談判

ノ位置ヲ倫頓府へ轉換スルコトニ關シテハ條件付ノ議ヲ納
レス又英政府ノ回答如何ナルヤハ不問ニ措キ兎角談判ヲ
倫頓へ移サントス依テ之ヲ公然英政府へ要求スルコトニ決
定シタリ若シ英政府ニシテ條件ヲ付セサル時ハ帝國政府ハ
修正ノ問題ヲ實際ノ談判ニ試ミ互相讓與ノ手段ニ由リ之ヲ
協定スルコトト爲シ「ソースベリー」侯ノ提出案ニ對シテ
ハ更ニ答案ヲ提出スヘシ談判ノ成效否ハ談判終結以前逆睹
シ難シ若シ英政府ノ回答ニシテ條件ヲ付スル時ハ本件始メ
テ困難ナル問題ト變スヘシ而シテ事茲ニ至ラハ帝國政府果
シテ如何ナル方針ヲ執ルヘキ歟閣下ハ今日之ヲ豫言シ難シ
トナセル逐條明晰ニ致承知候抑々十月五日接貴電信中

It is my intention to present new draft to British
Government anyhow as answer to counter proposal
of Marquis of Salisbury of 1890 leaving details for
actual negotiations

ト有之候處最初ヨリ本官ハ英政府ノ確執スル所到底動搖ス
ヘクモアラサル様勘考候ニ付先以テ擔保及居留地處分ノ二
項ニ關シ或ハ英政府ノ請求ヲ容ル、歟又何様ニ之ヲ修正變
換スヘキ歟然御取極有之其餘ノ details ハ實際談判ニ讓

然要求スヘシ

一、本官ハ貴公使ノ赴任期延引ヲ請求スルノ權ヲ有セサ
ルモノト思考スルニ付此上ハ貴公使ノ進退一ニ其決
斷ニ任スルノミ但シ從前ノ參掛モ有之ニ付本官商議
者タル場合ニ至テハ貴公使ト本件ヲ協定シ以テ兩國
ノ交友益々溫ムルニ切ナリ

右投書ニ對シ「フレザー」公使ヨリ未タ何等ノ回答ニモ不
接候ニ付同公使ノ去留果シテ如何ニ決スヘキヤ豫言難致候
得共倫頓ニテ談判ヲ開ラクコトハ同公使ヲ經由セサルモ手
續上ニ於テ何等不都合無之候乍去同公使歸任ノ上近頃本邦
數種ノ新聞紙頻リニ居留地外ニ於テ外國人カ間接ニ土地家
宅ヲ所有スルヲ攻撃ラシ及某一派者流カ隠然外國人ヲ猜忌
スルノ情態ヲ實檢シタランニハ同公使ヲシテ益々「ソース
ベリー」侯ノ提議案ニ再歸スルノ念ヲ鞏固ニセシムルノ虞
ナキニ非ラス殊ニ心配罷在候

將又獨逸政府ニ對スル本件内談判ノ義ニ關シ九月二十八日
(省略セリ)
(省略セリ)
接電信ニテ其模様如何御問合有之候處同月二十九日發電信
ニテ獨逸政府ニ對シテハ訓旨ニ據テ懇話ヲ開クモ到底何等
ノ協議モ整ヘ難キコトヲ確知ス故ニ未タ着手不致ル旨回答

テ協定相成候方可然ト存シ前記ノ如ク屢々致具申候處今日
迄ハ右修正ノ底意御開示無之却テ該問題ヲ實際ノ談判ニ讓
リ事ノ成否ハ談判後ニ至テ問フヘク兎ニ角公然談判ヲ開ク
ヘキ旨ヲ英政府ニ要求セントス云々御申越相成候ニ付テハ
最初ノ速成ヲ期セサル御計畫漸々一變シタルニ似タレトモ
兎ニ角決定ノ尊意甚タ明瞭ナルニ由リ從前本官ト英公使ト
談判ノ關係ハ今更顧慮スルニ違ナク且別紙十月十日附「フ
レーザー」氏ノ私信兩通ニ對スル回答ノ義務モ有之候ニ付
別紙左ノ點々ヲ含有スル書面ヲ認メ差急キ同公使ヘ宛差出
置申候即チ

一、帝國政府ハ政治及憲法上ノ困難アルヲ認ムルニ由リ
將來立法權ニ干渉スル擔保事件ヲ明文ヲ以テ規約ス
ルコトヲ難シトス

一、擔保事件ニ付テハ帝國政府ハ英國政府ニ對シ一ノ答
案ヲ提出スルコトニ決定シタリ依テ實際談判ノ時ニ
至リ互相ノ讓與手段ニ由リ本件ヲ協定スヘシ

一、帝國政府ハ從來東京ニ於テ開カレアリシ兩國間ノ條
約改正談判ヲ今般倫頓ニ移スコトヲ英政府ニ對シ公

申進置候乃チ本官ノ實際豫知スル所ニ徴スレハ獨逸政府ハ

土地所有權及其他ノ條項ニ付テモ今日ノ場合ニテハ甚ク退
讓ニ意ナク候間該政府トノ談判ハ少クモ英政府トノ協議相
整タル後ニ讓リ候方得策ト存シ干今何等ノ談判不申込候
右改正内談件ニ關シ及御報告候也

明治二十六年十月三十一日

在伯林 特命全權公使子爵 青木周藏印

外務大臣 陸奥宗光殿

本信附隨ノ別紙左ノ如シ

一 電信寫一并

一 甲乙丙號書翰寫

註 旁記括弧内ノ數字ハ本書ニ於ケル文書番號ナリ

附屬書一 甲號

二十六年十月十日附フレザー公使ヨリ

青木公使ヘノ來信(一)

Foreign Office

October 10th 1893.

Dear Viscount Aoki:-

I beg in the first place to thank you for the favour

of your letter of the 3rd instant, which has conveyed to me the purport of the reply of the Imperial Japanese Government to the queries that Your Excellency had been good enough to submit to them by telegraph, after our interview in London, upon the latest proposal for a revision of the Treaties between Great Britain and the Japanese Empire, as well as the suggestions which have occurred to you for the conciliation of the differences existing between the two Governments of this matter; that is to say, the formal stipulation, by Protocol, that, in addition to the five year's delay provided by the text of the projected Treaty itself, the Japanese Government shall be bound to give a year's notice before that Treaty is put in operation, and the secret stipulation, by an exchange of confidential notes, that such notice shall not be given until the Codes, which are now undergoing revision by Parliamentary Commissions, are in actual operation, or in Your Excellency's words, "First, to stipulate by protocol that the Japanese Government should have the right to bring the Treaty signed into operation

tion, would hardly enable Her Majesty's Government to answer the very natural exostulations of the Queen's own subjects established in Japan, who would in such a case be left to suppose that, after the surrender, one by one, of so many guarantees for their just treatment agreed to at one time or another on both sides, it had been finally determined that they should pass to another jurisdiction without even a perfect knowledge of its nature. It is the necessary ignorance of the shape which the dispositions of the Civil Code on the subject of the tenure of real property in Japan may finally assume which induced me to press Your Excellency for an arrangement, before the signature of the Treaty, of the questions relating to property, within the settlements, already held by foreigners under specific conditions.

I ought perhaps to limit my reply to the precise proposals which Your Excellency has been so good as to offer; but it seems right to say in addition that I can not help regretting the omission on the part of the Imperial Government of any provision

at any time after the expiration of five years from the date of signature upon giving previous notice of one year. Second, to provide a secret diplomatic note to the effect that the Japanese Government will not give such notice until the Codes are in actual operation."

Upon the question of a preliminary understanding for the protection of rights of property already granted to foreigners within the settlements when those settlements lose their foreign character, Your Excellency's letter tells me that you have not yet received any reply from Japan.

I feel grateful to Your Excellency for the care and pains which you have been good enough to bestow upon the task of effecting a satisfactory understanding between the two countries, and it would afford me great pleasure to return for answer an expression of complete agreement with your conclusions, but I am compelled, to my regret, to say that an agreement of a merely secret and confidential nature upon the point of a year's exercise of the Codes before a renunciation of a national jurisdic-

tion, would hardly enable Her Majesty's Government to answer the very natural exostulations of the Queen's own subjects established in Japan, who would in such a case be left to suppose that, after the surrender, one by one, of so many guarantees for their just treatment agreed to at one time or another on both sides, it had been finally determined that they should pass to another jurisdiction without even a perfect knowledge of its nature. It is the necessary ignorance of the shape which the dispositions of the Civil Code on the subject of the tenure of real property in Japan may finally assume which induced me to press Your Excellency for an arrangement, before the signature of the Treaty, of the questions relating to property, within the settlements, already held by foreigners under specific conditions.

I trust I have sufficiently explained to Your Excellency the just and reasonable character of the views which I find to be entertained here; and I may end this letter by saying that if, apart from the question of jurisdiction, upon which it appears impossible to come to an arrangement at present, it should be the wish of the Imperial Japanese Government to enter upon a negotiation for the introduction of a new Tariff or upon the commercial part in general of our actual Conventions, their overtures will be received here in a friendly and favourable spirit.

I beg to remain, with my high regard, dear Viscount Aoki.

Yours sincerely

Hugh Fraser

His Excellency
Viscount Aoki
etc., etc., etc.

附屬書三 乙號

二十六年十月十日附ハノーヴァー公使ヨリ

青木公使へ來信 (11)

Foreign Office

London, Oct. 10, 1893.

Dear Viscount Aoki,

May I ask you to address any letter intended for me to the care of the Foreign Office?

I need not say that I shall feel grateful if Your Excellency will have the kindness to let me know, as early as possible, whether I must prolong my stay in England or may consider myself free to go back to Japan? My Government are very anxious that I should return to my post, and therefore I shall be glad if you would tell me frankly whether there is any good prospect of our coming to an agreement.

I trust that you will accept and believe the as-

of your departure.

There being, I had already had the honour of stating to you, certain political and constitutional difficulties to stipulate any open guarantee which may interfere with our future legislation, the Imperial Government are very careful to wholly accept the proposals of Lord Salisbury, while they are most willing to do everything possible that will meet the views of H. B. M.'s Government.

Consequently the last telegram I received from Tokio yesterday states that the Imperial Government have now come to the decision to submit to Your Excellency's Government an amendment to the said proposals for the adjustment by means of mutual concession during the actual negotiations and they will consequently officially request H. B. M.'s Government to transfer the negotiation of Revision of Treaties between the Japanese Empire and Great Britain, which hitherto took place in Tokio, to London. As to the said amendment it will be forwarded by mail.

Such being the nature of official communications

surances of high esteem and regard which I have the honour to offer you, and will make my best compliments acceptable to Madame la Vicomtesse Aoki.

Yours very sincerely

Hugh Fraser.

附屬書三 丙號

二十六年十月二十五日附青木公使ヨリ

ハノーヴァー公使へ來信

Berlin, October 25th, 1893.

Dear Mr. Hugh Fraser,

Since I had the honour to receive Your Excellency's letters of the 10th instant, I have been very busy exchanging telegraphic communications with the Foreign Office in Tokio hoping for an early arrival at an understanding conformable to the views of H. B. M.'s Government which you are kind enough to set forth so cogently and clearly by the note of the date above mentioned, hoping at the same time to be able to bring, in time, the result to your knowledge that we may avoid unnecessary postponement

of which I am now in possession, I lay the matter, dear Mr. Fraser, frankly before you, that I am myself ignorant of the nature of the amendment, which my Government are going to submit to Your Government.

It is to my great regret that I am thus unable to give you any clearer idea regarding the prospect of our coming to an arrangement and therefore it will, no longer, be proper for me to ask any further delay of your departure for your post unless according to your own decision, at the same time, I can not but add, I pray you to believe that it is my greatest pleasure and most sincere desire to enter into the negotiation with you and to see this long unsettled *question to its (?) happy conclusion.*

I trust you will accept the assurances of my high esteem and sincere good wishes, I am very faithfully yours,

Aoki.

條約改正ニ關スル報告

別信第三號

十二月十九日到

客月三十日附第貳號ヲ以テ條約改正件ニ關シ同日迄ノ成行ハ逐一致報告置候然ルニ別紙十月三十一日接貴電信^(三)ニテ先般本官倫頓府へ出張ノ舉ハ改正一件ニ關係アルヘシ云々横濱新聞ニ記載有之爲ニ漸ク世間ノ耳目ヲ惹キ至ルヲ以テ貴電信^(三)(十月二十五日接ノ分)ニ對シ疾速ノ回答ヲ要スル旨御訓令相成候ニ付別紙十月三十一日發電信ニテ閣下ノ意考ハ業已英公使ニ通知セリ談判移轉ニ付條件付ノ承引云々御心配有之候ハ定テ何等敷電信往復ニ起由スル間違ナラン去ナカラ談判ノ成效否ハ到底重ナル二問題ノ措置如何ニ關スルナリト回答差上候將又該電信ノ冒頭ニ於テ已ニ二度迄報道セル通英政府ハ最初ヨリ倫頓ニテ談判ヲ爲スコトニ不同意ナシト申上候旨趣ハ他ニ非ラス即チ十月十三日及十三日發電信中英政府ハ倫頓ニテ談判ヲ開クゴトニ故障ナキ旨ヲ繰返シ申上候故ニ有之候

今般當國 *Hamburger Nachrichten* 新聞ハ英國 *Times* ノ記事ヲ拔萃シ横濱通信トシテ我改正件ニ關シ左ノ通譯譯文ヲ記載シ大ニ世間ノ注意ヲ惹起セリ

ヤ強テ内議ヲ開キ其決答ヲ促スハ實ニ所謂ル籤ニ狩リテ蛇蝎ヲ出スニ異ナラス候間可然御含有之實地ノ驅引ハ本官ヘ御一任有之度存候

將又倫頓及支那エキस्पレンス (*London and China Express*) 新聞本月三日ノ欄内第九百八十葉ニ於テ日本ノ條約改正ト題スル一篇ノ論說ヲ記載セリ右ハ疾ク御閱讀相成候義トハ存候得共其指摘スル所ハ本官ト英公使トノ間ニ係ル商議ノ實際ニ照應スル廉不尠候ニ付左ニ其大略ヲ掲ケ聊カ卑見ヲ附候

近來日本ニ於テ非内地雜居派ト唱フル政社漸ク其勢力ヲ張リ其他ノ政社モ之レニ聲援ヲ爲シ外國人居留地外ニ在住シ若クハ土地ヲ所有スルコトヲ排撃スルナリ彼等ハ對等條約ヲ唱道ス然レトモ彼等ノ希望スル談判若クハ改正タル對等ニ非ラス寧ロ一方ニ偏スルモノヲ意味スルニ似タリ日本政府ハ右等ノ意見ヲ採用スルコト無カル可シト雖モ該政社ノ熱心ナル煽動ノ爲ニハ幾分力撓靡スルナラン

縱令此等ノ政社其勢力ヲ擴張シ日本國ノ退歩ヲ促シ其信用ヲ失ハシムルコト有ルモ夫ノ條約若クハ約定以外ニ存在スル權力ニテ支配セラル、所ノ氣運ハ之ヲ牽掣シ能ハサル

日本横濱十月十三日通信

條約改正問題ハ來月召集セラル、議會ノ討議ニ登ル可シ夫ノ外國人カ内地ニ居住スルコト及内地ニ土地ヲ所有スルコトヲ排撃スルノ政社益々其黨員ヲ増シ勢力ヲ現ハスニ至レリ

獨逸政府及人民ハ我改正一件ニ關シ從前已ニ公使ノ新聞紙ヲ以テ其意見ヲ吐露セルコト有之候處畢竟我ニ於テ對等條約ヲ希望スルニモ係ラス同時ニ外人ニ土地所有權ヲ許與セス即外人ヲ劣待スルコト及我政府動モスレハ黨議衆論ニ辟易ス(此點ニ關シ本官ヲ駁撃セル新聞切抜ハ客年本官公信十二號ニ付添セリ)トノ點ニ就テハ終始不滿ノ語氣ヲ以テ我ヲ攻擊スル事實有之候故此雜報モ亦當國一般ノ思想ヲ代表スルモノト被存ニ由リ達貴聞置候
本月七日接ノ貴電信ニ依レハ英國ト公然商議スルニ先チ本件ニ關スル獨逸政府ノ意嚮ヲモ探知シ速カニ可報告トノ訓旨ニ候得共獨逸政府ノ意嚮ニ關シテハ從前公私信ヲ以テ云々申上置候通到底貴提出案ヲ以テ該政府ト開商議候事ハ難被行候尤英政府トノ談判漸ク其歩ヲ進メ或ハ其局ヲ結ハントスルニ至テハ巧ニ懇話ヲ重ネ其意嚮ヲ變換爲致度存居申候今

可シ又深慮遠見ノ人ハ則チ外國人ハ内地ノ產物ヲ増進スルニ力ヲ有シ及日本人ハ外人ノ爲ニ利益ヲ失ハサルノミナラス内地ニ於テ外品製造所ヲ設立シ充分ニ外國ノ製造家ト競争シ得ルコトヲ識ルニ至レリ今ヤ毎年壹億七千五百萬圓内外ノ貿易取引ヲ爲スノ實益ヲ増進スルニ至リタルハ職トシテ外國人ト交通セルノ結果タルコトハ何人モ疑ハサル可シ故ニ外國人カ制限外ニ超出シ雙方ノ利益ヲ獎ムル所ノ資金ヲ投入シ或ハ會社ヲ指揮スル等ノ事實アルハ別ニ驚クニ足ラス其他日本人ハ一タヒ外國人ノ制限ヲ解キ之ヲシテ内地ニ雜居セシムレハ大ナル利益ヲ攫ミ得ル如ク言雖セドモ吾儕ハ其言ノ虛大ニ過クルコトヲ知ルナリ縱シ外國人内地ニ入り事業ヲ起スモノト競争シ能ハサルヤ知ル可キナリ
吾儕ハ今日ノ時タル條約改正ヲ爲スノ時機ニ非ラサルコトヲ重ネテ主張スルモノナリ勿論各外國ハ此件ニ關シ多分ノ讓與ヲ爲スニ吝ナラサルヘシト雖モ今ヤ何等換用條件ナシニ從來領有セル總テノ保護條款ヲ擲却スルニ同意セサルナリ而シテ茲ニ別ニ考フヘキコトアリ即チ日本ハ議院新設ノ爲メ尙ホ種々ノ處理ヲ要スル事務ヲ有スルヲ以テ今ノ時機ハ改正ニ適セサルナリ即チ一時ニ於テ一事ヲ處理シテ充

分ナルヘシ又日本ノ立憲制度猶ホ試験ノ時機ニ際スルモノナリ之レニ重スルニ廣ク外國人ノ利益ニ關スル試験ヲ以テスルハ極テ不得策ト謂フ可シ若シ立憲政治ニシテ不幸ナル結果ヲ來ストスルモ其弊害ヲ受クルモノハ日本其國ニ止マルノミ之ニ反シ領事裁判廢止ニシテ不満足ナル結果ヲ惹起セハ其弊害ハ各締盟國ニ及フヘシ隨テ日本外交上ノ關係ニ變換ヲ生スルニ至ラン現ニ内閣ハ次回ノ議會ニ於テ從前未ク見サルノ反對攻撃ニ遭遇スルノ兆候アリ且近來各政黨ハ實ニ運動ニ情ラサルノ事實アリ然ラハ則チ此内部ノ困難ニ添フルニ條約改正ノ一大問題ヲ以テスルハ果シテ得策ナル可キカ否

以上論述ノ大意ニシテ之ヲ熟讀スレハ其行文ノ法及刺撃旨趣能ク肯綮ニ中リ無用ノ項ニ涉ルコトナシ是決シテ尋常新聞記者ノ手ニ成レルモノニ非ラス假令ヒ英國外務省ノ文稿ナラストスルモ其意見ヲ代表スルコト明瞭ナリ即チ文中 without the imposition of any others ノ文意ハ居留地處分及法典實施ニ關スル擔保ヲ意味スルモノニ外ナラス局外者ノ落想ニ出タルモノニ非ス將又非内地雜居派ノ妄想ヲ忌ミ舉動ヲ惡ミ今日ハ改正ノ時機ニ非ラスト云ヲ以テ一

三八 明治三十六年十一月十日 陸奥外務大臣ヨリ
青木駐獨公使宛

條約案及議定書案訂正ノ件

附屬書 訂正議定書案

第九一六號 三十八 條約改正ニ關スル件(第十)
新稅率施行期限ノ義ニ至テハ本條約調印後直チニ之ヲ實施スル方申迄モナク我ニ取リテハ大ナル利益アルニモ拘ハラズ帝國政府今回ノ提案ハ充分寬大公平ナル精神ニテ立案シ深ク雙方ノ利便ヲ斟酌シ彼此相偏頗ナカラシメンコトニ注意シタルモノナルコトヲ特ニ明知セシメンカ爲メ帝國政府ノ提出案トシテハ矢張在來ノ舊新條約ノ實施ト同時ニ新稅率ヲ施行スルコトト可爲置旨去月二十五日附送第八五八號信(即チ第九信)ヲ以テ申進置候得共更ニ熟考致候處商事ニ關スル部分(稅率ヲモ包含ス)ニ對シテハ餘程都合能キ模樣アリトノ趣モ御來電中ニ相見ヘ居リ又同伴ニ付九月十四日附御手簡中ニモ縷々御申越ノ次第モ有之候旁其趣旨ニ從ヒ前記(第九)信ヲ以テ及御送附置候帝國政府提出案中議定書ヲ更ラニ別紙ノ通りニ改正シ而シテ條約案本文第二十條(即チ批准交換ノ條)中 exchange atノ下 as

陸奥外務大臣時代 改正稟議ト對英交渉 三八

篇ノ主眼ト爲シ丁寧反覆我政海ノ狀態ヲ說述シ併セテ我ニ諷諫セル等ハ東京及倫敦ノ商議ヲ回顧シ本官ニ取テ頗ル思合ハスル事モ有之候猶ホ右新聞ノ論說ハ悉ク原語ニ就テ御一閱有之度右供御參考候也

明治二十六年十一月十一日

在伯林 特命全權公使子爵 青木周藏印

外務大臣 陸奥宗光殿

註 1 旁記括弧内ノ數字ハ本書ニ於ケル文書番號ナリ
2 見當ラズ

三七 明治三十六年十一月十五日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

本邦駐劄英國公使歸任ノ件

Mutsu, Tokio,

Fraser will leave for Japan on January 5th. I suppose he entertains no hope of settling treaty affairs.
(以下省略)
Rec'd, Nov. 16.

Berlin, Nov. 15, 1893. Aoki.

soon as possible (成ルベク速ニ)トフルヲ within..... months after its signature (本條約調印後.....ヶ月以内ニ)ト訂正可致胸算ニ有之候間右預メ御承知置相成度尤本信御接受前閣議ノ次第直チニ電信ニテ可申進候得共茲ニ爲念申進置候
右申進候 敬具

(追申省略)

註 「九月十四日附御手簡」ナルモノ見當ラズ

附屬書

訂正議定書案

日本國皇帝陛下ノ政府及大不列顛國兼印度國皇帝陛下ノ政府ハ本日調印セシ通商航海條約ノ外ニ雙方ニ關スル特別ノ事項ヲ規定スルコト兩國ノ利益上便宜ナルヲ以テ雙方ノ全權委員ハ左ノ約定ニ同意セリ

第一 本日調印シタル通商航海條約批准交換後一箇月ノ後ハ本書附屬輸入稅目ハ兩締盟國間ニ現存スルトコロノ安政五年條約ノ有效ナル間ハ其ノ第二十三條ノ規定ニ準據シ又右安政五年條約ノ無効ニ歸シタル後ハ本日調印シタル條約第四條ノ規程ニ準據シ大不列顛國皇帝

陛下ノ領地及所屬地ノ生産若ハ製造ニ係ル物品ニシテ該税目ニ掲クルモノヲ輸入スル場合ニ之ヲ適用スルモノトス但シ日本國政府ニ於テ純良ナラサル藥材、製藥、食物若ハ飲料、猥褻ノ印刷物、圖書、書籍、紙牌、石版若ハ其ノ他ノ彫刻畫、寫眞及其ノ他總テ猥褻ノ物品、日本帝國ノ專賣特許、商標及版權ニ關スル法律ニ違背スル物品又ハ其ノ他衛生、公安若ハ風俗ニ關シ危害ヲ生スヘキ物品ノ輸入ヲ制限シ若ハ禁止スルノ權利ハ本議定書又ハ其ノ附屬税目ノ爲メ制限セラル、コトナカルヘキモノトス

日本國政府ハ右税目ノ實施前若ハ以後ニ於テ必要ト看做ストキハ時々其ノ税目ニ定ムルコロノ從價税率ヲ同額ノ從量税率ニ換算スルノ權利ヲ保有ス但シ此ノ税率ノ換算ハ其ノ公布ノ日ヨリ少クモ六箇月ヲ經過スルニ非ラサレハ效力ヲ有セサルモノトス

又日本國政府ハ右換算ノ從量税率ヲ二箇年毎ニ改正スルノ權利ヲ保有ス而シテ此ノ改正ヲ行フトキハ其ノ都度右換算ノ前三箇月間ニ於ケル外國爲替平均相場ト其ノ改正ノ前三箇月間ニ於ケル外國爲替平均相場ノ差額

トキハ本議定書ニ掲載スルトコロノ諸約定モ別ニ正式ノ批准ヲ要セスシテ亦兩締盟國政府ノ可認セシモノト看做スヘキコトヲ約ス又本議定書ハ前記條約ノ無効ニ歸スルト同時ニ終了スヘキコトヲ約ス

右證據トシテ、
、、、、年、、、、月、、、、日即チ西曆、、、、年、、、、月、、、、日、、、、、ニ於テ書ス

註 日英條約改正記事ニ曰ク「十一月十三日陸奥外務大臣ハ閣議ノ席ニ於テ本件ニ關シ先般來青木公使ト電信往復ノ始末概要ヲ叙述シタル末條約案第十八條ノ修正及外交文書案調製ノコト 編者云十月二十五日附送セシ英國政府ヘノ提出案ニ就テ右 並ニ議定書第一項第一節第二節ノ修正第三節ノ新加第二項ノ修正及第三項新加ノコト 編者云十一月十日附青木公使宛第十信ニ附送セシ議定書案ニ就テ右 點正及新加ノ點正見ルヘシニ閣議決定シ且右修正添加ヲ加ヘタル條約案議定書案ヲ樞密院ニ下付セラレムコトヲ奏請スヘキコトヲ議決ス」

三九 明治三十年十一月十五日 樞密院會議

條約改正始末書及條約案議定書案ノ件

陸奥外務大臣時代 改正稟議ト對英交渉 三九

ヲ以テ改正ノ標準ト爲スヘシ但シ右ノ如キ改正ハ其ノ公布ノ日ヨリ少クモ六箇月ヲ經過スルニ非サレハ效力ヲ有セサルモノトス

右税目ニ掲ケサル物品ニ對シテハ前項ニ記載セシ期日ヨリ前項ニ記載セシ如ク各々安政五年條約第二十三條及本日調印シタル條約第四條ノ規定ニ準據シ日本國ニテ其ノ時現ニ行ハル、トコロノ普通關稅則ヲ適用スルモノトス大不列顛國臣民カ日本國ニ輸入スル貨物及商品ニ關シ現今日本國ニ於テ實施スルトコロノ輸入税目ハ前項ニ記載セシ各税目實施ノ日ヨリ無効ニ歸スヘキモノトス

第二 大不列顛國政府ハ本日調印シタル通商航海條約實施ノ日ヨリ各外國人居留地ヲ全ク其ノ所在ノ日本市區ニ編入シ而シテ日本地方組織ノ一部ヲ爲シ當該官廳ハ之ニ關シテ其ノ地方施政上ノ責任及義務ヲ悉皆負擔シ又之ト同時ニ右外國人居留地ニ屬スル共有資金及財產ハ右日本官廳ヘ引渡スヘキコトヲ承諾ス

第三 本議定書ハ本日調印シタル通商航海條約ト同時ニ兩締盟國政府ニ提供スヘシ而シテ右條約批准セラル、

同十五日伊藤內閣總理大臣山縣樞密院議長ヲ 御前ニ召サ

レ條約改正ニ關スル左記ノ始末書及條約案議定書案ヲ山縣議長ニ下附遊ハサレ本件ニ關スル進行此始末書ニ具載セシ如クナレハ豫メ右約案ニ付協議ヲ爲シ置クヘキ旨 勅命ヲ下サレタル末又陸奥外務大臣ヲ召サレテ新クニ修正ヲ加ヘシ諸點ニ付詳細ノ説明ヲ 御聞取遊ハサル夫ヨリ樞密院ニ於テ山縣議長ハ先ツ 勅諭ノ旨ヲ傳ヘ次ニ伊藤總理大臣ハ本件ニ關スル從來ノ國是及今日ノ方針如何ニ付演說アリタル後東久世副議長約案ヲ朗讀シ陸奥外務大臣各條項ニ付説明ヲナシ二三ノ質問答辯ヲ經タル末遂ニ異議ナク該院ノ協同ヲ得タリ 編者云當日出席者ハ川村、副島、佐野、福岡、佐々木、尾崎田中、樺山、仁禮、海江田、細川ノ各顧問官ナリ

始末書

條約改正ノ件ニ關シテハ本年七月以降內閣ニ於テ數回討議ヲ凝ラシタル末締盟諸國ニ對シ各別ニ商議スルノ方針ヲ定メ先ツ英、獨及米ノ三國ニ向ヒ我新提案ニ同意スヘキヤ否各該國政府ノ意嚮ヲ探知スルコトヲ以テ第一手段トシテ而シテ若シ我提案ニ同意スヘキコト確然タルニ於

テハ特ニ其國政府ト開談スヘシトノコトニ閣議決定シタリ然ルニ英國政府ニ對シテハ曩キニ青木子爵外務大臣ノ職ニ在ルノ日ニ當リテ在本邦英國公使ニ向テ右談判ノ緒ヲ開キ居リシモ其未タ了結ヲ告ケサル内ニ同子爵外務大臣ノ職ヲ辭シ尋ヒテ英國公使モ亦歸國シタルニ因リ該談判ハ今尙ホ所謂懸案ノ姿ト成リ居レリ是ヲ以テ先ツ第一ニ英國政府ノ意嚮ヲ確知スルコト必要ナリ因テ英國政府ニ向テ帝國政府ハ從來條約改正ニ關スル各提案ノ系統ヲ一變シ純然タル對等條約ヲ締結セムト欲スルニ付テハ果シテ帝國政府ノ冀望ヲ容レ改正談判ヲ繼續スヘキヤ否内談ヲ試シメタリシニ英國政府ニ於テハ公然ノ談判ニ先クチ多少帝國政府ノ意思ヲ豫知シ置キタシトノ内情アリシ趣ヲ探知セシヲ以テ外務大臣ハ今回帝國政府ヨリ提出スヘキ條約案ハ嘗テ「ソースベレー」侯爵ヨリ提出サレタル英國提案ニ對スル我政府ノ對提案トシテ商議セムトスルモノナルカ故ニ此談判ヲ東京ニ於テ英國公使ト繼續セムトスルニ於テハ帝國政府力當然ノ權利ヲ行フモノナレトモ今特ニ此談判ヲ倫敦ニ移スコトヲ英國政府ニ請求セムトスルニ因リ從テ新案ノ大體主義ヲ豫告シテ先ツ

前述ノ如ク帝國政府ハ徹頭徹尾對等條約ノ主義ヲ把持スルコトハ勿論ナレトモ本提案中ノ條項及字句ノ間ニ就テハ實際談判間多少ノ變更アルコトハ國際談判ノ性質上固ヨリ常ニ免カレサル所ナリトス故ニ別冊ハ帝國政府ノ提案トシテ提出スヘキモ雙方全權委員ノ合議ニ因リ尙ホ多少ノ修正ヲ經タル上ニ非サレハ確定ノ域ニ至ラサルヘン

四〇 明治三十二年十一月三日 陸奥外務大臣ヨリ 伊藤總理大臣宛

修正ヲ加ヘタル條約案議書定案及

外交文書案内閣ニ提出ノ件

通商航海條約案第十八條ヲ修正シ外交文書案ヲ調製シ並ニ議定書第一項ノ第一節第二節ヲ修正第三節ヲ新加シ同第二項ヲ修正第三項ヲ新加スルコトニ付テハ本月十三日閣議決定致候ニ付其旨ニ從ヒ修正添加ヲ經タル條約案議定書案及外交文書案閣僚各位ノ一覽ニ供候也

外務大臣 陸奥 宗光

明治二十六年十一月二十二日起草

同日外務大臣自ラ之ヲ内閣ニ提出セラレ

註 1 三〇文書附屬書註

陸奥外務大臣時代 改正稟議ト對英交渉 四〇 四

英國政府ノ意嚮如何ヲ知ラムト欲スルナリ然ルニ英國政府ニシテ若シ此東京ニ於テ開クヘキ談判ヲ倫敦ニ移サムトスルカ爲メニ豫メ或條件ヲ附セムトスルカ如キコトアレハ帝國政府ハ斷然同意シ難キ所ナリトテ之ヲ拒絕スヘシ然レトモ英國政府ニ於テ此條約改正談判ヲ倫敦ニ開クコトニ同意シ彌々開談ノ上ニテハ雙方全權委員商議ノ結果ヨリ多少ノ修正アルヘキコトハ帝國政府モ豫期スル所ニシテ苟クモ帝國政府ノ提案タル對等條約ノ主義ヲ虧損スル所ナクムハ條項ノ增刪及字句ノ修正ノ如キハ談判間如何トモ協商酌改シ得ヘシ兎ニ角英國政府力倫敦ニ於テ公然談判ヲ開クコトニ同意アラムコトヲ請求スヘキ旨ヲ回訓セリ而シテ竟ニ本月一日ニ至リ英國政府ハ公然開談ノ前ニ當リテ何等ノ條件ヲモ提出セスシテ東京ニ開クヘキ條約改正談判ヲ倫敦ニ移スコトニ同意セリトノ電報ニ接セリ故ニ今ヤ已ニ右談判ニ關スル準備ノ整フヲ待テ公然談判ヲ開始スヘキ場合ニ立到リ居レリ以上ノ如キ行懸リトナリ居リ帝國政府ハ最早英國政府ニ向ヒ公然條約改正ノ談判ヲ開始スヘキ時期既ニ熟シタルヲ以テ茲ニ別冊條約案ヲ製シ可成速カニ開談セムト冀望スル所ナリ尤モ

2 三〇文書附屬書
3 三八文書附屬書

四一 明治三十二年十一月三日 内閣會議

在英河瀨公使召還、在獨青木公使倫

敦駐劄兼勸、及必要ノ時期ニ際シ青

木公使ニ全權委任ノ事ニ付閣議案

條約改正ノ件ニ關シテハ本年七月八日閣議決定ノ趣旨ニ從ヒ獨國駐劄青木特命全權公使ヲシテ英獨兩國政府ノ意嚮ヲ探究爲致置候處同公使ヨリ本月一日電信ヲ以テ英國政府ハ竟ニ東京ニ開クヘキ條約改正談判ヲ倫敦ニ移スコトニ同意セシ旨ヲ稟報シ又本月二十日電信ヲ以テ獨逸政府ノ方モ他ノ外國政府ト談判整ヒタル上ハ同政府ニ於テモ改正談判ヲ開クコトヲ辭セサルヘキ旨稟報シ來リ候ニ付テハ彌ヨ青木公使ヲシテ公然英政府ニ向テ開談セシムヘキ場合ニ立到候因テ此際河瀨特命全權公使ニ樞密顧問官ニ拜命ノ内諭ヲ傳ヘテ召還シ青木公使ニ倫敦駐劄兼勸ヲ命スル様致度而シテ青木公使倫敦ヘ赴任ノ上ハ須要ノ時期ニ際シ全權ヲ御委任相成候様致度右豫メ乞閣議置候也

外務大臣 陸奥 宗光

明治二十六年十一月二十二日起草

同日外務大臣自ラ之ヲ内閣ニ提出セラル

註 1 及 2 夫々三三及一二四参照

「日英條約改正記事」ニ曰ク

「十一月二十二日陸奥外務大臣ハ修正ヲ加ヘタル條約案議定書案及外交文書案ヲ内閣ニ提出シ且ツ同時ニ（右閣議案ヲ提出シ廟議一決ノ上御前ニ伺候シテ前記三案ヲ陛下御手許ヘ捧呈シ且ツ右決議ノ件ヲ陳奏シ）上裁ヲ經タルヲ以テ電信ニテ在英河瀬特命全權公使ニ歸朝ヲ命シ且ツ同ク電信ニテ在獨青木特命全權公使ヘ河瀬公使離任ノ上ハ倫敦駐劄兼任仰付マルヘキ旨ヲ通知ス」

四二 明治二十六年十一月三日

陸奥外務大臣ヨリ
青木駐獨公使宛（往電）

駐英公使兼任ノ件

No. 270. Kawase recalled to-day. You will be appointed in his absence upon his departure.

Nov. 22, 1893. Mutsu.

四三 明治二十六年十一月三日

陸奥外務大臣ヨリ
河瀬駐英公使宛（往電）

Majesty's Government will show that the legitimate interests of British import have been secured

トノ文言相見居候處右ノ内圈點ヲ附セシ一句ハ其意味稍々明晰ヲ缺クト雖モ右ヲ以テ普通稅則即チ國定稅則ヘ前以テ英國政府ニ知照スヘシトノ意味ニ解讀セラル、ノ恐レナキ能ハス果シテ其意味ニ解讀セラル、時ハ頗ル不都合ナル結果ヲ生シ候義無之歟何トナレハ申迄モ無之國定稅則ト約定稅則トハ自ラ其性質ヲ異ニシ國定稅則ハ其起案者ノ政府ナルト議會ナルトヲ問ハス立法部ノ協賛ヲ得ルニ非スンハ之ヲ制定スルコト能ハサルモノタルコトハ今更贅述ヲ要セサル義ニ有之候得ハ政府單獨ノ意思ヲ以テ豫メ之ヲ他國政府ニ通知スル間接ニ保カ如キコトハ決シテ爲シ得ヘキ次第ニ無之候尤先般帝國政府ニ於テハ從來ノ改正談判ニ伴居候輸入稅目案ニ載スルコトコロノ稅率ヲ標準トシテ國定稅則ヲ制定スルコトヲ勉ムヘシト申進置候コト有之候得共右ハ單ニ政府ノ冀望ヲ述ヘタルマテニシテ之ヲ以テ我立法部ノ作用ヲ束縛シ能ハサルハ勿論ノ義ニ有之候萬々一又タ國定稅則ニシテ政府力冀望スル所ノ標準ノ上ニ出ルトスルモ別ニ約定稅目ヲ以テ英國ヨリ帝國ヘ輸入スル重要物品ニ對スル稅

陸奥外務大臣時代 改正稟議ト對英交渉 四六 四七

歸朝ノ件

No. 269. 御用有之歸朝ヲ命ス。 Start as soon as possible. I can tell you confidentially that it is His Majesty's pleasure to appoint you 極密顧問官。

Nov. 22, 1893. Mutsu.

四四 明治二十六年十一月三日

陸奥外務大臣ヨリ
在獨青木公使宛（往電）

河瀬公使歸朝ノ件

No. 276. Kawase will leave for Japan on December 20th. Prepare Yourself to succeed him.

Nov. 30, 1893. Mutsu.

四五 明治二十六年十二月四日

陸奥外務大臣ヨリ
在獨青木公使宛

フレーザー公使ヘノ覺書訂正方ノ件

送第一〇〇一號 四十一 條約改正ニ關スル件（第十二）十月十六日附別信第壹號書信ニ添ヘ御送附相成候英公使フレーザー氏ヘ御示シ相成候英文覺書中ニ

Whilst in the first instance the general tariff, which will previously be communicated to Her Britannic

率ヲ規定シテ之ヲ保護スル以上ハ英國ノ貿易ニ取リテ差シタル大關係モ有之間敷ト存候尤モ右英文覺書ハ固ヨリ公然ナル性質ヲ具スルモノニハ無之候得共向後英公使ト御會談ノ節好機會ヲ御見計右一句ノ意味ニ於テ他日雙方ノ誤解ヲ生セサル様御取極置相成候義肝要ニ有之候
右申進候 敬具

四六 明治二十六年十二月六日

陸奥外務大臣ヨリ
在英青木公使宛

全權御委任狀送附ノ件

機密送第一〇三三號 條約改正ニ關スル件（第十三）從來帝國ト英國トノ間ニ存在スル條約改正ノ件ニ付英國政府ノ全權委員ト會同商議シ條約ヲ締結シ其約書ニ記名調印スルノ全權御委任狀御下附相成候ニ付右譯文相添及御送附候間御受領可有之候
右申進候 敬具

註 御委任狀省略ス

四七 明治二十六年十二月六日

陸奥外務大臣ヨリ
在英青木公使宛

談判方針訓令ノ件

送第一〇三四號 條約改正ニ關スル件(第十四)

今回彌ヨ英國政府ニ對スル條約改正談判ノ全權ヲ閣下ニ御委任相成候ニ付テハ閣下ニハ善ク左記ノ旨意ヲ軾シテ御談判相成度候

一、曩キニ已ニ七月廿五日附第一信ヲ以テ詳述セシカ如ク從來條約改正談判ノ基礎トナリタル各提案タルヤ其間多少ノ異同ナキニ非サレトモ要スルニ其性質ニ至テハ孰レモ皆ナ純然タル對等主義ヲ以テ成リタルモノニ非ラス寧ロ現行條約ノ範圍ヲ脱シ進テ完全ナル對等條約ノ畛域ニ達セントスル一時ノ階梯橋梁ニ屬スルモノタリトス然ルニ今ヤ我帝國ハ立憲政體ヲ確立セラレ各般ノ事物之ニ伴フテ一變シ全ク舊觀ヲ改メタレハ立憲制度ト相ヒ牴牾衝突スルカ如キ條約ハ到底片時タモ之ヲ容ルヘキモノニ非ラス是ヲ以テ帝國政府ハ從來提案ノ系統ヲ一變シ全ク對等互相主義ヲ以テ新條約案ヲ調製セリ是レ即チ談判ノ基礎ニ變更ヲ加ヘシ所ニシテ今回改正談判ノ大眼目ナリトス故ニ閣下ハ前記第一信中ニ縷述セシ各理由ヲ服膺シテ談判ニ從事セラルヘシ

二、帝國政府ハ徹頭徹尾對等條約ノ主義ヲ把持確執スルモ

ノナリト雖モ本提案中ノ條項字句ノ間ニ就テハ實際談判間多少ノ變更アルコトハ國際談判ノ性質上固ヨリ常ニ免レサルトコロナレハ其變更ニシテ苟モ對等ノ主義ヲ虧損セサル以上ハ協商酌改スルコトヲ得ヘシト廟議決定ノ上

聖裁ヲ經テ樞密院ニモ下付相成リタレハ實際談判ニ當リテ條項字句ヲ酌改セラルコトハ不可ナシト雖モ斯ル增刪修正ヲ爲スヘキ場合ニ當リテハ電信若クハ書信ニテ一々本大臣ノ認可ヲ請ハルヘシ

三、法典實施ニ關スル保證ニ付テハ是迄累次電信ニテ往復セシ如ク殊ニ十月二十五日附第九信ヲ以テ詳陳セシ如ク將來ノ立法事項ニ關シ政府單獨ノ意思ヲ以テ保證ヲ與フルカ如キコトハ甚ク難事ニ屬スレハ外交文書ヲ以テ各法典實施ノ後ニ至ラサレハ條約實施ノ通知ヲ爲サハルヘキコトヲ約スルハ帝國政府カ英國政府ノ冀望ヲ可及限リ満足セシメントスル意衷ヨリ生セシ讓與ナリトス故ニ閣下ハ勉メテ我提案ノ肯諾セラルコトニ盡力セラルヘシ

四、居留地ニ關スル件ニ付テハ閣下ハ外務當職ノ時ニ籌畫

四八 明治三十六年十二月六日

陸奥外務大臣ヨリ
英國代理公使宛

條約改正談判倫敦ニ於テ再開方ニ付照會ノ件

親展送第一〇三六號

大不列顛臨時代理公使

エム、ド、グブリユ、イ、ブンセン 貴下

外務大臣 陸奥 宗光

セラレシ方案ヲ復活スルコトヲ主張セラルレトモ該方案ノ如キハ今日ノ事體ニ於テ國情ノ許サハルトコロナルノミナラス永代借地ノ制ニ因ル時ハ將來一定ノ借地料ヲ納付シ時々變動ヲ見ルコトナカルヘシト雖モ之ニ反シ若シ土地所有ノ制ニ因ル時ハ其負擔ニ時々輕重ノ變動アルコトヲ免カレサルヘク且ツ現ニ或居留地ノ如キハ其閑靜ナル部分ニ於テハ借地料地稅ニ比シテ輕賤ナレトモ其閑熱ナル部分ニ於テハ地稅借地料ニ比シテ貴重ナルトコロモ有之而シテ此ノ如キ傾向ハ將來必有ノ勢ナレハ居留外國人ニ取リテモ寧ロ一定ノ借地料ヲ納メ居ルコトトナシ其負擔ニ時々ノ變動ヲ起サハル方利便ナルヘケレハ此等ノ理由ヲ述テ以テ我提案ヲ肯諾スルコトヲ英國政府ニ勸告セラルヘシ

右及訓令候 敬具

逐テ修正ヲ加ヘタル上改刷セシ條約案議定書案及外交書案和文各一通并約定稅目案茲ニ及御送付候

本書ハ伊藤總理大臣ニモ一閱シ同意ヲ表セラレタリ

附屬書類見當ラス

陸奥外務大臣時代 改正稟議ト對英交渉

經テ貴國政府ヘ申進候方却テ全ク其ノ當ヲ得タル者ト存候何トナレハ本件ニ關スル談判ハ總テ是迄當府ニ於テ相運ヒ

來候故ニ有之候又タ久シク協議中ナル本件ニ對シ從來貴國政府ノ常ニ彰表セラレタル友誼上謙讓ノ精神ニ據ルトキハ貴國政府ニ於テモ此事ニ關シテモ苟モ出來得ル以上ハ帝國政府ノ希望ニ應セラルヘキハ毫モ疑ヲ容レサルトコロニ有之候

貴國政府ノ回答ニシテ果シテ帝國政府ノ豫期スルトコロヲ充實ナラシメタル者ニ有之候ヘ、其回答ニ接シ次第直チニ倫敦駐劄帝國代表者ヘ必要ノ委任權并訓令授與セラルヘク候右得貴意候 敬具

四九 明治三六年十二月七日

陸奥外務大臣ヨリ
在獨青木公使宛

倫敦ニ於テ談判開始方ノ件

送第一〇四四號 條約改正ニ關スル件 (第十五)

今般彌ヨ英國政府ニ對シ條約改正談判ヲ公然開始スルコトニ相成候ニ付テハ先ツ第一ニ同政府ニ向テ談判ノ場所ヲ變更スル所以ヲ述ヘ且ツ之ヲ倫敦ニ移スコトヲ承諾致候様請求スヘキハ至當ノ順序ニ有之候ヲ以テ昨日六日日本大臣ハ在本邦英國臨時代理公使ニ面晤シ帝國政府ニ於テハ從來懸案

form of land tenure. According to letter of Fraser dated 10th October, British Government requires securities about form of legal dispositions affecting acquired rights in real property.

Instruct me therefore as to utmost limit of your intention and whether my settlements draft is impossible to revive. As you know Fraser regrets now omission of provision for partial opening (of the country) by passport system. Take into consideration that this concession would only be temporary and facilitate definite opening (of the country).

Berlin, Dec. 11 '93. Aoki.

五一 明治三六年十二月十二日

陸奥外務大臣ヨリ
在獨青木公使宛(同電)

法典實施永代借地權及旅券問題ニ關スル件

Aoki, Berlin.

No. 283. Have read your letter and that of Fraser. If British objection to guarantee by Diplomatic note regarding enforcement of Codes lies in its secret and confidential nature, then Japanese Government

陸奥外務大臣時代 改正稟議ト對英交渉 五一 五二

ノ姿ニ相成居候條約改正談判ニ再ヒ着手致度ト存候處種々ノ都合ヲ計リ今回ハ談判ノ場所ヲ倫敦ニ移シ度冀望ニ有之就テハ此義英國政府ニ於テ承諾アランコトヲ望ム旨申入候處同代理公使ハ其旨直チニ本國政府ヘ電通スヘキコトヲ諸シ且ツ事已ニ斯迄運ヒ來候上ハ閣下着任後未タ全權委任御承受無之トモ談判ニ被取掛候事出來候様同ク電信ニテ可申送旨申居候因テ即日別紙ノ通同代理公使ヘ致照會置候(右書簡ハ本日ノ便ニテ本國政府ヘ可(致)郵送旨同代理公使申居候)

別紙ハ二十六年十二月六日附英國臨時代理公使宛書簡和英文

註 十二月六日附英代理公使宛書簡和文ハ前出四八參照英文ハ省略ス

五〇 明治三六年十二月十二日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

永代借地權及旅券問題ニ關スル件

Mutsu, Tokyo.

Draft protocol respecting settlements incorporations (is) not clear, omitting definition of future

are ready to consent to its publication, and you may so arrange the matter.

As to settlements, for instance Yokohama, if they should be converted into real ownership, liability of tax in Bluff would fall a little, while in Concession Quarter it would appreciate about 3 times. Have you fully explained this fact already? Japanese Government propose to give guarantee in the Protocol to secure validity of leases of land in perpetuity with right of so leasing now enjoyed unimpaired and to let Settlements remain as they are now.

In case British Government accept our draft of treaty as indicated, Japanese Government may consent to partial opening of the country by passport system with term of one year.

五二 明治三六年十二月十四日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

永代借地權ニ關スル件

Instruct me positively whether it is ultimately impossible to revive my former arrangement regarding

settlements, for British Government do not see any security in lease.

Berlin, Dec. 14, 1893. Aoki.

五三 明治三十六年十二月十五日

陸奥外務大臣ヨリ
在英青木公使宛

法典旅行免狀及永代借地權ニ關スル件

附屬書 議定書第二項ノ末ニ挿入スベキ永代借地權ニ

關スル一項

送第一〇七三號 條約改正ニ關スル件(第十六)

十月三十一日附別信第二號貴信接展尋ヒテ又外國人居留地ニ關スル件及旅行免狀ノ方法ニ因リテ内地ノ一部分ヲ開放スル件ニ付御發シノ貴電接閱前後參看英國政府希望ノ點モ至極明瞭相成候ニ付去ル十三日不取敢帝國政府ニ於テハ外交書ヲ公ケニスルコトニ付別ニ故障無之コト外國人居留地ニ付テモ外國人カ現ニ享有スル所ノ永代借地權ヲ障礙セサルヘキ旨ヲ議定書中ニ保證シ置クヘキコト及英國政府ニ於テ帝國政府ヨリ提出セシ條約案ヲ肯諾スル場合ニハ旅行免狀ノ方法ニ因リ内地ノ一部分ヲ開放スルコトナシテモ

ニ候ヘハ過般來屢々及訓示候通右法典ニ關スル約定ハ矢張外交文書ニテ爲取換置度尤英政府ノ眞意ノ在ルトコロモ相分候ニ付テハ改メテ其望ニ任セ同國臣民ノ意ヲ安スルタメ右外交文書ヲ公ケニスルコトハ帝國政府ノ辭セサルトコロニ有之候

又外國人居留地ノ件ニ關シテモ「フレーザー」氏ノ書簡中「帝國ノ法典結局何等ノ規定ヲ設クヘキヤモ知リ難シ」云々ト有之又其下ニ「我立法部カ他日外國人ノ土地所有若クハ永借權ヲ擧奪スルコトニ決議スルヲ恐ルハナリ」ト閣下ノ御註釋有之候ニテモ英國政府懸念ノ點ハ全ク此件ニ付何等ノ保障ヲ有シ置カサルトキハ將來帝國政府ニテ如何ナル任意ノ處置ヲ爲スヤモ知リ難シトイフニ可有之成程此義ニ付テハ現ニ議定書案中ニ何等將來ニ關スル規定ヲナサス總テ帝國法律ニ一任スルコトトナシアレトモ帝國政府ト雖モ將來假令何等ノ規定ナキニモセヨ眞逆ニ外國人カ現ニ享有シ居ルトコロノ土地ニ關スル權利ヲ全然無視スルカ如キ不法ノ處分ヲ爲スヘキ筈モ無之ハ固ヨリ言ヲ待タサル義ニ有之而シテ外國人土地所有ノ義ハ帝國法律ノ禁スルトコロニ有之候ヘハ今之ヲ一方ニ禁シテ之ヲ他ノ一方ニ許スコトハ

陸奥外務大臣時代 改正稟議ト對英交渉 五三

宜敷旨及電答置候義ニ有之候

貴信ニ附帶スル「フレーザー」氏ヨリ閣下ヘ送リシ書簡ニ據リテ察スレハ英國政府ニ於テ夫ノ法典一條ニ特ニ重キヲ措キ之ヲ議定書中ニ明載シタシト主張スル所以ハ全ク英國臣民ヲシテ其將來服從スヘキ帝國法典ノ義ニ關シ英國政府ハ如何ナル取極ヲ爲セシカヲ知ラシメ置キタシトノ旨意ニ外ナラサルコトハ「英國政府ハ機密規約ニテハ其臣民ニ満足ヲ與フル能ハス」トノ御註釋ニ由リテモ甚タ明確ニ有之左スレハ其希望タルヤ「法典實施後ニ非サレハ條約實施ノ通知ヲ爲ササルヘシ」トノ約定ヲ強ヒテ議定書中ニ明載スヘシトイフニハ在ラスシテ之ヲ議定書中ニ載スルト又ハ之ヲ外交文書中ニ載スルトニ拘ハラヌ孰レニモ兎ニ角之ヲ公ケニシテ以テ英國臣民ヲシテ知ラシメ置キタシトイフニ在ルヘシト推定被致候然ル上ハ曩キニ大隈伯ノ條約改正談判ノ節ニモ法典ニ關スル一條ハ勿論又タ夫ノ外國出身ノ法官ヲ帝國大審院ニ任用スヘシトイフカ如キ重要ナル事項サハモ外交文書ヲ以テ約定シ米獨兩國政府トハ既ニ之ヲ取換ハセシ例モ有之候ヘハ假令外交文書タリトテモ約定ノ效力ニ至リテハ別ニ他ノ體式ノモノト毫モ相異ナルトコロ無之筈

法禁ノ劃一ヲ缺ク嫌有之候ニ付過日及訓示置候通矢張永代借地ノ制ヲ維持致置度候尤此義ニ關シテモ議定書中ニ保障ヲ要スル英國政府ノ希望明瞭相成候ニ付テハ其望ニ應スルコトト可致然ル時ハ未タ閣議ハ經ス候ヘ共議定書第二項ノ末ニ別紙記載ノ一項ヲ挿入致候ヘハ可然ト存候

然リ而シテ是等修正ヲ加ヘタルトコロノ帝國政府提案ニシテ英國政府ノ肯諾スルトコロト相成候場合ニハ夫ノ旅行免狀ノ制ヲ擴張シテ以テ他日内地全開ノ初步ト爲スコトハ帝國政府ノ自己ノ行爲トシテ之ヲ實行スルコトヲ承諾可致候右申進候 敬具

註 一三五文書

2 五〇及五二文書

附屬書

(議定書第二項ノ末ニ挿入スヘキ永代借地權

ニ關スル一項)

然レトモ本議定書又ハ前述條約中何レノ箇條モ兩締盟國間ニ締結セラレ居ルトコロノ約定ニ基キ大不列顛國臣民カ所持スルトコロノ永代借地券ノ效力ヲ決シテ損傷セサルモノトス又右ハ箱館東京橫濱大阪兵庫及長崎ニ現存スル外國人

居留地區域内ニ於テ大不列顛國臣民力現ニ享有スルトコロノ永代借地ノ權利ヲ制限變更若クハ障礙セサルモノトス

五四 明治三十六年十二月二十三日 在獨青木公使ヨリ
陸奥外務大臣宛(來電)

排外運動取締ノ件

Answer at once regarding settlements question as I leave for England within two days. Otherwise negotiations lack basis. Some Powers begin to look seriously upon anti-foreign movements. I recommend to take strong measure against disturbers of orders.

Berlin, Dec. 23, 1893. Aoki.

五五 明治三十六年十二月二十四日 陸奥外務大臣ヨリ
在獨青木公使宛(回電)

永代借地權及排外運動取締ニ關スル件

No. 297. Impossible to grant ownership of land to foreigners in settlements while it is not to be allowed in (the) rest of the Empire. I hope you will try to negotiate according to my telegram of Decem-

ber 13th. As to anti-foreign movements be assured I will succeed in making Government adopt strong measure before long.

December 24, 1893. Mutsu.

五六 明治三十六年十二月三十一日 陸奥外務大臣ヨリ
在英青木公使宛(往電)

衆議院解散ノ件

別 錄 一 現行條約勵行建議案

一 十二月二十九日衆議院ニ於ケル外務大臣演說

In consequence of those agitations among some class of people, three bills (were) introduced in House of Representatives mainly for the purpose of harassing Government. It being desirable to suppress any further propagation of such injurious spirit among the public in general, House of Representatives dissolved to-day after speech has been made by Minister for Foreign Affairs relative to foreign policy. It is, at the same time, decided to take strong measure against all such movements.

Tokio, the 31st Dec. 1893. Mutsu.

別 錄 一 現行條約勵行建議案

現行條約勵行建議案

右成規ニ據リ提出候也

明治二十六年十二月八日

提出者 安部井馨根

賛成者

佐々木友房	藤澤幾之輔	若原觀瑞
新井章吾	飯村丈三郎	森本藤吉
稻垣 示	村松龜一郎	木下莊平
石原半右衛門	坂田丈平	齋藤 斐
古莊嘉門	香月恕經	湯本義憲
植田清一郎	森 隆介	植田理太郎
原 弘三	岡崎運兵衛	清水文二郎
坂本則美	神鞭知常	元田 肇
鶴飼郁二郎	坂元規貞	和田彦次郎
千葉胤昌	柏田盛文	玉田金三郎
佐々木善右衛門	鈴木重遠	齋藤良輔

現行條約勵行建議

衆議院ハ政府ガ現行條約ノ實施上我帝國ノ權利ヲ汚損スル所アルヲ認ム。故ニ衆議院ハ切ニ政府ニ望ム、政府ガ條約ノ權義ヲ明確ニシ以テ之ヲ勵行セラレムコトヲ。敢テ建議ス。

現行條約勵行建議案理由

現行外國條約改正ノ期ヲ過クルコト既ニ二十年、而シテ未タ之ヲ

陸奥外務大臣時代 改正稟議ト對英交渉 五六

改正スル能ハズ。夫レ現行條約ハ帝國ノ主權ヲ損シ、國利民福ヲ害スルコト大ナリ。一日モ之ガ改正ヲ緩フス可カラス。且ツ假令改正ヲ全フスルモ、若シ之カ施行ヲ緩慢ニ付シ去ラハ、改正亦其効ナキハ昭々タリ。故ニ條約ハ常ニ勵行ヲ怠ルヘカサルナリ。殊ニ現行條約ノ不當不信言語ニ絶スト雖モ、苟モ其現存スル間ハ復タ之ヲ如何トモスヘカラス唯其範圍ヲ明カニシ、其權義ヲ確メ、嚴密ニ之ヲ勵行セハ庶幾クハ以テ我帝國ノ體面ヲ保テ我國民ノ福利ヲ圖ルコトヲ得ン。

今先ツ裁判權ノ事ニ付キ之ヲ例スルニ、外國人ガ受クル所ノ權ハ條約ノ正文ニ據レバ左ノ如シ。

一 民事ニ在テハ日本ニ在留スル外國人ノ間ニ爭論アル時、外國人ト他ノ外國人トノ間ニ爭論アル時及ヒ日本人民ヨリ外國人ニ訴訟スル時其被告外國人ハ自國ノ裁判ヲ受クルノ權アルニ限レリ。

一 刑事ニ在テハ日本人民ニ或ハ他國ノ人民ニ對シ惡事ヲ爲セル外國人其自國領事ノ裁判ヲ受クルノ權アルニ限レリ。

一 又條約及ヒ之ニ附屬スル貿易規則竝ニ稅則等ニ背キタル外國人自國領事ノ裁判ヲ受クルノ權アルニ過キス。

抑モ一國ノ主權ハ其國土ト其國土ニ在ル人トヲ支配セサルハナク、人種ノ異同ハ其問フ所ニアラサルナリ。只現行條約アツテ特ニ領事裁判ノ約束ヲナシ、特別ナル例外ノ規定ヲ設クル前記ノ如シト雖モ、其明文ナキモノハ主權ノ原則ニ從ヒ、我主權ヲ以テ之ヲ支配スヘキコト固ヨリ當然ナリトス。而シテ其事例決シテ此ノ如クナラス。

又現行條約（墨斯哥條約ヲ除キ）ハ外國人カ帝國ノ開港場ニ在住シ、及ヒ貿易ヲナシ及ヒ規定ニ從テ遊歩又ハ旅行スルヲ許ス。而シテ製造業、農業、及ヒ鑛業等ハ總テ之ヲ許サ、ルナリ。之ヲ再釋セバ居住シテ貿易スルニ、直接ニ附隨スル普通貿易外ノ諸業、假令ハ旅店飲食店醫藥等ハ貿易ヲ許容セル自然ノ結果トシテ已ムヲ得ス之ヲ許スト雖モ、製造業、農業漁業鑛業等ノ如キニ至ツテハ總テ外國人民ニ許シタルモノニアラス。

又現行條約ハ前記ノ如ク在住貿易遊歩及旅行ヲ規定シテ之ヲ許可シ且ツ之ニ直接附隨スル諸業ニ至ツテハ之ヲ許スヲ適當ト見做スヘシト雖モ、此等ノ諸業ニ關シ帝國普通ノ行政權ヲ施行シ、課税スヘキハ之ヲ課税シ、取締ルヘキハ之ヲ取締ル。是我國ノ權利ナリ。又現行條約ハ警察權ニ對シテ特ニ規定スル所ナシ、故ニ警察ノ事ハ總テ條約中他ノ規定ト抵觸セサル限りハ我國ノ權利トシテ之ヲ施行スヘキコト固ヨリ當然ナリ。

然ルニ條約ノ侵犯ハ如何、行政規則ノ施行ハ如何、警察權ノ執行ハ如何、其他條約外ナル諸般ノ禁令取締等實施ノ有様殆ント名狀ス可カラサルモノアリ。茲ニ其事例一二ヲ證明シ今日ニ於テ現行條約勵行ノ一日モ措クヘカサル所以ヲ述フ可シ。

民事裁判ノ事

民事訴訟ニ關スル條約左ノ如シ

奧地利及洪牙利條約第五條 日本ニ在住スル奧地利洪牙利人ノ間ニ身上或ハ其所持ノ品物ニ付キテ爭論起ル事アラハ奧地利兼洪牙利官吏ノ裁斷ニ任スヘシ。

然ルニ軍艦千島號事件ニ付キ政府ノ爲ス所如何ヲ見ヨ、政府ハ政府ノ名ヲ以テ之ヲ起訴シタリト自供シ、又其代理人ハ領事裁判廳ニ於テ政府トハ何ソヤトノ問ニ答ヘ 天皇陛下ナリト明言シ、而シテ其上海ニ在ル英國裁判所ニ控訴サル、ヤ、政府ハ其召喚ニ應ジテ代理人ヲ出廷セシメ左ノ如キ判決ヲ受クルニ至レリ。即チ（上略）此事件ハ日本ノ 天皇陛下カ英國ノ一人民ニ對シ請求スル訴訟ニシテ、日本ニ於ケル英國裁判所モ亦當裁判所モ之レヲ審判スルノ法權ヲ有セス。斯ノ如キ場合ハ條約ニモ樞密院令ニモ又規則ニモ特ニ之ヲ備ヘタルヲ見ス。然レトモ原告ハ當廷ニ來リテ裁判權アリト主張シ、而シテ被告モ亦之レヲ拒絶セス云々。又衆議院ヨリ、政府ハ何故ニ上海英國裁判所ノ召喚ニ應ジタリヤノ質問ニ對シ、單ニ先例ニ從フナリト答ヘタリ。嗚呼是レ何等ノ失體ナリヤ。政府ハ何等ノ方法ヲ取リテ此屈辱ヲ雪カントスルカ、元來條約ニ規定ナキ事件ハ普通法權ヲ以テ處理スヘキハ總論ニ於テ既ニ論述セリ。本件ノ如キ政府何ノ故ニ之ヲ我法廷ニ起訴セスシテ、殊ニ自ラ尤モ屈辱ヲ極ムルノ方法ヲ撰ヒタリヤ。是レ其何ノ意タルヲ知ルニ苦シム。政府ハ宜シク其責ニ任セサルヘカサルナリ。

又日本ノ裁判所ニ於テハ日本語ヲ用フルヲ以テ原則トナス。然ルニ外人カ原告トナリテ我法廷ニ立ツヤ、其國語ヲ用ヒ絶エテ日本語ヲ用ユルモノアルヲ聞カス。爲メニ裁判所ハ常ニ譯官ト通辭トヲ供ヘテ審理判決セサルヘカサルニ至レリ。之レニ反シ我國人カ原告トナリテ領事廳ニ訴フナストキハ、日本語ヲ以テ訴訟ヲナスコトヲ得ス。殊ニ訴訟用印紙貼用ノ如キハ一種ノ税法ニシテ、

日本長官ハ奧地利及洪牙利ノ人民ト他ノ條約濟外國人トノ間ニ起ル爭論ニモ亦關係スルコトナカルヘシ。

若シ奧地利及洪牙利ノ人民ヨリ日本ノ人民ニ對シ訴訟スルコトアレハ、日本長官此事件ヲ裁判スヘシ。

若シ日本人ヨリ奧地利及洪牙利人ニ對シ訴訟スルコトアラハ、奧地利兼洪牙利長官之ヲ裁判スヘシ。

若シ日本人奧地利及洪牙利人ニ連債アリテ之レヲ償フ事ヲ怠リ、或ハ欺偽ヲ以テ逃走セントスルトキハ、相當ノ日本長官之ヲ裁判シテ、其債主ヨリ連債ヲ償ハシムル爲メ諸事ニ力ヲ盡スベシ。又奧地利及洪牙利人欺偽ヲ以テ逃走セントシ或ハ日本人ニ連債ヲ償フ事ヲ怠ルトキハ奧地利兼洪牙利長官正シク裁斷シ、連債ヲ償ハシムル爲メ諸事ニ力ヲ盡スヘシ。奧地利兼洪牙利長官モ日本長官ニ於テモ、兩國人互ニ相關スル連債ハ償フ事ナカルヘシ。（我現行條約中奧地利條約ハ明治政府ニ於テ締結スル所ニシテ條款章句稍々周備シ最惠國ノ條章モ亦列國條約ヨリ嚴密ナリ故ニ二一列邦中墨斯哥清國朝鮮條約ヲ除クノ外ハ各國政府モ亦奧地利條約ヲ以テ標準トナシ、皆之ニ依ラサルハナシ。故ニ茲ニ之ヲ掲ク以下做之）

由是觀之、本條約ノ範圍ハ日本ノ人民ヨリ我國ニアル外國人民ニ對シテ訴ヲ起シタルトキ、彼外國ノ人民ハ自國領事ノ裁判ヲ受クルノ權ヲ得タルモノナリト雖モ、若シ政府カ直チニ外國人ヨリ侵害ヲ受ケタル場合ノ如キハ、彼外國人ニハ決シテ自國領事ノ裁判ヲ受ケシム可カラス。當サニ我裁判權ヲ以テ之ヲ處分スヘキナリ。

又訴訟ノ法式ナリ。然ルニ彼外人カ我カ裁判所ニ向テ訴狀ヲ呈出スルニ印紙ノ貼用ヲナサス。而シテ尙ホ訴訟書類ハ有効ノ取扱ヲ受ク。之ヲ我國ヨリ米國ニ商品ヲ輸出スルニ際シテ米國領事ヘ手數料ヲ拂ヒ其證明ヲ附セザレバ彼ノ地ヘ陸上スルコト能ハサルニ比スレハ、事甚タ明瞭ニシテ敢テ訴訟印紙ノ事ヲ論シ、若クハ外國ノ訴訟費用ニ關スル事實ヲ叙述スルヲ俟タルナリ。此事小ナルニ似タリト雖モ亦國家獨立ノ體面ニ關ス。其他此等政府カナス所ノ事例皆之ニ準シテ知ルヘキナリ。

刑事裁判權ノ事

刑事訴訟ニ關スル條約左ノ如シ。

奧地利及洪牙利條約第六條 日本人民或ハ他國ノ人民ニ對シ惡事ヲ爲セル奧地利及洪牙利人民ハ奧地利兼洪牙利領事ニ訴ヘ奧地利及洪牙利ノ法度ヲ以テ罰スヘシ。

奧地利及洪牙利ノ人民ニ對シ惡事ヲナセル日本人民ハ日本長官ニ訴ヘ日本ノ法度ヲ以テ之ヲ罰スヘシ。

然ラハ即チ條約ノ範圍ハ外國人カ日本ノ人民又ハ他ノ外國人民ニ對シテ普通ノ犯罪即チ常事犯ヲ爲セシトキ、自國領事ノ裁判ヲ受クルノ權ヲ得タルモノナリ。故ニ領事裁判ヲ受クルハ彼ノ犯ス所、我人民ニ對シ又ハ他ノ外國人民ニ對スル場合ニ限り、又常事犯ニ限ル。若シ夫レ皇室ニ關スル罪及國事ニ關スル罪ハ宜シク我國法ヲ以テ之レヲ處分スヘキナリ。

近年外人ニシテ我カ 皇室ニ對シ不敬ニ涉ルノ嫌ヒアル行爲時トシテ之ヲ聞ク。然レトモ遂ニ之カ處分ヲ要スルノ程度ニ至ルモノ

ナキカ如シ。畢竟我 皇室ノ尊嚴自ラ侵スヘカヲサルモノアリテ存スルニ是レ由ルト雖モ、條約ノ勵行ヲ望ムニ當リテハ本項亦當路者ノ注意ヲ促シ置クノ必要アリト認ム。故ニ茲ニ之ヲ掲ク。

警察權ノ事

現行條約中ニハ警察權ニ關スル規定ナシ。但シ修好條約ノ外尙ホ其場其時ニ從ヒ、居留地取締規則地所規則居住地取締其他居留地覺書等ノ設ケアリテ或ハ居留地警察ヲ設ケ、或ハ外人ヲ警察官ニ任用スルノ約束ヲナシ、又或ハ實際外人ヲ警察官ニ任用シタルコトナキニアラスト雖モ、未タ曾テ警察權ヲ失ヒタルコトアラサルナリ。蓋シ居留地警察ヲ設ケ若クハ外人ヲ警察官ニ任用セシカ如キハ誠ニ謂ハレナキ事ナリト雖モ、尙之ヨリ甚シキ者アリ。即チ神戸大阪ニ行司警察ナルモノヲ設ケ、殆ント其地ノ警察權ヲ擧ケテ彼等ニ掌握セシメタル是レナリ。請フ以下ニ於テ警察權施行ノ現況ヲ記セン。

警察事務中行政警察ハ行政處分ヲ執行スルノ權能ニシテ、即チ行政權ノ一部分ナリ。故ニ條約ニ於テ毫モ行政權ヲ傷ケラレサル以上ハ、我國ニ於テ行政警察權ヲ執行スルニ當リ、決シテ外國人ニ讓歩スヘキニ非ス。然ルニ明治十八年ニアリテ内務卿ヨリ警視廳及各府縣ニ達シタル外國人取扱巡査心得ナルモノハ、内外人ニ依リテ其取扱同シカラス。殊ニ其第三十一條ニハ外國人車馬止ノ停止ヲ犯シテ通行セントスルニ當リテ引戻シヲ肯セサルトキハ、其住所氏名等ヲ開示シテ之ヲ放遣シ、追テ警察部ニ申報スヘシノ規定アリ。是レ行政警察ヲ行フノ權利ナキヲ自認シタルモノト云

之ヲ區別シテ其事例ヲ示サンニ、外國人カ外國ニ於テ犯シタル現行犯ノ如キハ既ニ外國人取扱心得ニ明記アリ。又犯罪ノ性質ヨリスルモ之ヲ逮捕シ得ヘキハ勿論ナリト雖モ、其實際ニ至リテハ亦往々然ラサルモノアリ。又非現行犯ノ場合ニ於テハ其ノ犯罪ノ性質如何ニヨリ區別セサルヘカラサルニ拘ラス、未タ曾テ我國ノ令狀ヲ以テ犯人ヲ逮捕シタルコトヲ聞カス。神戸大阪ノ如キニ至ツテハ行司警察制アルカ爲メニ全ク我警察權ヲ行フコト能ハス。而シテ此弊ヲ延テ本邦人ニ及ビ本邦人カ罪ヲ犯シテ居留地ニ潜匿スルニ當リテハ、外人ニ警察權ヲ及ボスコト能ハサルト同シク到底之ヲ逮捕スルコト能ハサルナリ。

外國人カ外國ニ於テ罪ヲ犯シ我國ニ來リタルトキノ如キハ、獨リ我レニ逮捕權アリテ外國犯罪人引渡ノ手續ニ據ルノ外他ニ其義務アルコトナケレハ、本案ニハ關係ナシ。曾テ此權利モ西國領事ノ爲メニ又英國領事ノタメニ侵害セラレントシタル事アリト雖モ、此等ハ幸ニシテ僅カニ其侵害ヲ免カル、ヲ得タリト云フ。

今外人取扱上ノ一例ヲ舉シニ、英人ウエブスターナルモノ明治二十五年八月五日新潟ニ於テ市民風聞與一郎カ礎町ヲ通行セシ際、突然洋杖ヲ以テ之レヲ毆打シ、遂ニ其月二十二日ニ至リテ死ニ至ラシメタリ。毆打ノ當時我警察官現ニ之ヲ目撃シ居タルニ拘ハラ

ハサルヘカラス。何トナレハ既ニ外國人強テ通行禁止ノ地ヲ通行センカ其通行スルト同時ニ最早行政警察ヲ離レテ司法警察ノ區域ニ入レハナリ。且ツ夫レ設ヒ外國人ナリト雖モ、若シ通行禁止ノ地ヲ通行セントスルモノアレハ之ヲ説諭シ之レヲ制止シ猶聽カスンハ公力ヲ用ヒテ之ヲ引戻シテ可ナリ。事茲ニ出ス、反テ此等違法外人ヲ放遣スヘシト命令セシ如キハ、全ク自ラ其權利ヲ拋棄シ、其職務ヲ行フヲ避ケタルモノナリ。此事亦小ニ似タリト雖歸カスル所ハ實ニ國權ノ消長ニ關ス。近來横濱ニ於ケル車馬通行禁止ノ制札アルニ拘ラス、其地ヲ通行セシ米人ジョージ・ライス氏カ被告事件ノ如キ以テ其一班ヲ知ルニ足ラン。

行政警察權ハ單ニ外國人ノ身體ニ及ハサルノミナラス、又其家屋ニモ及ハサルナリ。而シテ此事タル單ニ居留地ノミニ止マラスシテ、彼ノ神戸雜居地ノ如キ亦敢テ異ナル所ヲ見ス。彼等其家宅内ニ於テ我婦女子ヲ誘拐シテ醜業ヲ營マシメ、若クハ我賤民ヲ誘引シテ賭場ヲ開設スル等殆ント公然ノ事ナリ。然ルニ我警察官ハ之レニ對シテ其ノ職務ヲ行ヒタルコトナシ、怠慢贖職ノ責ヲ免カルヘカラサルナリ。而シテ神戸ニ於ケル此等ノ實況ハ過般ノ風俗壞亂事件ニ於テ其一班ヲ證シ得ヘシ。加之我行政警察權ハ外國人ノ家宅ニアル我國人ニ對シテモ亦之ヲ行フ事能ハスシテ、外人ト同居者又ハ被雇人等ノ戸籍掩フヘカラサルノ事實ナリ。贖職モ亦極レリト云フヘシ。

司法警察主犯罪人逮捕ノ事ニ付テハ、其犯罪人ハ外國人カ外國ニ於テ罪ヲ犯シタルトキト、我國ニ於テ罪ヲ犯シタルトキト、又其犯罪ノ現行ナルト、非現行ナルトニ依リテ差違アルカ故ニ、茲ニ

シ、更ニ之ヲ取上ケス。其死スルニ當リテ致死ノ原因毆打ニアルヲ知り始メテ狼狽シ、其手續ヲナシ屍體ヲ解剖シタルニ其死因ノ毆打ニシテ他ナキヲ確ムルニ至リ、新潟地方裁判所ノ檢事ヨリ英國領事ヘ求刑シタリ。而シテ警察官ハ其間如何ニ此ノ罪人ヲ取締タルカ新潟監獄ノ未決監ニ拘留スルコトヲナサス、之レヲ新潟市旅人宿ニ宿泊セシメ、尙ホ達スルニ町嚙ニ接待スルコトヲ以テシタリ。然ルニ彼レハ益々増長シテ其食膳ノ粗末ナルヲ縣廳ニ訴ヘ、或ハ自由ニ市中ヲ散步シテ市人ニ暴行ヲ加ヘタル等其暴慢實ニ筆紙ノ能ク盡クス所ニアラス。夫レ斯クノ如シ、而シテ新聞紙ノ此事ヲ論スル者ハ漫リニ官吏侮辱罪ニ問ハントシテ其訴ヲ提起シタリ。是レ司法警察權カ外人ニ對シ如何ニ實行セラレ居ルカヲ知リ、併セテ警察官カ内外國人ヲ取扱フニ甚シキ懸隔アルヲ證スルニ足ルヘシ。聞ク伯爵井上馨曾テ外務大臣タリシトキ、明治十七年十月中地方官ヲ鹿鳴館ニ會シテ爲シタル演說中(上略)既ニ我國ハ外國ノ爲メ全國ヲ開キタルモノト假定シ、其府縣内行政ノ仕方警察ノ方法ヲ實施スルニ尤モ能ク意ヲ用ヒテ禍害ヲ未然ニ防キ云々外國人ノ資格アルモノニハ相當ノ禮遇ヲナシ云々ノ一項アリシト、此等ノ者對照スレハ新潟縣警察官ノ措置ハ獨リ其ノ責ヲ警察官ニノミ歸スヘキニアラサルナリ。

土地家屋ノ所有ニ關スル事

現行條約中五港ヲ開キ、居留地ヲ劃シ土地ヲ賃借シ、家屋ヲ造營シ之ニ住居スルコトヲ許セシモ決シテ居留地外ニ於テ土地家屋ヲ所有スルコトヲ許セシモノニアラサルナリ。又從前ハ域外ニ於テ

ハ其居住スラ之ヲ許セシコトナシ。而シテ之アルハ實ニ明治四年九月各國ノ官吏ニ限リ東京都府内ノ宅ヲ貸シテ居住スルコトヲ聽スルニ始マレリ。此事固ヨリ一時ノ便宜ニ依ル。然レトモ人智開發ノ俗説ニ迷ヒ、外國人ノ居住ヲ居留地外ニ禁スルノ不可ヲ唱フルモノヲ生シ、技術傳習ノ爲メニハ我家ニ寓居セシムルコトヲ許スニ至レリ。爾後漸次其禁ヲ弛メ、外國人ニシテ我ニ來學スル者ハ居留地外ノ寓居ヲ聽ルシ、入舍ハ居留地ヲ限リ、往學ハ遊歩規程ヲ限リトセリ。尋テ幼童ハ城外ト雖トモ亦入舍ニ聽スニ及ヘリ。此ノ如ク我政府ノ條約ノ正條ヲ堅持スルノ精神漸次弛意セシカ爲メ、數年ノ間殆ト無禁ノ狀ヲ呈シ、即チ動モスレハ奸民ト通同シ儲雇ノ名ヲ借りテ居留地外便要ノ地ニ寓居セントコトヲ圖リ、内國民モ亦其房賃ヲ利シテ約書ヲ捏造スル者アリ往々外國人ノ紛訟ヲ聞クニ及ヒ、政府ハ其弛廢ヲ悔ヒ、明治十年十一月ニ至リ外國人ハ術藝實驗ニ因ル者ノ外一切居留地外ニ住居スルヲ禁シタリ。然レトモ積成ノ弊根加フルニ近眼者輩ノ慫慂アリ、政府復タ之ヲ寬假スルノ側向トナリ、益々弛意ヲ甚シカラシメタリ。又域外ニ於テ土地ヲ所有シ家屋ヲ建設スル等ノ如キ、條約上ノ准許ナキノミナラス、亦國法ノ禁制スル所ナリ。即チ明治五年四月太政官第百二十四號布告ヲ見ルヘシ。其文ニ曰ク、

御國內一般地所ノ儀銘々所持ノ分タレ共、外國人ハ對シ賣渡候儀ハ勿論、金銀取引ノ爲メ地所又ハ地券等書入致候儀ハ決テ不相成候條、末々ノ者ニ至ル迄心得違無之様各管内無遺漏可觸示事。

尋テ同六年一月第十八號布告地所賣入書入規則第十一條ニ明文ヲ

ノ明文ヲ嚴守セス、彼外國人ヲシテ思ニ忤レ威ヲ懼レサラシムルノ致ス所ナリト斷言セサルヲ得サルナリ。蓋シ外人土地家屋所有ノ如キハ世人ノ已ニ知悉スル所、殊更ニ舉證ヲ要セザラン、然レトモ事實ヲ確ムルカ爲メ左ニ世間傳聞スル事例ノ一二ヲ掲ケン。横濱根岸ノ勝地ニ洋館三四アリ、住居スル者ハジャードン・マデリンズ商會主人ダブルユー・ビー・ウォルター並ニ某外國人ナリト云フ。然ルニ此等土地家屋ノ所有主ヲ問ヘハ皆本邦人ノ名義ナリ。

大學教師某ハ逗子ニ於テ土地ヲ所有スル一二止マラスト云フ、葉山村ニ葉山館ト稱スルアリ之亦某ノ有ニシテ表面ハ荒井某ノ名義ヲ裝フ、又同人ハ其地續キナル堀内共有地ヲ買入レ、某外國人ニ貸シ現今家屋建築中ナリト云フ。

又某外國人モ同村ノ海岸ヲ買入レ、廣大ノ家屋數ヶ所ヲ建築シ、本邦人某ヲ名義人ト爲シ、近來一ハ之ヲ某ニ賣リ、殊ニ一ハ顯官某ノ名ヲ以テ某侯ニ賣却セリト云フ。

久良岐郡本牧村字八王子奥ニ一大洋館及大和館ト稱スルアリ、洋館ニハ横濱ジャードン・マゼンズ商會ノ某、大和館ニハ佛人某住メリ。其所有權亦英商一番館ニアリ、又久良岐郡本牧村字八王子奥ニアルモノ左ノ如シ。

畑地	五ヶ所
宅地	三ヶ所
山林	九ヶ所

又神戸近傍ノミニシテ土地ノ外人所有ニ屬スル分ヲ取調フレハ、神戸市内ニ六拾四ヶ所、八部郡六ヶ所、明石郡七ヶ所、有馬郡三

リ。曰ク、地所ハ勿論地券ノミタリトモ外國人ハ賣買賣入書入等致シ金子請取又ハ借受候儀一切不相成候事。

此ノ如ク土地ハ外國人ニ對シテハ堅ク其受授ヲ禁制スルハ國典ノ明記スル所ナリ。然ルニ今ヤ五港ハ勿論各地所在ニ至テモ現ニ外國人ニシテ土地家屋ヲ所有スルノ疑アルノミナラス、或ハ一部落ノ姿ヲ爲シテ甚シキモノハ我國民ヲ排斥シ、其出入ヲ禁斷スルモノアリ。實ニ條約及我法律ヲ無視シタルモノナリ。殊ニ彼ノ輕井澤驛ニ住居スル外國人ノ如キハ、單ニ國法ノ禁制ヲ破リ土地家屋ヲ所有スルノ姿アルノミナラス、嚴トシテ恰モ一國ノ體ヲ爲シ、傲慢無禮ヲ極ム。即チ同地ニ於ケル某外國人ノ別莊ト稱スルモノ、如キハ門前標榜ヲ建ツ、其文ニ曰ク。

記

- 第一 無用ノ日本人入ルヘカラス。
- 第二 植物草木等伐折スヘカラス。
- 第三 芝ノ上ヲ通行スヘカラス。

右ノ通堅ク相禁候事。

我邦人ハ此榜文ヲ見テ如何ノ感ヲ爲スヤ、條約ヲ破リ法律ヲ犯シ殊ニ輕井澤驛ノ如キ遠隔ノ土地ニ於テ尙此ノ如キ榜文ヲ掲クルハ豈ニ無禮放恣ノ所爲ニアラスヤ。維新前我國一般ニ邪宗門禁制ノ高札ヲ掲ク、然ルニ外國公使ハ之ヲ以テ外國ニ對シ親誼ヲ缺クモノトシテ之カ撤去ヲ強請シタリ。今ヤ彼レ自ラ日本帝國ノ國土ニ安居シナカラ、日本人入ルヘカラストノ榜文ヲ掲ケテ憚カラサルニ至ラシメタルハ嗚呼是レ誰レノ過ソヤ。畢竟我政府ニ於テ條約

ヶ所、姫路市四ヶ所、神東郡一ヶ所、武庫荒原八ヶ所、川邊朝來四ヶ所、合計兵庫縣下ニ九拾七ヶ所、而シテ其名義ヲ細別スレハ

- | | |
|-------------|------|
| 洋妾名義ニ屬スル分 | 六十ヶ所 |
| 間ノ子名義ニ屬スル分 | 十一ヶ所 |
| 洋妾姻者名義ニ屬スル分 | 四ヶ所 |
| 雇人名義ニ屬スル分 | 十二ヶ所 |
| 惡意ナル日本人名義 | 四ヶ所 |
| 基督教信者名義 | 六ヶ所 |

又信濃輕井澤ニ於ケル外國人ノ有スル地所家屋頗ル多クシテ、皆番頭洋妾廚夫馬丁其他地方緣故ノ者ノ名義ナリ。

又富山市住民某ハ近來己ノ所有地及建物ヲ合セ、之ヲ外國人ニ賣渡シ其實受タル外人ハ現ニ同地ニ住居スト云フ。

又長崎縣五島ニ於ケル濱浦村ハ全村ノ土地悉皆長崎居留外人ノ占有ニ歸シタリト云フ。

又前橋市北曲輪町ヨリ神明町ニ跨ル千三百六十七坪一合ノ土地ト建設ノ家屋トハ外國人某ノ所有ニ歸シタリト云フ。

又甲府市ノ西端ニ在ル某女學校ノ地所家屋並ニ同市櫻町ニ在ル某會ノ土地家屋均シク皆外國人ノ所有スル所ナリト云フ。

又攝津國鹽屋村ハ須磨ト舞子トノ間ニアリ、村内ノ土地家屋率ネ外國人ノ所有ナリト云フ。

又駿河國江ノ島ノ内ニ一町歩斗ノ土地ニ家屋アリ、江ノ島ト相對スル所ノ片瀬村ニ砂磧堆積スル一丘アリ、内ニ家屋三棟アリ、又腰越村ノ海岸及鶴沼村ニ二三ヶ所アリ皆外人ノ所有ニ係ルト云フ。

其外外國人ノ地所ト評判セラル土地ハ新潟市ニ宅地畑及林等一町五反餘アリ、鎌倉郡坂ノ下稻村ヶ崎ニ宅地四反九畝十八歩、同郡亂橋材木座一ノ島居下字下白原ニ於ケル芝地一反三畝十七歩、同藏屋敷ニ二反四畝四歩ノ宅地アリ、此等ハ皆内國民ノ名義ニシテ皆外國人ノ所有ニ係ルト云フ。

以上ハ只一班ノ舉證ノミ、全國到處必ラス之ニ類スルノ實例ハ枚舉ニ遑ナカラン。固ヨリ奸民通同シテ陰謀ニ策謀ヲ廻ラスニ於テハ此等ノ外猶何様ノ實情ヲ存スルヤ窺フヘカラス。畢竟今日ニ至リ此ノ如キ實狀ヲ現出シ來リタル爲メ、外交上ノ困難反テ増生シ、將ニ舉行セント欲スル條約改正ノ事業ノ如キモ彼外國人ニハ寧ろ無用ノ煩勞ニ過キス。實利ハ今日ニ於テ既ニ之ヲ占得ス、復タ何ノ必要アリテ改正ヲ求メンヤ。是ヲ以テ我之ヲ求メハ求ムル程彼レハ口實ヲ逞フシテ之ヲ拒否シ、我ヲシテ益々不利ノ地位ニ立タシム。故ニ苟モ現行條約ノ不當不正ヲ矯正セント欲セハ、先ツ主トシテ此等條約違背ノ所爲ヲ禁遏セサレハ斷シテ我望ヲ達スヘカラサルナリ。

前掲土地若クハ家屋等ノ所有者名義、外國人ノ婢妾手代又ハ馬丁等ニ在ル間ハ其事輕カラサルモ其情ハ稍ヤ怒スヘキモノナキニアルス、然ルニ紳商又ハ政府ノ官職ヲ帶フル者ニシテ、往々之レカ媒介者トナリ又ハ名義ヲ貸シテ以テ外人ノ違法ヲ助クル者アリト喧傳ス。若シ果シテ然ラハ是レ我國家ノ大患ナリ。何トナレハ則チ多數無智無識ナル賤民ノ外、官吏紳商輩ニモ早既ニ利ヲ視テ國ヲ賣ルヲ甘ンスルノ惡徳ヲ生シタルヲ證スルニ足レハナリ。個人ノ過チハ政府其責ニ任セストセハ、其實ニ任セサルニ任セン。然

レトモ斯ノ如キ者若シ續々トシテ輩出セハ政府ハ將タ何ノ所ニ其實ヲ歸セントスルカ、而シテ方今若シ細カニ之レカ實情ヲ調査セハ恐クハ業ニ已ニ此者流ノ現ニ輩出セルヲ見ン。

内地商業ニ關スル事

現行條約中外國人ニ内地商業ヲ營ムコトヲ許スノ規程アルコトナシ。唯我貿易ヲ約諾スルニ止マルモノニシテ、内地ニ於テ我人民ト伍シ製造賣買ノ業ニ就クヘカラサルハ當然ナリ。然ルニ我政府カ條約ノ勵施勵行ヲ怠リタルカ爲メ、細少ノ事遂ニ漸大ノ端ヲ開キ、今ヤ外人ハ内地ニ入り公然商業ヲ營ミ、彼我殆ント怪マサルノ觀ヲ呈セリ。特ニ我カ無耻ノ賤民ハ目前ノ利慾ニ眩シテ彼ノ爪牙トナリ、名ヲ貸シ法ヲ潛リ、外國人ノ領使ニ服シ、種々ノ違犯ヲナシテ顧ミサルノミナラス、往々資望アル國民即チ世ニ紳商ト稱スル者ニ至リテモ甘シテ彼ノ使役ニ服スルニ止マラス、詐欺百端自國ノ法則ヲ蔑如シ、之レヲ密行シテ飽カサルニ至レリ。而シテ此事蕩々勢ヲナシ、今日ニ於テハ獨リ己レカ法制ヲ破ルノ罪過アルヲ問ハス。反テ國法ヲ重シ内外ノ分別ヲ正フスル者ニ向テ、之ヲ頑迷ト譏リ之ヲ固陋ト罵リ愧ツルコトヲ知ラサルモノアルヲ見ル。畢竟此等ノ徒ハ固ヨリ帝國忠良ノ臣民ニ於テ有ルヘカラサルノ醜狀ナリト雖モ、只利是レ貴キ國家ノ榮辱ヲ知ラサルノ致ス所ナリ。此ノ如キ弊習ヲ馴致シタルハ固ヨリ一朝一夕ノ所因ニアラサルハ論ナキナリ。然レトモ要ハ我政府怠慢ノ結果ナリト斷言セサルヲ得サルナリ。聞ク處ニ依レハ近頃關東、關西、中國、奥羽ノ諸市邑ニ於テ西洋品、小間物、鐵物、器械、石油等ヲ販賣ス

ルノ店舗ヲ開クモノ數多アリ。其店主ノ如キ多クハ無資無產ノ徒ニシテ、一朝巨萬圓ノ資產ヲ蓄ヘタルヲ怪ム者渺シトセス。此等ノ徒或ハ元資ヲ外國人ニ借ラアラン、其多クハ公然外國人ノ代理人トナリテ其業ヲ營ムモノナリト云フ。其所爲直接ノ利害ナキニ似タリト雖モ、亦條約實施ノ範圍ヲ脱出シタルノ所爲ナリ。且各地ニ商店ヲ開キ其名義ヲ曖昧ニ付スルハ或ハ外國商品ノ販賣ヲ利スルアリ或ハ内國商品ヲ買收スルノ手先キヲナスアリ、孰レモ一朝内地ニ侵入スルヲ利トセハ、種々ニ口實ヲ構ヘテ内地ノ市場ニ侵入シ其物價ヲ變動セシメ内國商民ノ利源ヲ攪亂ス。又近時ノ一問題トシテ世上ニ囂々タリシ東京府水道鐵管受負入札ニ關シ、内地受負人ト同様外國人ニシテ該入札競争ヲ爲スカ如キアリ。

又東京ニハ居留地外ニ公然外國人其名ヲ用キテ開店營業スルモノアリ、又買入ヲ主トシテ陰ニ外國商人ノ代理店ヲ設置スル地方ヲ舉クレハ、越前、尾張、信濃、上野、岩代等ニシテ生糸若クハ絹等ノ產出地ニ最モ多シ、是等内地取引ニ關シ著名ナルモノハ、

横濱下居留地百六十六番

同 百九十四番

同 三番

等ニシテ其他尙ホ渺カラスト云フ。

又外國人カ製造業ヲ營ミ、内地工業ノ侵略ニ關シ世間喧傳スル處ニ依レハ横濱山手百二十三番ノ日本醸造會社ハ香港ニ於テ其本店ヲ有スル一大麥酒釀造會社ノ支店ナリト云フ。而モ我著名ノ紳商某ハ現ニ之レカ取締役タリ。又東京ノ某新聞社ノ如キハ此ノ釀造

ニ係ハル麥酒業ヲ獎勵ノ爲メト金牌ヲ送リタルコトアリ、内國勸業博覽會ハ之ニ賞牌ヲ與ヘタルコトアリ、其他横濱帆船會社ハ下居留地百六十一番ニアリ、横濱機關鐵物製造所ハ居留地百五十八番百五十九番ニアリ、横濱製氷所ハ山手百八十四番ニ在リ、以上ノ外猶ホ村田某ノ時計業ノ如キ神奈川ニ於ケル石鹼製造所、高島町ノ染物所、居留地ノ曹達製造所、茶ノ再製所、又近世上ニ云フ彼ノ池田某ノ枋木、群馬ニ於ケル滿庵採掘、三澤某ノ横濱ニ在アルコホル製造所ノ如キ、平野某ノ大阪ニ於ケル紡績事業ノ如キ、此類實ニ枚舉ニ遑アラサルナリ。又前年新潟長崎及東京等ニ於テ酒類ヲ製造セシ者アリ、政府ハ種々迂迴煩雜ナル手續ニヨリ、幸ニ其業ヲ停止シタルト雖モ之ヲ停止スルニ一般行政ノ處分ニヨラサリシナリ。或ハ當時政府カ條約ノ改正近キニアルヲ期シ一時寛待ノ厚意ヲ以テ之ニ處シタルモノナルヤヲ知ラスト雖トモ、總テ此等ノ類皆勵行セサルヘカラサルノ要例ナリ。

課税ニ關スル事

現行條約中外國人ニ貸付スル地所ニ課税スルノ件ハ明文ニ規程ナシト雖トモ、我國官吏ト領事ト協議ノ上規程スルノ條文ニ基キ、更ニ締結シタル各港居留地覺書中ニ特定シ、其數額納入ノ手續已ニ一定セリ。假令多少不當ノ點アリト雖トモ、今之ヲ動カスヘカラサルナリ。然レトモ其他一般納税ノ義務ニ至テハ全ク免除ノ條文ナキヲ以テ、居留地ノ内外ヲ問ハス、苟モ日本國內ニ住居スル外國人ハ日本人ト同様ニ國稅及地方稅ヲ納ムル義務アリ。且此等外國人ニシテ若シ此ノ義務ヲ怠ルトキハ、租稅滯納處分法ニ照ラシ

其財産ヲ差押ヘテ徵收スルモ決シテ不當ノ事ニアサルナリ。世上傳フル所ニ據リ此事ニ關スル實歴ヲ略記セシニ、明治元年八月兵庫縣令伊藤俊介（今ノ總理大臣伯卿伊藤博文）神戸居留地覺書ヲ米蘭兩國領事ト約束シテ神戸港内ニ於ケル居留地外ノ一區域ニ内外國人雜居スルノ特典ヲ附與シタリ。此事已ニ一異例ニ屬ス別ニ論スル所アルヘシ。然ルニ當時俊介ハ各國領事ニ雜居區域内ノ外國人ハ内國人ト均シク租稅ヲ賦課スルコトヲ通牒シタルモ即時ニ之ヲ徵收スルコトヲ爲サス、同四年ニ至リ彌々徵收ニ着手セントセシニ、英國其他各國公使之ニ應セス、屢々賦課ノ計畫ヲ立ツト雖トモ常ニ各國公使ノ同意ヲ得ス、空シク時日ヲ遷延シ同十八年ニ至リ兵庫縣令ハ更ニ雜居地ノ外國人ニ地方稅及町村費ヲ賦課センコトヲ政府ニ稟申シタルニ、政府ハ當時各國公使ト談判中ナルヲ以テ姑ク之ヲ默許スヘシト達シタリ。尋テ同二十一年二三月ノ頃、外務大臣伯卿大隈重信、同次官青木周藏ハ清、英、米、佛、露、獨、伊、埃、蘭、丁、瑞、白、西、布ノ諸國公使ト神戸山手宅稅取極書ナルモノヲ作り、山手賃地料徵收ノ談判結局ヲ告ケタルヲ以テ、政府ハ兵庫縣知事ニ訓令シ二十二年度ヨリ家屋稅ヲ賦課セシムルニ至レリ。然レトモ之ヲ怠納スルトキハ之ヲ法規ニ照ラシ處分スルコトヲ爲サス。尙ホ國外領事ニ届出ツルコトヲ命シタリ。

又大阪府知事ハ大阪雜居地ニ於テ外國人カ本邦品ヲ販賣シ、其他洋服革箱等ヲ製造販賣スル者理髮、俳優、相撲、遊藝稼人等ノ業ヲ爲ス者ニ對シ、内國人同様課稅センコトヲ政府ニ稟申シタリシニ、政府ハ其課稅スヘキ權利ヲ認ムルモ、未タ之ヲ實施スルノ時

ニアラストノ議ヲ以テ之ヲ勵行セシメスト云フ。其他長崎、德島、靜岡、福岡等ノ諸縣ヨリ外國人ニ地方稅ヲ徵收センコトヲ稟申シ、政府モ亦之ヲ可トシタルモ、怠納處分ニ關シ政府部内ノ意見一定セス、或ハ曰ク外國人ト雖モ已ニ同國人同様納稅ノ義務アリトセハ、租稅怠納處分法ニ據リ勵行嚴施スルヲ當然トスト、或ハ曰ク之ヲ處分スルハ人ノ財産權ヲ侵害スルニ當ルカ故ニ、條約違背ヲ以テ外國政府ノ談判ヲ受ケサルヲ得スト、而シテ其議合ハサリシカ爲メ、終ニ一旦降シタル訓令ヲ取消シタリト云フ。

居留地外ニ住居スル外國人ニ地方稅ヲ課スルコトハ僅ニ施行ノ端ヲ開キシモ、其居留地内ニ於テ内國人同様ノ業ヲ爲ス者ニ對シテハ、未タ何等ノ處置ヲ施セシヲ聞カス。殊ニ國稅ノ如キニ至ツテハ居留地ノ内外ヲ問ハス、未タ着手シタルノ例ヲ知ラサルナリ。其他米國人ト賣藥印紙稅交渉ノ如キ、又近ク人ノ耳目ニ止マレル彼ノ瑞西人某ノ無鑑札煙草營業ノ如キ、僅カニ我要求ヲ貫徹シタリト雖モ、常ニ其措置ニ付路阻逡巡シテ勇斷果決ニ出ツルコト稀ナリト云フ。

外國軍艦不開港ヘ同航ノ事

現行條約中、外國軍艦ヲ不開港場ヘ同航スルノ件ハ明文ノ約定ナシ。然ルニ今ヤ外國軍艦ハ擅ニ各地港灣ニ出入シテ彈カラス、近クハ英國軍艦室蘭軍港ニ闖入シタルカ如キ、殆ント我國權ヲ無視シタルニ異ナラス。事茲ニ至リシハ亦從來ノ惡例之レヲ馴致セシメタルヤ疑ナシト雖トモ、條約ノ權義ヲ遵守シ之ヲ勵行スルコ

トヲ怠ルニ由ル。今世上傳フル所ニ據リ其沿革ヲ學ケレハ、明治三年四月佛國ノ一軍艦肥前ノ佐賀ヘ寄航セント欲シ、在長崎ノ佛國領事ヲ經之ヲ長崎縣知事ヘ通知シタルニ、同知事ハ政府ノ許可ナクシテ不開港場ヘ寄港スルヲ得スト拒絕セリ然ルニ佛國公使ハ之レヲ不當ナリトシテ、同國水師提督ト協議ノ上「デユフレクレス」號ヲシテ再ヒ佐賀ヘ回航セシメ、同所ノ地方官ニ付キ上陸ヲ請ヒタルニ、均シク之レヲ許容セサルヨリ、公使書ヲ外務卿澤宜嘉ヘ送り、文久二年ノ覺書ナルモノヲ根據トシテ地方官ノ處置其當ヲ得サルヲ訴フ。外務卿ハ此覺書中ニ「軍艦十分ノ所以無之候ハ、不開港場ヘ入港不可致」トアル理由トシ、其「十分ノ所以」

ノ有無ハ我政府ニ於テ斷定スヘキモノナルカ故ニ、我力承諾ヲ得ルニアラサレハ不開港場ヘ寄港上陸スルヲ得サル旨ヲ答辯セリ。佛公使ハ此覺書ニ據レハ軍艦ヲ不開港場ヘ同航セシムルノ場合如何ヲ判定スルハ公使ノ權内ニアリ、殊ニ同覺書ニ「日本諸港ヘ軍艦尋問ノ義決シテ妨ヲナスヘカラス」ト明記アルヲ以テ、我政府ノ許可ヲ得ルヲ要セスト主張シタリ。我政府ハ茲ニ至ツテ此辯駁ニ對シ更ニ答辯シタルコトナシト云フ。所謂文久二年ノ覺書ナルモノハ條約彙纂ニ見エス、佛國公使ノ引據スル所疑フヘシ。其後明治九年七月佛國軍艦又岩手縣下山田港ヘ寄港シ、乘組士官ハ上陸シテ同地ヨリ數里隔リタル宮古村ヘ遊行シタルヲ以テ、我政府ハ直チニ條約違反ノ廉ヲ佛國公使ニ掛合、以後如此事ナカラシムル様公使ノ注意ヲ請求セシニ、佛國公使ハ明治三年八月二十三日澤外務卿ヘ送りタル答辯書ト、文久二年ノ覺書ヲ引證シ、同國軍艦ハ日本政府ノ許可ナク不開港場ヘ寄港スルノ權アルヲ主張シ唯

乘組士官等カ上陸旅行ヲ要スルトキ豫メ政府ノ許可ヲ受クルノ當然ナルヲ認メタルノミト、然ルニ我政府ハ遂ニ佛國公使ノ言ヲ可トシ、本件ニ關シ送付シタル書翰ヲ取消スニ及ヒタリト云フ。此ノ實例ノ如キハ一外國公使ノ要請ニ基キ、輕々我守ルヘキ範圍ヲ縮メ冥々ノ裏終ニ侵入ヲ受クルニ至リタルモノニシテ、實ニ悔恨ニ堪ヘサルナリ。然レトモ尙條約上ノ規約ヲ明示シ我國權利ノ所在ヲ明カニセハ今日ニ收復スルモ亦至難ノ業ニアラサルヘシ。而シテ是レ實ニ政府ノ負擔セル責任ナリトス。

檢疫規則設定ノ事

檢疫規則設定ノ沿革ニ付テハ大ニ我國權ノ伸縮ヲ決シタルノ一事アリ。即チ我政府ハ我國ノ衛生上最必要ナル惡疫防遏ノ權ト雖トモ尙之ヲ外國人ニ及ホスコト能ハス、今日ニ至テハ僅カニ各國公使ニ依頼シテ其ノ實施ヲ期スルノ習慣ヲ造出シタルニ過キス、假令實際ハ我國制定ノ規則ヲ遵守セシムト雖トモ、其手續キノ如キ全ク各國公使ノ認許ヲ仰クニ止マリ、我之レヲ勵行スル能ハサルハ實ニ國權ヲ汚スモノト謂ハサルヲ得サルナリ。畢竟我政府力強硬以テ之ヲ斷行スルノ決心ナク、常ニ彼ノ情ヲ酌ムニ流ル、ノ弊多ク外交上ノ大事ヲ忽視シタルノ過誤ニ出ツルモノト謂ハサルヲ得サルナリ。世上傳フル所ニ據リ左ニ其ノ實例ヲ學ケレハ、明治六年八月中上海地方ニ於テ「コレラ」病流行シタルヲ以テ、我政府ハ豫防ノ爲メ各國公使ト際議ノ上檢疫規則ナルモノヲ設ケ、規則中各國領事ヲ以テ檢疫委員トスルノ條文アリト雖トモ、實際之ヲ施行スルノ必要ヲ見ルニ至ラスシテ止ミヌ。

明治十年中九州地方ニ「コレラ」流行シ、遂ニ横濱ニ蔓延シタリ。然ルニ明治六年ノ規則ハ種々故障アルヲ以テ之ヲ實行スヘカヲサルニヨリ、同十一年六月ニ至リ新案ヲ作り、之ヲ各國公使ニ送リ其意見ヲ諮問シタルニ、彼直チニ意見ヲ附シテ之ヲ送還シタルヲ以テ、我政府ハ委員ヲ命シ更ニ精密ノ規則案ヲ調製セシメ、以テ之ヲ各國公使ニ示シタルニ、米露兩國公使ハ全ク之ニ同意シ、佛國公使ハ修正案ヲ提出セシカ、獨リ英國公使ハ我立法權ニ干渉シ、同公使ノ許諾ヲ得ルニアラサレハ之ヲ英國船舶及其臣民ニ施行スルヲ得スト主張シタリ。我政府ハ同公使ノ所論ヲ辯駁シ「今般般疫規則ノ如キハ我國内各人ノ幸福保護ノタメニ要用ト認ムル法律ヲ制定ス元ヨリ我政府ノ權内ニ存スルモノニシテ之ヲ公許シ、又ハ改正スルノ權利ヲ他邦ノ政府ニ歸スルノ理由ハ決シテ無シ」ト回答シタリト雖トモ、同公使ハ尙飽ク迄其前論ヲ固執シ、往復ニ時日ヲ送ルニ際シ、「コレラ」ハ既ニ長崎ニ流行シタルカ故、我政府ハ差向キ長崎ヨリ神戸横濱ノ兩地ヘ來航スル内外船舶ニ施スヘキ假規則ヲ設ケ、之ヲ各國公使ニ通シタルニ伊國公使ノ如キハ緊急ノ件ナルニ付暫ク之ニ同意スル旨回答シタリト雖トモ、佛國公使又復タ異議ヲ唱ヘタルカ爲メ遂ニ外國人一般ニ之ヲ施行スルニ至ラサリナリ。

同十二年ニ至リ再び西南地方ニ於テ「コレラ」流行シ、神戸大阪ニ蔓延シタルヲ以テ、我政府ハ更ラニ假規則ヲ設ケ該地方ヨリ來航ノ船舶ヲ相州長浦ニ停留スヘキヲ命シ、且同年七月ニ至リ檢疫停船規則ナルモノヲ設定シ、之ヲ頒布シ、我政府ハ即日之ヲ各國公使ニ送リ「從來右様ノ事件ニ關シ便トセシ手續ノ方法ニ從ヒ、官吏ニ負傷セシメタルヲ以テ舊幕ノ政府ハ之レヲ本國ニ送還セシメ、且ツ千弗ノ償金ヲ拂ハシメタリ。其後明治三年十二月ニ至リ各國公使ト談判ノ末、外國人遊獵假規則四ヶ條ヲ明治六年一月第二十五號布告ヲ以テ本邦人ニ適用スヘキ銃獵規則ヲ制定シタルヲ以テ、我政府ハ各國公使ト談判ノ末、假規則ヲ草シ之ヲ遵守スルモノニ限り遊獵ヲ許可スヘキ旨ヲ通牒スト雖トモ、各國公使之ニ同意セサリシカ爲メ遂ニ行ハレス、明治七年再ヒ規則案ヲ作り之ヲ各國公使ニ通シ其意見ヲ問ヒタルニ、同案中銃獵規則違犯ノ外國人ハ領事廳ニ於テ裁判スヘキモノナルモ之レニ課スヘキ罰金ハ日本政府ニ歸スヘキコトヲ記載セシカ爲メ、各國公使ハ本國政府ヨリ相當ノ訓令ヲ得ルニアラサレハ之レニ同意スルヲ得スト回答セリ。是ヲ以テ我政府ハ翌八年六月迄ノ猶豫ヲ與ヘ、其ノ確答ヲ求メタルニ同年ニ至リ英國公使ハ各國公使總代トシテ修正案ヲ提出シ、日本政府ヘ罰金ヲ歸スルノ一條ヲ削除シタルヲ以テ我政府ハ其修正ヲ拒絕シ、同年九月ニ至リ各國公使ニ通牒シ、原案ニ同意セシハ外國人ニ遊獵ヲ許可セサルヘシト回答セリ、爾來談判數次ニ及ヒタリト雖トモ遂ニ外國人ヲシテ我銃獵規則ヲ遵守セシムルニ至ラス、明治九年ニ至リ各國公使連名ヲ以テ一種ノ新案ヲ提出シ、我政府ハ協議ノ上終ニ左ノ規則ヲ定メ之レヲ施行シタリ。

第一 外國人遊獵セント欲スルモノハ一期十圓半期五圓ノ免許料ヲ出シ免許ヲ受クヘキコト。

第二 免狀中ニ記載シアル條款ヲ遵守セサルトキハ日本政府ハ民事訴訟ノ手續キニヨリ違犯者ヲシテ十圓ノ償金ヲ拂ハシム

各開港場ニ於テ各國人ヲシテ右規則ヲ遵守セシムル爲メ要用ノ處分有之度」トノ旨ヲ照會セリ。米國公使ハ直チニ之ヲ承諾シ、獨佛兩國ノ公使ハ修正案ヲ提出シ、其他ノ諸公使ハ概ネ反論スルモノナカリシニ、獨リ英國公使ハ制定規則ニ異議ヲ唱フルノミナラス、尙ホ之ニ異ナル一種ノ規則ヲ設ケ、英國臣民ニ布告シタリ。是ニ於テ我政府ハ英國公使ノ處置ヲ難詰シタリト雖トモ、同公使ハ再び書ヲ我政府ニ致シ、英國法廷ニ於テ英國法律ニアラサレハ之ヲ適用スルヲ得ザルヲ以テ、英國人ニ檢疫規則ヲ遵守セシメンニハ之ヲ英國ノ規則トナササルヘカヲサル旨ヲ辯シタリシニ、我政府ハ之ニ對シ更ニ答辯シタルコトナカリシト云フ。夫レ此ノ如ク彼我人民ニ重要ノ規則ト雖トモ彼外國公使ハ先例ヲ造ルヲ肯ンセス、而シテ現今實際我國ノ制定規則ヲ遵守セシムト雖トモ、尙ホ其制令ヲ我國ニ聞クコトヲ許サス。必ス自國公使ノ令達ヲ俟タシメ、又ハ更ニ制定ノ手續ヲ政メテ之ヲ布達シ、飽ク迄條約上ノ範圍ヲ確守シテ相讓ラス、然ルニ我國ニ於テハ全然之ニ反シ往々我ヨリ情實ヲ求メテ彼ニ讓ルヲ常トス、寧ろ奇僻ト云フヘシ。

現行條約中外國人ニ銃獵權ヲ許シタルコトナシ。然ルニ外國人ノ要求切ニシテ政府ハ之レヲ拒ムコトヲ得ス、遂ニ此權ヲ外國人ニ許セリ。此ノ如ク彼等ハ全ク我ノ厚意ニヨリ此恩惠ニ浴スルモノナルヲ以テ、宜シク銃獵ニ關スル我制法ニ服從スヘキモノナルニ、彼等ハ反テ我恩ヲ徂レ以テ我國權ヲ侵害シタルノ跡アルヲ認ム、世説ニ據リ左ニ其沿革ヲ舉クレハ、萬延元年十月中英國人モスナル者神奈川縣下ニ於テ遊獵シ、日本

ルコト。
第三 外國人無免狀ニテ遊獵スルトキハ領事ニ求メ本國法ニヨリ之レヲ處罰スルコト。

右規約ニ基キ英國公使ハ明治十年一月二日ヲ以テ無免狀銃獵禁制規則ヲ設ケ英國臣民ヲシテ之レニ服從セシメタリ、故ニ今日ニ於テ彼外國人カ遵守スル規則ハ日本政府ト外國銃獵者トノ間ニ取結ヒタル條件付ノ契約ニシテ毫モ我カ行政規則ノ性質ヲ有スルモノニアラサルナリ。

去年狩獵規則ノ發令アリタレトモ我衆議院ハ之ヲ違憲ナリト決議セシモノナルヲ以テ故ラニ之レニ論及セス要スルニ狩獵ノコトモ亦我國權ノ全カラサル一要例ナリ。

條約ノ明文ニ據レハ外國人ノ旅行シ得ル範圍ハ遊歩規程ヲ以テ定シタル場所ヲ限リトス。唯僅カニ公使領事ニ限り我官吏ヲ附隨セシメテ遊歩區域外ノ旅行ヲ許スノミ。蓋シ是カ嚴制ヲ受クルニ於テハ外國人ノ不便察スヘキナリト雖トモ、現行條約交互裁判權ヲ分掌スルノ今日ニ於テハ、固ヨリ免カレサルヘキノ約束ナリトス。然ルニ外人ハ常ニ此等不便ヲノミ惣ヘ、我ヲシテ其嚴制ヲ解カシメンコトヲ努メ、而シテ我政府ハ往々目前ノ情由ニ泥ミテ漸ク其ノ禁ヲ弛メ、彼我均等ノ利害ヲ分ツ趣意ニ背ク、是ヲ以テ弊害ノ釀生ハ畢竟皆我ニ於テ條約ヲ確守セス、輕輕シク彼ノ要求ヲ容レタルノ過失ニアラサルナシ。今左ニ旅行ニ關シ世上傳フル所ノ沿革ヲ示サン。

明治二年四月長崎寄留ノ外醫某醫治ニ因テ定規外ノ溫泉ニ浴センコトヲ乞フ。之ヲ聽スト雖トモ免狀ハ疾病難癒備醫學術工作測量

醫技等ノ要件アルニ非ラサレハ附與スルヲ准サス。公使ト雖トモ申請セシテ私擅ニ旅行スルヲ得サラシメタリ。尋テ同三年十月外國人ニ東京府内ノ神社寺院等縱覽ヲ聽シ、其區域ヲ定メ東ハ新利根川ノ海口ヲ限リ北ハ金町ヨリ千住驛ヲ經テ隅田川上流ニ沿ヒ西ハ高倉ヨリ日野渡ニ距リ南ハ玉川ニ沿ヒテ川崎ノ海口ヲ限リトシ、殊更ニ條規ヲ頒テ人民ヲ戒飾シ、外國及外國人ニ對シテ故障ナカラシメタリ。然ルニ各國公使ハ明治六年七月書翰ヲ以テ遊歩規程ヲ廢シテ内地旅行ノ自由ヲ得シコトヲ請求セシモ、當時岩倉全權大使ヲ歐米諸國ニ派遣シ、條約改正ノ談判ヲ試ミツツアリシ際ナリシカ故ニ、大使歸朝ノ上相談ニ及フヘシト答ヘ、以テ一時其請求ヲ拒絕シタリ。同年九月中旬大使歸朝ス。各國公使ハ再ヒ書ヲ外務省ニ送り、規則案ヲ添ヘ遊歩及商賣ノ爲メ内地旅行ノ自由ヲ外國人一般ニ附與センコトヲ請求シタリ。爾後引續テ我政府ト外國公使トノ間ニ數次ノ談判ヲ開キタリト雖モ、結局各國公使ノ請求ヲ拒絕シタリ。

然ルニ我政府ハ之ヲ一方ニ拒絕スルト同時ニ、七年六月外國人内地旅行准許條規ヲ定メ、凡ソ外國人ノ職事若クハ病故難船等ノ事ニ因テ内地旅行ヲ乞フ者ハ情狀ヲ外務省ヘ具申シテ免許狀ヲ受ケシメ、大ニ内地旅行禁制ヲ弛メタリ。是ヨリ先キ各應僱役ノ外國人ハ條約ニ照シテ内地旅行ヲ聽スヘキ者ハ豫メ免許狀ヲ附與セシニ、避暑ニ方リテハ疾病事故アルニ非ラスシテ各所ノ溫泉ニ遊浴シ、或ハ名山ニ登覽スルノ用ニ充ツル等、大ニ弛意ノ事實アルヲ以テ本規ヲ設ケテ悉ク舊免許狀ヲ還納セシメ、政府ハ特ニ官吏ヲ日光伊香保兩根熱海等ノ地方ニ派遣シ、免許狀ノ有無ヲ點檢セシ

我獨リ條約上ノ制限ヲ弛メ寬待ノ道ヲ開キ、一步ハ一步ニ規約ヲ蹂躪セラル、ニ至テハ我恢復スヘキ國權爲メニ其恢復ノ道ヲ失フヘキハ昭々タリ。現今外人ニシテ名義ヲ學術上醫治ニ藉リ、日光、鎌倉、箱根、須磨其他各景勝ノ地ニ赴キ、公然居宅ヲ構ヘ宿泊ヲナスモノ陸續輩出シ、今ヤ殆ント外國人内地旅行ニ關スル條約上ノ明文ハ消滅ニ歸セントス。明治二十一年ニ至リ時ノ外務大臣大隈重信ハ從前ノ弛廢ヲ矯メ内地旅行免狀ノ下附ヲ嚴密ニシ、元來免狀ヲ下附スルハ我ノ厚意ニ出スルノ特例ニシテ、彼外國人カ權利トシテ其交付ヲ請求シ得ヘキモノニアラサルコトヲ知ラシメタリト雖トモ、政府ノ措置一貫セス、終ニ現狀ニ及ヒシモノニシテ其實ノ歸スル所豈輕シト云フヲ得ンヤ。

密獵船取扱ノ事

漁獵營業ハ現行條約ニ於テ外國人ニ許シタルモノニ非ラス、然ルニ外國人ハ年々漁獵船ヲ橫濱其他ノ港灣ニ寄セ、薪水其他ノ準備ヲナシ、或ハ漁獵業ノ資本主若クハ元方ヲナスモノ橫濱ニ定住シ、或ハ橫濱等ヲ以テ漁獵船定繫場トナスカ如キモノアリト云フ。

然シテ其漁獲シ歸ルヤ、船移ト稱シテ直チニ其漁獲品ヲ他ノ外國船ニ積移シ、我稅關ヘハ輸入及輸出ノ納稅ハ勿論其手續ヲモナサス、此等ノ商品固ヨリ其數量ヲ詳知スルニ由ナシト雖モ、年々金額幾百萬圓ニ及ヘルカ、橫濱等ニ在テ此等ノ事情ヲ詳知セル者ハ推算シ得ル所ナルヘシ。聞ク所ニヨレハ此等ノ漁獲ハ間々伊豆紀州等ノ近海ニ於テスルモノアリ、多クハ千島近傍竝ニ奥羽近海ニ

ニ遊寓六十三人中ノ無免許旅行者六人アリ、依テ之ヲ直チニ東京府ニ押送セシメ、一時多少ノ嚴施見ルニ及ヒタルニ各國公使ハ尙ホ之ニ屈セス、屢々外國人内地遊旅ノ自由ヲ得シメンコトヲ請フト雖トモ、現行條約ニ於テハ領事裁判ノ制ナリ。故ニ其管理ヲ施スニ難ムノ謂ヲ以テ時ノ外務卿寺島宗則ハ支那土耳其埃及ノ類例ヲ具陳シ、利害ヲ辨明シテ之ヲ拒絕シ、同年五月ニ至リ條規ニ改正スル所アルモ尙ホ旅行免狀下附ノ制ハ之ヲ變更スル處ナカリキ。同年十一月外國人ニ遊歩規内ノ旅舍ニ留宿スルヲ許シ、尋テ其病故アルモノハ旅舍ニ非スト雖トモ、亦之ヲ許シ大ニ外國人旅行嚴制ヲ寬メタリ。同九年八月外國人ノ學術醫治ニ因ル者ハ京都ニ入ルヲ聽セリ。初メ京都ハ公使ノ外條約上ノ明文アリテ外國人ノ入ルヲ許サス、京攝間鐵道ノ成ルニ迫ンテ入京ヲ請フモノアリ。又此ノ時博覽會ヲ京都ニ開キタルニヨリ、我政府ハ姑ク之ヲ特許セシカ、遂ニ永ク之ヲ許スノ端ヲ啓キ、此月ニ至リ學術醫治ニ因ル者ハ之ヲ聽スト雖トモ、府内ニ出ツルヲ禁シタリ。

然レトモ南部及琵琶湖ニ遊ヲ聽シ、東ハ彥根南ハ草津北ハ鹽津竹生島ヲ限リトシ、又十一年九月外國人病故等アリテ已ムヲ得サル者ハ旅舍ニ非サルモ亦停宿スルヲ聽セリ。蓋シ此時ノ如キハ單ニ實際上ノ支吾渺シトセストノ事故ヲ以テ之ヲ許シタリト云フ。同十二年十一月長崎ノ外國人遊歩規程ハ條約上長崎奉行ノ直管地ヲ限リシカ、爰ニ至リ外國人ノ苦情ニ從ヒ亦方十里ヲ以テ其規程トナスニ及ヘリ。

夫レ開國ノ方針ハ帝國ノ國是ナリ。故ニ内地ヲ閉鎖シテ外人ノ旅行ヲ許ササルハ固ヨリ之ヲ美學ト稱スヘカラサルナリ。然レトモ

於テシ、稀ニ我海軍々艦ノ巡航アルモ彼ノ船小ニシテ我船大ナリ、故ニ彼漁船ハ早ク我船ヲ認メテ逃避シ、終ニ密獵ノ跡ヲ知ラレンコトナシ。又適々紀州沿岸陸奥沿岸等ニ寄港スルモ地方官ハ事端ノ生センコトヲ避クルモノノ如ク、大抵曖昧ノ取扱ヲ以テ之ヲ放遣シ、今日ニ在テハ殆ント公然ノ密獵ト云フヘキノ有様ヲ致セリ。政府若シ證據ヲ知ラスト稱シテ其實ヲ免レント欲セハ、元ヨリ其免ル、ニ任スノ外ナシ。然レトモ政府上下相共ニ其實ヲ避ケ、此ノ世間一般ニ稱道スル公然ノ密獵尙放擲シテ可ナリトナス。

教會堂取締ノ事

我帝國ノ憲法ニ依リ法律ノ範圍内ニ於テ宗教ノ自由ヲ有スルハ帝國臣民ノ特權ナリ。現行條約ニ於テモ亦外國人民ニ宗教ノ自由ヲ許ス、然ラハ即チ宗教ノ自由ハ内外人民同一ナリ。然ルニ帝國固有ノ宗教及ヒ社寺ニハ社寺局アリテ之ヲ支配シ、種々取締ノ法令アリ、而シテ外教々會堂ニハ之ヲ及ホササルハ何ソヤ。内外宗教ノ是非得失ハ之ヲ論セス。然レトモ近來往々帝國ノ禮法ヲ誹議シ、國民ノ惡感情ヲ激成スルモノアルハ多クハ皆外教遵奉者ノ中ヨリ出ツ、果シテ然ラハ相應ノ取締ヲ要スルハ勿論ニアラスヤ。

各般ノ行政規則ニ關スル事

各般ノ行政規則ニシテ外國人ニ適用スヘキモノ即チ鐵道規則竝ニ罰則、石油取締規則、藥用阿片輸入規則、遺失物規則等皆各國公使ト協議熟セサルノ口實ヲ以テ、未タ之ヲ實施シタルヲ聞カサル

ナリ。適々西洋形船水先免狀規則ノ如キ、僅カニ實施スルニ似タリト雖モ、此規則タル各國公使ト協議ノ上設定シタルモノニ過キス。然ルニ同則第十三條ニ本則ニ從テ水先免狀ヲ受ケタル外國人ハ、其執業上ニ限り日本帝國内何レノ海岸ニモ上陸シ、且ツ陸路其出發地ヘ歸ルノ特權ヲ與フルモ若シ此規則ノ違反スル場合ニ至リ明文ニ照シテ之ヲ處斷スルヲ得ス、殆ント全ク規則ナキト同一ナリ。

又一例ヲ舉グルニ居留地内ニ於テ發行スル外國新聞紙ニシテ我新聞紙條例ニ違反シ、國安ニ妨害アリト認ムヘキ記事論說ヲ記載スル時ハ内地新聞ヲ處分スルト同一ノ方法ニ依テ其發行ヲ停止スルコトヲ得ヘク、又場合ニヨレハ其新聞記者ヲ國境外ニ放逐スルモ不當ナラサルハ已ニ外國ニ於テ往々見ルノ實例ナリ。然ルニ前年英人ブラツクナルモノ東京ニ於テ日新眞事誌ナル國文新聞ヲ發行シ、國安妨害ノ記事ヲ掲グルニ當リ、我政府ハ僅カニブラツクヲ解聘シ、其歡心ヲ買ヒテ稍ク其廢刊ヲ諾セシメタリ。今日ニ於テハ國文新聞ヲ國法外ニ發刊スルノ非舉ヲ企ツル者ナシト雖モ、洋文新聞ニ至テハ尙ホ我新聞紙條例ヲ以テ之ヲ支配スルコト能ハス、故ニ外交上機密ノ文書ノ如キ公然之ヲ外人ノ發行スル洋字新聞ニ掲載スルモ問ハス、之ヲ邦人ノ發行スル國文新聞ニ轉載セハ直チニ發行停止ノ嚴命ヲ下シタルノ例ハ、明治十九年外務大臣伯爵井上馨ノ條約改正會議ヲ開キタルノ際ヨリ始マリ、其他彼ハ國安妨害ノ事實ヲ掲グルモノ之ヲ制止セス我ハ稍少ノ漏洩モ嚴遏スル等例極メテ多シ。之ニ反シ外國ニ於テハ現ニ明治二十二年ノ頃伊國ニ於テ佛國新聞記者ヲ放逐シタル實例アリ、我國何ソ獨リ伊

寛待スルヲ至道トス。然レトモ業已ニ不當不正ノ條約ヲ存シ、外民ヲシテ更ニ此條約及法律外ニ逃脫セシメ、其放恣跋扈ヲ極メシムルハ豈ニ國權ヲ伸張シ、民福ヲ増進セシムルノ正路ナランヤ。故ニ速ニ前掲各種ノ弊風ヲ一洗シ、外民ヲシテ皇德ノ深厚ナルニ感激セシムルト同時ニ 帝威ノ侵凌ス可カラサルヲ畏懼セシメ、外ハ外民ノ輕内ヲ抑壓シ、内ハ國民ノ正氣ヲ振興スルコト實ニ一日モ緩フスヘカラサルノ要務ナリ。政府ハ往々行掛止ムヲ得サルノ謂ヲ以テ自ラ遁辭ヲ爲スト雖モ、本問題ノ如キハ寔ニ國運ヲ挽回シ得ルト否トニ關スル重大ノ事件トナス、此等ノ遁辭ヲ以テ之ヲ默過ス可キニアラサルナリ。故ニ政府ハ尤モ慎重ニ之ヲ聽取センコトヲ切望ノ至リニ堪ヘサルナリ。本案ヲ提出スル所以ノ理由如此。

註 右建議案ハ十二月十九日議事ニ上程セラレタルカ裁決ニ至ラスシテ議會ハ十日間ノ停會ヲ命セラレタリ

別 錄二 第五議會衆議院ニ於ケル外務大臣演說

明治二十六年十二月二十九日

衆議院ニ於ケル陸奥外相ノ演說

○外務大臣(陸奥宗光君) 諸君、本大臣ハ今日維新以來政府ヲ執リ來ツタ所ノ外交上ノ方針ノ大要ヲ宣言スルタメニ出席致シタノテアリマス、本大臣ハ維新以來國家ノ大計、國是ノ基礎トシテ採用サレタ所ノ開國主義ヲ以テ如何ニ國家ノ進歩ヲ促シ來ツタルカ、如何ニ國民ノ幸福ヲ増進シ來リタルカヲ陳述シ、併セテ本日ノ議事日程ニ登ツテ居ル議案及之ニ關係スル所ノ同一ノ精神ナル兩議案ハ如何ニ右ノ國是ニ關係ヲ有スルカラ説明シ、深ク諸君ノ

國ノ爲ス所ニ做フコトヲ得サランヤ。又一例ヲ云ヘハ火藥取締規則ノ如キ畢竟公私保安ノ爲メ設定スル所ニシテ、苟モ之ニ違背シタルモノアラハ内外國民ノ區別ヲ問ハス宜シク其情狀ニヨリ行政ノ處分ヲ以テ營業ヲ禁止シ、又ハ之ヲ停止スルコトヲ得ルハ當然ナリ。然レトモ外國人カ此規則ヲ違背シ、及政府カ其違背者ヲ制遏シタルヲ聞カサルナリ。其他此等ノ類例枚舉ニ遑アラス。

然レトモ爰ニ特別ナル一例アリ。即チ明治二十一年政府ハ神戸港ニ於テ英國人ハルニ神戸東川崎官有地ヲ貸附セシニ、右借主悉ニ其借用權ヲ英商橫濱機關及製鐵會社ヘ貸附シ、借地所前ノ海中ヘ棧橋ヲ築造セリ。我政府ハ借主ノ所爲ヲ不當ト見認メ、行政處分ヲ以テ之ヲ禁止シタルコト是レナリ。夫レ行政權ヲ以テ非爲ヲ處分スルハ元ヨリ我權内ニ屬シ、且ツ之ヲ斷行セハ外人モ亦之ヲ遵奉スルニ至ルハ此ノ如シ、諸般ノ行政權豈ニ外國人ニ及ホス能ハサランヤ。之ヲ外國人ニ及ホシ其效果ヲ收ムルコト豈ニ夫レ難カラシヤ。之ヲ要スルニ現行外國條約ハ我國ノ主權ヲ毀損シ、國民ノ福利ヲ減削スルコト渺ナカラス。加フルニ我國ノ風俗慣習言語文字宗教等ニ至ルマテ、訂盟外國ト大ニ異ナルモノアルカ故ニ、政府ハ條約上ノ權義ヲ確守シ、條約ノ明文ニ於テ既ニ外國人ニ許シタルモノハ之ヲ許シ、明文ナキモノ及禁止セルモノハ斷然之ヲ許サス、而シテ若シ之ヲ侵犯スルモノアレハ帝國ノ主權ヲ以テ之レカ處分ヲ爲ササルヘカラス抑モ我國是トスル所ハ開國ニ在テ鎖港ニアラス、殊ニ遠民ヲ懷柔スルハ 聖旨ノ存スル所ナリ。故ニ我法律及現行條約ノ範圍内ニ在リテ充分恩德ヲ加ヘテ以テ外民ヲ

公平ナル判斷ヲ得ント欲スルノテアリマス、是レナカラ 今上皇帝御即位ノ初ニ當リ深ク敕諭ヲ惱マサレ斷然開國ノ主義ヲ以テ國家ノ大計ト定メラレタノテコサイマス、而シテ當時廟堂ニ奉仕スルノ先輩諸氏モ深ク右ノ敕旨ヲ奉體シ、爾來國歩幾多ノ艱難アルニモ拘ラス此大計此國是ヲ奉體スルノ一點ニ至リマシテハ未タ曾テ毫毛ノ躊躇致シタコトカコサリマセス、諸君、試ニ維新ノ初メ聖天子カ煥發致サレマシタ所ノ 詔勅若クハ政府カ敕旨ヲ奉シテ布告致シタ所ノ法令ニ徴セラレヨ、凡ソ從來我國國家カ經營シ來ツタ所ノ大進歩若クハ大改革ハ一ニ此開國ノ主義ニ基カヌモノカナイノテコサリマス、維新ノ初メ我國國民中ニハ尙擧義鎖國ノ氣象隆ンナルノ間ニ於テ深ク國家將來ノ大計ヲ慮ラセ給ヒテ、其時代ノ詔勅ニハ、

外國交際ノ儀ハ宇内ノ公法ヲ以テ之ヲ取扱フヘク云々

又ハ 方今萬國ノ事情始メテ分明ニ相成候上ハ廣ク公平至當ノ御條約ヲ以テ海外諸國ニ御交際相立チ第一皇威爾ヨ振興候様トノ 敕慮ニ候云々

又ハ「列國ト對峙スヘシ」トカ「開化ノ域ニ進ミ富強ノ基隨ツテ立テハ列國ト駢馳スル難カラサルヘシ」云々等ノ文字ヲ含有セラ、詔勅若クハ法令ハ一ニシテ足ラナイ、殊ニ夫ノ有名ナル明治元年三月十四日ニ煥發セラレマシタ所ノ御誓文ノ第五項ニハ、廣ク智識ヲ世界ニ求メ大ニ 皇基ヲ振起スヘシ。ト詔ラセ給ヒ、此御誓文ニ對シテハ、朕躬ヲ以テ衆ニ先ンシ天地神明ニ誓ヒ大ニ此國是ヲ定ム。

ト仰セラレ、當時總裁以下ノ奉答書ニハ、

勅意宏遠誠ニ以テ感銘ニ堪ヘス今日ノ急務永世ノ基礎此他ニ出ツヘカラス臣等謹シテ 勅旨ヲ奉シ死ヲ誓ヒ題勉從事希クハ以テ 宸襟ヲ安シ奉ラム。

ト誓ヒタリ、爾來國家ニ内外幾多ノ出來事モアツテ其間ニハ種々ノ失敗モアリマシタ、又種々ノ國難モアリマシタ、即チ其失敗其國難ノ由來スル所ヲ尋ネマスレハ政府ノ失錯モアリマシタラウ、其通リ——國民ノ誤解モアリマシタ、併シ茲ニ既往ノ得失ヲ追究スルモ益モナイ、諸君、試ニ明治初年ニ現在シタル所ノ日本帝國ヲ以テ今日ニ現在スル所ノ日本帝國ト比較シテ御覽ナサイ、其進歩ノ程度ハ如何ニ大ナルヤ、其開化ノ効力ハ如何ニ著シキヤヲ知ルニ難カラスト思ヒマス、先ツ經濟ノ斷ヨリ言ヒマスレハ、明治初年ニ於テ内外交易ノ高ト云フモノハ、其金高三千萬圓ニ足ラナカツタノカ明治二十五年ニハ殆ト一億六千有餘萬圓ニナリ、又陸ニハ三千哩ニ近イ鐵道力數キ列ラレ、一萬哩ニ近キ電線ヲ架ケ列ヘタリ、又海ニハ數百艘ノ西洋形ノ商船カ内外ノ海面ニ浮ンテ居ル、軍備ノ點ヨリ言ヘハ將士訓練機械精銳ニシテ殆ト歐洲強國ノ軍隊ニモ譲ラヌ常備兵カ十五萬モ出來テ居ル、海軍モ殆ト四十艘ニ近イ軍艦カ出來、將來尙ホ國計ノ許ス限ハ之ヲ増進セント思ヒマス、若シ之ニ加フルニ人文ノ自由ヲ擴張シ、制度文物ヲ改良シ、學術工藝ノ進歩シタルモノヲ以テスレハ、實ニ枚舉ニ遑アラスト思ヒマス。特ニ其一大特例トシテ云フヘキモノハ立憲ノ政體茲ニ立チ、則チ今日、本大臣カ諸君ト國家須要ノ政務ヲ論スルニ至ルマテニ進歩シタルハ亞細亞洲中何レノ國ニアリマスカ、斯ノ

如ク二十年來長足ノ進歩ヲナシ來リタルコトハ歐洲各國ノ人民或ハ政府カ世界無比ノ國テアルト驚嘆シテ居ルカ、我々ハ未タ之ニ満足セス、尙ホ今日ニ幾倍スルノ改革及進歩ヲナサントスルノ氣象アルハ吾レ人ト共ニ自負シテ餘リアルコトデアラウト思ヒマス、是レ偏ニ 今上皇帝陛下カ夙ニ國是ヲ定メラレ、先輩諸氏カ之ヲ輔翼シ奉ツタルト、我忠愛ナル四千萬同胞カ國是大計ニ從ヒ拮据勉勵致シテ今日ノ開化ヲ致シタ結果テハアリマセヌカ、以上言フ所ハ本大臣カ空論ヲ誇張シテ諸君ヲ眩惑スルノテハアリマセヌ、即チ諸君、之ヲ事實ニ徵セラレタレハ、其實實ヲ証ヒサルコトハ御分リニナルトラウト思ヒマス、サテ前ニモ申シマシタ所ノ先日ヨリ本日ノ議事日程ニ登ツテ居ル所ノ議案竝ニ是ト同一ノ精神ヲ以テ居ル所ノ二ツノ議案ハ其提出者ハ無論ニ多少ノ杞憂ヲ抱カレ、所謂愛國ノ至情ヨリ之ヲ發セラレタルモノタルコトハ疑ヲ容レヌ、然レトモ不幸ニシテ右ノ議案竝ニ之ニ關係スル議案ノ精神ハ上來述フル所ノ維新以來ノ國是ニ反對スルモノデアリマス。委シク言ハハ進ンテ取ルノ精神ニアラスシテ、寧ロ退イテ守ルノ氣象ヲ顯ハスモノデアアル、斯ノ如ク自ラ屈シ自ラ退クノ氣象ヲ一度人民ニ傳染シマスルトキハ内外國民ノ心想ヲ紊シ、二十有餘年組織シ來ツタル所ノ進歩ノ氣象ヲ沮喪セントスルコトヲ恐ル、ノテアル、茲ニ本大臣ハ今區々條目ニ就イテ其得失ヲ論スルニアラスシテ、大體上斯ノ如キ議案カ本院ノ議場ニ提出サレタコトヲ哀シムモノデアアル、條約勵行ト云フ、無論政府ハ從來條約ニ違背シタルモノヲ等閑ニ附シ去ツタコトハナイ、併シナカラ今ノ條約ト云フモノハ諸君モ御承知ノ通り多クハ安政年間ヨリ慶應年間

ニ至ルマテニ締結サレ、又維新ノ初メニ外交ノ道未タ今日ノ如ク進歩セサル間ニ締結サレタモノカ多イノデアアル、故ニ僅ニ墨斯哥ノ條約ヲ除クノ外ハ一モ完全ノモノハナイ、眞ニ我國今日進歩ノ程度ニ適應セサルモノデアアル、サリナカラ其現行條約ニシテ未タ實行ノ効力ヲ失ハサル間ハ外交上諸般ノ取扱ハ之ニ依ツテ——遵行セサルヲ得ヌノハ無論ノコトデアアル、唯前ニモ言フ通り之ヲ締結シタル時代ト今日トニ於テハ内外ノ時勢大ニ變換シ、又我邦ノ進歩ハ著シク變換シタルカ故ニ、明ニ條約ノ條文ニ違背セサル限ハ弛張操縱其宜シキヲ得テ、内外臣民ノ利便ヲ圖ルカ外交上ノ必要ノ得策ト信スルノデアアル、茲ニ我邦開港以來今日ニ至ルマテ外交上ノ進歩ノ歴史ヲ簡單ニ說キマスコトモ亦無用ノ業テナイト思フ、安政年間ヨリ王政復古ニ至リマスルマテノ間ハ幕府ハ内外ノ事情ニ迫ラレテ、其外交手段トシテ用ヒタル所ノモノハ外人遮斷ヲ以テ目的トシタルモノノ如シ、成丈外國ニ近カス外國人ニ觸レナイト云フ手段ヲ取ツタ故ニ、國權ノ彼ニ移ルニ論ナク、國利ノ彼ニ占メラル、ニ論ナク、苟モ外人ト相觸レ相近カサルノ道カアレハ之ヲ採用スルコトニ意ヲナカツタ、彼ノ居留地制度ノ如キ、遊歩規程ノ如キ、無條約國民ノ取扱ノ如キハ此例デアリマス、維新ノ初メニ於テハ外交上別ニ言フヘキナシ、明治五十六年ノ頃、即チ岩倉大使カ歐洲ヨリ歸朝サレタル前後ヨリ政府ハ既ニ失ヒタル權利ヲ回復セントシ、又條約以外ニ從來放棄シテ居ツタ權利ヲ確メントスルコトニ就テハ孜孜汲々トシテ務メタノデアアル、其ノ數例ヲ此處ニ舉ケルコトカ必要デアリマス、即チ此無條約國民ノ取扱ヒテアル、幕府ノ時代ニハ例ノ外國人遮斷主義ニ依ツテ成丈近

ケナイ標ニ人任セニスルコトカ多イ、故ニ無條約國民ノ裁判管轄スルニハ外國領事ノ干渉ヲ許シタ取扱メカアル、然レニ明治六年ヨリ政府ハ斷然無條約國民ヲ裁判管轄スルコトヲ以テ、我カ主權ノ下ニ屬シタノデアリマス、又幕府ノ頃ヨリ橫濱ヲ初メ各居留地ニハ外國人ヲ以テ組織シタル取締役若クハ委員ト云フモノカアリテ、各居留地ヲ取締ツテ居ツタノデアリマス、是ハ明治十年ヨリ大阪神戸ノ居留地ヲ除ク外總テ我政府ニ於テ之ヲ取締ルコトニナツタノデアリマス、一番甚シキ例ヲ此處ニ舉ケマスレハ幕府ノ時代ニハ彼ノ鎖國攘夷ノ徒カ甚タ盛ナルカタメニ、其橫行ノ結果トシテ英佛兩政府ヨリ橫濱ニ若干ノ兵隊ヲ上ケテ置イテ、幕府ハ國費ヲ以テ此兵隊ノ居ル兵營竝ニ之ニ附屬スル病院ヲ維持セネハナラヌト云フマテニ屈辱ヲ受ケタノデアアル、維新後政府ハ數回ノ照會ヲ重ネ遂ニ此ノ兵隊ヲ撤去スルコトニナツタノデアリマス、其他尙ホ數例ヲ舉ケマスカ餘リ長ク言フ必要カナイト思フ、ソレテ外國人犯罪人引渡シノコト若クハ領事裁判ヲ施行スルコトヲ意ツタ國ニ對シテ、我カ裁判權ヲ適用スルコトニ關シ、若クハ外國人狩獵ノコト等ニ關シテ我政府カ國權ヲ伸張シタルノ例ハ甚タ少ナカラナイノデアリマス、而シテ外國交際ノコトハ其寬猛彼我共ニ均一ナランケレハナラヌモノデアアル、故ニ政府ハ舊幕府ノ彼ノ外人ノ遮斷主義ヲ變シテ開國主義トナシマシタ以上ニハ、其結果トシテ多少外國人ニ自由ヲ與ベルノ必要カ生シタノデアリマス、即チ夫ノ病氣保養若クハ學術研究等ノタメニ我政府ヨリ旅券ヲ渡シテ外國人ニ内地旅行ヲ許スト云フヤウナ自由カ是デアリマス、此外外國人ニ内地旅行ヲ許スニ就テハ無論外國人ハ多少ノ便利ヲ得

タニ違ヒナイカ、是カタメニ我國民ハ何等ノ損害ヲ生シタトモ思ハレマセヌ、昨年中内地ヲ旅行シタル所ノ外國人ノ數ハ凡ソ九千人テアル、而シテ確ナ統計ハ無論此ニ得マセヌカ、其筋ニ巧者ナル人ヨリ聞クニ、其外國人一人前カ凡ソ五百圓ハカリノ旅費若クハ小道ヲ使フタラウト云フコトテアリマス、然ラハ殆ト四五百萬圓ノ金額ハ我國中ノ勞働者若シクハ製造者ヲ知ラス識ラスノ間ニ富マシテ居ルト云フコトテアリマス、ソコテ先ツ夫等ノコトハ指イテ條約ヲ勵行スルト云フ一事ニ就イテ若シ此條約ヲ我ニ於テ勵行スルトスレハ、彼ニ於テ勵行スルノ處ナキヲ期セラレマセヌ、所カ此ニ重要ナル問題ハ日墨日清ヲ除クノ外ハ我國ノ條約ハ所謂一方ニ偏シタル條約テアリマス、一方ニ偏スル條約ト云フモノハ彼國人ニシテ我國ニ在留スル者ノタメニハ條約上許多ノ權利ヲ確メラレテ居ルニ拘ラス、我國人ノ彼國ニ在留スル者ニ就テハ條約上殆ト何等ノ權利ヲモ確メラレテ居ラヌト云ツテモ宜シイ。若シ彼我共ニ條約ヲ勵行シタル際ニハ我國民ノ損害スル所——損失スル所ノモノハ彼國民ノ損失スル所ヨリモ大ナルコトヲ恐レルノテアリマス、況ヤ此條約ヲ勵行ト云フコトノ精神ヲ追究スレハ到底近日世間ニ唱道スル所ノ非内地雜居トカ、少クモ舊幕時代ノ外人遮斷主義ニ外ナラヌノテアル、到底維新以來國家ノ大計國是ノ基礎タル開國主義ト反對スルモノテアル、故ニ條約ヲ勵行ト云フコトヲ以テ所謂國民利福ヲ計ルコトニナレハ本大臣ハ却テ反對ノ結果ヲ生スルコトヲ恐レル、然ルニ——モウ少シ御聽キ下サイ、然ルニ條約ヲ勵行ト云フコトヲ以テ一ノ手段トシ、例ノ條約改正ヲ促サントスルノ希望ヲ懷ク人カアル、是等ノ冀望ヲ懷ク人ハ以爲ラク、條約

關ル場合ニ於テ、其人民中内心實ニ小膽臆病外國人ヲ畏懼シナカラ外ニハ傲慢ノ意志ヲ現ハシ、區々小事ニ就イテ外國人ヲ輕侮スルノ形跡ヲ存シ、即チ一朝事アルニ當ツテ遂ニ巡シテ自立スル能ハス、大ニ外交上ノ葛藤ヲ生シ、一敗地ニ墜レテ國辱ヲ胎シ、國運ヲ縮メタル例ハ鮮ナカラヌ、然ルニ此外交ノ政略ト云フモノハ多クハ其時代ノ國民ノ氣象ニ應スルモノテアル、曩ニモ申ス通り幕府ハ鎖國攘夷ト云フ氣風ニ感染セラレ、爲メニ其外交政略ハ事々物々外國人ヲ遮斷スル主義ニ外ナラナカッタノテアリマス、故ニ忍耐アリ、進取ノ氣象アル人民ヲ有スル國ニアラスンハ且ツ大ナル外交政略ヲ執ルコトハ出來ナイノテアル、倍テ最早大抵申盡シ餘リ長ク時ヲ取ラヌヲ必要ト思ヒマス、茲ニ最後ニ本大臣ハ政府ヲ代表シテ言フ、到底彼ノ條約ヲ勵行若クハ其他之ニ附隨スル所ノ議案ハ、維新以來ノ國是ニ反對シ、政府ハ此國是ヲ阻格スルモノニ對シテハ之レヲ排斥スルノ責任アルカ故ニ、苟モ斯ノ如キ議案ノ議場ニ提出セラル、ニ當ツテハ、之ヲ論駁スルコトニ於テ寸毫モ假借セヌノテアリマス、故ニ茲ニ政府カ外交上ノ方針ヲ宣ヘテ以テ諸君ノ反省ヲ求ムルノテアル。

五七

明治三十二年十二月三十一日

英國代理公使ヨリ
陸奥外務大臣宛

日本政府ノ態度本國政府ヘ通知ニ及ヒタル件

(私信譯文)

拜啓陳者小生ハ唯今外務大臣「ロースベレー」伯ヘ「シャウ」

陸奥外務大臣時代 改正稟議ト對英交渉 五七

勵行ヲスルナラハ外國人ニ澤山ノ不自由ヲ與ヘルテアラウ、外國人ニ澤山ノ不自由ヲ與ヘタナラハ其結果トシテ彼ヨリ條約改正ヲ促シ來ルテアラウト想像スルノテアリマス、本大臣ノ考ニ於テハ此現行條約ナルモノハ前ニモ言ツタ通り一方ニ偏スル條約テアルモノヲ、矢鱈千萬ニ勵行ヲシタ時ニ外國人ニ何程ノ不自由ヲ感スルト云フコトヲ知ラナイノテアル、又多少ノ不自由ヲ感スルコトカアルトシテモ、ソレカタメニ外國政府ヨリ條約改正ヲ促シ來ルナトト云フ想像ハ附カナノテアル、條約改正ノ目的ヲ達セントスルニハ畢竟我國ノ進歩、我國ノ開化力眞ニ亞細亞洲中ノ特例ナル文明強力ノ國テアルト云フ實證ヲ外國ニ知ラシムルニ在リ、是カ條約改正ヲ達スル大目的テアリマス、而シテ右等ノ實證ハ今日迄幾分カ知ラシメタト云フコトハ先程ヨリ述ブル所ノ我政府カ從來執來ツタル所ノ開國主義ヲ實際ニ行フタル結果テアリマス、條約改正ノ目的、否ナ外交上ノ目的ハ第四回ノ議會ニ於テ總理大臣カ宣言シマシタ通り、凡ソ國トシテ受クヘキ權利ヲ受ケ、凡ソ國トシテ盡スヘキ義務ヲ完ウスルト云フニアリマス、是カ實際ヨリ言ヘハ則チ此日本帝國カ亞細亞洲中ニアリナカラ歐米各國ヨリ一種特別ナル待遇ヲ受ケムト云フ趣意テアル、既ニ外ヨリシテ一種特別ナル待遇ヲ受ケムトスルモノハ内ニアツデモ一種特別ナル政略ヲ行ヒ、其人民モ一種特別ナル氣象ヲ現ハサナケレハナラヌノテアル、故ニ今日ノ外交ノ要務ハ自尊自重何人ヲモ侮ラス、何人ヲモ怖レズ、彼此互ニ相當ノ尊敬ヲ盡シテ文明強國ノ伴侶ニ入ラントスルノテアル、諸君、近來ノ歴史、近來歐洲及亞細亞洲ニ關スル歴史ヲ御覽ナサイ、或一國カ外交ノコトニ關シ其國ノ安危存亡ノ

氏ノ件ニ付テハ十分満足ヲ與ヘラレタル旨ヲ電報シ且ツ帝國政府ハ外人排斥運動ニ關シ確固タル方針ヲ執リタルコト衆議院ハ條約勵行ニ關スル決議案ヲ提出シタル爲メ只今解散セラレタルコト及非内地雜居ヲ主張スル協會ノ解散セラレタルコトヲモ併セテ電報致置候

大日本協會ノ組織セラレシコト及日本國民ノ或ル一部分カ外國人ニ向テ惡感情ヲ顯表スルコトニ付小生ヨリ差出置候報告ハ「ロースベレー」伯ヲシテ多少ノ懸念ヲ起サシムルニ至リタルハ無理ナラサルコトト存候閣下及貴政府全體カ我輩ニ對シ好意ヲ有セラル、コトハ小生ヨリモ屢々同伯ニ向テ證言致居候得共衆議院ノ行爲ハ十分顧慮スルニ足ルヘキモノニシテ貴政府ハ果シテ日本國民ノ意思ヲ代表スルモノナリトモイフヘキ各黨派ニ向テ斷ヘス抵抗スル力ヲ有スルヤ否ヤノ點ニ付疑念ヲ生スルモ尤ノコトニ有之候

閣下力議會ニテノ御演說ハ貴政府ニテ執ラル、進取政略ノ誠意ニ出ルコトヲ充分表證スルコトヲ得ヘク又外國人反對ノ協會ヲ解散セラレシコト及衆議院ニ反對シテ執リ來ラレシ御措施ハ必ス最好ノ感觸ヲ惹起スヘク候但シ我外務省ニ於テ行政立法兩部ノ協和一致スルニ至ル迄ハ極メテ注意シ

テ事ニ從フコトヲ必要ト相考居候半コトハ小生ニ於テモ能ク之ヲ了解致サレ候

註 日英條約改正記事ニ曰ク「昨二十九日現行條約履行建議案衆議院ノ議事日程ニ上リタルヲ以テ陸奥外務大臣ハ同院ニ出席シテ帝國政府外交上ノ方針ニ關スル一場ノ演說ヲ爲シ同日直チ二十四日間ノ停會ヲ命セラレ昨年三十日竟ニ衆議院解散ノ大命アリタリ」

五八 明治三十七年二月十日 在獨青木公使ヨリ 陸奥外務大臣宛

法典實施永代借地權及旅券問題ニ關スル件

附屬書 一月一日付青木公使ヨリフレゾー公使宛書 翰

別信第四號 再度英國ニ赴キ改正談判ヲ爲シタル件

二月二十二日到

客年十二月二十一日閣下ヨリ左ノ電信ニ接候
Proceed to London after the departure of Kawase.
His letter of recall, your credentials and full powers
dispatched by Canadian mail December 5th. I pre-
sume you understood the purport of any telegram
dated December 13th. De Bunsen has already tele-

graphed to British Government my request to transfer negotiations to London and also to consent to open negotiations even before arrival of full powers.

右訓示ニ依レハ河瀬子爵出發ノ後本官義直チニ倫敦ニ赴キ同子爵ノ解任狀及本官ノ提携スヘキ御國書及全權委任狀ノ到着ナキニモ拘ラス英國政府ニ對シ條約改正ニ關スル談判ヲ開クヘシトノ旨ニ付耶蘇降誕ノ祭日間英公使ニ電信ヲ投シテ會期ヲ刻シタル後更ニ男爵「シーボルト」ヲ隨伴セシメ同二十五日ノ夕伯林府ヲ發シ廿七日英國外務省ニ於テ「フレレザ」公使ニ面晤シ前回ノ緒ヲ繼續シテ改正一件ニ關シ左ノ談判ヲ申込候即チ本官曰本談判ニ關シ貴我ノ間ニ猶ホ協定ヲ得サル點ハ居留地ニ關スル取極、法典實施ノ擔保及旅券擴張ノ三項ニ過キス故ニ本官ハ前回貴公使ト分袂以來屢々電信ヲ以テ我外務大臣ニ具申スル所アリタル末我政府モ可成貴政府ノ希望ニ協フ爲メ難キヲ忍ンテ讓歩セントスルニ決セリ今ヤ其規約ノ程限ヲ領得セルヲ以テ再ヒ貴公使ト前回ノ談判ヲ繼續セント欲スルナリ英公使曰善シ然ラハ其領略ヲ承知セン本官曰

第一 法典實施ヲ豫期シテ立約スルト云フ箇條ヲ機密文

書ニテ取極ルコト到底貴政府ノ同意スル能ハサル所ヲランニハ此際我政府ハ難キヲ忍ンテ之ヲ公文書ト爲ス可シ

第二 外國人ニ對シ日本全國ニ通シテ土地所有權ヲ許スニ先チ特ニ居留地ノミニ限リ之ヲ允准スルコトヲ得ス然レトモ我政府ハ向後外國人ノ既得權ヲ不意ニ褫奪スル等ノ意思アルニ非ラサルヲ以テ現居留地ニ限リ外國人ノ所有スル永代借地券ハ此迄ノ如ク存立セシメ各所有者ヲシテ姑ク無期限ニ安堵セシムヘシ要スルニ永代借地ノ制度タル法律的ニ其性質ヲ論スレハ帝國政府ト各國借地主間ノ貸借條約ニ基由スルモノタルニ由リ必シモ之ヲ純平タル土地所有權ニ改メサルモ現占有者ニ於テハ實際何等ノ不都合アルコトナシ之ニ反シ本件ニ關シテモ所謂「インテルナショナル、ツリーチー」ヲ以テ內國ノ立法權ヲ束縛スルコトハ帝國政府ノ決シテ肯諾シ能ハサル所ナリ

第三 旅券擴張ノ件ニ關シテハ我政府モ思慮スル所アルニ由リ貴國政府ニ於テ我提議案ノ大體ヲ承納セラルハニ於テハ旅行期限ヲ十二ヶ月ト爲スモ或ハ妨勿ルヘシ

以上ハ本官ノ負帶セル使命ノ要領ニシテ心中別ニ一點ノ祕事モ包藏スル所ナシ貴公使之ヲ領スヘシ換言スレハ拙者ハ我政府ノ極意ヲ吐露セリ故ニ再ヒ讓歩ヲ促サルルコトアルモ拙者ハ斷然之ヲ謝絶スヘシ此上ハ嚮キニ貴公使ニ交付シ置キシ提出案ニ今回ノ讓歩事項ヲ挿入シ本問題ノ成否ヲ決スル責任全ク貴政府ニアルナリ云々
此ニ於テ英公使曰貴子ノ折旋微セハ兩國間ノ談判ハ今日ノ進捗ニ至ラサリシヤ明カナリ又貴子例ノ如ク包藏ナキ眞率ノ説明ヲ與ヘラル、コソ大ニ事務ヲ抄取ラシムルニ足レリ今日ニ至リテハ嚮キニ貴政府ニシテ其讓與ノ程度ヲ限リタル訓令ヲ固定シテ貴公使ニ交付セサリシヲ恨ムノミ九月中此省ニ會合セシ以來無爲ニ欠呻シ時日ヲ徒過シタルハ甚遺憾ナリ其ハ兎モ角ク本官ハ今ヨリ外務次官ニ面晤シ共ニ貴案ヲ調査ス可シ貴子ハ姑ラク此一室ニ於テ休息セラル可キヤ否、本官曰諾、休息半日ニ涉ルモ苦カラス此ニ於テ英公使ハ應接所ヲ立出タリ
居ルコト一時半間餘ニシテ英公使再ヒ應接所ニ還リ曰貴案ヲ以テ談判ノ基礎ト爲スモ妨ナシ依テ該案ハ省議ニ付スル爲メ之ヲ印刷ニ附セント欲ス本官曰事ヲ貴省ニ區局セシメ

極メテ機密ニ取扱ハル上ハ本官ニ於テ故障アルコトナシ英公使曰勿論祕密ヲ守ルヘシ而シテ業已ニ編纂サレタル帝國民法中ノ箇條特ニ婚姻法ニ關シ貴公使ノ説明ヲ得ント冀望ス幸ニ今夕ハ閑暇ナリ本官ノ旅館ニ來臨シテ共ニ夕餐ヲ喫ス可シト本官曰先般モ貴公使ノ華筵ニ參シタリ今回ハ須ク弊寓ニ枉駕アルヘシ然ランニハ襟懷ヲ開テ公私ヲ談スヘシ同公使曰然ラハ貴意ニ任スヘシ

此夕英公使本官ノ旅館ニ來レリ依テ「シーボルト」男ヲ陪坐セシメ共ニ晚餐ヲ喫シ充分酒杯ヲ傾ケ襟懷ヲ披イテ談話シタル後

本官更ニ曰貴公使ハ本官依然改正事件ニ任スルヲ以テ動モスレハ一身ノ名譽ヲ食ルモノノ如ク諷諭セラルレトモ事實則然ラス之ヲ一身ノ位置ヨリ論スレハ廿三四年中御互間ニ於テ協議シタル事トハ稍々變態シタル事項ヲ取扱フニ依リ頗ル心苦情實アレトモ今回我政府ノ決定シタル基礎タル眞ニ帝國ノ時勢ニ適合シタルモノナリ故ニ貴公使ニ對シ云々主張スルハ少シク厚顔ニ類スレトモ君命ヲ體シ是非々々本件ヲ落着セシメント欲スルニアルナリ況ンヤ本件落着スルニ至レハ其結果トシテ兩國政府ノ友誼益々親睦ニ赴クノ

行セハ將來ニ於テハ國人并ヒ富ンテ勢力ヲ増進シ隨テ貴國ノ如キ大國ノ相談相手トナルニモ至ル可シ果シテ然ラハ今日談判ノ好結果ハ他日ニ於テ生スヘキ第二ノ好結果ヲ胚胎スル譯ニシテ貴公使及拙者ノ斡旋ニシテ其功ヲ奏セハ其價値甚タ少小ナラサルカ如シ云々

英公使之ニ答テ曰然リ寔ニ此事アルナリ拙者ノ持論モ亦此ニ外ナラス故ニ貴案ハ早速法律顧問ヲシテ之ヲ調査セシメ立約ノ事項ニシテ別ニ危險ノ虞ナキ以上ハ直チニ同意ヲ表ス可シ本官曰本問題ヲ裁決スルハ全ク高等政略ノ項ニ屬スルヲ以テ瑣々タル法律問題ニ躊躇スルコトナシニ之ヲ斷定セラル、ヲ希望スルナリ英公使曰貴論其當ヲ得タリ然レトモ吾儕英人ハ實利ヲ重スルノ國民ナリ故ニ法律又ハ立約ノ箇條ニ照準シ實利ヲ鞏固スルコト能ハサル證左ヲ發見セハ遺憾ナカラ貴案ニ對シ同意ヲ表シ難キ事情アリ云々此ニ於テ共ニ十二分ノ歡ヲ盡シ明日外務省ニ於テ再會スルコトヲ約シテ別レタリ

廿八日午後本官約ヲ踐ンテ外務省ニ出頭シタルニ英公使曰今日我在東京臨時代理公使 De Bunsen 氏ヨリ一報ニ接シタリ之レニ由レハ我公使館附 Arch Deacon

ミナラス貴我兩國民ノ交際モ亦頓ニ其容ヲ改メ貴公使等ノ懸念セラル、如ク邦人ノ外國人嫌ヒの妄想モ逐次ニ其跡ヲ滅スルニ至ラン要スルニ目今邦人ニシテ外國人ヲ忌嫌スルノ趣意ハ昔日ノ攘夷論トハ稍々其旨ヲ異ニスルモノナリ昔日ノ攘夷論ハ暴虎馮河のニ西人ト武力ヲ角スルノ意味多キニ居リタレトモ目今邦人中ノ好事家ニシテ間々奇異ノ運動ヲ試ムル者ノ趣旨ハ他ナラス帝國ニ於テ維新以降百般ノ改革ヲ決行シ遂ニ憲法ヲ立テ、政治ヲ爲スニマテ進歩シタルトモ各外國ハ之ヲ認可セス即條約改正ニ關シテモ我ヨリ提出スル事項ハ尙ホ悉ク納ラレス我冀望未タ充タサルニ由リ頗ル不満足ヲ抱キ内外ニ控シテ國權挽回若クハ擴張ヲ公言シ之カ爲メ壯年輩ハ「エキサイトメント」ヲ起シ一步ヲ蹈誤レハ動モシテ不穩ノ舉動ヲ示スニ至レリ故ニ今ヤ本件落着スルニ至ラハ物情モ亦稍々靜謐ニ歸スヘシ將又日本ハ東洋中ノ一巨島ナレトモ人衆四千萬ヲ以テ其國民トナシ人種ハ一族ヨリ成立シ宗教上ノ思想モ淡泊ナル代リニハ甚區々ナラス經濟及外交政略ノ區域ニ於テモ地形上ヨリ利益ヲ追逐スルノ目的全ク一致スルノ事實アルニ由リ先ツ本件ノ如キ一難事ヲ落着セシメ以テ益々 今上皇帝ノ開明主義ヲ實

Shaw ハ東京市ニテ暴徒ノ爲ニ害辱セラレタリ依テ近傍ナル巡查ノ援助ヲ乞ヒタレトモ巡查ハ傍看シテ赴援セス云々依テ代理公使ハ貴政府ニ就テ該件ニ關スル満足ナル處分ヲ請求シ貴外務大臣モ適當ノ處分ヲ爲スヘク約束セラレタレトモ遷延今以テ處分ヲ爲サレズ是貴政府ハ所謂外國人猜忌者流ニ對シ恐怖セラル、歟又ハ「プレミヨム」ヲ交付セラハ、ニ殆シ斯ル事情アルニ由リ本官ハ一月五日ヲ期シ是非東京へ歸任スヘキ内命ヲ得タリ又本處分ニシテ落着セサル間ハ改正事件ニ關シ英政府ハ何等ノ決答モ爲ササル可シ云々

本官曰暴徒ノ醜行執レノ邦力之レ勿カラシ然レトモ警保ノ官吏タル者之ヲ傍看シタルニ於テハ帝國政府ハ之レニ對シ嚴重ノ處分ヲ施スニ吝ナラサルヤ必セリ事果シテ尙ホ落着セサレハ本官電信ヲ以テ我外務大臣ニ稟申シ迅速且満足ナル處分アルヘク注意センノミ貴公使豈ニ掛念スルヲ要セン且ツ此項ニ付テハ貴外務大臣ニ面晤シ談話ヲ遂ク可シト述ヘタルニ英公使喜ンテ之ヲ承引シタレトモ折惡シク外務大臣不在ナリシヲ以テ次官 Sir Saunderson 氏ニ面晤シ種々ノ意見ヲ交換シタル末

次官曰貴國ニ於テハ近來頻リニ anti-foreign ノ氣風増長セリ我公使館員ニ關スル今般ノ出來事モ其結果トシテ惹起セルニ似タリ今ニシテ嚴重ノ處分ナキ限リハ向後一層不幸ナル出來事ヲ實驗スルモ測リ難シ且ツ本件ニ付テハ當府ノ或ル新聞紙等ハ隨分敵愾ヲ帶ヒタル論說ヲ掲ケテ貴政府ノ軟弱ヲ責ルニ似タリ而シテ貴國ト關係斯ク漸ク多事ニ赴クノ傾向アルニ付テハ「フレーザー」氏ハ早速赴任スヘキ命令ヲ領シタリ將又條約改正一件ニ關シテハ吾儕ハ最前ヨリ貴政府及貴公使ニ對シ好意ヲ表シ且ツ今日ニ至ルモ之ヲ維持スレトモ Mr. Shaw 一件落着セサルニ先チテハ貴案ニ對シ何分ノ決答ヲ爲スコト能ハサルナリ

本官曰改正事件ニ關シ貴政府特ニ貴次官カ好意ヲ把持セラルハ廿三年中ニ於テ已ニ實驗シ(當時シーボルト男ヲ同氏ノ許ニ遺シ土地所有權ヲ請求ヲ謝絶シ遂ニ英政府ノ同意ヲ得タルコトヲ指ス)帝國政府ハ頗ル感荷スル所ナリ又今般ノ提議ニ關スル説明ハ茲ニ陪坐スル「フレーザー」公使ニ與ヘタルニ由リ更ニ贅言セス好意ヲ以テ審査アランコトヲ冀望スルノミ Mr. Shaw ニ關スル出來事ニ對シ貴政府ニ於テ斯ク掛念サルハ本官ノ理會ニ苦ム所ナリ此等瑣

ノ電報ヲ閣下ニ差進置候而シテ尙ホ英政府ノ底意ヲ探聞スル爲メ其後「シーボルト」男ヲ次官ノ許ニ遣シ Mr. Shaw 一件ニ關シ本官ヨリ閣下ヘ電信ヲ差進候旨ヲ申聞シメタルニ次官ハ欣然之ヲ聞取リ且ツ英政府ハ徹頭徹尾日本政府ニ對シ好意ヲ變スルコトナシ然レトモ審査終了ノ後ニ非レハ提議案ニ對シ何分ノ決答ヲ爲シ難シ故ニ吾儕ハ青木子ニ對シ姑ラク伯林府ヘ歸任スヘシト勸諭シタリ云々トノ事ニ有之候間本官ハ再ヒ「フレーザー」公使ニ面晤シテ告別シ直ニ意ヲ決シテ即夜倫敦府ヲ出發シ十二月三十日伯林ニ歸任セリ

On arrival here first found favorable disposition. To-day situation suddenly changed on receipt of De Bunsen's report that satisfaction for attack on Arch Deacon Shaw is not forthcoming. Fraser now ordered to return. British Government takes the matter very seriously. Immediate satisfaction necessary. Inform me by telegraph.

翌三十一日復タ左ノ電信差進候

事ノ爲メ「フレーザー」公使ノ赴任ヲ急ニセンヨリ寧ロ同公使ノ出發ヲ猶豫シ改正ノ談判ニ參與セシメテハ如何我邦ノ情況ニ通シ及雙方政府ノ信任ヲ博スル者蓋シ同公使ニ如ク者勿カラシ

次官曰貴子ノ推稱ハ「フレーザー」公使ノ名譽ニシテ吾儕モ喜ンテ之ヲ承領ス併シ同氏ヲシテ久シク休暇セシムルハ恰モ其財産收入ヲ殺クニ齊キ情實アルニ由リ是非赴任セシムヘシ又貴案ハ篤ト審査スルニ非サレハ吾儕之ニ關シ何等ノ決答ヲモ爲シ得サルニ由リ貴子モ姑ク伯林府ニ歸任アリテ如何勿論質問ヲ要スルコトアラハ在伯林府我大使ヲ經由シテ提出スヘシ又貴子來臨ノ期日ハ吾儕ヨリ之ヲ通知スヘシ是貴我雙方ノ便宜ナリ

依テ本官モ強テ次官ニ抗議セス寧ロ同意ヲ表シテ告別シタリ何トナレハ我案ヲ審査員ノ調査ニ付スヘシトノ事ハ動カス可カラサル外務大臣ノ決裁ニ出タリ又次官及「フレーザー」氏ノ言ニ據レハ大臣モ好意ヲ以テ審査スヘシト特ニ命令シタル由ニ付此際迫リテ英政府ノ決答ヲ請求スルノ必要ナク且御國書到着ノ期ハ近ニ在ルモ女皇ノ「ウキンゾル」宮ニ還御ノ期ハ猶ホ未定ナレハナリ此ニ於テ本官不取敢左

After some understanding with British Government and in consequence of advice of Under-Secretary of State for Foreign Affairs I returned to Berlin. I am aware British Government would never be favorably disposed until you give satisfaction in case of Deacon Shaw.

然ルニ本月一日貴電信ニ接シタルニ由リ英政府ノ掛念并ニ新聞紙ニ由テ挑發サレタル同國一般ノ惡感觸ヲ抹殺スル爲メ別紙ノ内信ヲ裁シ「フレーザー」公使ニ授與シタリ但シ文中 anti-foreign spirit 等ノ文字ハ本官ヨリ自認の申出スヘキ言葉ニ無之候故貴電信ノ文字ハ多ク變更シタリ而シテ其後同公使并ニ在當府英國大使ヨリモ今以何タル通信無之候右報道申上度如此候也

明治二十七年一月十日

在伯林府 特命全權公使子爵 青木周藏印
外務大臣 陸 奥 宗 光 殿

附屬書

二十七年一月一日附在獨青木公使ヨリ
フレーザー公使ヘノ書簡

Confidential.

My dear Mr. Fraser.

I have much pleasure in communicating to you the enclosed copy of a telegram from my Government from which Your Excellency will notice that the Imperial Government has taken a decided stand against the agitation which has lately threatened to disturb our foreign intercourse. After a speech, by which the Minister of Foreign Affairs has clearly laid down the attitude which the Imperial Government intends to maintain on the question of foreign relations, Parliament has been dissolved yesterday.

Regarding the unfortunate assault upon Arch Deacon Shaw I have also had the satisfaction to receive a telegram that the British Chargé d'Affairs has in the meantime declared himself duly satisfied, a fact which he will also have telegraphed to the Foreign Office.

These assurances which I have received in answer to my remonstrances will, I trust, also convince you that the difficulties which were in the way of the negotiation in question no longer exist, and I beg

you to be so good as to bring the above facts to the notice of Sir Thomas Sanderson. Personally and in the name of my wife I wish you and Madame Fraser a happy journey to Japan and I also beg to hope that it will be again, here and there, my good fortune to continue the pleasant relations established between us.

I remain

Yours faithfully

Aoki.

Berlin the 1st January 1894.

五九 明治三十七年一月十日

陸奥外務大臣ヨリ
在獨青木公使宛(往電)

排外運動取締ノ件

二十七年一月十六日侍從長ヲ經テ上奏ス 一月十日發
外人排斥主義抱持者ノ運動ニ對シテハ政府ハ已ニ嚴重ナル
手段ヲ執リ尙引續キ同一ノ措置ヲ施シ居リシニ既ニ之ニ對
シ満足ヲ表スルモノ少カラス就テハ此際ニ當リテ英國ノ速
カニ條約ヲ改訂セハ政府ノ威信ヲ加ヘ且ツ輿情ヲ和ラシメ

テ政海ノ形勢上觀ヲ改ムルトコロアルヘシ
内閣ハ一日モ速カニ此談判ヲ結ブスルコトヲ以テ全ク閣下
ノ盡力ニ倚賴セリ因テ閣下ノ猶豫ナシ進テ談判ヲ進ムコト
ヲ期望ス(以下省略)

(中略)

As to anti-foreign movements Government have taking strong measures and already there are indications of satisfaction. At this juncture early conclusion of revised treaty with England will strengthen attitude of Government and improve political situation soothing popular feeling. Cabinet rely upon you to conclude the negotiations as speedily as possible and they desire you to take prompt action. (以下省略)

January 10, 1894. Mutsu.

六〇 明治三十七年一月十二日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

排外運動取締ノ件

Earl of Rosebury and Under Secretary of State for

陸奥外務大臣時代 改正稟議ト對英交渉 六〇 六一

Foreign Affairs have expressed their satisfaction about the decided stand taken by Imperial Government against anti-foreign agitation, but the former has not yet examined our draft. I think they will observe your further attitude toward foreigners before they will give us definite answer. Several papers report Christian Church is destroyed in Tokio. Is the rumor entirely unfounded?

Rec'd, Jan. 21, 1894. Aoki.

六一 明治三十七年一月十三日

陸奥外務大臣ヨリ
在獨青木公使宛(回電)

耶穌教堂毀壞ノ風説ニ關スル件

No. 9. The rumor is entirely unfounded.

Jan. 22, 1894. Mutsu.

六二 明治三十七年一月十五日

陸奥外務大臣ヨリ
在獨青木公使宛(往電)

改正交渉ノ促進及排外運動取締ノ件

二十七年二月十四日上奏セリ

一月二十五日發

帝國政府ハ來ル五月次期議會開會前ニ於テ英國政府ノ確答ヲ知ルコトヲ深ク期望セリ、閣下ハ英國政府力可成速カニ

六二

一三五

我約案ヲ考査スル様十分盡力セラルヘシ且ツ閣下ハ英國外務大臣ニ向テ外人排斥運動ニ關スル評説ハ大ニ其實ニ過キタル所アリ右運動ノ如キハ或種類ノ人士ニ於テ其黨略ノタメニスルモノニシテ深ク根底ヲ有スルモノニモ非サレハ又廣ク蔓延シ居ルモノニモ非ラス帝國政府ハ此先キモ今迄通り續ヒテ嚴重ナル手段ヲ執ルコトニ決シ居レハ充分好結果ヲ得ルヘシト信シ居ル旨ヲ保證セラルヘシ米國政府トノ談判ニ至テハ何ソ重大ナル理由ノ存スルニ非スハ本大臣ハ直チニ開談スルヲ欲セリ

日本駐劄英國公使ハ已ニ日本ニ向テ出發セシヤ

(右電文)

No. 10. Japanese Government are very anxious to ascertain definite reply of British Government sometime before next Diet opens in May. Do your best to induce British Government to make quickest possible examination of our Draft, and in the same connection you can positively assure Earl of Rosebury that report of anti-foreign movement (is) very much exaggerated. The agitation had been raised by particular persons to serve (the) purpose of party

politics and neither deep-rooted nor of wide extent. Government are decided to continue to take strong measures as has hitherto been taken and feel confident of complete success. As to negotiations with the United States I wish to open at once unless serious reasons exist. Has Fraser left for Japan?

Jan. 25 1894. Matsui.

六三 明治三十七年二月三日

在獨青木公使ヨリ
陸奥外務大臣宛

永代借地權及新稅率即時實施問題ニ關スル件

別信第五號

(第十四カ)

三月二十一日到

貴途第一〇三四號十六信ヲ以テ今回彌ヨ英國政府ニ對スル條約改正談判ノ全權ヲ本官ニ御委任相成候ニ付テハ善ク閣下ノ旨意ヲ躰シテ談判可致爲メ其略左ノ項ニ願ツテ御訓令相成致閱讀候

一從來條約改正談判ノ基礎トナリタル各提案タルヤ悉ク一時階梯橋梁ニ屬スルモノニシテ純然タル對等主義ニ非ラス然ルニ今日ノ立憲制度ト相ヒ抵牾衝突スルカ如キ條約ハ片時クモ之ヲ容ルヘキモノニ非ラス云々

訓諭ノ如ク從來談判ノ基礎ハ一時ノ階梯橋梁ニ外ナラス立憲制度創設ノ初年即二十四年中ノ閣議ハ該基礎ヲ認可セルニ由リ本官ハ英公使ニ對シ領事裁判權ト立憲制度ハ無期限ニ併行スヘキモノニ非ラサル旨ヲ主張シ所謂ル一時ノ階梯橋梁ヲ架シ五六年ヲ限り純然タル法稅兩權ヲ恢復スヘキノ意趣ヲ以テ談判ヲ爲シタル都合ニ有之候處今般閣下御立案ノ趣ハ「マテリアル」上前年ノ議ト同一タルモ「フォルム」上前議ニ反シ善ク彼我ノ情實ヲ斟酌シ五年後ヲ期シテ實施スルノ條約ヲ今日ニ及ンテ締結スヘキ義ニ有之候段最初ヨリ致領承居申候

二帝國政府ハ徹頭徹尾對等條約主義ヲ確執スルモノナリ而シテ對等ノ主義ヲ虧損セサル以上ハ條項字句ノ間ニ就テ協商酌改スルコトヲ得ヘシ併増刪修正ヲ爲ス場合ニ當リテハ電信若クハ書信ニテ一々閣下ノ認可ヲ請フヘキ旨ニ有之候

右致領承候

三法典實施ニ關スル保證ニ付テハ外交文書ヲ以テ各法典實施ノ後ニ至ラサレハ條約實施ノ通知ヲ爲ササルコトヲ約スルハ英國政府ノ冀望ヲ満足セシムル爲ナリ云々

陸奥外務大臣時代 改正議談ト對英交渉 六三

右ハ英國政府ニ取リテハ尤喫緊ノ點ニシテ彼ニ於テ最初ヨリ要求スル所ハ外交文書ヲ可成議定書ニ公裁スルコトニ有之候併此類ノ文書ヲ議定書ニ掲載スルハ甚ク不體裁タルニ由リ廿六年十月廿五日附八五八號條約改正件第九號ノ訓旨アルニモ係ラス機密別信第四號ヲ以テ已ニ申述置候通り擔保ノ文書ヲ公文書ト爲スヘシトノミ英政府ハ申置候左候テ時勢ノ變換ニ起因スル出來事トハ申シナカラ此ニ談判上ノ退歩トモ可申事項アリ乃チ嚮ニ廿四年中英公使ト談判ノ節ハ法典實施ヲ豫期シテ締約スルトノ義ニ關シ若シ不得已ノ事情アリテ豫期ノ文字ヲ使用シ難キ都合クランニハ別ニ「コンフヒデンシアル、レートル」ヲ以テ取極可致云々内談有之候處今日ニ至リテハ公然タル約束ヲ要求スルコトニ相成候

四居留地ニ關スル件ニ付テハ本官ハ曾テ外務當職ノ時ニ籌畫セン方案ハ復活ヲ主張スレトモ此事タル今日ノ事體ニ於テ國情ノ許ササル所ナリ又永代借地ノ制ニ因ル時ハ將來一定ノ借地料ヲ納付シ時々變動ヲ見ルコトナカル可シト雖モ之レニ反シ若シ土地所有ノ制ニ因ル時ハ其負擔ニ時々輕重ノ變動アルコトヲ免カレサルヘシ

云々

居留地處分ノ義ニ付テハ貴訓示ノ通昨年十月以降屢々電信ヲ以テ英政府ノ要求ヲ容レ本官ノ舊案ヲ復活可相成御内意有之候歟否相伺候都合ニテ有之候抑々外國人ニ對シ土地所有權ヲ許否スルノ利害如何ノ議ハ重ニ明治廿一乃至廿二年間ニ於テ惹起セラレ特ニ或ル一流ノ人士等該權許可ヲ以テ經濟上危險ノ原因ト看認メタルニ因リ閣議モ亦之ヲ許可セサル事ニ決セリ然レトモ夫ノ彈丸黑子タル外國人居留地ニ限り無期限借地ノ制度ヲ變シテ純乎タル所有權制度ヲ創設スルモ經濟上更ニ危險アルコトナシ況ンヤ立憲國ニ於ケル立法主義ヨリ之カ觀察ヲ降セハ外國人居留地ニ限り無期限借地ノ制度ヲ維持スルハ其様優待ニ類似シ頗ル變則タルニ由リ依然之ヲ維持セハ將來更ニ物議沸騰ノ種子ト相成ヘキ戒有之都合ニハ無之候哉之レニ反シテ今ヤ斷然所有權ノ制度ヲ創設スル時ハ本邦人モ亦該所有地ヲ買賣スルノ權利ヲ享有シ之カ爲メ内外異分子ノ交渉追次親和ニ赴クヘシ加之若シ政府ニ於テ必要ト認ムル場合ニハ相當ノ價額ヲ以テ公然全所有地ヲ買收スルコトヲ得ヘク左スレハ該制度タル借地券交付ノ制度ニ比スレハ翹カニ名分ノ正キノミナラス種

トシテハ在來ノ儘ニ仕置キ今回ノ提案ハ充分寛大公平ナル精神ナルコトヲ明知セシメ度云々トノ旨趣御申越相成候右前後稍々相違セル訓旨ノ御底意ハ少シク了解致兼候何トナレハ第八五八號信ニ基キ最前ノ案ヲ矢張其儘ニ提出シテ開談候得ハ所謂「トランプ」ヲ表示シテ骨牌ヲ遊フト一般ノ結果ヲ生スル都合ニハ無之候哉然レトモ本官ニ於テハ前記ノ電示ニ基キ新稅率直施ノ義ハ業已ニ今回談判ノ基礎トシテ御採用相成タルモノト存シ且實際ニ於テモ其旨趣ヲ以テ談判相始メ候ニ付昨年九月以後ニ降リテハ特別ノ理由ナクシテ之ヲ抹殺シ五年後ノ實施トシテ本件ヲ提出スルノ必要ナク又之ヲ爲シ候トモ由之別ニ寛大公平ヲ表示スルニ足ラサルノミナラス談判上措辭顛倒ノ不都合ヲ招致スルヤ必セリ且昨年九月中本件ニ關シテハ隨分ノ難論ヲ排シ漸ク英政府ノ同意ヲ取付依之將來四五年間ニハ幾百萬圓ノ歳入ヲ増殖シ得ル迄ニ運居候間本件ニ付テハ最早提議ヲ變更セサルニ利アリト存居申候

明治二十七年二月三日於伯林書之

全權公使子爵 青 木 周 藏 印

陸奥外務大臣時代 改正稟議ト對英交渉 六四

々ノ場合ニ於テ帝國政府ハ甚タ便宜ヲ得ル都合ニ可有之候但シ本官ニ於テハ更ニ舊案維持ノ了簡無之單ニ英政府ノ要求ニ據リ且前來ノ理由ヲ究查シテ再三閣下ノ決答ヲ促候迄ニテ有之候尤モ英政府ニ於テハ現ニ橫濱ニ於テ其海軍ノ爲メ使用スル土地ヲ有スル等ノ事情アルニ由リ我舊案ニ同意センヨリ寧ロ閣下ノ提議タル永代借地制度ヲ維持スルヲ以テ其便宜ト可致歟ニ被存候將又改正稅率ハ條約締結後直ニ施行可然トノ義ニ付テハ客年英國ニ行キ初回ノ談判ヲ開ラクニ先チ九月十四日發電信ヲ以テ左ノ通り建議申進候處
..... personally of opinion tariff shall come into force immediately after ratification.....
之レニ對スル閣下ノ答信ヘ左ノ通ニ有之候

..... As to the tariff I agree with your proposition but always bear in mind Ito scheme.....
故ニ本官ハ當時締約後直チニ新稅則ヲ施行スルノ意旨ヲ決定シ彼ノ五年ノ後ヲ期シテ新稅率ヲ施行スルト云フ基礎ヲ變更シテ開談判候都合ニテ有之候處其後貴送第八五八號三十五ニテ我新主義ヲ肯諾スルト同時ニ於テ新稅率直施ヲ承納スレハ大幸ナレトモ夫レハ實際上ノ話トナシ矢張提出案

外務大臣 陸 奥 宗 光 殿

追 申

前第四葉ノ第一行ニ於テ「英政府ノ要求」ト陳述シタルハ他ナラス先前已ニ申上置候通今回提出ノ議定書中居留地ニ關スル取極ハ甚タ漠然タルニ由リ寧ロ舊案ヲ復活スヘシ云々昨年九月中英公使ヨリ要求セル事實云

六四 明治三十七年三月八日

在獨青木公使ヨリ
陸奥外務大臣宛

條約改正ニ關スル外人排斥ノ件

附屬書一

一月十一日附英外務大臣來翰
二 一月十七日附英外務次官來翰

三 英外務次官來翰附屬青木公使提出改正草案

別信第六號

三月二十一日到

今般條約改正談判開設アルニ際シ外人排斥主義ヲ把持スル儕輩其氣焰ヲ張ラント企圖セルニ付テハ外國政府特ニ英政府ハ不快ノ感觸ヲ生シ且條約改正尙早ノ論及現條約勵行論陸續提出セルニ由リ同政府ニ於テハ恰モ不穩ノ形勢隱然相顯ハレ候様誤認セリ依テ該誤認ヲ其儘ニ放任致置候テハ僅々タル一部分ノ煽動者ノ爲ニ政府ノ大計甚タ毀損セラレ改

正談判モ之カ爲メ容易ナラサル困難ノ場合ニ立至ルヘクト存シ先ツ一方ニハ舊臘倫敦ヘ出張ノ節英政府ニ對シ我政府ハ此迄異常ナル困難ニ際シタルモ毎次糾紛ヲ切抜ケ進歩主義ヲ執テ動搖セス且現内閣ハ此等ノ困難ヲ經過シテ經驗ヲ積メル人物ヲ以テ組織セラルヘニ由リ目今把柄ニ盈タサルノ外國人排斥者流ガ愚民ヲ煽動スルモ不日之ヲ鎮壓スルコト疑ナキ旨ヲ明言シ置キ又他ノ一方ニハ閣下ニ對シ此際強硬ナル手段ヲ御施行相成度旨電信ニテ具申致置候處恰モ好シ昨年十二月三十一日接電信ニテ斷然タル政府ノ強硬ナル御處分ヲ御訓示相成候ニ付早速本年一月一日書翰ヲ以テ其趣フレーザー公使ヘ通知致候處英國外務大臣ヨリ別紙甲號ノ通英政府ハ我政府ノ政略ニ對シ満足スル旨回答有之候然ルニ別紙乙號一月十七日附英國外務次官サンデルソン氏ノ書翰ニ據レハ外務大臣 Lord Rosebery ハ未タ我改正草案ヲ研讀シ能ハサル旨ヲ記載シ又該次官ハ在東京英國臨時代理公使ヨリモ本官ヨリ爲セルト同様ナル通知ヲ得タリ即チ我政府力在日本英國及其他ノ外國臣民ニ相當ノ保護ヲ與フルコトニ決心シタルヲ悅フト申加候抑々匠心舞文ニ老クル該次官ニシテ斯ル簡單且模糊タル書翰ヲ投シタルハ固

リ候歟ニ推察被致候尤先月二十五日電信ノ訓旨ハ篤ト致了解候ニ付英政府ヨリ一左右申遣候次第謁見未済ト雖モ何時ニテモ倫敦ヘ出張シ精々折施可致候要スルニ氣運一變セハ談判以外ニ抄取り可申次回ノ議會招集前ニハ或ハ商議相纏リ可申歟ト藥居申候右報道申進度如此候也

明治二十七年二月八日

在伯林 特命全權公使子爵 青木周藏印

外務大臣 陸 奥 宗 光殿

別紙英文甲乙號(附屬書一、二)

追伸 本信ニ附添セル小冊英文ハ本官ヨリ英政府ヘ提出候條約改正草案(附屬書三)ニシテ該政府ニ於テ印刷致候分ニ付キ此ニ爲御一覽差進候也

附屬書一

二十七年一月十一日附英外務大臣ヨリ
青木公使ヘノ來翰

Foreign Office

11 January 1894.

Monsieur le Ministere,

Mr. Fraser has communicated to me the note

陸奥外務大臣時代 改正稟議ト對英交渉 六四

ヨリ底意ナクシテ然ルニアラサルカ如シ乃チ外務大臣未タ我提出案ヲ研讀シ能ハスト云フハ其實閑暇ナキニ非ラス或ハ我ニ暗指シ外人排斥ノ儕輩ヲ鎮壓スル始末ヲ見届タル後ニ於テ改正談判ヲ開始スルトノ意味ヲ間接ニ示シタルニ似タリ其上右次官ノ投書ハ一月十七日倫敦ヲ發セルニ由リ爾後早已三週間ヲ經過セリ尤本官ニ於テハ本件ヲ左置シテ英政府ノ遷延ニ放任セス一月中旬以後當府駐紮英國大使ノ媒介ヲ以テ屢々 Lord Rosebery ノ決答ヲ催促罷在申候特ニ先月二十五日ノ電訓ニ接シタル後ハ殆ント強迫的ニ催促ヲ重候得共本日迄何等ノ回答ニ不接候將又右次官手帖ノ後段ニ proper protection ノ文字ヲ用タルハ甚タ妥當ヲ缺キタル申振ニ有之様被存候ニ付近日倫敦出張ノ節ハ一度挨拶可致了簡ニ御座候

將又昨日電信ニテ申進候通

.....I presume they are waiting for 日本英國公使's report.....英政府ハ此際フレーザー公使カ本邦ニ到着ノ上我政府ノ外人排斥ノ煽動者ニ對シ執行スル政略ノ有様ヲ觀察シタル末改正ノ可否ニ關シ何等報告ヲ爲スヲ俟ツテ今回ノ談判開始ニ對シ判然タル返答ヲ爲スノ方針ヲ把持シ居

which you addressed to him on the 1 instant, informing him of the decided stand taken by the Japanese Government against the anti-foreign agitation in Japan.

I beg to assure you that the attitude thus adopted by the Japanese Government has been noted by Her Majesty's Government with much satisfaction.

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

Monsieur le Ministre

Your most obedient

humble servant

Rosebury.

The Viscount Aoki

&c., &c., &c.

附屬書二

二十七年一月十七日附英外務次官ヨリ
青木公使ヘノ來翰

Private

Foreign Office

January 17, 1894.

My dear Minister.

I send you according to promise six printed copies

December 27, 1893.

Draft Treaty of Commerce and Navigation.

of the draft Treaty and protocol which you handed to Mr. Fraser on the 27 ultimo, and I also return to you the originals which you wished to have back.

Lord Rosebury has not as yet been able to examine the draft, but I am glad to say that he has received through Mr. De Bunsen assurances similar to those communicated by you as to the determination of your Government to afford proper protection to British and foreign subjects in Japan.

Believe me,

Yours sincerely

T. H. Sanderson

Viscount Aoki
&c., &c., &c.

臺灣總督

明治三十九年十一月十四日

Confidential.

Draft Treaty of Commerce and
Draft of Protocol with Tariff,
communicated by Viscount Aoki,

form, have agreed upon and concluded the following Articles:

Article I.

The subjects 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 the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting

His Majesty the Emperor of Japan and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective 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:

His Majesty the Emperor of Japan,
and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India,

Who, after having communicated to each other their Full Powers, found to be in good and due

Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher impost or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the Laws, Ordinances, 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 may be established and maintained for that purpose.

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.

The subjects 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 contribution.

Article II.

There shall be reciprocal freedom of commerce and navigation between the dominions of the two High Contracting Parties.

The subjects of each of the Contracting Parties may trade in any part of the dominions 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; and they may there own or hire and occupy houses and warehouses, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

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, re-

spectively, the same treatment in matters of commerce and navigation as native subjects, 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.

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the special Laws, Ordinances, or Regulations with regard to trade, police, and public security in force in each of the two countries, and applicable to all foreigners in general.

Article III.

The dwellings, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings

and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

Article IV.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions 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, 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 High Contracting Parties, into the dominions and possessions of the other, from

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 or persons, or of cattle, or of plants useful to agriculture.

Article V.

No other or higher duties of charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

Article VI.

The subjects of each of the High Contracting Par-

ties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

Article VII.

All articles which are or may be legally imported into the ports of the dominions and possessions 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; and, reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions 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. Such reciprocal equality of treatment shall take effect without distinction, whether such articles

les come directly from the place of origin or from any other place.

In the same manner these 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 either of the High 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.

Article VIII.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other similar or corresponding 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, 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.

Article IX.

In all that regards the stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

Article X

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that

Japanese subjects in the dominions and possessions of Her Britannic Majesty and British subjects in the dominions and possessions of His Majesty the Emperor of Japan shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations to the subject 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 of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty, the Emperor of 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 Custom-house Regulations of the two countries.

Article XI.

Any ship of war or merchant-vessel of either of the High 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, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in

with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandise 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 ship or 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 States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

Article XII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to British law, are to be deemed British

accordance with the Laws, Ordinances, and Regulations of Great Britain, and, reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandise 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 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

vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels respectively.

Article XIII.

If any seamen should desert from any merchantship belonging to either of the High 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 vessel or 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 of the country where the deserter takes place.

Article XIV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, 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 uncondi-

tionally to the Government or subjects of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article XV.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, 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, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are or may hereafter be granted to Consular officers of the most favoured nation.

Article XVI.

The subjects of each of the High 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.

Article XVII.

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 pre-

sent 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 Tôkiô within two years from the date of the exchange of ratifications of the present Treaty.

Article XVIII.

The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction 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.

Article XIX.

The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain in force for the period of seven years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after six years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and

at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

Article XX.

The present Treaty shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Tôkiô within six months.

In witness whereof, &c.

Done at, &c.

Draft Protocol.

The Government of His Majesty the Emperor of Japan and the Government of Her Majesty the Queen of Great Britain and Ireland and Empress of India, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of

right to convert, from time to time, so far as it may deem it advisable to do so, either before or after the said Tariff goes into operation, the *ad valorem* rates specified in the said Tariff, into equivalent specific rates of duty. Provided that no such conversion shall take effect until at least six months after it shall have been published.

The Japanese Government also reserves to itself the right to make biennial revisions of the specific rates of duty so converted. Every such revision shall be based upon the difference in the average rate of foreign exchange for the three calendar months immediately preceding the first conversion of any such rate of duty, and the three calendar months immediately preceding any such revision. But no such revision shall take effect until at least six months after it shall have been published.

In respect of articles not enumerated in said Tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article XXIII of the Treaty of 1858 and Article IV of the

the Treaty of Commerce and Navigation signed this day, the import Tariff hereunto annexed shall, subject to the provisions of Article XXIII of the Treaty of 1858 at present subsisting between the Contracting Parties, as long as said Treaty remains in force and thereafter, subject to the provisions of Article IV of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs or any other indecent or obscene articles in violation of patent, trademark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The Japanese Government reserves to itself the

Treaty signed this day respectively.

From the date the Tariffs aforesaid take effect, the import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by British subjects shall cease to be binding.

2. Her Britannic Majesty's Government gives its consent to the complete incorporation from the date the Treaty of Commerce and Navigation, signed this day, comes into force, of the several foreign Settlements with the respective Japanese communes. When such incorporation is effected, such Settlements shall form integral portions of the municipal system of Japan; the competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the municipal funds and property belonging to such Settlements shall, at the same time, be transferred to the said Japanese authorities.

3. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day,

and that when said Treaty is ratified, the Agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time said Treaty ceases to be binding.

In witness, &c.

Done at, &c.

Draft of Diplomatic Note.

Japanese Legation, London, 1893.

The Undersigned, His Imperial Japanese Majesty's Envoy Extraordinary and Minister Plenipotentiary, in virtue of special authorization from His Imperial Japanese Majesty's Government, has the honour to announce to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs that the Imperial Japanese Government, recognizing the advantage of having the Codes of the Empire which have already been promulgated in actual operation when the Treaty stipulations at present subsisting between the Government of Japan and that of Great Britain cease

to be binding, engage not to give the notice provided for by the first paragraph of Article XIX of the Treaty of Commerce and Navigation, signed this day, until those portions of said Codes which are now in abeyance are brought into actual force.

The Undersigned, &c.

譯 Tariff 及 tariff ニ關スル青木公使ノ memorandum

ハニヨ省略ス

六五 明治三十七年二月七日

陸奥外務大臣ヨリ
在獨青木公使宛(往電)

英政府催告ニ關スル件

No. 21. Your answer to my telegram of January 25 (is) urgently waited. Circumstances do not allow to postpone any longer negotiations with United States and other Powers. Answer immediately whether Fraser left for Japan.

Feb. 7, 1894. Mutsu.

六六 明治三十七年二月七日

在獨青木公使ヨリ
陸奥外務大臣宛(回電)

英國事情回報ノ件

二十七年二月十四日上奏セリ

二月九日到

英國皇帝陛下ハ二月ノ末本使ニ謁見ヲ賜ハルヘキ旨通知アリタリ但シ本使ヨリ請求シ居ルトコロノ談判開始ノ點ニ付テハ未ダ英國政府ヨリ何タル回答ヲモ爲サス本使ノ揣摩スル所ニテハ外人排斥運動ノ件ニ付外國新聞上續ヒテ種々ノコトヲ記載スルヲ以テ英國政府ハ日本駐劄英國公使ノ之ニ關スル報告ヲ待チ居ルモノノ如シ右運動ノ件ニ付テハ歐洲各國政府ハ日本ヨリ種々ノ報ニ接シ居レハ痛ク談判ヲ妨クルコトアルヤモ計リ難シ

(右電文)

No. 30. Although I am informed that Queen will receive me (at the) end of February, British Government have not yet answered my solicitations about commencing negotiations. I presume they are waiting for Fraser's report as foreign papers continue to dilate upon anti-foreign movements about which European Government constantly receive communications from Japan and which may seriously prejudice negotiations.

(Via Petersburg), Feb. 8, 1894. Aoki.

六七 明治三十七年二月十日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

對英交渉ニ關スル件

二十七年二月十四日上奏セリ

二月十一日到

獨逸駐劄英國全權大使ハ英國政府ノ命ヲ受ケテ本使ト英國政府トノ間ニ立テ條約改正事件ニ關スル往復應酬ノ任ニ當リ居レルヲ以テ本使ハ日々ニ同大使ノ手ヲ經テ英國政府ノ回答ヲ得ルコトヲ要望シ居レリ而シテ若シ好答ヲ得タランニハ本使ハ御指示ノ日期以內ニ結了シタシト望ミ居レリ貴大臣ニ於テ是非其他國ニ向テ談判ヲ開始セサルヲ得ストノコトナレハ倫敦ニ於テ如何ナル影響ヲ生スルカヲ熟思アラハコトヲ念フ

日本駐劄英國公使ハ本月末ニ日本ニ到着スヘシ

(右電文)

I am expecting every day British answer through the British Ambassador here, who has been authorized to intervene. If favorable, I confidently hope to secure conclusion in time. If you are obliged to commence negotiations with the others, please consider what effect will be in London.

Fraser arrives in Japan (at the) end of this month.

(Via Petersburg), Feb. 10, 1894. Aoki.

六八 明治三十七年二月十二日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

排外運動取締ニ關スル件

二十七年二月十五日上奏ス

二月十四日到

貴大臣ニハ日本駐劄英國公使ノ日本ニ到着スルニ先タチ貴大臣カ議會ニ於テ爲サレタル演說ノ趣意即チ御誓文ノ御主意ニ基キ外國人排斥主義ヲ非トスル將來ノ政策ヲ詳述スル所ノ大詔ヲ煥發遊ハサルコトヲ請議セラルルコト出來難キヤ何トナレハ今若シ斯ル措置ニ出テラルルトキハ必ス歐洲各國人ヲシテ日本國內方今ノ情況ニ對スル恐懼心ヲ除キ現ニ着手中ノ事業ニ對スル厭忌心ヲ去ラシメ且ツ全ク國內ノ動搖ヲ靜壓スルノ效アルヘント思考ス

(右電文)

Can you not propose to issue before Fraser's arrival, an Imperial manifesto in the sense of your parliamentary speech always based on Imperial oath

ヒトロウラー氏ニハ先般本大臣ト晤談ノ度コト種々ノ雜話ヨリ毎モ延ヒテ我國條約改正問題ニ說キ及ホシ該問題ニ付キ若シ其周旋ヲ要スルコトアレハ何時ニテモ欣然盡力スヘシト頻リニ彼ニ向テロヲ開ケカシニ我ヲ誘迎致候ニ付本大臣モ熟思致候處露國トハ兎ニ角已ニ調印マテ相濟單ニ批准ヲ經ル一段マデニ相成居ル成約サヘ有之候ヘハ我ヨリ求メント欲シテ得難キ機會ヲ彼ヨリ好テ與フル以上ハ宜ク之ニ乘スルニ如カスト思考シ尋ヒテ露國公使ニ向テ日本國內ノ情況モ大隈伯在職ノ頃ヨリ以來大ニ變易シタル所アレハ今日ノ勢到底先年ノ成約ヲ其儘施行スル譯ニハ參リ難シ就テハ此際露國トノ成約ニモ對等主義ニ因テ重要ノ修正ヲ加ヘクシ此義ニ付露國政府ノ意嚮若何可有之ト及内談候處同公使ノ答ニ同氏一己人ノ意見トシテハ日本帝國今日ノ情況ニテハ所詮對等條約ヲ訂結スル外之ナカルヘク露國政府ニ於テハ實際日本ニ在住スル露國臣民モ極メテ少數ニシテ利害ノ關係甚タ少ケレハ只タ日本ニ於テ他ノ外國ニ與ヘラルル所ト均一ノ權利特典ヲ露國ニモ與ヘラルルニ於テハ帝國政府ノ需ニ應スルニ躊躇セサルヘシ兎ニ角直チ日本帝國政府ノ意嚮ヲ問合ハスヘキ旨申居候就テハ右同公使ノ請訓ニ對シ

陸奥外務大臣時代 改正稟議ト對英交渉 七〇 七一

clearly defining future line of politics against anti-foreign spirit as such action *timely*(?) taken will decidedly serve to remove European apprehension and prejudice against the present work as well as to silence internal agitation in entirety.

Berlin, Feb. 12, 1894. Aoki.

六九 明治三十七年二月十九日

陸奥外務大臣ヨリ
在英青木公使宛

米國及露國ト開談ノ件

送第四號 條約改正ニ關スル件(第十七)

米國政府ニ向テ開談ノ義ハ暫時見合候方可然旨昨年中御來示有之候ニ付貴見ニ從ヒ開談猶豫致居候處過般建野在米公使ヨリ申越候次第モ有之最早此先キ何時迄モ故ナク見合居候都合ニ參不申候ニ付格別ナル理由ノ存スルニ非スンハ建野公使ヲシテ進テ米國政府ノ意嚮ヲ探ラシメ度ト存シ其旨數度電報ヲ以テ申遣候義ニ有之候

將又本月七日發ノ電報中ニ「最早何時迄モ米國及其他ノ國トノ談判ヲ猶豫シ居ルコト能ハサル事情アリ」トノ旨申遣候右其他ノ國トハ即チ露國ノコトニシテ本邦駐劄露國公使

露政府ヨリ如何ナル訓示ニ及フヘキヤハ固ヨリ預測難致候得共露國公使ト内話ノ結果前述ノ行掛リニ相成居候ニ付爲御含致御通報置候

右申進候 敬具

七〇 明治三十七年二月二十六日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

國書捧呈ノ件

Presented the credentials to Queen on February 24. About treaty revision I can only inform you Under Secretary of State for Foreign Affairs seems anxious to know the result of election.

London, Feb. 26, 1894. Aoki.

七一 明治三十七年二月二十七日

陸奥外務大臣 對談
英國公使

條約改正ニ關スル件

同日 陸奥外務大臣ハ英國公使「フレーザー」氏ヲ其使館ニ訪ヒ左ノ通り對話アリタリ

大臣 本日ハ極メテ重要ナルコトヲ談話致度來訪セリ夫ハ別事ニモ無之昨年青木子カ使命ヲ帶ヒテ倫敦ヘ

赴キタルトキヨリ貴公使カ格外ノ好意ヲ以テ同子ノ使命ヲ成就セシメント居仲周旋ノ勞ヲ賜ハリシ趣ハ同子ヨリ詳細ナル報告アリタルヲ以テ本大臣モ疾ク已ニ承知スルトコロニシテ茲ニ改メテ貴公使ニ謝セント欲スル所ナリ然ルニ同子ヨリハ倫敦ニテ最後ニ貴公使ニ面晤セシトキ迄ノ報告ヲ受ケタルノミナレハ其後英國政府ノ模様如何若シ貴公使ニ於テ承知セラルルトコロモアラハ打明ケテ承リタシ

英公使本使ハ倫敦ニテ青木子ト面會セシ後程ナク日本ニ向テ出發シタレハ其後ノ模様ハ一切知悉セス

大臣

青木子ノ最後ノ報告ヲ領收シタル後兩三回電音ヲ接受セリ其電信ニハ英國政府ハ現ニ今帝國政府ノ提案ヲ調査中ナレハ右調査相濟次第開談スヘシトアルノミニテ未タ公然開談ノ時期ヲ知ルコトヲ得サルモノノ如シ然ルニ本件ニ付テハ去年青木子倫敦ヘ赴キ貴公使ノ周旋ニ賴リ大體主義ニ付雙方合意スルトコロアリタルヲ以テ遂ニ河瀬子ヲ召還シ青木子ヲシテ兼任セシムルコトナリタルモノニ

シテ斯ク大主義ノ上ニ於テ既ニ英國政府ノ同意ヲ得タルモノナレハ餘リ開談ノ時期ヲ延緩スルハ如何ノモノニヤト頗ル懸念シ居レリ

英公使本使ノ考ニテハ英國政府ノ意思ハ當初ヨリ變更シタルコトナケレトモ元來此度貴政府ヨリ提出セラレタル約案ハ從來ノ草案ニ比スレハ大ニ其度ヲ進メタルモノナルガ故ニ之ヲ調査スルニハ法律家又ハ其他ノ者ノ意見ヲ聞カサルヘカラス然ルニ法律家等ト申スモノハ兎角瑣細ナル缺點ヲモ指摘スルコトヲ以テ其名譽トスルモノナレハ夫等ノ爲メ自然隙取リ居ルコトナルヘケレトモ早晚貴國政府ノ都合宜キ様ニ運フコトト信シ居レリ

大臣

然レハ本大臣モ稍々安心セリ抑々帝國政府ニ於テ現行條約ヲ改正セサルヲ得サル理由ハ既ニ青木子ヨリ貴公使ニ向ヒ縷々陳述シタルヘケレハ茲ニ重ネテ反覆論辯スルノ必要ナカルヘキモ之ヲ要スルニ現内閣ハ此ノ事業ヲ完成スルニ於テ最モ適當ナルコトハ蓋シ貴公使ノ領悉セラルル所ナルヘシ元來帝國ト英國トハ貿易上ニ政事上ニ其關係決シテ

貴國ノ感情ヲ害センコトヲ恐レ氣ノ毒ナカラ葡國使臣ノ請求ヲ容レサリキ斯ノ如ク英國ト條約ヲ改正スルコトニ付テハ帝國政府モ種々考慮ヲ費シ居ルコトナルカ故ニ貴國政府ニ於テモ此際成ルヘク早ク開談ノ手續ニ運ハレンコトヲ希望ニ堪ヘス英公使貴說尤ノ次第ナリ本使ニ於テ貴國政ノ爲メニ相當ノ盡力ヲ爲ス方然ルヘシトノコトナレハ其旨腹藏ナク申聞ケラレタシ若シ又本國政府ヘ電信ニテモ發スル方然ルヘシトノ事ナレハ本使ハ之ヲ發スルコトヲ躊躇セサルヘシ

大臣

懇情深謝スル所ナリ若シ貴公使ヨリ電信ニテ貴國政府ヲ催促セラルルコトヲ請フコトヲ得ハ最モ效力アルヘシト信セリ昨年來日本ニ於テ或黨派カ政府攻撃ノ材料トシテ外國人排斥主義ノ議論ヲ流布シタルカ爲メ橫濱外國新聞若クハ倫敦諸新聞杯ニハ頗ル事實ヲ過大ニセシ評說等モアリタレハ此等ノ事或ハ英國政府ヲシテ開談ヲ躊躇セシムル原因トハナラサリシヤ此等ノ評說ノ大ニ事實ノ真相ヲ失ヒ居ルコトハ「ド、ブンセン」氏ニモ疾ク承知

セラレ居ルコトナラン

英公使新聞紙上ノ評說等ニ付テハ英國政府ハ格別頓着致聞敷又夫等評說ノ常ニ事實ヨリモ過大ナリトコトハ既ニ當公使館ヨリ本國政府ヘ報告致居ルコトナレハ旁々以テ英國政府ハ此等ノ流說ニ意ヲ介セサルコトハ確カナレトモ何分英國外務省ニテハ事ヲ慎重ニシ兎角ニ事務神速ナラサルノ傾キアルカ故ニ本件ニ就テモ例ノ通り遲延シ居ルコトト思考ス然シ貴大臣ノ望モアレハ本使ヨリ電信ニテ催促スルコトト致スヘシ

大臣 貴公使ヨリ電信ヲ發セラルナレハ約ソ左ノ意味ヲ電通セラルルコトヲ得ヘキヤ即チ「日本ノ外國人排斥論ハ實際左程甚タシキモノニ非ラス日本外務大臣ハ條約改正談判ノ可成速力ニ開カレンコト即チ來月中旬頃迄ニ着手ノ報告ヲ得度期望シ居ル」トノ意味是ナリ

英公使外國人排斥主義ニ關スル評說ニ付テハ當公使館ヨリ已ニ本國政府ニ詳報シタレハ今又重ネテ之ヲ言フノ必要ナカルヘシ又開談ヲ取急カルルコトニ付

英國公使ト會談ノ件

No. 35. Had a long interview with Fraser. He promised to urge British Government to open negotiations at the earliest possible date.

Tokio, Feb. 27, 1894. Mutsu.

七三

明治三十七年三月二日 陸奥外務大臣ヨリ 在英青木公使宛(往電)

英國公使謁見ノ件

No. 38. On the occasion of audience to-day, His Majesty expressed satisfaction to Fraser for his assistance to you in London and asked for its continuation. Fraser assured His Majesty to do his best and hoped the matter may arrive at satisfactory issue. I understand he has already telegraphed to his Government in the sense of my last telegram.

March 2, 1894. Mutsu.

七四

明治三十七年三月十五日 陸奥外務大臣ヨリ 在英青木公使宛

談判再開方ニ付英國公使ト懇談ノ件

陸奥外務大臣時代 改正稟議ト對英交渉 七三 七四

テハ本使ハ發電スルコトヲ躊躇セサレトモ或期限ヲ刻シテ申出ラルルコトハ如何ニヤ大隈伯在職ノ頃忤ニモ毎度期限ヲ定メテ申込マレタルカ爲メ多少英國政府ノ感情ヲ害シタルコトアリ故ニ本使ハ「成ルヘク早く」等ノ語ヲ用ヒテ別ニ期限ヲ定メサル方宜カルヘシト思考ス

大臣 其點ハ總テ貴說ニ從フヘシ但シ貴電中ノ意味只タ本大臣カ請求ヲナシタリトノコトノミニテハ詰リ青木公使ヲ經テ貴國政府ヘ申入ルルト同様ノ姿ナレハ成ルヘク貴公使ニ於テモ本大臣ノ意見ヲ尤ト存セラルルトイフ意味ヲ加ヘテ發電アランコトヲ冀フ

英公使夫ハ誠ニ當然ノ事ナレハ諸事本使ヘ任セラレタシ左スレハ貴意ノ貫徹スル様取計フヘシ

大臣 厚情忝シ貴電ニ對シ貴國政府ノ電答ヲ接セラレシトキハ其旨意ヲ通報セラレタシ

英公使勿論ノ事ナリ回電有之次第早速通報スヘシ

七二

明治三十七年三月十七日 陸奥外務大臣ヨリ 在英青木公使宛(往電)

送第七號 條約改正ニ關スル件(第十九)

去月二十七日以電信英國公使フレーザー氏ト長時間ニ渉ル談話ヲ爲セシニ可成速力ニ公然ノ談判相開候様同氏ヨリ本國政府ヘ可申立約束致候旨申進置候處同日英國公使ト對談ノ大要ハ左記ノ通ニ有之候

本大臣ニハ先以テ閣下ガ昨年倫敦ヘ出張ノ節使命ヲ奉行セラルヘニ當リテ同氏ガ常ニ好意ヲ以テ居仲周旋ノ勞ヲ執リタルコトヲ謝シ夫ヨリ話ヲ續ケテ閣下ヨリ接受セシ電信ニ據レハ英國政府ハ現ニ今帝國政府ノ提案ヲ調査中ナレハ右調査完結次第開談ノ運ニ到ルヘシト有之候而已ニテ未タ公然開談ノ時期ヲ確知スルコトヲ得サルモノノ如シ然ルニ本件ニ付テハ昨年閣下ト同氏トノ間ニ於テ大體主義ニ付合意スルトコロアリタルヲ以テ遂ニ閣下ニ倫敦駐劄兼任ヲ命セラレタルモノニシテ斯ク既ニ大主義上英國政府ノ同意ヲ得タルモノナレハ餘リ開談ノ時期ヲ延緩スルハ如何ノモノニヤト申述候處同氏ハ自分ノ考ニテハ本國政府ノ意思ハ最初ヨリ變更シタルコトナケレトモ元來此度帝國政府ヨリ提出セシ約案ハ從來ノモノニ比スレハ大ニ其程度ヲ進メタルモノナレハ之ヲ調査スルニハ法律家又ハ其他ノ人々ノ意見ヲ

モ開カサルヲ得ス然ルニ法律家等ト申スモノハ兎角瑣細ナル缺點ヲモ指摘スルコトヲ以テ其名譽トスルモノナレハ自然夫等ノ爲メ隙取リ居ルコトナルヘケレトモ早晚帝國政府ノ都合能キ様相運候事ト信シ居ル旨相答候ニ付本大臣ハ又抑帝國政府ニ於テ現行條約ヲ改締セサルヲ得サル所以ハ已ニ閣下ヨリ縷々陳述相成居候等ニ付玆ニ重ネテ反覆論辯スルノ必要無之候得共要之現内閣ハ此事業ヲ完成スルニ於テ最モ適當ナルコトハ蓋シ領悉セラル、所ナルヘク元來日英兩國ハ貿易上ニ政事上ニ其關繫決シテ他國ノ比ニ非サルノミナラス本件ニ關スル談判モ先年來懸案ノ姿ト相成居候ニ付第一ニ英國政府ノ同意ヲ得ンコトヲ欲シ居レリ伊國其他ノ國ニ至テモ英政府ノ舉動如何ヲ傍觀シ居ルコトナレハ英政府ニシテ若シ帝國政府ノ請求ヲ容レラル、ニ於テハ破竹ノ勢ヲ以テ他ノ二三ヶ國トモ條約改正ヲ遂クルコトヲ得ヘシ故ニ英政府トノ談判ハ帝國政府ニ取リテハ最も重要ノコトニ感シ居レリ實ハ去年日葡間交渉事件ニ付葡國使臣ト談判ノ際同國使臣ヨリ日墨條約ヲ基礎トシテ條約ヲ改正セントマテ申出タルコト有之帝國政府ニ於テハ苟モ對等條約ニシテ締結スルコトヲ得ヘクンハ何レノ國トナリトモ之ヲ訂

結スルコトヲ好マサルニハ非サレトモ恰モ其前英國臨時代理公使ヨリ條約改正問題ニ關シテハ英國政府ハ率先ノ權アリトコトヲ英政府ノ意旨ナリトテ宣言セラレタリシコトモ有之候ニ因テ本大臣ハ葡國政府ノ請求ヲ容ルルカ爲メニ反テ英政府ノ感情ヲ害スル必要無之ト存シ氣ノ毒ナカラ同國使臣ノ請求ヲ容レサリキ斯ノ如ク英國ト條約ヲ改正スルコトニ付テハ帝國政府モ種々考慮ヲ費シ居ルコトナルカ故ニ英政府ニ於テモ此際可成早ク開談ノコトニ被運度旨懇々相辯候處同氏ニモ本大臣ノ論旨ヲ尤ナルコトト存候景色ニテ自分ニ於テ帝國政府ノ爲メニ相當ノ盡力ヲ爲ス方可然トノコトナレハ其旨無腹藏被申聞度若シ又本國政府ヘ電信ニテモ發候方可然トノコトナレハ自分ハ之ヲ發スルコトヲ躊躇セサルヘキ旨申聞候ニ付本大臣ハ其尾ニ附キ若シ同氏ヨリ電信ニテ英政府ヲ催促スルコトヲ得ハ最も效力可有之昨年來或黨派カ政府攻撃ノ一手段トシテ外國人排斥主義ノ議論ヲ流布セシカ爲メ橫濱外國新聞若クハ倫敦諸新聞等ニハ頗ル事實ヲ過大ニセシ評說等モ果出致居候ヘハ此等ノ事或ハ英政府ヲシテ開談ヲ躊躇セシムルノ原因トハナラサリシヤ此等評說ノ如キハ往々大ニ事實ノ真相ヲ失ヒ居ルコト多

キ旨辯解致候處同氏ハ新聞紙上ノ評說等ニ付テハ本國政府ハ格別頓着致間敷(此義ニ付テハ是迄屢々閣下ヨリ申越居候次第モ有之英政府ニ於テモ最初ノ程ハ必ス懸念致居候事ニ可有之候得共フレドザ氏着任後ブンセン氏ヨリ段々聞取候事モ可有之又同氏自身ニテモ親ク實況ヲ目撃ノ上流言傳説ノ常ニ事實ヨリモ過大ナリシコトヲ詳悉シタルヘケレハ如此語詞ヲ用ヒシモノト思量致居候)又此等評說ノ常ニ事實ヨリモ過大ナリトコトハ既ニ當公使館ヨリ本國政府ヘ具報致居候コトナレハ旁以テ本國政府ハ夫等ノコトニ意ヲ介セサルコトハ確カナレトモ何分本國外務省ニテハ事ヲ慎重ニシ兎角ニ事務神速ナラサルノ傾キアルカ故ニ本件ニ付テモ例ノ通遲延致居候コトト被考候然シ本大臣ノ望モアレハ電信ニテ催促可致旨申出候因テ本大臣ハ「日本ノ外國人排斥論ハ實際左程甚シキモノニ非ラス日本外務大臣ハ條約改正談判ノ可成速ニ開カンコト即チ來月(本月ノコト)中旬頃迄ニ着手ノ報告ヲ得度期望シ居ル」トノ意味ヲ電信中ニ加吳候様申試候處同氏ハ外國人排斥主義ニ關スル評說ニ付テハ已ニ詳報セシ所アレハ今又重ネテ之ヲ言フノ必要ナカルヘク又開談ヲ取急カルルコトニ付テハ固ヨリ發電ヲ

躊躇セサルヘケレトモ或期限ヲ剋シテ申出ラルルコトハ如何ニヤ大隈伯在職ノ頃等ニモ毎度期限ヲ定メテ申込マレタルカ爲メ多少本國政府ノ感情ヲ害シタルコトヲ有之候ヘハ單ニ「成ルヘク早ク」等ノ語ヲ用置候方宜カルヘキ旨相答候ニ付本大臣ハ之ニ對シ其邊ハ總テ同氏ノ見込ニ一任スヘシ只クニツ電信中ノ意味本大臣ヨリ請求ヲ爲シタリトノコトノミニテハ詰リ閣下ヲ經テ英國政府ヘ申入ルルト何ノ差異モ之ナケレハ同氏ニ於テモ本大臣ノ意見ヲ尤ト存居ル意味ヲ以テ發電アリタシト相求候處同氏ハ其ハ誠ニ當然ノ事ナレハ總テ自分ヘ任セラレタシ左スレハ本大臣ノ意思ノ貫徹スル様可取計旨相約候
右爲念申進置候 敬具

七五 明治三十七年三月一日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

豫備交渉開始方英政府承諾ノ件

四月二日上奏ス 三月三十一日到
當國新任外務大臣ニ面晤シテ確メタル所ニ依レハ同大臣ノ意向ハ我ヨリ讓與ヲ得ント欲スルモノノ如シ依テ本使ハ直

チニ之ヲ排シタリ同大臣ハ又ク我ニ於テ其便宜ノ時ニ至リテ領事裁判權ヲ廢止シ其迄ハ内地解放ヲ延期スルモ我カ勝手ナリト言ヘル日本政府ノ要求ハ英國ニ向テ之ニ對應スル利益ヲ與ヘサルモノナリトテ之ヲモ亦タ駁撃セリ併シ本使ハ來ル月曜日豫備會議ヲ開ク事ハ英國政府ノ同意ヲ得タリ蓋シ同政府ニ於テハ我カ外交政略ニ對シ信用ヲ措カサズ者ノ如シ

(本電文)

Disposition of new Minister for Foreign Affairs as far as ascertained by personal conversation seems to aim at obtaining concessions from us. I rejected this at once. He criticized also our claim for the option of abolishing consular jurisdiction at our convenience, opening of interior being (in the) meantime postponed; therefore England receives no corresponding advantage.

I obtained consent to preliminary conference next Monday although there are strong signs of want of confidence in stability of our foreign policy.

March 31, 1894. Aoki.

April 6, 1894. Aoki.

七八 明治三十七年四月六日 陸奥外務大臣ヨリ
在英青木公使宛(回電)

條約廢棄論ニ關スル件

No. 79. I am very glad of good hope derived from Preliminary Conference last Monday. I have never alluded to renunciation of treaties to Bunsen or anybody else. As to the Tokio Nichinichi I have given due warning. Japanese Ministers in United States and Russia have pressed me repeatedly to open negotiations stating that present moment is most favorable, but I have postponed them according to your representations. Can you not, however, give me some idea as to length of time necessary for such postponement because I cannot keep them waiting indefinitely.

Regarding tariff, my intention is to adopt denunciation of legal tender for the time being.

April 6, 1894. Mutsu.

七六 明治三十七年四月五日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

豫備會談ノ模様報告ノ件

Monday conference makes me hope that understanding would be possible if judiciously supported by you. Avoid any further allusions to renouncing treaties as you did to Bunsen coupled with article of the Tokio Nichinichi (as it) provokes bad impressions here. Delay also negotiations with other powers to allow England lead in treaty revision.

April 5, 1894. Aoki.

七十七 明治三十七年四月六日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

從價稅換算ニ關スル件

Telegraph immediately whether in the proposed calculation of specific duties you propose to adhere to *Ichibus* system or in what denomination of coin the amount of specific duties will be fixed. Might it not be useful to say simply the coin being for the time legal tender in Japan. This would allow us to fix eventually gold yen.

七十九 明治三十七年四月七日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

條約廢棄論及航行權ニ關スル件

Confidentially informed that your allusions about renouncing treaties increase difficulty of British Government to accept as they cannot concede under appearance of pressure. Authorize me to declare that your statement was not seriously meant. Besides they claim continuance of present shipping right between open ports (it?) being different from coasting trade. Can you authorize me to concede eventually.

April 7, 1894. Aoki.

八〇 明治三十七年四月七日 陸奥外務大臣ヨリ
在英青木公使宛(回電)

條約廢棄論其他ニ關スル件

No. 80. As stated in my telegram of yesterday I have never alluded to renouncing treaties and you are hereby authorized to declare so emphatically. I wish to know what is the cause of such misunderstanding on the part of British Government. I am

willing to meet reasonable proposals for modifications to our draft but am desirous to know them altogether to give full consideration. Question of shipping right is also desired to be considered at them same time.

April 7, 1894. Mutsu.

八一 明治三十七年四月十五日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

條約廢棄論永代借地及ソールズベリー案ニ關スル件

四月十八日上奏ス

四月十六日到

爾來更ラニ本邦ヨリ報告アリ之カ爲メ英國政府ヲシテ貴大臣ハ内心多少條約廢棄ノ意アル哉ノ疑念ヲ起サシメ隨テ本使ノ談判ニ延滞ヲ來セリ。英國政府ハ又タ伊藤伯ヨリ貴族院議員數名ニ與ヘタル復書ヲ以テ右ハ愈ヨ右廢棄ノ意アルコトヲ確カナラシメ且ツ右ハ威嚇ノ語氣アルモノナリト云ヘリ此外ニ英國政府ハ我讓與ハ不充分ニシテ居留地ニ關スル取極ハ安然ナラスト明言セリ。本使ハ英國政府ヨリ申出ノ故障ヲ一々駁撃シタル覺書ヲ作リタリ。英國政府ニテ右

als preserve status quo of leaseholds. new Article 18 will consequently conflict therewith. British Government propose to maintain Salisbury draft that all rights not modified by new treaty continue in force. Reconsider my letter of February 8th.

April 15, 1894. Aoki.

Recd April 16, 1894.

八二 明治三十七年四月十六日

陸奥外務大臣ヨリ
在英青木公使宛(回電)

前電回答ノ件

四月十八日上奏ス

四月十六日發

我讓與ハ何レノ點ニ於テ不充分ナルヤ本大臣ハ報知アリタシ本大臣ノ居留地ニ關スル提案ト條約第十八條トノ間ニ抵觸ノ廉ナシ乍去若シ所望ナレハ議定書ノ字句ヲ多少變更スルモ妨ナシ。帝國政府ニ於テハ「ソールズベリー」英國總理大臣(提案ニ依テ英國政府ノ得ント欲スル一切ノ權利ハ我カ同意シ得ル丈ハ之ヲ新條約中ニ書入ルコト敢テ異議ナシト雖モ條約第十八條ノ字句ハ其儘據置クヲ要ス。談判ノ速ニ歩ヲ進ムコトハ本大臣ニ於テニ閣下ノ盡力ニ依頼ス

陸奥外務大臣時代 改正京議ト對英交渉 八二 八三

覺書査閱ノ上會議ノ步ヲ進ムヘシ貴大臣ノ居留地ニ關スル提案ハ借地ヲ其儘ニ保存スルニ付キ條約第十八條ト抵觸スヘシ。英國政府ニ於テハ新條約ニ依リ變更セラレサル一切ノ權利ハ引續シキ將來ニ効力ヲ有スヘシト言ヘル「ソールズベリー」(英國前總理大臣)提案ヲ維持センコトヲ主張ス二月八日付本使書面²ノ趣御再考アリタシ

註一 二條基弘公外三十七名ノ意見書ニ對スル伊藤伯二月十日附答書ハ第五卷補遺議會關係文書參照
2 六四文書

(右電文)

Negotiations delayed in consequence of further reports from Japan making British Government suspicions that you have some mental reservation of renunciation. They also consider Ito's answer to Peers confirmation of this and menacing. Besides our concessions are declared insufficient and Settlement arrangement unsafe. I have prepared memorandum combating fully their objections. After examination of memorandum by British Government Conference will proceed. As your Settlement propos-

(右電文)

No. 93. Inform me in what respect our concessions are insufficient. There is no conflict between my Settlement proposals and new Article 18 but wording of protocol may be somewhat altered if desired. Japanese Government are willing to insert in the new treaty all the rights that are desired to be secured by Salisbury's proposal as far as they can agree but text of Article 18 must remain as the draft. I rely upon you for rapid progress of negotiations.

April 16, 1894. Mutsu.

八三 明治三十七年四月十六日

陸奥外務大臣 會談
英國公使

英國政府ノ意嚮ニ關スル件

附屬書一 英國政府ヨリ英國公使ヘノ電信寫

二 陸奥外務大臣ヨリ英國公使ヘ送リタル口上書

同日 英國公使外務省ニ出頭シテ陸奥外務大臣ニ面晤シ別紙英國政府ヨリ接受セシ電信寫並「ド、ブンセン」氏及同

公使ヨリ英國政府へ送りシ公信ノ拔萃ヲ示シ帝國政府ノ意思ニ付質問スル所アリクルヲ以テ外務大臣ヘ一々之カ辯解ヲ與ヘラレ尙ホ其論旨ヲ口上書ニ製シテ之ヲ送附スヘキコトヲ約セラル

註 是日英國公使ハ伊藤伯ヲモ訪問シテ晤談スル所アリ
タリ、尙追卷補遺議會關係英國外交文書參照

附屬書一

英國政府ヨリ英國公使ヘノ電信寫

四月二日日本大臣ヘ日本公使ニ面晤シ「ド、ブンセン」氏ヨリ二月十四日附第十五號書簡ニテ申越セシ陸奥氏ノ言語及二月十三日伊藤伯ノ演說中ノ所見ニ付其注意ヲ促カシ條約ヲ排棄スルトイフカ如キ威嚇ケ間敷手立ヲ執ラル、ニ於テ本大臣ハ如何ナル提議ト雖トモ一切之ヲ承接スルコト能サル旨ヲ預告シ其節條約ノ神聖犯スヘカラサルコトニ關スル千八百七十一年一月十七日倫敦會議議定書第一ヲ引證セリ「ド、ブンセン」氏（千八百九十四年二月十四日附）ノ

公信拔萃

附屬書二

陸奥外務大臣ヨリ英國公使ヘ送りクル口上書

因テ生スル所ノ大利益ヲ感スルヲ以テ或ル場合ニ於テハ英國トノ談判ノ了結ニ先タテ他國ニ向テ本問題ヲ提出スルノ已ムヲ得サルニ至ルヘキヤモ難計旨ヲ陳述セリ而シテ斯ル場合ニ遭遇スルコトヲ避ルカ爲メ本大臣ハ特ニ「ド、ブンセン」氏ニ由テ英國政府ノ措置ヲ促カシタルモノニシテ毫モ帝國政府ハ其目的ヲ達スル爲メ時宜ニ因テハ或ハ條約改正以外ノ手段ヲ執ルニ至ルヘシトノコトヲ諷スルノ意アルニ非サルナリ

是故ニ「ド、ブンセン」氏ニ於テ本大臣ノ陳述シタル所ヲ以テ前來述フル所ノ公信ト矛盾スルカ如ク理會セラレタルムニハ是レ全ク本大臣カ開陳セムト欲スル所ノ意義ヲ誤解セラレタルニ由ルモノナリ

伊藤伯カ二條公及其他ニ與ヘタル覆轡中ニ陳述シタル所ハ若シ之ヲ其當時ノ事情ニ照ラシテ一讀スルトキハ帝國政府カ公言セシ政策ト全然一轍ニ出タルモノナルコトヲ知ルヲ得ヘシ同伯ハ一面ニハ内閣ハ充分ニ條約改正ノ必要ヲ感シ居ルコトヲ明示スルト同時ニ又一面ニハ右覆轡ヲ與ヘタル諸氏及因テ以テ帝國一般ニ向テ帝國政府ハ其國際條約ノ至當ナル改正ヲ成就スル爲メ其全力ヲ盡クスヘキコトヲ知ラ

陸奥外務大臣時代 改正稟議ト對英交渉 八四

帝國政府ハ其國內ニテ知ラレ居リ且ツ實際行ハレ居ルカ如キ領事裁判制度ハ立憲政體ト相容レサルモノナリトノ事實ヲ曾テ隱蔽セムトシタルコトナキノミナラス反テ領事裁判制度ト立憲政體トヲ際限ナク併行セシメムト期スルニ於テハ自然ノ勢竟ニ衝突ヲ來シ殊ニ立法上ニ於テ然ルヘシトノコトヲ是迄機會アル毎ニ舉示セサルハナシ右兩制度ノ抵觸及當然之ニ因テ以テ生ズヘキ結果ヲ慮ルカ故ニ帝國政府ハ特ニ條約改正問題ヲ以テ緊急ト爲セリ

帝國政府ニ於テハ憲法ノ制定ハ大ニ英國ノ贊成ヲ得タルコトト確信シ且ツ若シ明ラサマニ現今ノ情態ヨリ生ズヘキ危險ヲ舉示スルニ於テハ領事裁判制度ノ存在スルカ爲メ帝國憲法上ニ被ムル所ノ困難ヲ救済スルコトニ付帝國政府ハ必ス英國政府ヨリ友厚ナル協助アルコトヲ望ムコトヲ得ヘシト信シ居レリ

本大臣カ「ド、ブンセン」氏ニ陳述シタル所ハ全ク此主意ニ外ナラスシテ條約排棄ノ意ヲ含ムカ如キコトハ全ク本大臣ノ胸裡ニ存セサル所ナリ何トナレハ是レ固ヨリ帝國政府ノ政略ニ反スレハナリ

本大臣ハ深く條約改正ノ必要ナルコト及其速ニ成就スルニ

シメ以テ之ヲ満足セシメムト期セシハ固ヨリ同伯ニ取テハ必要ノコトナリ

帝國政府カ現行條約上ノ義務ヲ誠實ニ果サムト努メ又條約勵行問題ニ對シテ近コロ措施スル所ノ如キハ孰レモ帝國政府ニ於テハ其現行條約ノ羈絆ヲ脫スル爲メ之ヲ排棄スルノ手段ヲ執ラムトスルカ如キ意旨ナキコトヲ確證スルモノナリ

此上ハ帝國政府ハ腹藏ナク明白ニ左ノ一事ヲ宣明スヘシ即チ目下英國政府ニテ考慮中ノ帝國提案ハ全ク其固有ノ價值ニ是レ由リ條約ヲ排棄スヘシトノ威嚇ニ倚賴スルモノニ非ス而シテ帝國政府ハ其現行條約ニ明定スル方法ニ由ルニ非スムハ之カ改正ヲ企圖スル期望意思ヲ有セサルナリ

明治二十七年四月十六日

八四 明治三十七年四月六日

陸奥外務大臣ヨリ
在英青木公使宛（往電）

條約廢棄論ニ關スル件

四月十八日上奏ス

四月十六日發

閣下ヨリノ電信ニ接シ同伴ニ關シ日本邦駐劄英國公使ト面談ニ及ヒタル際同公使ハ本國政府ヨリ受取りタル電信及

同公使並ニ臨時代理公使ブンセン氏ヨリ本國政府へ差出シタル書面ノ拔萃ヲ本大臣ニ示セリ

臨時代理公使ブンセン氏書面ノ拔萃ハ左ノ如シ

日本國外務大臣閣下カ重テ其確信スルトコロヲ述テ曰ク凡ソ條約改正談判ニシテ英國ノ之ニ參與セス局外ニ立ツカ如キ談判ハ決シテ満足ナルコト能ハスト故ニ同大臣ハ望ヲ閣下ニ屬シ居レリ同大臣又曰ク萬一倫敦ニ於テ事意ノ如クナラス依之不得止日本國ヲシテ他國ニ向テ談判ヲ試マシメ若クハ其權利ナリト信スルトコロヲ固守センカ爲メ他ノ方法ヲ執ルニ至ルコトアラシメハ是レ同大臣ノ政略ニ取テ一大不幸ナルヘシ云々

在本邦英國公使ノ書面ノ拔萃ハ左ノ如シ

現内閣ハ日本國ニテ組織シ得ヘキ内閣中最モ確實有力ナルモノニシテ若シ此内閣ニシテ條約改正ヲ遂クル事能ハスンハ何人モ決シテ之ヲ爲スコト能ハサルヘシ又タ日本政府ニ於テハ最早既ニ其國ノ進歩ト變更シタル制度トニ適合セスト考フルトコロノ一種ノ外國交際ノ制ヲ將來際限ナク保存スルノ義務アリトカ若クハ永久其現時ノ地位ニ安ンセサルヲ得サルノ義務アリトスル

Received your telegram and had an interview with Fraser on the same subject to-day. He showed me a telegram from British Government and following extracts of despatches of Bunsen and himself. The extract of Bunsen's dispatch (is) as follows:

"Minister for Foreign Affairs repeated his conviction that no treaty negotiation could be satisfactory from which England stood aloof. He fixed his hopes, therefore, upon your Lordship and it would be, he said, a great blow to his policy if he should be compelled, by meeting with discouragement in London, to turn to other Powers or to resort to other means of asserting what Japan believes to be her rights."

The extract of Fraser's dispatch as follows:

"The present Administration was the strongest which the Empire could produce and if they failed to effect Treaty Revision, nobody could do it; nor did the Japanese Government consider themselves bound to acquiesce for ever in its present position, or to go on maintaining indefinitely a system of relations with Foreign Powers which they considered to

モノニ非ラス云々

本件ニ對シテハ本月四日附本大臣ヨリノ電信ノ通り帝國政府ニ於テハ條約ヲ廢棄セントスルノ意毫モ之レナシトノ保證ヲ茲ニ重テ述フルノ外ナシ然ルヲ況ヤ威嚇ヲ試ムルニ於テオヤ。在日本英國公使ト「ブンセン」氏トニ向テ本大臣ノ述ヘタル旨趣ハ彼は相異ナルコトナシ本大臣ハ右兩氏ト對話ノ際現行條約ト本邦今日ノ有様トハ相適合セサルヲ説キ之ヲ以テ條約改正ヲ促スヘキ最モ緊急ナル理由ト爲サント欲セリ然ルニ「ブンセン」氏ハ其意味ヲ誤解シタルカ如ク相見ヘ右ノ陳述ヲ以テ「日本國カ其權利ナリト信スルトコロヲ固守セン爲メ他ノ方法ヲ執ルニ至ル云々」ト解シタルトモ右ノ一章ハ同書面中前段ノ文章ニ於テ條約改正ヲ希望スルノ意ヲ表シタル文面ト判然齟齬スルモノニシテ此義ハ閣下ヨリ英國政府ニ向テ説明セラルヘシ伊藤伯ノ陳述カ單ニ大體理論上右不適合ノ事ニ及ヒタル迄ニ過キサルトハ其和文ヲ一讀セハ自カラ瞭然タリ。本大臣ハ前述ノ旨趣ヲ以テ在日本英國公使ニ談示置キタリ同公使ハ自分ヨリモ本國政府ヘ電報スト言ヘリ

(右電文)

be no longer compatible with the progress and changed institutions of the country."

Regarding the matter, I repeat here my assurance by my telegram of April 7th that Japanese Government have no intention whatever to renounce treaties, much less to assume a menacing attitude. My statements to Bunsen and to Fraser are in the same sense. The incompatibility between existing treaties and present condition of Japan was advanced in my conversations with them as the most imperative reasons for urging treaty revision, and Bunsen seems to have misconstrued the same to mean "to resort to other means of asserting what Japan believes to be her rights" which passage you may point out to British Government is plainly contradictory to the solicitude manifested for treaty revision in the preceding passages of the same despatch. Ito's statement was simply abstract reference to the above incompatibility in principle as it is plain from its Japanese text. I have talked to Fraser in the above sense and he said that he will telegraph his Government also.

April 16, 1894. Matsui.

八五 明治三十七年四月九日

陸奥外務大臣ヨリ
在英青木公使宛

往復電信照合ノ件

送第一六號 條約改正ニ關スル件(第二十二)
税目案中從量税ノ定方ノ義ニ付本月六日電信ヲ以テ御申越
ノ次第有之候處右ハ現ニ已ニ廢絶ニ歸シタル所ノ歩朱ノ制
ニ因テ相定メ候必要無之即チ其時々現ニ行ハル、所ノ本位
貨幣ニ因テ之ヲ定メ候事最モ適當ニ有之候ニ付其旨即日及
答電置候儀ニ有之候
(七)

翌七日又閣下ヨリ電信ニテ英國政府ハ其現ニ享有スル所ノ
英國船舶カ帝國現開港場間ニ積荷ヲ運搬スルノ權利ハ自ラ
沿海貿易トハ異ナル所アリトテ之ヲ繼續センコトヲ要求セ
リ就テハ其請求ニ應スルコトヲ豫メ閣下ニ御委任致候様御
來示ニ候得共抑一事一件コトニ直チニ之カ諾否ヲ確言スル
コトハ談判ノ全局ニ於テ我ニ取リ不利不少候ニ付本大臣ニ
於テハ該政府カ我提案ノ全體ニ對シ如何程ノ修正ヲ欲スル
ヤヲ悉皆承知シタル上ニテ篤ト其利害得失ヲ考ヘ其輕重緩

急ヲ量リ拒ムヘキハ之ヲ拒ミ諾スヘキハ之ヲ諾シタキ胸算
ニ有之候間即日其意味ニテ回電ヲ發シ英政府要求ノ船舶ニ
關スル件ノ諾否モ全體ニ對スル修正ノ諸點ヲ全知シタル後
ニ考定スヘキ旨申進候次第ニ有之候

尋ヒテ又去ル十六日ニ至リ英國政府ハ我讓與ノ點ヲ不充分
ナリトシ居留地ニ關スル取極方ヲ不安全ナリトセリ且ツ本
件ニ關スル議定書中ノ規定ハ本約案第十八條ト矛盾スル所
アリ又英國政府ハ「サリスベレー」侯ノ提案ニ載有スルト
コロノ新條約ニ因リテ廢止若クハ變更セサリシ一切ノ權利
特權、免除ハ依然繼續セラルヘシトイフ趣旨ヲ維持スルコ
トヲ要求スル旨御來電ニ接候處該政府ニ於テハ何レノ點ニ
付帝國政府ノ讓與ヲ不充分ナリト思惟致居候儀ニ候哉承知
致度又昨年十二月十五日第十六信ヲ以テ及御送附置候議定
書中ニ挿入スヘキ居留地ニ永代借地ニ關スル新項ニハ「然
レトモ本議定書又ハ前述條約中何レノ箇條モ兩締盟國ニ締
結セラレ居ルトコロノ約定ニ基キ大不列顛國臣民カ所持ス
ルトコロノ永代借地券ノ效力ヲ決シテ損傷セサルモノトス
又右ハ箱館東京橫濱大阪兵庫及長崎ニ現存スル外國人居留
地區域内ニ於テ大不列顛國臣民カ現ニ享有スルトコロノ永

(七)
日別電ヲ以テ申進置候儀ニ候
右申進候 敬具

註 旁記括弧内ノ數字ハ本書ニ於ケル文書ノ番號ナリ

八六 明治三十七年五月三日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

工業經營許可問題ニ關スル件

五月九日上奏濟

五月三日到

談判ハ今尙ホ繼續中ナリ。本使ハ英國政府ヨリ數ヶ條ノ修
正案ヲ接受セリ而シテ居留地ノコトニ關シテハ英國政府ハ
蓋シ何カ外間ヨリ刺撃ヲ受ケタルモノト見ヘ用意極メテ慎
密ニシテ我提案ヲ拒ミ之カ修正案ヲ提出スル積ノ由。又彼
我相互ニ許與スルコトトシテ工業(インダストリー)ノコ
トヲ我カ提案中ニ書入ル、コトハ貴大臣ニ於テ全ク御不同
意ナルヤ本使ノ心得迄ニ御知ラセ相成タシ。御承知ノ如ク
總テ近來ノ條約ニハ決シテ外國人ノ工業ニ從事スルコトヲ
禁シタル例ナシ尤モ英國政府ニ於テハ我提案ヲ以テ敢テ外
國人ノ工業ニ從事スルコトヲ禁スルノ精神ニ非サルモノト
見做シ居ルモノノ如シ

(右電文)

Negotiations continue. Several amendments already received but respecting Settlements British Government having become very cautious possibly from outside influences decline to accept our draft and contemplate amendments. Intimate to me for my guidance whether you are utterly opposed to include in our draft industry as reciprocal concession. Remember that in all modern treaties foreigners are never excluded from industries. British Government evidently takes our draft in good faith in this sense.

May 3rd 1894. Aoki.

八七 明治三十七年五月六日

陸奥外務大臣ヨリ
在英青木公使宛(回電)

工業問題ニ關スル件

五月九日上奏濟

五月六日發

再ヒ談判ヲ開カレタルハ本大臣ノ欣喜ニ堪ヘサルトコロナリ閣下ノ既ニ接受セラレタル總テノ修正案ハ可成丈速ニ電報ブリクシ。居留地ノ件ニ關シテハ我レヨリ決答ヲ爲スニ

條約實施ニ關スル宣言ニ付請訓ノ件

五月九日上奏濟

五月七日到

三月廿七日附貴信ヲ接受セリ。次回ノ會議ハ來ル七日(即チ五月七日)ニ相開クヘキ筈此會議ニテ多分何トカ極マルヘシ。本使ハ必要ノ場合ニ臨ミ書面ヲ以テ新條約中ノ條款ハ他各國ニ於テモ均シク之ニ同意ヲ表スル迄日本政府ニ於テハ之が實施ヲ求メサルヘキ旨ヲ宣言シテ苦シカラスヤ何トナレハ英國政府ニ於テハ萬一ニモ同國丈獨リ不利益ノ地位ニ立ツコトモフランカトノ掛念ヨリシテ遽カニ我提案ニ同意スルコトヲ欲セサルモノノ如シ

(右電文)

Received your private letter dated March 27th. The next and probably decisive conference on Monday. May I declare if necessary by note that the stipulations of new treaty will not be claimed by Japan until other powers have also conceded them. I find strong disinclination to agree from fear that England might find herself placed at a disadvantage. Via Petersburg, May 6, 1894. Aoki.

May 7, 1894. Tokio.

先チ英國政府ノ修正案ヲ委曲承知スルコト本大臣ノ殊ニ望ムトコロナリ。彼我相互ニ許與スルコトノシテ工業(インダストリー)ヲ條約中ニ書入ルハコトニ關シテ閣下ノ御心得迄ニ申セン帝國政府ノ終ニ之ニ同意スルコトモアルヘシ尤其場合ニ於テハ條約第二條末項ノ制限中ニ「工業」ナル文ヲ加ヘ置クコト必要ナリトス

(右電文)

No. 103. I am very glad that negotiation is resumed. Send as soon as possible all amendments you have already received. As to Settlements, before making final decision, I am especially anxious to know in detail amendments contemplated by British Government. As to including industry as reciprocal concessions, I will say for your guidance we may finally consent but in that case it will be necessary to insert industry in the reservation clause Article II.

May 6th, 1894. Mutsu.

八八 明治三十七年五月六日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

八九 明治三十七年五月七日

陸奥外務大臣ヨリ
在英青木公使宛(回電)

宣言文ニ關シ回訓ノ件

五月九日上奏濟

五月七日發

英國ヲシテ不利益ノ地位ニ立タシメサルコトハ最惠國條款及國民的待遇ニ關スル條款ヲ以テ既ニ十分ニ擔保シアルノミナラス我カ提案第十九條ハ帝國政府カ新クニ各國ト締結スヘキ條約ヲ同時ニ施行スヘキ精神ニテ起草シタルモノナリ。今若シ御申立ノ如ク顯ハニ之カ保證ヲ與フルトキハ恰モ新條約ヲシテ吉田公使カ米國ト締結シタル條約ト相擇フトコロナキニ至ラシムヘク且ツ曩キニ英國政府ヨリ他國ニ先チテ訂約センコトヲ要求シタリシ旨意ト相乖戾スルモノト謂ツヘシ右ノ次第ナルカ故ニ本大臣ニ於テハ前記ノ如キ書面ヲ與フルコト能ハサルモノト思考ス

(右電文)

No. 104. Great Britain is already fully guaranteed against any disadvantage by most favored nation and national treatment clauses. Besides Article XIX of the new proposals in its present form was drafted

in order to enable Japan to bring newly concluded treaties into operation at the same time. An express assurance in the sense suggested by you would place new treaty on a par with Yoshida Treaty with America and would moreover be contrary to the principle of priority claimed by Great Britain. Consequently I do not think it possible to give the note.

May 7th 1894. Mu'su.

九〇 明治三十七年五月五日

在英青木公使ヨリ
陸奥外務大臣宛

交渉ノ經過報告ノ件

附屬書一 二十七年四月二日第一回會議々事録

二 二十七年四月十一日附青木公使覺書

別信第七號

六月二十五日到

本年二月二十二日英國出張以來今日ニ至ル迄本官ト英國トノ間ニ於ケル條約改正ニ關スル談判ノ經歷大要陳述致度左ニ申進候

抑々本官當地着任ノ頃ハ不幸ニモ英國内閣ノ更迭ニ際シ

發シ外務大臣ハ第一着ニ我提出案第二條ノ末項ニ對シ異議ヲ述ヘ同項ハ眞逆ノ時ニ外國人ノ權利ヲ褫奪シ外國人ヲ日本ヨリ放逐スル意味ヲ含蓄スル條項ト思惟スト詰問シ第二ニ現行條約ニ依レハ日本各港間ニ於テハ各國ノ船舶自由ニ航行及運輸ノ業ヲ營ムノ權利ヲ保有スルニ關セス提出案ハ此既得ノ權利ヲ褫奪シタリトテ之ヲ奇怪ナリトシ第三ニ外國居留地ニ關スル取極ハ甚タ不安全ニシテ散漫粗略ナリト評シ且以上ノ事實アルニ關セス日本ヨリ英國ニ對スル讓與ハ提出案中一モ之ヲ發見スルコト能ハスト斷言シタリ依テ本官ハ右外務大臣ノ異議中第三ノ外國人居留地取極ニ關スル件ノ外ハ殆ント齒牙ニ介スルニ至ラサル程ノ質問ニシテ之ニ對シ辯論ヲ費スハ無益ノ業ト思ヒ適當ノ辯解ヲ與ヘテ先方ノ未タ我提案ヲ熟讀講究セサルノ致ス所ナリトシテ彼ヲ宥恕シ速カニ商議委員ヲ命シテ本件ニ從事セシメンコトヲ請求シ漸クニシテ其承諾ヲ得タリ然ルニ右委員ノ任命ハ直ニ之ヲ行ハスニ在再遷延四月二日ニ至リ初メテ外務次官補「オノレブル、エフ、エル、バアルチー」(Hon. F. L. Bertie) 及ヒ當時歸國中ノ在日英國公使館書記官ガビンス氏ヲ委員トシテ商議ヲ開キタリ

陸奥外務大臣時代 改正稟議ト對英交渉 九〇

「グラッドストラン」氏ノ退隱ハ英國自由黨ニ非常ノ打擊ヲ與ヘ現政府ノ存敗モ且タ計ラレサル程ニテ其紛擾亦非常ナリシヲ以テ外務部ニ於テモ我條約改正如何ヲ顧ミルノ遑アラサリキ次テ新内閣漸ク組織セラレ外務大臣ロースベリ伯總理大臣ニ進ミ「キンバリー」伯印度省ヨリ出テ、之レニ代レリ而シテ外務大臣ノ交替ハ偶以テ本問題ヲ新ニシ爲メニ從來本件ニ關シ施シタル多少ノ計畫ハ殆ント徒勞ニ屬シ新大臣ハ本問題ニ對シ從來全ク無關係ノ人物ナルヲ以テ本件ノ調査ニ時日ヲ要スルノミナラス新任早々他ニ差措キ難キ要件アリトテ急速ニ談判ヲ開始スヘキ模様アラサルヲ以テ本官ハ三月十四日外務大臣新任披露ノ爲メ初メテ各國使臣ニ會見シタル時ヲ機トシテ一應ノ挨拶ヲ畢リ直ニ本件ニ論及シ本件ヲ調査シタルヤ否ヲ推問シタルニ未タ査閱セストノ事ニ付本官ハ英獨兩國兼任ノ身ナルヲ以テ永ク一方ニノミ滞在スルヲ得サル事情アルコトヲ述ヘ可成急速ニ調査セラレンコトヲ請求シテ引取りタリ

次回ノ應接日即チ三月二十一日外務大臣ニ再タヒ面會シ更ニ前回ノ問ヲ發シテ其調査ノ有無ヲ聞キタルニ今回ハ一應調査ヲ遂ケタリトテ直ニ我提出案ニ關シ雙方ノ間ニ議論ヲ

バルチー氏ハ千八百六十三年以來英國外務省ニ奉職シ千八百七十八年ベルリン會議ノ際書記官トシテ英國使節ニ隨行シタル事モ有リ其他數官ヲ歷任シテ本年一月一日外務次官補ニ昇任シタル人ナリ

英國外務省ハ右商議ノ際特ニ書記官ヲ會同セシメ之ヲシテ議事録ヲ調製セシメタリ後其所謂議事録ナルモノヲ見ルニ單ニ先方ノ發議ノミヲ記述シ我抗議ニ至テハ詳カニ之ヲ記載スルコトナク甚タ偏頗ノ議事録タルヲ免カレサルヲ以テ之ヲ默スルニ忍ヒス不得已辯疎ヲ試ミサルヲ得サル位置ニ立タリ依テ甲號議事録ニ對シ乙號覺書(メモランドム)ヲ調製シ四月九日手カラ之ヲ外務大臣ニ渡シ且ツ我各港間船舶航行ノ件ヲ委曲ニ面陳シ沿海貿易ハ本來各國各自隨意ニ規定スルヲ得ルモノニシテ他國トノ條約ニ依リ之ヲ制限左右スルヲ得サルモノナリト論斷シタルトコロ彼レ英國ニ沿海貿易ノ制限ナキ旨ヲ以テ辨反シタルニ依リ本官ハ之ニ對シ英國ニ於ケル沿海貿易制限ノ有無ハ我國ノ關カリ知ル所ニ非ラス其經濟的ノ必要ニ依リ單獨ニ制限ヲ設クルコトヲ得ルモノニシテ條約ハ之ヲ拘束スルコトヲ得サルモノナリト再陳シタルニ彼遂ニ話頭ヲ轉シ再ヒ我提出案ニ讓與ヲ見

サルコトヲ發言シタルニ由リ本官ハ右讓與ノ件ハ覺書中ニ詳述シアルニ依リ同書ニ就キ承知センコトヲ申出タルニ彼曰ク閣下ハ久シク獨逸ニ駐シ同國ノ事情ニ能ク通曉シ殊ニ政略ニ於テハ「ビスマルク」流派ノ人物ト承知セリ然ルニ「ビスマルク」ノ主義タル甲ヲ以テ乙ヲ取り乙ヲ與フレハ甲ヲ取ル所謂交換主義ニ外ナラサルモノト信シタルニ閣下ノ維持セラル、提出案ハ求ムルトコロ多シテ讓ルトコロ毫末モナシ何ソ二者ノ相異ナル甚シキヤト依テ本官ハ事ノ重複ヲ顧ミス覺書中ノ要點ヲ陳述シ我内地ヲ開放シ英人ヲシテ其利益ヲ享有セシムルハ實ニ日本カ英國ニ對スル一大讓與ナリト辯シタルトコロ彼ハ默シテ復タ此事ヲ語ラス

蓋シ英外務大臣カ再三再四讓與ノ語ヲ發スル必スヤ其所以アラント竊カニ怪ミタルニ果然彼ハ此讓與ノ一語ニ非常ノ意味ヲ含蓄セシメタリ抑モ本官着以來屢々英政府カ我ニ對シ猜疑ノ念ヲ抱懷シ居ルコトヲ耳ニシ且實際彼我ニ對シ釋然タラサルコトアルヲ以テ竊カニ一策ヲ按シ「タイムス」新聞ニ氣脈ヲ通シ彼ヲ利用シテ一撃ヲ英政府ニ加ヘント欲シ「バロン、シーボルト」ヲ以テ「タイムス」記者ニ説カシメ略ホ彼ヲシテ條約

改正ニ關スル我要求ヲ納得セシメタルニ意外ニモ英政府カ我ニ對スル猜疑ノ念ハ此ノ交渉ニ依リ如何ナル點ニアルカヲ窺ヒ知ルヲ得タリ即チ英政府ハ日本駐劄露佛兩公使ハ協同シテ日本ニ結ヒ以テ東洋ニ於ケル英國ノ位置ヲ孤立ナラシメント欲スル陰謀ヲ有スルモノナリトシ日本カ或ハ之ト相結托スルコトナキヲ疑フモノナリ依テ本官ハ英國外務省ノ官吏ニシテ相識ノ人ニ就キ内々其實否ヲ探リタルニ英政府ハ實ニ右ノ猜疑ヲ抱懷シ居ルコト判然シタルノミナラス「バロン、シーボルト」ト他ノ外務ノ一官吏トノ間ニ於ケル内話ニ依ルモ此疑念ヲ有スルコトハ事實ニシテ甚シキハ其官吏ハ同人ニ向ヒ日本ハ其ノ一島ヲ英國ニ讓與スルコトハ出來マシキヤト申出タル由ニテ同氏ハ其言ヲ甚タ奇怪ナリトシ通商條約ヲ商議スルニ此種ノ申出ハ甚タ不都合ナリト辯シ日本ハ何レノ國ヲ問ハス内地開放ノ外他ニ讓與スヘキモノナシト斷言シタリ

將又英國政府ハ本官カ提出シタル覺書ヲ審查シ之ニ對シ第二ノ覺書ヲ提出センコトヲ内知シタルヲ以テ斯クシテ到底談判ノ進歩ハ期シ難シト認メタルニヨリ商議員タル「バル

デー」氏及「ガビンズ」氏ニ説キ本官カ曩キニ覺書ヲ提出シタルハ英國外務省ノ議事録ニ對シ誠ニ不得已提出シタルモノナレトモ其故ヲ以テ第二ノ覺書ヲ提出セラル、次第ナレハ本官ノ覺書ハ撤回スルモ可ナリ若シ互ニ覺書ヲ以テ本件ヲ討議スルトセハ口頭ノ談判ハ殆ント無用ニ屬スト申込

ミ強テ再タヒ覺書ヲ提出スルコトヲ謝絶シタル曉去月二十四日第二回ノ委員會ヲ開キタルニ先方ヨリ種々ノ修正ヲ提出シ殆ント毎條項ニ對シ辯難シタルモ其詳細ハ錯雜ヲ避クル爲メ茲ニ記述スルヲ已メ追テ英政府カ希望スル修正ノ點悉皆判然シタル上ニテ之ヲ一纏メニナシ電信ヲ以テ申報可致候唯特ニ右ノ除外例トシテ茲ニ陳述ヲ要スル點ハ外國人居留地問題ニシテ英政府ハ我提出案ヲ以テ甚タ疎略ナリトシ到底之ヲ肯諾スルモノニ非ラサルナリ且在英國獨逸大使ノ口氣ヲ察スルニ居留地問題ハ或ハ英獨兩政府ノ間ニ内々協議シ居ルモノ、如クモ英國外務省ト同大使トノ間ニ本件ニ關シ内談アリシ事ハ疑フヘキニアラス從テ此問題ハ頗フル緊要視セラル、ニ至レリ要スルニ英政府ハ自國一箇ノ責任ヲ以テ此問題ヲ處決スヘキニアラスト信スルモノ、如シ且又議定書及本條約案中貿易并ニ税目ニ關スル事項ハ商務

省 Board of Trade ノ意見ヲ諮問中ナリトテ容易ニ商議セサリキ

去月二十八日再タヒ外務省ニ出頭シ第三回委員會ノ開設ヲ請求シタルトコロ前述ノ通り貿易及税目ニ關シ目下商務省ニ諮問中ナルノミナラス條約中或條項ニ關シ殖民省ノ意見ヲ諮問スルコトヲ要シ又外國人居留地問題ニ對シテハ修正簡條調査中ナリトテ委員會開設ノ猶豫ヲ請求シテ已マス依テ本月二日ニ至リ更ニ其開設ヲ催促シタルニ前回同様ノ理由ヲ述ヘ加之商議委員ノ一人タル「ガビンズ」氏不快ナリトテ來週月曜日マテ猶豫ヲ請求シタリ

此日(五月二日)バルデー氏頗ル閑暇アルヲ機トシ本官ハ過日上海ニ於ケル金玉均暗殺事件及本日(五月二日)同事件ニ關スル「タイムス」新聞記載ノ日本通信ニ關シ談話ヲ始メ英國政府カ支那ニ對スル感情意見ヲ探リタルトコロ彼レ頗ル襟懷ヲ開キ曰ク英國ハ朝鮮ニ對シ何等屬望スルトコロナシ殆ント無關係ト云フヘキモ唯魯國ノ同國ヲ占有セサルヲ希望スルノミ故ニ支那カ條約上ノ關係ハ兎モ角實際ノ關係上ヨリシテ朝鮮ヲ屬國視シ其權勢ヲ朝鮮ニ把持スルヲ心竊カニ喜ブモノ

ナリ支那ノ朝鮮ニ於ケル威力ノ失墮セサル間ハ英國ハ大ニ安心スヘキモノナリ云々依テ本官ハ戯レニ英國ノ單ニ支那ニ結ヒ日本ニ疎ナルノ情アルヲ詰リタルニ彼談頭ヲ轉シ再タヒ猜疑問題ニ返リ閣下ハ在日本ノ露佛公使カ野心ヲ抱懷シ居ルノ事情ヲ知了セラル、カ本官曰ク敢テ其情ヲ審ニセス彼曰ク若シ閣下ト英國トノ間ニ條約ヲ締結セハ露佛ハ等シク讓與ヲ請求セス同一ノ條約ヲ締結スルモノト思惟セラル、ヤ如何本官曰ク其必ス然ランコトヲ希望ス但シ讓與ニ至ツテハ徹頭徹尾承諾スルヲ得ス彼曰ク露佛若シ協同シテ政略的ノ讓與ヲ請求セハ如何本官曰ク目今日本カ露佛ニ對スル關係ヨリシテ政略的ノ讓與ヲ請求セラル、所以ヲ見ス故ニ此種ノ請求ハ夢ニタモ見ルコト能ハサルトコロナリ彼曰ク露佛若シ強ヒテ請求セハ如何本官曰ク露佛ニ強請セラルヘキ因縁ナシ彼曰ク若シ露佛ヨリ石炭貯蓄場 (coaling station) ヲ請求セハ如何本官曰ク露佛ニシテ之ヲ請求セハ英國モ亦之ヲ請求スルノ權アリ然レトモ道理ニ背反シ敢テ暴威ヲ我ニ加ヘテ不法ノ請求ヲナスモノプランニハ其露タル佛タル將タ何レノ邦國タル

註 一八八來電

附屬書一 甲號 二十七年四月二日第一回會議々事錄

Memorandum of interview held at the Foreign Office on Monday the 2nd April between Mr. F. L. Bertie, Mr. Gubbins and Viscount Aoki, the Japanese Minister and Baron von Siebold.

Confidential.

Mr. Bertie opened the discussion by referring to a conversation which Mr. de Bunsen, Her Majesty's Chargé d'Affaires in Tokyo, had reported as having passed between himself and His Excellency Mr. Mutsu, the Japanese Minister for Foreign Affairs, on the subject of Treaty Revision, early in February last, to articles which had appeared in an influential Japanese newspaper the "Nichi-Nichi Shinbun", and to the answer recently given by Count Ito to a representation made to the Japanese Government by certain members of the House of Peers on the same subject. Both in Mr. Mutsu's remarks to Mr. de

ヲ問ハス日本全國ヲ舉ケテ焦土ト爲スモ敢テ之ニ反抗スルヲ辭セサルナリ

抑々我國ハ言語風俗ヲ一ニシ二千餘年ノ歴史ヲ有スルノ舊國ナリ其四千萬ノ人衆ハ一致シテ皇帝ノ軍令ニ服從スルヲ以テ緩急ノ際ニハ洋式ニ組織シ訓練サレタル二十五萬ノ武夫ハ立ロニ其骨ヲ戰野ニ曝スヲ以テ満足ト爲スヘシ故ニ刀折レ矢盡キ城下ノ盟ヲ忍ンテ餘生ヲ貪ル打チ漏サレノ人士アルニアラサルヨリハ寸分ノ土壤ト雖之ヲ他邦ニ讓ルハ我國ノ斷ンテ爲サハルトコロナリ彼此論ヲ聽キ頗ル意外ノ感アルモノニ似タリ右一場ノ會話ヲ以テ頗ル「バルチー」氏ノ掛念ヲ排斥シタリ爾後英政府ノ行爲或ハ寛容ニ變スヘシ已ニ本日電信ヲ以テ申進候通り來ル月曜日ヲ期シ第三回委員會ヲ開設スル約束ヲ取付候ニ付同會ニ於テハ英政府ヲシテ其希望スル修正條々ヲ脫漏ナク提出セシムル所存ニ有之候

明治二十七年五月五日倫敦ニ於テ記之

在伯林府

特命全權公使子爵 青木周藏 印

外務大臣 陸奥宗光 殿

Bunsen, and in the more public utterance of Count Ito, reference had been made to the eventuality of a repudiation by Japan of her existing Treaty engagements. It was desirable to point out that Her Majesty's Government had always refused to admit that Treaties solemnly concluded between two Powers, and containing no express provision for their denunciation by either party, could be terminated at the pleasure of one of the parties without the consent of the other. If the Japanese Government wished to approach the question of Treaty Revision in a conciliatory spirit, Her Majesty's Government were prepared to meet them, but no proposals supported by anything in the shape of a menace of denunciation could possibly be entertained.

Mr. Bertie drew Viscount Aoki's attention to the result of the denunciation in 1870 by Russia of certain clauses of the Treaty of Paris of 1856, and quoted the following extracts from Protocol No. 1 of the Conference for the partial revision of the Treaty in question, which held its first sitting in London on the 17th January, 1871:—

“La Conférence a été acceptée par toutes les Puissances co-Signataires du Traité de 1856, dans le but d'examiner sans aucun parti pris, et de discuter avec une parfaite liberté, les propositions que la Russie désire nous faire par rapport à la révision qu'elle demande des stipulations du dit Traité quant à la neutralisation de la Mer Noire.

“Cette unanimité fournit une preuve éclatante que les Puissances reconnaissent que c'est un principe essentiel du droit des gens qu'aucune d'elles ne peut se délier des engagements d'un Traité, ni en modifier les stipulations, qu'à la suite de l'assentiment des Parties Contractantes au moyen d'une entente amicale.

“Ce principe important me paraît recevoir une adhésion générale, et j'ai l'honneur de vous proposer Messieurs les Plénipotentiaires de signer un Protocole ad hoc.”

.....

“Les Plénipotentiaires de l'Allemagne du Nord, de l'Autriche-Hongrie, de la Grande-Bretagne, de l'Italie, de la Russie, et de la Turquie, réunis aujourd'hui

of course the statements, to which he had referred derived their chief importance from the fact that they were made by statesmen holding such high positions in the Japanese Government, Viscount Aoki said that the English text of Count Ito's statement was not an authorized official translation, and might therefore possibly contain inaccuracies, and that the “*Nichi-Nichi Shinbun*” was not the official organ of the Japanese Government although certain writers on its staff were ex-officials.

Turning to the Draft Treaty presented by Viscount Aoki, Mr. Bertie then pointed out that Article 1 of Lord Salisbury's Draft Treaty of 1890, which contained the express stipulation that all rights and privileges not specially abrogated in the new Treaty then proposed should be maintained, did not appear in the new Draft. Her Majesty's Government desired the insertion of some stipulation to this effect.

With regard to the Contemplated abolition of extra-territoriality, Mr. Bertie observed that it was a very serious matter for Her Majesty's Govern-

en conférence, reconnaissent que c'est un principe essentiel du droit des gens qu'aucune puissance ne peut se délier des engagements d'un Traité, ni en modifier les stipulations, qu'à la suite de l'assentiment des Parties Contractantes, au moyen d'une entente amicale.”

“En foi de quoi, les dits Plénipotentiaires ont signé le présent protocole.”

Viscount Aoki said that he had no instructions from his Government in regard to the point raised by Mr. Bertie.

He was of opinion, however, that Mr. Mutsu, in speaking as he was reported to have done to Mr. de Bunsen, referred simply to views respecting denunciation held in certain circles in Japan. As to Count Ito's statement, the Japanese Prime Minister had, he was sure, not meant to convey the idea that his Government were contemplating the denunciation of the Treaties; his intention was only to emphasize the importance of arriving at a speedy settlement of the question of Treaty Revision.

In reply to a further remark of Mr. Bertie, that

ment to agree to the surrender of Consular Jurisdiction without knowing the nature of the Judicial system to which British Subjects would be subjected. Japan had objected during previous negotiations to submit her Codes to Treaty Powers *ad approbandum*, and on this condition Her Majesty's Government had no desire to insist.

But they considered they were entitled to ask for full information as to the laws which would be enforceable upon British Subjects on the cessation of Consular Jurisdiction.

This question was discussed at some length, and it was eventually agreed that Viscount Aoki should furnish a statement on this subject, showing the progress of Japanese legislation in civil, criminal, and commercial law, and the stages of codification, promulgation, and final revision which these laws had severally reached.

In the course of this discussion Mr. Bertie took occasion to dwell upon the opposition to the cessation of Consular Jurisdiction which might be expected from the British Community in Japan, who

would naturally ask their Government what Japan was prepared to give in return for the numerous and important concessions sought from Great Britain. Viscount Aoki suggested that to a certain extent,—in so far, namely, as the Japanese law of status was concerned,—this opposition might be met by the conclusion of a Consular convention; to which Mr. Bertie replied that both a Consular Convention and an Extradition Treaty would become necessary in the event of a successful issue to pending negotiations.

Mr. Bertie then pointed out that each successive stage of the long negotiations which had passed on the subject of Treaty Revision had been marked by the fact that Japan on each occasion asked for more and offered less. The question of the ownership of land in Japan was a case in point.

Why was the right to our own real estate which had been conceded on previous occasions now withdrawn?

Viscount Aoki said he must admit the justice of the remark, and he himself had in the negotia-

tions which he had personally conducted in Tokio laid himself open to this charge. He could only say that Japan had perhaps been encouraged in her demands by the generous disposition evinced by Great Britain. With respect to the particular point referred to,—the ownership by foreigners of real estate,—he had already given explanations to Mr. Fraser in a recent memorandum.

His government were of opinion that this was a question which should not be regulated by treaty, but should be reserved for treatment by autonomic legislation. The Draft Treaty, moreover, contained ample provisions for the tenure of land under lease, and of house property.

He himself, he added, and many of his official friends, were in favour of granting to foreigners the right to own real estate, but public opinion was not on their side. He felt confident that, after Treaty Revision had been settled, a more liberal feeling would set in, and that before very long all objections to the ownership by aliens of real estate would disappear.

Mr. Bertie said it was important to distinguish this question from the kindred question of the ownership of real property in the Foreign Settlements, which stood on a different footing. In regard to the latter point, Her Majesty's Government considered that some effectual guarantee should be given against the disturbance of existing rights.

After some discussion Viscount Aoki said he thought that the maintenance of the *status quo* in the Foreign Settlements might perhaps be a satisfactory solution.

In this view Mr. Bertie concurred.

Mr. Bertie then drew Viscount Aoki's attention to Article X of the Draft Treaty which refers to Coasting Trade. Lord Salisbury's proposals and previous drafts had contained a stipulation by which British vessels plying between certain open ports of Japan, in continuation of their Ocean-Voyages, were to be entitled to carry cargo between the ports in question. That Stipulation did not appear in the present Draft Treaty. The general question of Coasting Trade would remain untouched by this stipulation;

it was simply a question of continuing the hitherto existing privilege of allowing foreign vessels under certain special circumstances to carry cargo coastwise. Her Majesty's Government desired to retain the stipulation in question.

Viscount Aoki explained that his Government were anxious to reserve the Coasting Trade of Japan for regulation by autonomic legislation. They were not in a position to imitate the liberality of Great Britain in this respect; they desired to protect their home navigation, and they regarded the interport carrying trade referred to as inseparable from the General Coasting Trade of Japan.

Reference having been made by Mr. Bertie to a recent combination between certain Japanese Cotton Mill owners and a Japanese Steamship Company to establish a monopoly in the conveyance of Raw Cotton from Bombay to Japan—an arrangement by which the Peninsular and Oriental company had suffered loss—Viscount Aoki said it was possible, he thought, that this monopoly might have had its origin in Bombay, and that so long as the question

had no political significance the Japanese Government had of course no right to interfere.

Some discussion then ensued upon the duration of the proposed Treaty which, Mr. Bertie pointed out, was according to the New Draft to be six years, instead of the twelve years, for which Lord Salisbury had stipulated; upon the question of passport facilities in regard to which Viscount Aoki stated that his Government were prepared to grant the increased facilities defined in the Protocol of Lord Salisbury's Proposals; upon the tariff, so far only as the point of the biennial revision by Japan proposed in the New Draft Protocol was concerned; and on the two points of the issue of Bonded Warehouse Regulations, and of Japan's adhesion to the Conventions for the protection of Industrial Property and of Trade Marks. With respect to the last named, Viscount Aoki stated that his Government would be prepared on the abolition of extra-territoriality to conclude a reciprocal arrangement on the subject.

(Signed) F. Bertie.

April 2nd, 1894.

Undersigned on the questions connected with the Revision of the Treaties between Great Britain and Japan the Undersigned has not failed to notice that the British Government is approaching the solution of this long pending question in a spirit of conciliation which the Undersigned has no difficulty in declaring is fully appreciated and reciprocated by His Imperial Majesty's Government.

From the remarks which Mr. Bertie was good enough to make, it appears however that on certain points there remained on the part of Her Britannic Majesty's Government some hesitation to meet entirely the views entertained by the Japanese Government. This difficulty the Undersigned sincerely hopes further negotiations will not fail to remove.

The Undersigned is scarcely surprised to find that in consequence of the prevailing agitation in Japan on the question of the reform of the Foreign Relations, the general views of Her Britannic Majesty's Government should be affected by incidents which under ordinary circumstances would scarcely command serious attention.

Statement regarding Japanese Laws furnished by Viscount Aoki.

Criminal Code. in force since 1875.
Code of Criminal Procedure (Revised) 1/11 1891.
Code of Civil Procedure 1/4 1891.
Code of Civil law suspended until 31/12 1896.
Code of Commercial law suspended until 31/12 1896.
of this in force the following portions:

- a) Law of Partnership.
- b) Law of Exchange.
- c) Law of Bankruptcy 1/7 1893.

Law for the Constitution and Jurisdiction of Courts
in force since 1/1 1891.

Rules for the examination in law of Judicial officers.
in force since 1879.

Rules (revised) for the examination in law of
Advocates. 1/5 1893.

聖職轉任ニ關スル法律 明治二十五年四月十一日 閣議決定

Memorandum.

With reference to the Conference held on the 2nd instant between The Honourable Mr. Bertie and the

Thus the report of Mr. de Bunsen on a conversation with Mr. Mutsu the Minister for Foreign Affairs coupled with an article in a Japanese paper the Nichi-Nichi Shinbun, and a reply of the Prime Minister Count Ito to an address of certain members of the Upper House, seem to have created a considerable impression.

In consequence of the observations of Mr. Bertie on this subject, the Undersigned although fully convinced that there was no foundation whatever to the supposed eventuality of a repudiation by Japan of her existing Treaty engagements thought it his duty to report the matter to His Imperial Majesty's Government.

In reply to his telegram on the subject the Undersigned received from Mr. Mutsu the Minister for Foreign Affairs by telegraph the authorization to declare most emphatically that the same had not, whether in conversation with Mr. de Bunsen or any body else, alluded to a renunciation of the Treaties. This statement is accompanied by the information that the paper in question the Nichi-Nichi Shinbun

has been duly warned.

The Undersigned trusts that this declaration which requires no further commentary will be sufficient to remove any doubts which Her Britannic Majesty's Government may have entertained on the subject.

The first point raised by Mr. Bertie with respect to our Draft of the Treaty referred to Art. XVIII which declares that the new Treaty is to be substituted to all former Treaties, Conventions etc. agreed upon hitherto between Great Britain and Japan. Mr. Bertie proposed to retain the wording of Lord Salisbury's Draft which reads; "that all rights, privileges and immunities hitherto enjoyed by British subjects under previous Treaties are as far as they are not abrogated or modified by the provisions of this Treaty or of the Protocol Signed this date, hereby expressly maintained and confirmed."

Mr. Bertie did not enter into any details as to what the rights were which Her Britannic Majesty's Government had thereby in view and the Undersigned after a careful examination failed to discover a single point which the British Government in the

interest of British Subjects could possibly desire to maintain. The proposed return to the former Draft might therefore appear to be without significance.

However, in consideration of the earnest wish of his Government for the adoption of clear and indisputable terms the Undersigned regrets to be obliged to declare that he is not in a position to accept any modification of Art. XVIII of the Japanese Draft.

The following considerations will, the Undersigned trusts, explain why it would be injudicious to make any alteration in the tenor of the Article; the New Treaty and Protocol will enumerate all concessions which can reasonably be expected from the Japanese Government and the privileges of British subjects residing in Japan are clearly defined. It is besides declared equally clearly that Consular Jurisdiction is to cease under certain conditions and with this a state of intercourse in conformity with the Law of Nations is recogniznd.

The abolishment of Consular Jurisdiction has for its logical consequence that those immunities which were hitherto defined (right or wrong) as exterrito-

rial rights, cease as far as now diplomatic persons(?) are concerned and the Sovereign rights of the State now(?) at last come fully into force. But by the substitution of Lord Salisbury's Draft a false impression might be created as if in reality some of the former exterritorial rights would still survive. If there are really any rights, privileges or immunities worth preserving which could be maintained in view of the adoption of the new principles, it would be much better to enumerate them, but the Undersigned is sure that the most searching enquiries will fail to produce a single concession which under the new state of affairs could be of any practical utility.

The former concessions are either surpassed or superseded by the advantageous terms of the new contract which opens the whole country to British trade and residence.

An argument which might be put forward against the above assertion, namely that if there is nothing to claim, the "réduction" in question would do no harm, the Undersigned is obliged to meet by the contention that in his opinion the wording proposed

in Lord Salisbury's Draft might do considerable harm, as it would expose the Japanese Government to serious attacks on the part of the opposition which would not be slow to take advantage of the clause in question to assert that the objectionable conditions of the old Treaties were not altogether abolished but still remained partly in force.

This would not only make thd New Treaty unpopular in Japan but her Britannic Majesty's Government would in consequence fail to reap the fruits which its enlightened policy in respect to meeting the desires and aspirations of the Japanese people would have otherwise secured them.

The Undersigned fully appreciates the justice of the remark of Mr. Bertie respecting the importance which her Majesty's Government attaches to the abolition of Consular Jurisdiction in view of the necessity of Her Britannic Majesty's Government being fully informed of the nature of the laws to be applied in future to all residents in the Japanese Empire.

The information which the Undersigned had the

honour to give in a memorandum as to the progress of the codification will have thrown some light on this question and will have proved that the work is progressing satisfactorily. By far the greater part of the most important laws are not only promulgated but have been in actual operation; some even for a number of years. Thus they were open to the critical inspection of Foreign Jurists and the character of the judicial system has already become generally known.

As the Imperial Government takes the engagement not to give the notice provided for in Art. XIX. until those portions of said Codes, which are now in abeyance are brought into actual force, the Undersigned trusts that there exists no cause for any apprehension on this account.

The Undersigned feels it necessary to explain also in respect to an apparent want of logical consequence alluded to by Mr. Bertie in the past development of the negotiation for the Revision of the Treaties that this was unavoidable and the natural consequence of attempts to bring about a compro-

hese people and the last alterations must be traced to this essential consideration.

The question of the possession of real property by foreigners which was alluded by Mr. Bertie is one which has seriously occupied the attention of His Imperial Majesty's Government; but in view of the feelings expressed in Japan on the project of the entire opening of the country becoming known, it was considered prudent to leave this question for future settlement and to reserve its introduction in conformity with the principles of Western polity to autonomous legislation. Japan in this respect is not standing alone, and the legislation of Russia, the United States and until recently even of Great Britain, show that this question is treated by them with the greatest circumspection.

But the Undersigned feels convinced that the final solution of the freehold property question in a satisfactory manner is only a question of time. In the meantime, the right of leasing houses and land will satisfy all reasonable requirements of commerce and residence.

mise between a thorough reform as desired by the Japanese nation and the considerations for the actual conditions of foreigners in Japan. Former conference sought to create a "Novelty" in International law and several of the Foreign Delegates had evidently in their mind the establishment of some kind of the Mixed courts, alike distasteful to the Japanese national feelings as unsatisfactory in their practical working.

Her Britannic Majesty's Government was however the first to depart from these unsatisfactory combinations which had only succeeded in irritating the National susceptibility on the Foreign question. The propositions of the British Foreign office opened the way to the Draft which we have now under consideration.

The present scheme simply adopts the general principles contained in Lord Salisbury's Draft and carefully conforms itself to the rules of the law of Nations which Japan is willing to recognize to the fullest extent. But the Draft is also most careful to take into account the legitimate claims of the Japa-

The question of the Foreign Settlements has been justly pointed out by Mr. Bertie as one deserving special attention. The rights of the leaseholders are however carefully defined by the title deeds and too well guarded by the principles of Civil law as that any apprehensions on this score should be entertained. By the incorporation of these hitherto heterogeneous portions of our townships into the Japanese municipal systems, the property rights of the leaseholders are not affected whilst any alterations in the forms of the tenures might be reserved for future arrangement.

The anxiety of the Japanese Government to make the new system work as harmoniously as possible might also be accepted as offering an additional guaranty for the future. It is a fact besides that the residence of foreigners in almost all parts of Tōkiō and other Japanese towns under the "*De facto*" administration of Japanese municipalities has never given rise to any complaint or difficulty.

The question raised by Mr. Bertie as to the continuance of the right of British ships to carry cargo

between open ports is one which, as the Undersigned is aware, considerably affects the interest of British shipping in the Japanese waters. It is however equally one which the Japanese Government has been anxious to reserve entirely for the native shipping so much in need of encouragement and protection. But if the probability of securing an early understanding on the other questions above referred to, could be materially advanced by a concession on this point, the Undersigned is prepared to recommend this question to the serious reconsideration of His Imperial Majesty's Government naturally without prejudicing in any manner the decision the Cabinet of Tōkiō may take.

On the question of the duration of the Treaty, the Undersigned begs to observe in reply to Mr. Bertie's observation that the practical results are the same in our Draft and that of Lord Salisbury. By Lord Salisbury's Protocol, the Treaty comes into force one month after ratification and lasts 12 years, but the opening of Japan can only take place 5 years after ratification, comprising therefore a total of twelve

Years.
By the new Japanese Draft, the Treaty can only come into force after at least five Years from the date of Signature and it terminates (upon due notice) seven years after it has come into operation; thus embracing also a total period of not less than twelve years.

At the Conference of the 2nd April, the Undersigned has, on the presumption that by an important concession on the part of Japan the settlement of the other points would be essentially facilitated on the part of Great Britain, consented to the revival of the clause in Lord Salisbury's Draft referring to the extension of the passport system.

This would come into force from the beginning of the new arrangement, contemporaneously with the new Tariffs; thus both Great Britain and Japan secure advantages from the conclusion of the new Treaty previously to the opening to the Empire (though these are not actually included formally in its provisions). Hence it is indisputable that materially the effects of the Treaty extend over a period

of at least twelve years.

(Signed) Viscount Aoki.

Japanese Legation

London

April 11th 1894.

九一 明治三十七年五月十日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

英國政府ノ修正提議ニ關スル件

五月十六日上奏

五月十四日到

本日(五月十日)ノ會議ハ概シテ満足セリ英國政府ハ左ニ記スルトコロノ修正案ヲ提出セリ即チ

英文案中「テリトリース」ノ語ヲ總テ「ドミニヨンス、エンド、ポズエスシヨンス」(領地及所屬地)ノ語ニ改ムルコト(譯者云日本文中ニハ「版圖内」ノ語ヲ用ヒタルハ其管轄疆域一切ヲ包含ス)

第一條第二項中「各般ノ事項ニ關シテハ内國臣民」ノ下ニ「若クハ最惠國ノ臣民或ハ人民」ノ語ヲ加フルコト

第二條第二項中「但シ内國臣民」ノ下及第三項中「拂

フコトナク内國臣民」ノ下ニ「若クハ最惠國ノ臣民或ハ人民」ノ語ヲ加フルコト
又第一條第五項ハ別ノ一ケ條ト爲スコト其故ハ喜望峰殖民地及「ナタル」ニテハ其法律上右等ノ免除ヲ與フルコトヲ許ササルヲ以テ此新設ノ一ケ條ヲ取除クニ於テハ該殖民地モ條約ニ加入スルコトヲ得ヘケレハナリ英國政府ハ本件ニ關シテモ亦左ノ旨趣ヲ以テ外交文書ヲ交換スルコトヲ希望セリ即チ日本政府ハ該殖民地カ前記新設ノ一ケ條ヲ取除ケテ本條約ニ加入スルコトヲ許諾スヘシトノコト是ナリ

第八條中「内國船舶一般」ノ下ニ「若クハ最惠國ノ船舶」ノ語ヲ加フルコト

第十條中ニ「英國船舶ハ横濱神戸兵庫長崎箱館間ニ積荷ヲ運搬スルコトヲ得ヘシ」トノ規定ヲ加フルコト茲ニ殊ニ「兵庫」ヲ記入シタルハ其神戸ト密接スルノ故ヲ以テ之ヲ更ラニ開港トナスコトヲ欲スルカ爲メナリト知ラルヘシ

第十四條中「別國ノ政府」ノ下及ヒ「他ノ一方ノ政府」ノ下ニ「船舶」ノ語ヲ加ヘ「臣民」ノ下ニ「或ハ人民」

ノ語ヲ加フルコト

第十八條ニ付テハ英國政府ハ左ノ規定ヲ加フルコトヲ要求セリ即チ一切ノ權利ニシテ特新條約ニ依リテ廢棄セサルモリハ總テ依然有効ナリトストノコト是ナリ但シ我ニ於テ第十條中ノ新規定及後ニ記載スル所ノ外國人居留地ニ關スル取極ヲ肯諾スルニ於テハ英國政府ハ前述ノ要求ヲ却却セントスルノ意嚮アルモノノ如シ第十九條中「調印」ヲ「批准」ト改メ「七年」ヲ「二十年」ト改ムルコト本使ハ此要求ニ對シテハ到底行ハレ難キコトナリトテ痛ク之ヲ拒メリ但シ貴大臣ニ於テ右年限ヲ假令ハ十年又ハ十二年ト爲サルハ方蓋シ得策ナラン

第十一、十二、十三、十六條ニ關シテハ本使ハ格別ノ異議起ラサルヘシト信ス尤モ當國商務院ハ右ノ諸條ニ對シ後日其意見ヲ吐露スルコトアルヘシ

議定書第一項ニ關シテハ商務院ハ其大體ニ於テ同意セリ然レトモ從價稅ヲ從量稅ニ換算スルコト及日本政府一已ニテ右稅目ヲ二ヶ年毎ニ改正スルコトニ對シテハ異議ヲ唱ヘリ而シテ此異議タルヤ其由テ來ルトコロ深

テノ租稅及徵收金ヲ免スヘシ但土地收用權ニハ從フヘキモノトス

右ニ付貴大臣ノ注意ヲ仰キタキハ茲ニ記載セル例外ノ特權即チ永代借地券ナルモノハ彼ノ土地所有權ノ場合ニ比スレハ一層甚シク帝國ノ立法權ヲ束縛シ隨テ國內ノ批評ヲ招クノ虞アル一事是ナリ尙又右案文ノ冒頭ニ他外國政府ニテモ承諾スレハ英國モ之ヲ承諾スヘシトノ條件ヲ附シタルコトニ注目アリタシ本件ハ最モ緊要ニ屬スルモノナリ何トナレハ我カ提案ニ對シ英國政府ノ攻撃スルトコトハ重モニ外國人居留地ニ關スル規定ニ在レハナリ

休暇ニ付キ本使倫敦ヲ去ルヘシ因テ貴大臣ヨリノ訓令ハ伯林ニ向テ發電セラレントラ請フ

倫敦 青木

東京 陸奥

(右電文)

Conference to-day generally satisfactory. Following amendments proposed:

The word "territory" to be replaced throughout by "dominions and possessions". To add in Article

遠ナルカ如キカ故ニ如何ニ之ヲ處シテ然ルヘキヤ貴大臣ノ訓示ヲ乞フ

議定書第二項ニ關シテハ英國政府ハ左ノ案文ノ規定ヲ設クルコトヲ提議セリ

他外國政府ニテモ承諾スルニ於テハ大不列顛國政府ハ左ノ取極ニ同意スヘシ

日本ニ在ル各外國人居留地ハ全ク其所在ノ日本市區ニ編入シ而シテ日本地方組織ノ一部ト爲リ當該官廳ハ之ニ關シテ其地方施政上ノ責任及義務ヲ悉負擔シ又之ト同時ニ右外國人居留地ニ屬スル共有資金若クハ財産アルトキハ之ヲ右日本官廳ニ引渡スヘシ尤外國人居留地ヲ日本市區ニ編入ノ場合ニハ該居留地内ニテ現ニ因テ以テ財産ヲ所持スル所ノ現在永代借地券ハ有効ノモノト確認セラルヘシ而シテ右財産ニ對シテハ借地料ヲ増加スルコトナカルヘク又此上更ラニ何等ノ徵收金ヲモ取立サルヘク又何等ノ條件ヲモ附セサルヘシ

外國人居留地公共ノ目的ノ爲メニ無借料ニテ已ニ貸與シタル各地所ハ永代ニ保存セラルヘシ且ツ該地所ニシテ最初貸與シタルトキノ目的ニ使用セラルヘ限リハ總

I, end of paragraph second "or subjects or citizens of (the) most favored nation". The same words to be added (in) Article II, end of paragraph second and third. Again, last paragraph of Article I to be made into separate article because Cape Colony and Natal could only join Treaty with the exception of this new article because their legislation does not admit of the reservation. Regarding this question exchange of notes is also desired to the effect that Japan allow those colonies to join if they exclude the above reservation. Article VIII, add after general the words "or vessels of the most favored nation". To Article X is to be added "the concession that British vessels may be allowed to carry cargo between Yokohama, Kobe, Hiogo, Nagasaki, Hakodate. Observe that Hiogo is here mentioned in order to obtain it as additional open port connected with Kobe. Article XIV, add after Government the word "ships" in two cases and after the words "subjects or citizens". As to Article XVIII British Government claimed the stipulation that all rights not specially abrogated by new treaty should

remain in force, but they seem disposed to waive this point if the concessions to Article X and regarding settlements mentioned below are granted. Article XIX in the place of "signature" put "ratification" and instead of "seven" put "twenty years". To this demand I have strongly objected as impossible; but you would act judiciously to make concessions, say ten or twelve years. As to Articles XI, XII, XIII, XIV, I am assured no great difficulty will arise. Board of Trade, however, reserve to get up observation. Regarding Protocol paragraph first, Board of Trade agree generally but object to conversion of advalorem duty into specific and the biennial revision thereof being effected by Japanese Government alone. Instruct me how to meet this objection which seems strongly rooted. Respecting paragraph second, they propose literally as follows: Provided that the consent of the other foreign powers is obtained, Her Majesty's Government will agree to the following arrangement. The several foreign settlements in Japan shall be incorporated with the respective Japanese Communes and shall henceforth from

part of the general municipal system of Japan. The competent Japanese Authorities shall thereupon assume all municipal obligations and duties in respect thereof and the common funds and property, if any, belonging to such settlements shall, at the same time be transferred to the said Japanese Authorities. When such in corporation takes place the existing leases in perpetuity under which property is now held in the said settlements shall be confirmed and no increase of rental nor any additional charges or other conditions whatsoever shall be imposed on such property. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said 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. Regarding to this, observe that exceptional privilege to *secure* (?) perpetual lease is mentioned restraining our legislation much more than would be the case with real property, thus exposing us to national criticism. Besides, note heading of draft

which makes acceptance conditional. This question (is) most important as principal English attack is directed against our draft on settlements. Leaving London on account of holidays. Address instructions to Berlin.

Via Petersburg, May 10, 1894. Aoki.

九二 明治二十七年五月九日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

英國政府ノ修正提議ニ付訓令ノ件

註 「日英條約改正記事」ニ曰ク

「十八日陸奥外務大臣ハ前記青木公使來電中ニ具載スル所ノ英國政府ノ提議ニ對シ左ノ回電案ヲ草シ之ヲ閣議ニ提出セラレタリシニ朱字ノ通り刪改スルコトニ廟議決定セリ因テ伊藤總理大臣ト共ニ 御前ニ伺候シテ回電案ヲ觀覽ニ供シ 御允可ヲ經タリ」

(案文)

帝國政府ハ「國土」ニ代フルニ「領地及所屬地」ノ語ヲ以テスルコト及提議ノ通り最惠國ノ擔保ヲ記入スルコトヲ肯諾ス。又帝國政府ハ條約第一條末項ヲ別ニ一箇條ト爲スコト及喜望峯殖民地并「ナタル」ニ對シテハ外交文書ヲ以テ

陸奥外務大臣時代 改正京議ト對英交渉 九二

右新條ノ効力ヲ及ボサノルコトヲ肯諾ス。第八條第十四條ニ對スル修正ニ付テハ「人民」ノ語ハ千八百八十三年英伊條約中ニ見ユレトモ茲ニ之ヲ記入スルハ其處ヲ得サルモノト思ハレバトモ是亦同意スヘシ。帝國政府ハ條約期限七年ヲ十年ト改ムルコトニ同意スヘシ又帝國政府ニ許與スルニ七ヶ年ノ後何時モ稅目ヲ廢棄スルノ權利ヲ以テスルニ於テハ帝國政府ハ更ラニ條約期限ヲ延ハスコトニ同意スヘシ但シ十五年ヲ以テ限トスヘシ。英國政府ニ於テ強テ要求セハ帝國政府ハ第十九條中「調印」ヲ「批准」ト改ムルコトニ同意スヘシ但シ此場合ニ於テハ條約實行猶豫期限タル五年ノ内ヨリ第二十條ニ於テ批准ノ爲メニ設ケタル時日ヲ控除スヘキモノトス但シ右ノ變更ニ同意ヲ表セラル、ニ先チ左ノ如ク述ヘラレタシ即チ態ト「調印」ノ語ヲ用キタル主意ハ第十九條ニ依リ預告ヲ爲スノ權利ヲ各國ニ對シ同時ニ實施スルコトヲ得ル様猶豫期限ヲ伸縮セシメント欲スルニアリ假令ハ英國トノ條約ハ六月一日ニ他ノ一國トノモノハ十二月一日ニ調印セラレタリト假定スヘシ此場合ニ於テハ帝國政府ハ十二月一日調印ノ條約第十九條ノ冒頭ニ於テ「五ヶ年」ニ代フルニ「四ヶ年六ヶ月」ヲ以テスルコトヲ提議

セントスルモノナリ依テ若シ儘ニ分リタル調印ノ日附ヲ用キス不慥ナル批准ノ日附ヲ以テ猶豫期限ノ起算點ト爲スニ於テハ右ノ伸縮ハ實際行ヒ難カルヘシ第十八條ニ關シテハ閣下ハ是非英國政府ヲシテ其修正案ヲ撤回セシメラレタシ何トナレハ其修正ハ不要ニ屬スルノミナラス事ノ紛錯ヲ醸スヘケレハナリ。從價稅ノ換算ニ關シテハ帝國政府ハ稅目ニ載セタル基礎ニ依リ直チニ換算ヲ爲スコト及稅目中從價稅ノ代リニ從量稅ヲ記入スルコトニ同意スヘシ。二ケ年毎ニ稅目ヲ改正スルコトハ銀貨ノ爲換相場ノ高下ヲ正ス爲メニ極メテ望ムヘキコトナリ。右改正方ヲ帝國政府一己ニ委任スルコトヲ主張スル論據トシテ大藏省ニテ關稅ノ目的ノ爲メニ三ヶ月毎ニ爲換相場ヲ定ムルコロノ現行ノ實例ヲ引證セラルヘシ。右ハ實際ノ改正ニシテ其方法能ク行ハレ都テ關係者ニ満足ヲ與フルモノナリ。第十條ニ對スル修正ハ其字句ノ通りニテハ同意シ難シ。^(刪除)故ニ帝國政府ハ第十條末項中「進航スルコトヲ得ヘシ」ノ下ニ但シ常ニ以下ノ全文ヲ刪リ右修正案ノ代トシテ左ノ規定ヲ記入スルコトヲ提議ス「且ツ之ト均シク締盟國ノ一方ノ臣民ニ屬スル所ノ船舶ハ締盟國ノ他ノ一方ノ一ノ開港ニ於テ其外國行ノ積荷ノ

一部ヲ積入レ尙ホ其積積ヲ完了スル爲メ他ノ一港若クハ數港ニ進港スルノ權利ヲ有スヘシ而シテ双務的ニ右ノ船舶ハ又斯ル海外へ往來ノ航海ヲ爲スニ當リ其立寄ル所ノ各港ノ間ニ積荷ヲ運搬スルコトヲ得ヘシ但シ右積荷陸揚積及運搬ノ事ニ關シテハ常ニ各締盟國ノ法律及關稅規則ニ服從スヘキモノトス」此修正ニテ事足ルコトヲ證スル爲メニ閣下ハ數年間外國船舶力其ノ外國日本間ニ通シテ航海スル場合ヲ除クノ外ハ決シテ沿海貿易ニ從事シタルコトナク且ツ上ノ如ク修正スレハ英國臣民ハ將來開カルヘキ諸港ニ對シテモ同様ノ權利ヲ有スヘシトノ事實ヲ示サルヘシ^(未定)但シ帝國政府ハ之ニ代フルニ左ノ規定ヲ以テスルコトヲ承諾スヘシ即チ第十條ニ對スル修正ハ其字句ノ通ニテハ同意シ難シ然レトモ日本政府ハ本條約實施ノ日ヨリ六ケ年ヲ限リ此迄ノ通り大不列顛國船舶カ帝國ノ現開港場間ニ積荷ヲ運搬スルコトヲ許スヘシ併大阪函館新潟及夷ノ諸港ハ例外トス。又兵庫港ハ一昨年既ニ勅令ヲ以テ神戸港ニ併セテ開港トナリ以來外國船舶ノ碇泊ヲ許可セル旨ヲ英政府ニ説明スヘシ。

外國人居留地ニ關スル英國政府ノ提議ハ閣下ノ言ノ如ク國

内ノ批評ヲ招クノ虞アルカ故ニ帝國政府ハ右ノ修正ヲ加フルコトヲ望ム即チ「他外國政府ニテモ承諾スルニ於テハ大不列顛國政府ハ右ノ取極ニ同意スヘシ」ヲ削除シ其代リニ「大不列顛國政府ハ左ノ取極ヲ承諾スヘシ」ト記入シ又右財產ニ對シテハ「下」借地料ヲ増加スルコトナカルヘク又此上更ラニ何等ノ徵收金ヲモ取立サルヘク又何等ノ條件ヲモ附セサルヘシ」ヲ削除シ其代リニ「右借地券ニ載セタル條件ノ外ハ別ニ何等ノ條件ヲモ附セサルヘシ」ト記入シタシ。條約彙纂ニ載セタル借地券案ヲ示サハ英國政府ニ於テ右ノ修正ニテ足レリトシテ満足スヘシ。「然シ若シ右ノ修正ニ同意ヲ得ルコト能ハサル場合ニハ居留地外國人永代借地ヲ所有地ニ變換スルコトニ關スル閣下ノ最初ノ意見ヲ採用スルモ可ナリ其邊ハ一ニ閣下ノ裁量ニ任カスヘシ」帝國政府ニ於テハ居留地ノ廢止ニ先タチ他外國人トモ自然同様ナル取極ヲ結ハサルヲ得サルヘシ故ニ英國ニ對シ外國ト取極ヲ結フヘシトノコトヲ條件ト爲スノ必要ナカルヘシ。又閣下ハ左ノコトヲ英國政府ニ説明セラルヘシ即チ居留地行司制ノ點ヨリ言ヘハ僅カニ神戸大阪ナル二ヶ所ノ居留地アルニ過キス其他ノ居留地ハ全ク日本行政制度ノ下ニ立ツモ

ノニテ神戸大阪ノ居留地行司制ノ如キハ其性質上領事裁判權ノ廢止ト同時ニ廢止セラレサルヲ得サルモノナリ。帝國政府ハ速ニ談判ヲ結了シ條約ノ調印セラレンコトヲ切望ス。

(右電文)

Japanese Government accept substitution of "dominions and possessions" in the place of "territories" and insertion of most favored nation guarantees in the Article II. But the proposed insertion of most favored nation engagement in Article I Paragraph two regarding administration of justice does not, so far as Japanese Government can discover, appear in any treaty. British Government did not ask it in previous proposals. Japanese Government do not consider the stipulation necessary and would prefer to omit it. Japanese Government consent that last Paragraph Article I form separate article and that Natal and Cape Colony be excluded by diplomatic note from its operation. Amendments to Articles VIII and XIV are also accepted although insertion of word "citizens" would seem to be out of place,

nevertheless it appears in Anglo-Italian Treaty 1883. Japanese Government will consent to make Treaty for ten years instead of seven or Japanese Government will consent to make Treaty for longer period not exceeding fifteen years provided Japanese Government are given right to denounce tariff at any time after seven years. Japanese Government consent to substitution of word "ratification" in place of "signature" in Article XIX if the British Government insist provided the term of five years during which Treaty is to remain in abeyance is reduced by the period allowed by Article XX for ratification. But before agreeing to the change you will say that signature was intentionally used in order that the term of abeyance might be so adjusted as to make right to give notice under Article XIX accrue at the same time in respect of all Powers. For instance suppose treaty with Great Britain is signed on June 1st and with another Power on December 1st. In that case Japanese Government would propose to substitute four years and six months in first sentence (of the) Article XIX of the latter Treaty instead of

"The Japanese Government however agrees to allow British vessels to continue as heretofore for the period of six years from the date the present Treaty goes into operation to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Hakodate, Niigata and Ebisuminato."

You can establish the sufficiency of this substitute. Explain to British Government that Hiogo is already an open port by extension of port of Kobe in virtue of Imperial Ordinance, 1892. British proposal regarding Settlements as you say would expose us to national criticism. Consequently Japanese Government would like to introduce the following amendments:

Strike out first sixteen words and insert in place thereof "The British Government gives its consent." Strike out "increase of rental nor any additional charges or other conditions whatsoever" and insert in place thereof "conditions whatsoever other than those recited in such leases." By showing copies of leases as they appear in the volume of Treaties and Conventions you will be able to satisfy British

five years. This adjustment would be practically impossible if uncertain date of ratification instead of certain known date of signature be made the point of departure. As to Article XVIII you must strongly urge British Government to withdraw their amendment. It is unnecessary and would complicate matters. Regarding conversion of ad valorem rates Japanese Government will consent that conversion shall be made at once upon the basis laid down in the Tariff and that specific duties be inserted in the Tariff in place of ad valorem rates. Biennial revisions are highly desirable in order to correct fluctuations in the exchange value of silver. In support of proposition that such revision be confided to the Japanese Government alone you can refer to existing practice by which Ministry of Finance fixes rates of exchange for customs purposes every three months. This is practically revision and you can say the system works well and to the satisfaction of all parties. Amendment to Article X in its present form is unacceptable. But the Japanese Government will consent to the following substitute:

Government that the second amendment is quite sufficient. Japanese Government will naturally be obliged to come to similar arrangements with other Powers before the abolition of the Settlements can be accomplished; consequently it is unnecessary to make the conclusion of arrangements with other Powers a condition to the conclusion of arrangement with Great Britain. You can explain to British Government that so far as municipal government is concerned there are only two Settlements, namely Kobe and Osaka, all other Settlements are exclusively under Japanese administration and the Municipalities of Kobe and Osaka must in the nature of things disappear when Consular Jurisdiction disappears. Imperial Government (is) most anxious that negotiations be brought to conclusion and Treaty signed without delay.

May 19, 1894. Mutsu.

九三 明治二十七年五月二十二日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

借地条二關スル件

No. 122. Regarding Settlements, after the words "Conditions whatsoever other than those recited in such leases" in my telegram of May 19th insert "it is however understood that the Consular authorities mentioned in leases are in all cases to be replaced by Japanese authorities."

May 22, 1894. Mutsu.

九四 明治二十七年五月二十三日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

税關稅換算ニ關スル件

No. 126. It would take more time than the Japanese Government wish to consume before conclusion of Treaty to convert ad valorem into specific duties and it would also be difficult to telegraph in full and without danger of mistakes the converted rates, besides it is feared that British Government would demand considerable additional time to examine converted rates of duty, accordingly Japanese Government in order to save time propose the adoption of principle embodied in Article XIII of Anglo-French

Treaty of January 23rd, 1860, instead of that contained in my telegram of May 19th. If this proposition is accepted Protocol should be amended as follows:

Suppress Paragraph two of Section one and in place thereof insert "The ad valorem duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a supplementary convention which shall be concluded between the two Governments within six months from the date of this Protocol. The medium prices as shown by the Japanese Customs returns during the six calendar months proceeding the date of the present Protocol with the addition of the cost of insurance and transportation from the place of purchase, production or fabrication to the port of discharge, as well as commission if any exists, shall be taken as the bases for such conversion. In the event of this supplementary convention not having come into force before the expiration of the period fixed for the said tariff to take effect, either specific duties in conformity with the bases above established or ad valorem duties in conformity with the rule

May 23, 1894. Mutsu.

九五 明治二十七年五月二十一日

陸奥外務大臣ヨリ
在英青木公使宛

税關ニ關シ追加條約締結方ノ件

送第一三號 條約改正ニ關スル件(第二十四)

本月十九日發ノ電信ニテ從價稅ノ換算ニ關シテハ帝國政府ハ稅目ニ載セタル基礎ニ依リ直チニ換算ヲ爲スコト及稅目中從價稅ノ代リニ從量稅ヲ記入スルコトニ同意スヘキ旨申進置候得共尙其後熟考致候ヘハ從價稅ヲ從量稅ニ換算ノ事ハ當方ニテモ調査上多少ノ日子ヲ要シ候ノミナラス之ヲ提出シタル上ニ於テ英國政府ニテモ若干ノ日子ヲ費スニ非スヘキ可ク意見ヲ吐露スルコト能ハサルヘケルハ隨テ談判ノ結局ヲ遲延セシムルノ虞有之且ツ多項ノ從量稅率ヲ一時ニ電信ニテ申送ルコトハ動モスルハ錯誤紛雜ヲ醸スノ恐モ有之候ニ付寧ロ千八百六十年一月二十三日締結ノ英佛通商條約所謂コブデン條約第十三條ノ主意ヲ採用致度ト存シ其旨去二十三日及發電候次第ニ有之候而シテ右提議ニシテ若シ英國政府ノ承諾スルトコトナルニ於テハ

recited at the end of the said Tariff shall, in the meantime as the Japanese Government may determine, be levied." You are hereby authorized if necessary to take the Customs returns for twelve instead of six calendar months in calculating dutiable value. If this adjustment is accepted Japanese Government will forego the demand of biennial revision and the second rule annexed to the Tariff will have to be suppressed. For your information I will say it would be greatly to the advantage of the Japanese Government to take Customs returns for the last six or twelve months as the bases for converting duties, since there has been much more striking advance in prices during the last six months than during the previous three years. Imports have only very recently felt the full effect of silver in value. Bear in mind that this new proposal was not advanced solely for the purpose of securing this advantage and it is important to impress upon British Government that reason for our new proposal entirely lies in difficulties enumerated in the beginning of this telegram.

議定書第一項第二節ヲ削除シ之ニ代フルニ左ノ一節ヲ以テスヘシ

「右税目ニ定ムルトコロノ從價税ハ出來得ル限ハ追加條約ヲ以テ從量税ニ換算スヘシ而シテ右追加條約ハ本議定書ノ日附ヨリ六ヶ月以内ニ締結スヘシ」本議定書ノ日附ニ先タツコト六層月間ノ日本國關稅報告ニ示ストコロノ平均價格ニ物品仕入地、產出地若クハ製造地ヨリ陸揚港ニ至ル迄ノ運賃保險料ヲ加算シ又手數料アルトキハ之ヲモ加算シタルモノヲ以テ右換算ノ基礎トナスヘシ若シ又右税目實施ノ爲メニ定メタル期限ノ盡ルマデニ右追加條約尙未タ實施ニ至ラサル場合アルニ於テハ其間ハ前ニ定メシ基礎ニ因リタル從量税ナリトモ又ハ右税目ノ末面ニ掲クルトコロノ規定ニ因リタル從價税ナリトモ日本國政府ノ撰ヒニ任セテ之ヲ課スヘキモノトス」

尙又必要ノ場合ニハ前記一節中所載ノ「本議定書ノ日附ニ先タツコト六層月間」トアルヲ「一層年間」ト更改致候テモ差支無之又右提議ニシテ承諾ヲ得ル時ハ議定書第一項第三節即チ二ヶ年毎ニ税目ヲ改正スルノ件及税目中ニ所載ノ

再タヒ渡英直ニ談判ノ繼續ニ着手シタル際恰モ好シ本月二十三日前文本官ノ電報ニ對スル閣下ノ回電ニ接シタルヲ以テ更ニ委員會ノ開設ヲ促カシ本月二十五日ヲ以テ外務省ニ會合シ長時間ニ渉ル商議ヲナシタリ當日日本官ハ開會早々右回電ノ趣旨ヲ陳述シ以テ先方ノ合意ヲ求メタリ然ルニ少輔バルチー氏種々ノ苦情ヲ申立テ異議百出容易ニ我説ニ首肯セサルヲ以テ本官ハ之ニ對シ辨難抗議甚タ勗メタレドモ到底英政府ノ考ニテハ這般ノ約案中我ヨリ讓與スヘキ事項ハ殆ト皆無タリ斯クテハ英國商民社會ニ對シ改正案ヲ承諾セル理由ヲ吐露スルニモ困却スヘシトテ殆ント事ノ是非曲直ヲモ辨疎スルノ暇ナク最後ノ讓與トシテ我ヨリ請求セント欲スル要點ハ左ノ三ヶ條ニアルコトヲ看取シ得タリ

一、箱館港ヲ港間貿易(interport trade)港ニ編入スルコト

二、右各港間ニ於テ貨物ヲ運送シ得ヘキ許可期限ハ六ヶ年ヲ改メテ本條約ノ通用期限トナスコト

三、新本條約ノ期限ハ十ヶ年以上タルヘキコト

依ツテ本官ハ少輔バルチー氏ノ決心ヲ翻サシメント欲シ閣下ヨリ發セラレタル回電ノ條々ハ我政府力英政府提出ノ修

第二ノ規定ヲ削除スルコトニ同意スヘキ旨モ併セテ及電訓候義ニ有之候

右申進候 敬具

註 本件ニ關シテハ二十七年九月十三日附青木公使來信

對獨交渉ノ部一四〇參照

九六 明治三十七年五月三十一日

在英青木公使ヨリ
陸奥外務大臣宛

函館ヲ港間貿易港ニ編入スルコト外二項ノ

要求ニ關スル件

別信第八號

七月十九日到

本年二月着任以來本月初旬ニ至ル本官ト英政府トノ間ニ於ケル條約改正談判ノ經歷ハ既ニ先便別信第七號ヲ以テ其大要申進候處該信ニモ豫報致置候通り本月七日英國外務省ニ於テ愈々第三回委員會ヲ開キ候ニ付本官ハ英政府ヲシテ其魂膽ヲ吐露セシムルノ覺悟ヲ以テ之ニ當リ遂ニ其希望スル修正事項中商務局トノ照會ニ係ルモノヲ除キ緊要ノ條々ヲ提出セシメタル結果ハ即日長文ノ電報ヲ以テ御通信ニ及ヒタル次第ニ有之候然ルニ當時偶々歐洲一般ノ休暇 Bank Holiday ニ屬シタルヲ以テ一先ツ獨逸ニ歸任シ去ル十九日

正ニ對シ深恩熟考ノ上出來得ル丈ノ讓與ヲナシタルモノニ付英政府ニ於テモ其事情ヲ察シ右回電ノ趣旨ニ基キ此際本件ノ局ヲ結ヒ右回電以外ノ讓與ヲ更ニ請求スルコトナカラシコトヲ求望スル旨ヲ述ヘ就中新條約有効期限ヲ十年ノ外ニ互リテ維持スルコトハ開明發達ノ事業ヲ企圖スル國ニ於テ決行シ得ヘキ事ニアラス我邦ノ開明事業モ亦タ頗フル巨額ノ資財ヲ必要トスルニ由リ久シキニ彌リテ帝國政府財政ノ行爲ヲ束縛スルコトヲ得セシムル能ハサルナリ然レトモ若シ強ヒテ前顯ノ事項ヲ請求セラルヘニ於テハ更ニ我政府ニ訓令ヲ乞フノ外ナキモ有名無實の瑣事ニ關シ數々請訓スルハ本件談判ノ進行上甚タ好マシカラサル義ニ付此等ノ事由ヲ外務大臣キンベルリト伯ニ開陳シテ其再考ヲ煩ハサレ度尤モ少輔ニ於テ之ヲ爲スヲ欲セサレハ本官自カラ外務大臣ニ面議シ其合意ヲ得ント申出候處委員長バルチー氏曰ク本件ハ委員ニ於テ審議シ本官ヨリ外務大臣ニ開陳致度ニ付暫ラク猶豫ヲ乞フトノコトニ付本官ハ其一日モ速カナラシコトヲ請求シタルニ翌二十六日ハ女皇陛下ノ誕辰祝日ニ當リ又二十七日ハ日曜日ニ付月曜日ヲ以テ開陳シ直ニ外務大臣ノ裁決ヲ取テ之ヲ本官ニ通知スヘシトノ約ヲ結テ相別

レタリ然ルニ同日ニ至リ何等ノ通報ニ接セサルヲ以テ其翌日外務省ニ出頭シ其理由ヲ詰リタルニ外務少輔云フ「キンベルリー」伯ハ上院ニ於ケル「ウガンダ」事件討議ノ爲メ寸暇無シ依テ貴拙問ノ商議事項ハ未タ之ヲ同伯ニ開陳スルヲ得サルトノコトニテ其翌々日（水曜）モ亦同様ノ回答ヲ爲セリ故ニ昨今督促不相止ノ位置ニ立居申候

右ハ目下本件談判ノ狀勢ヲ貴聞ニ達度及陳述候次第ニ有之候愈々英政府之決答ヲ得タル曉ニハ直ニ電報ヲ以テ可申進候

將又英政府ノ希望タル箱館港ヲ港間貿易港ニ編入スル義ニ付本官一己ノ意見ヲ開陳スレハ其希望ヲ容ル、モ我ニ取ツテハ格別ノ障害アルコトナク之ニ反シ其許否ハ條約改正ノ成否ニ關係ヲ有スルコト頗フル大ナルヲ察スルナリ回顧スレハ箱館港ヲ港間貿易港ニ編入スルコトニ對シ我ニ於テ唯一ノ苦情トモ申スヘキハ兼テ本官力知承スルトコロニヨレハ格別外國船舶ノ出入モナキ港ニ稅關其他開港場ニ必要ナル一切ノ準備ヲ設クルハ甚タ不得策ナリト云一點ニ存スルモノニシテ今日モ亦其然ルヲ信スルナリ嘗テ閣下ヨリ送附セザレタル箱館港ニ關スル報告及統計書類ニ依ルモ同港ニ

本邦ニ於テモ早ニ追ンテ此等ノ事體ヲ講究シ先鞭ヲ舉テ新局面ノ開發ニ加功シ併セテ其利ヲ收ムルニアラン歟是前顯開陳ノ序ヲ假リ本官力敢テ大ニ帝國政府ノ注意ヲ喚起セント欲スルトコロナリ現ニ本月二十一日ノ「タイムズ」紙上既ニ左ノ通信ヲ記載スルニ至レリ

五月二十九日新育發ルーク通信

太平洋ニ於ケル魯國汽船航路

テレキー伯 Count Teleky ハ數艘ノ汽船購入ノ目的ヲ以テ當市ニ滯留中ナリ同伯ハ西伯利亞鐵道ノ聯貫ヲ豫期シ浦塩斯德ト米國太平洋海岸諸港トノ間ニ汽船航路ヲ開設セントスル魯國ノ一會社 A Russian syndicate ヲ代表スル人ナリ其他數艘ノ汽船ハ桑港ニ於テ製造セラルヘシト云此ノ通信ハ決シテ輕々ニ看過スヘキニ非ス早晚其實行ヲ見ルニ至ルハ識者ヲ待タスシテ知ルヘキナリ是ニ於テカ我北海道ハ實ニ其要路ニ當リ亞細亞大陸ト米國ヲ聯絡スル無數ノ船舶ハ其舳艫ヲ接シテ津輕海峽ヲ通航スルニ至ルヘシ是レ英政府力切ニ箱館港ノ港間貿易港ニ編入セラルヘコトヲ希望スルトコロニシテ其許否ノ如何ハ殆ト條約改正ノ成否ニモ關係スル所以ナリ加之外務少輔バルチー氏ノ言ニ依リ

出入スル英國船舶ノ數ハ僅々毎年一二艘ヲ出テサルノ事情アリ故ニ此等ノ事情ハ委數英政府ヘ開陳セリ然ルニ英國ハ何等理由アレハ強テ該港ノ港間貿易港ニ編入サル、ヲ希望シテ已マサルカラ察スルニ大ニ其所以アルニ似タリ蓋シ英政府力着目スルトコロハ必スシモ箱館ニ限ルニアラス出來得ヘクンハ寧ロ根室ヲモ併セテ希望スルノ意アルカ如シ想フニ英政府ハ西伯利亞鐵道ノ將サニ完成セントスルヲ見テ早クモ將來ノ企圖ヲ講スルモノナリ同鐵道果シテ完成センニハ其實實タル頃ニ世界ノ交通貿易上ニ偉大ナル變動ヲ波及セシムルヤ必セリ故ニ之ニ對スル英政府ノ用意ハ甚タ淺薄ナラス我帝國ノ極東端ニ位置サル、一港ニ聯絡シ以テ他日加奈多線ノ延長ニ便ナラシメント欲スルモ北海道ノ東部ヨリ西南部ニ互ル鐵道線ノ缺焉スルヲ知り隨テ根室開港ノ今日ニ於テ行ハレカタキヲ知ルカ故ニ先ツ箱館港ヲ希望スルモノナリ要スルニ北洋航路ノ短キヲ利用シテ加奈多ト我極東端港ヲ聯絡スルノ企圖タル英政府若クハ英商民ノ腹案タルヤ必セリ西伯利亞鐵道ニシテ成功ヲ告ルトキハ西伯利亞ト米國太平洋海岸諸港ニ達スル航路ノ創設モ亦タ併起シ之カ爲メ世界ノ交通上一大新局面開發セラルヘキナリ故ニ

英政府ノ内意ヲ察スルニ英政府ニ於テ我提出案ヲ承認センニハ日本ニ於ケル領事裁判權ヲ全然擲棄スルノミナラス併セテ日本ノ稅權回復ヲ承認スルモノナリ若シ現在若クハ將來ニ於ケル何等ノ讓與ヲモ得ルコトナクシテ新條約ヲ締結スルトキハ内ニ於テハ議會ノ審問ヲ受ケ外ニ於テハ新聞雜誌ノ駁撃ニ逢ヒ衆議黨々外務省ヲ非難スルノ日ニ方リ之ニ對シテ一ノ抗辯スル詞ナキヲ恐ル、モノナリ且同少輔ノ言ニ曰ク現ニ先年貴官（本官ヲ云フ）カ條約改正案ヲ提出セラレタルニ當リ橫濱在留ノ英國臣民ハ青木案ヲ以テ革命的ノ條約案ナリト絶叫シタルニアラスヤ故ニ今回モ若シ何等ノ報酬讓與ヲ得ルコトナクシテ彼等カ現ニ享有スル利益及權利ヲ減殺スル條約ヲ締結スルトキハ其反響ヲ受クルハ必然ニシテ政府ノ威信ニ關スルコトモ亦甚タ大ナリ是レ英政府力出來得ル丈ノ讓與ヲ日本ノ爲メニナスト同時ニ又出來得ル丈ノ讓與ヲ日本ヨリ請求シ英國臣民カ現有スル利益ヲ減殺スル代リニ將來ノ利益ヲ豫約シ以テ其臣民ニ對シ詞アルヲ欲スル所以ナリト以上陳述シタル理由アルニ依リ箱館港ヲ港間貿易港ニ編入スルノ一事ハ深ク御勸考有之可成英政府ノ請求ヲ御許容有之度切ニ希望スル所以ニ有之候

右申進候 敬具

明治二十七年五月三十一日

特命全權公使子爵 青 木 周 藏 印

外務大臣 陸 奥 宗 光 殿

註 1 及2五月七日ノ第三回委員會ニ關スル「長文ノ電報」又「本月二十三日前文本文官ノ電報ニ對スル閣下ノ回電」ナルモノ見當ラサルモノ右ノ五月十日發青木公使來電九一及五月十九日附同公使宛往電九二ニ該當スルモノナリト思ハル

九七 明治二十七年五月三日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

英國側ノ最後の修正ノ件

Respecting Article 1, British Government at last consented to withdraw amendment to paragraph 2. Article II, British Government desire to add to paragraph 2 exact words of Italian Treaty, namely after “houses” words “manufactures, warehouses, shops and premises which may be necessary for ‘them’”. Also, leave out paragraph 4, which was exceptionally

introduced into Russian and Roumanian Treaty on account of Jews, and to add to end of paragraph 3 words “subject *always* to the laws and regulations of each country” or, at your option, the wording of Italian Treaty, namely “and they shall be subject to the laws and regulations in force.” Thus, word “industry” cannot be inserted here. Article III, accepted with addition approved by you. Article IX, accepted. Article X, accepted with your last concession that, during the duration of the present treaty, interport trade allowed excepting Osaka, Niigata, Yebisuminato. Articles XI (and) XII, accepted. Article XIII, accepted with your last concession. Article XIV, British Government demanded insertion of the word “industry” after “commerce” and replacing word “trade” by “commerce, industry and navigation.” I strongly refused and they will withdraw if you accept amendments to Article II, but the word “ships” will have to be twice inserted after word “Government”. Article XV, accepted. Article XVI, must be maintained in conformity with the other European precedents. Article XVII, accept-

ed with reservation reported before respecting Cape Colony and Natal. Article XVIII, accepted at last without alteration. This is important concession. Article XIX, accepted with 12 years; word “signature” to remain, provided an addition is entered in protocol after the passage establishing the new tariff as follows.

“In all other respects the stipulations of the existing treaties and conventions shall be maintained unconditionally until the time when the Treaty of Commerce and Navigation signed this day come into force.”

British law officers declare that without this proviso treaty, which only come into force in five years, could not be now ratified. Besides, your ultimate amendment about Settlements is accepted beginning with words “Her Britannic Majesty’s Government so far as they are concerned give their consent to following arrangement”, but this paragraph is to be made an Article of the treaty as it come into force with the rest at once. Again in protocol, in section 1, to be added after words “Article IV” the “Article

XIV”. Also, the next *two* (?) paragraphs of same section to be struck out and instead your proposal for conversion on the basis of Anglo-French Treaty accepted with a modified wording, the text of which I will send on *June 30* (?). I have not been able to secure average price of three last months. Protocol to contain your amendment about copy-right, last passage being omitted. British Government desire to include passport concession worded according to our former draft in protocol. This demand is final. Tariff accepted according to your last proposals which I have now fully understood. However, Board of Trade demand insertion of “hats” in conformity with your memorandum stating that their import exceeds 50,000. Besides, Colonial Office has suddenly put forward serious demand that duty on sugar should not be entirely left to Japan’s discretion. Foreign Office proposed to Colonial Office to fix ten per cent and give Japanese Government right to increase this *at any time* (?) in proportion to internal tax, the amounts of tax and duty to be equivalent. There exists similar arrangement respecting spirits

with France (in?) 1860. Excepting sugar question, the above are British final conditions for signature.

(Via Petersburg), June 30th, 1894. Aoki.

Rec'd, July 6th, 1894.

譯 本電ハ六月三十日 Petersburg ヲ發シタルモノナリ
ノヤ Blagowestschensk ニハ六十日間停滯シタルヲ
以テ延滞ヤリ

九八 明治二十七年七月四日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

英國側最後の修正別電稅率換算并ニ 砂糖稅ニ關スル件

Sugar question Colonial Office will consent to ten per cent with right of Japan's unlimited increase in proportion to exise or inland duty on production or manufacture of refined sugar.

Conversion question Board of Trade accept as the basis average prices during three months proceeding date on which work of conversion is commenced with the addition of insurance (and) transport commission. They want to replace words "Japanese

註 「日英條約改正記事」ニ由シ

「九日陸奥外務大臣ハ前記七月六日接青木公使來電ニ通シテハ依テ修正ヲ加ヘタル條約案トハ内閣ニ提出セラレハ閣議ハ之ヲ採納スルコトニ一決セリ十日伊藤總理大臣ハ御前ニ伺候シテ右議決ノ件ヲ陳奏シ御裁可ヲ經タレ因ニ青木公使ハ左ノ電信ヲ發ス」

No. 314. Imperial sanction being given, you are authorized to sign new treaty, protocol and diplomatic notes. All amendments mentioned in your telegram of June 30th are definitively accepted, saving only those relating to most favored nation clause, conversion project and insertion of sugar in Conventional tariff. Insert at the end of paragraph 3, Article II, following words: subject always to the laws, ordinances and regulations of each country. Japanese Government hope that in view of suppression of paragraph 4, Article II, British Government will consent to omission of industry from most favored nation clause. If they insist, you are authorized to yield rather than to protract negotiations. In Article II and III, use word manufactures not manufactures. Proposal regarding sugar came as great surprise as

Customs returns" by words "average prices" because they say that these returns already include amounts for insurance, transport et-cetera. If you could declare that Customs returns did not contain these items I might obtain re-admission in text. They also leave out your proviso in the event of conversion not being accomplished within six months. They also propose four years *revision* (?) by common consent, also on three months basis.

I now earnestly recommend immediate compliance as far as possible to secure British good-will in Korean question. If hostilities break out England might be prevented from signing. Authorize me to settle (?) exact *wording* (?) about sugar and conversion, draft being too voluminous for telegraphic reference.

July 4, 1894. Aoki.

Rec'd July 6, 1894.

九九 明治二十七年七月十日 陸奥外務大臣ヨリ
在英青木公使宛(往電)

英國側ハ修正別電ノ趣令ハセ

we had supposed tariff amendments all in. Nevertheless you may consent to insert sugar in conventional tariff. Refer to sugar schedule, former tariff project, and endeavor to secure following rates omitting proposal regarding internal taxes: unrefined sugar, Japanese standard no. 1 to 9, and molasses and syrup 15 per cent, all other kinds of sugar twenty per cent. This is reduction from former tariff project as far as lower grades are concerned. As British Government accepted former project we presume they will accept this also. If British Government insist upon all round rate of ten per cent or if you think our demand would delay negotiation with doubtful result, you may yield to British proposal including proposal regarding internal taxes. Regarding conversion project, if British Government unwilling to confide revision on fixed terms to Japanese Government, it would be better to give up idea of revision rather than make it subsequent international agreement with several powers. Six months Customs returns, as Japanese Government proposed, would give better (and) more stable bases than three

months, but if you are committed to latter you need not change. You can assure British Government that Customs returns do not include insurance, transportation or commissions. They contain original values only as prescribed in Tariff Convention, 1866. Customs returns (give) much better and more constant bases than average prices. Treaties to be signed in duplicate in Japanese and English languages, following in this respect paragraph 2, Article XXI, Anglo-Italian treaty. Last clause, Article I, becomes Article II and Settlement clause becomes Article XVIII, other articles changed accordingly. Do your utmost to make arrangement about passports by Diplomatic note instead of Protocol because it seems out of place in Protocol, but if British Government immovably object you may finally yield. But we rely upon your best endeavor to secure this point if possible.

United States have consented to open negotiations. Advise Japanese Minister in America by mail fully as to all amendments introduced in British treaty.

July 10, 1894. Mutsu.

the average prices for the three month immediately preceding any such revision and also upon difference in the average rate of foreign exchange for the three calendar months immediately preceding the first conversion of any such rate of duty and the three calendar months immediately preceding any such revision, but no such revision shall take effect until at least six months after they shall have been published.

The proposal about sugar is as follows: It is understood (that) between the two high contracting parties that if Japan think it necessary at any time to levy an additional excise tax or inland duty on the production or manufacture of refined sugar in Japan, an increased Customs duty of equivalent amount may be levied on British refined sugar when imported into Japan as long as such additional excise tax or inland duty continues to be raised, provided always that British refined sugar shall in this respect be entitled to the same treatment accorded to refined sugar being the produce or manufacture of most favored nation.

100 明治三十七年七月十一日
在英青木公使ヨリ
陸奥外務大臣宛(來電)
糖關稅及砂糖保險問題ノ件

Conversion proposal is as follows: The average prices during 3 calendar months preceding the date on which the work of conversion is commenced with the addition of cost of insurance and transportation from the place of purchase, production or fabrication to the port of discharge as well as commission, if any, shall be taken as the basis of such conversion. In the event of supplementary convention not having come into before the expiration of the period fixed for the said tariff to take effect, ad valorem duties on the above basis shall in the meantime be levied. The supplementary convention shall also determine the method by which periodical revisions of specific duties shall be made by common accord between the two Governments at intervals of 4 years, such revisions to be based upon the difference in the average prices of the goods valued according to the above basis at the time of making the first conversion and

In answering immediately all questions as summer holidays are beginning, consider that all hesitation should vanish in view of immense success of obtaining full admission to the fellowship of nations on equal terms besides gaining position of great power by a successful issue of the Korean question.

July 11, 1894. Aoki.
Rec'd July 13, 1894.

101 明治三十七年七月十二日
陸奥外務大臣ヨリ
在英青木公使宛(往電)

英米調印方訓令ノ件

No. 321. Complication with China has become very critical. Make possible haste to sign treaty. You may yield all the points in my telegram of July 10th.

July 12 1894. Mutsu.

102 明治三十七年七月十三日
在英青木公使ヨリ
陸奥外務大臣宛(來電)

英文ノ條約ニ調印方ニ關シ請訓ノ件

I must sign in English to prevent delay. Okuma treaty (was) also signed in English in Germany.

London, July 12, 1894. Aoki.

Rec'd July 13, 1894.

一〇三 明治二十七年七月十二日 陸奥外務大臣ヨリ
在英青木公使宛(往電)

英文ハソノニハ翻譯中ニ在リ

No. 330. You are hereby authorized to sign in English.

No. 332. If treaty is signed in English alone it will be unnecessary to recite in treaty itself that it is signed in English.

July 13, 1894. Mutsu.

一〇四 明治二十七年七月十四日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

英國側故體中田ノ件

Having settled everything, Treaty was to be signed to-day but Minister for Foreign Affairs suddenly positively refused because he received telegram that

tion. I have reason to believe that the telegram received by Minister for Foreign Affairs was sent on one of those groundless rumors which are so prevalent and wilfully circulated in Seoul at this juncture. The following is Otori's telegram just received:

"British Consul General here seems to support *Yenseigi* and make our position as difficult as he can. Inquire and report by telegraph if it is policy of British Government."

British Chargé d'Affaires in Japan also received the same telegram concerning dismissal of Coldwell from British Consul in Seoul and at an interview with him on July 15th I fully explained that the matter was entirely unfounded and that there is no reason why Japan should do anything prejudicial to Great Britain and he promised to telegraph immediately to Minister for Foreign Affairs. You will assure Minister for Foreign Affairs that even reported incident may be true which is not at all probable I will instruct Otori to withdraw such demand at once.

Japanese Minister in Corea has asked Corean Government to dismiss British naval instructor Coldwell.

British Consul General reports Japanese military telegraph erected across foreign settlement at Jinsen. Minister for Foreign Affairs demands respecting first affair satisfactory explanation. You must at once withdraw this demand otherwise Treaty will not be signed, Answer immediately because Monday is the last day.

London, July 14, 1894. Aoki.

Rec'd July 15, 1894.

一〇五 明治二十七年七月十四日 陸奥外務大臣ヨリ
在英青木公使宛(回電)

英國側ハ故體中田ノ件ニ關シテ答辯ノ件

No. 343. Japanese Government never demanded Corean Government to dismiss Coldwell.

No. 344. As stated in my last telegram we never demanded Corean Government such absurd thing as dismissal of British naval instructor, on the contrary, we sincerely appreciate the British good-will being shown towards Japan on the pending Corean ques-

July 15th 1894. Mutsu

一〇六 明治二十七年七月十五日 在英青木公使ヨリ
陸奥外務大臣宛(來電)

露軍中田ノ件ニ關シテ答辯ノ件

Incident reported, coming after many obstacles created to treaty revision by anti-foreign demonstrations and your and Ito's language which I with extreme difficulty succeeded in appeasing, has overthrown edifice which with perseverance I have been erecting and which was to be crowned by signature of treaty. Regarding Corean question, I cannot confer with Minister for Foreign Affairs for whilst he receives daily reports on Otori's negotiation I no information. By newspapers and personal efforts of Siebold I have secured British sympathy officially and privately as well as (of?) public opinion, in fact not only English but European. Consequently England has been drawn over from China to Japan but, by imprudence reported, my arduous work of four months is upset and I can only conclude, you do not attach any value to my influence or to England

and Germany (English and German?) good-will and respect. Under these circumstances I regret it will become impossible for me to do justice to our national interest.

July 15, 1894. Aoki.

Rec'd July 16, 1894.

一〇七 明治三十七年七月六日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

大島公使ノ報告通報ノ件

No. 351. Otori telegraphed as follows:

"I have never made such demand as stated in your telegram. British Consul General here endeavors to cause every possible trouble picking unworthy petty affairs wilfully propagating baseless rumor."

July 16 1894. Mutsu.

一〇八 明治三十七年七月七日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

談判ノ局面打開方ニ關スル件

日英條約調印済ノ件

After overcoming last difficulties treaty was signed to-day. Humble congratulations to His Majesty and Cabinet.

London. July 16, '94. Aoki.

Rec'd July 17, 1894.

一一〇 明治三十七年七月七日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

日英條約調印済ニ付キ表祝ノ件

No. 360. His Majesty graciously appreciates your success. I congratulate you in the name of the Cabinet. Express to Minister for Foreign Affairs high appreciation of British good-will for conclusion of new treaty.

July 17, 1894. Mutsu.

一一一 明治三十七年七月七日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

最終修正條項報告ノ件

In addition to my last telegram, passport in proto-

陸奥外務大臣時代 改正稟議ト對英交渉

一一〇 一一一 一一二

二一七

No. 358. Received your telegram dated Petersburg July 15th. I quite sympathize with your difficulties brought about by unfortunate incidents especially the present ones in Corea. But Coldwell case proved untrue and regarding military telegraph affair I have already instructed to take down the line in case it was really erected across foreign settlement and regarding alleged attack on British Consul-General by our soldiers as I already informed you, according to telegram received by the General Staff from Chief of Staff in Corea, really the fault is said to lie in him but if any blame lies in our soldiers, which is not at all probable, I will not hesitate to give full satisfaction. I rely upon your best effort to induce British Government to sign the treaty immediately assuring them that the other matters could be settled independently.

July 17, 1894. Mutsu.

英總領事襲撃事件ニ關スル電報見當シム

一〇九 明治三十七年七月六日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

col; sugar limited to refined; sugar 10 per cent with mentioned reservation in protocol; industry not included in most favored nation clause; conversion six months with slight modifications; other points according to instructions. Ratification as soon as possible at least six months. Treaty will be sent on July 19th per mail Canadian.

Via Petersburg, July 17th 1894. Aoki.

July 18, 1894. Tokio.

一一二 明治三十七年七月七日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

日英條約調印ノ経緯報告ノ件

附屬書一 二十七年七月十六日調印日英條約書

1 日英通商航海條約

2 議定書

3 税目

4 法典實施ニ關スル宣言

5 英領殖民地ニ關スル交換公文

6 同右

二 二十七年七月十三日附青木公使覺書

別信第九號

八月二十二日到

本月十一日 勅許ヲ得テ閣下ヨリ發送セラレタル長文ノ電信ヲ以テ英國政府力提出シタル修正案ニ抗議シ勉メテ我案ノ主意ヲ貫徹スヘク若シ到底之ヲ貫徹スヘキ見込ナキニ於テハ事情切迫ノ際故斷然讓歩シテ速カニ談判ヲ結局スヘキ旨御訓令相成致領承候御來諭ノ如ク此際小少ノ利害ニ拘泥シ區區ノ詭辯ヲ費ヤシ時日ヲ遷延スル時ハ事速カニ相繼マルヘキ見込ナシト思考シ右御電訓接收ノ當日直チニ當政府ヘ照會シ明十二日ヲ期シ談判ヲ開クコトニ取極メ申候然ルニ當政府頃日ニ至リ痛ク異議ヲ唱ヘタルハ既ニ先日來達貴國候通我國ニ輸入サル、貨物ノ内一ヶ年其輸入金額五萬圓以上ノ物品ヲ調査シ「コンベンションナル、タリフ」ヲ設定スルコト正シク我提出案ノ本意タルニモ拘ハラズ砂糖及帽子ノ如キハ輸入高遙カニ同額ヲ超ユルヲ以テ之ヲ除却スルハ不當ナリトノ事ニテ手強ク攻撃セリ勿論本官ニ於テモ可出來的ニハ十分抗議致候得共商議員ニ於テハ此點ニ關シテハ殖民省ヘ協議ヲ要スルトノ事ニテ其手數ヲ盡シ候處同省ニ於テハ香港ニ於ケル其筋ヘ向ケ照會ヲ爲サ、レハ決定致兼候趣ニ有之然ルニ同地ト往復スルニハ少クモ一週間餘ノ時日ヲ費ヤサ、ルヲ得スシテ頗ル時機ヲ失スルノ恐有之且

シ同局長及外務官吏ノ疑團ヲ解キ原案ヲ維持致候處彼レ第一ノ請求ヲ提出シ覺書第一條第二項 to take effect ノ下 either specific duties in conformity with the basis above of 十字并ニ in the meantime ノ下 as Japanese Government may determine ノ五字ヲ除去スヘシト申出候本件ノ事クル更ニ六ヶ月間ニ於テ取結フヘキ「コンベンション」ノ成就セサルニ於テハ甚タ不當ノ申分トモ不被存且ツ大體ニ於テ領得シタル利益ヨリ之ヲ見レハ必須爭フヘキ大事ニモ無之ト存候間此一項ニ付テハ專斷ヲ以テ除却ノ事ニ同意致候條事後御承認相成度シ

右ニテ談判ヲ了シ引取り申候處同省ニ於テハ爾來非常ノ多忙混雜ヲ極メ條約書ノ印刷其他十四日ニ調印スヘキ準備ヲ爲シ翌十三日夜外務大臣ヨリ明十四日午後四時ヲ期シ愈々調印ヲ執行可致旨本官ヘ通知有之候依テ十四日午後三時半外務省ヘ出頭致候處外務少輔其他本件ニ關係スル官吏ハ既ニ去リテ在ラス殊ニ當日省内ノ受付等ニ至ル迄常ニ異リテ本官ヲ顧視スル有様ハ實ニ奇異ノ感覺ヲ起サシムル様ニ有之候得共餘事ヲ顧ミルニ違ナク外務大臣ニ面謁ヲ求メ其室ニ入りタルニ大臣ハ電信或ハ書信トモ思シキモノヲ手ニシ

本官ニ於テハ右砂糖及帽子ヲ「コンベンションナル」稅率ヨリ除却ナリタル貴意ノ所在ヲ確ト認承候得共前年十二月二十七日附覺書中五萬圓以上ノ貨物ヲ集メテ之ヲ「タリフ」ニ列記スヘキ豫案ヲ揭示セルヲ以テ本官ニ於テハ深く抗辯ノ途ナク將又今回ノ改正案タル其主眼ニ於テハ大體我ニ満足ヲ與ヘタルモノト相考候ニ付當日大體ノ討議ヲ終ヘタル後外務少輔ヲ一室ニ引キ竊カニ懇話ヲ開キ本月十四日ヲ期シ條約調印ヲ結了スヘク盟言スルニ於テハ斷然右帽子及砂糖ニ關スル請求ニ對シテモ讓歩可致云々提議致候處外務大臣及大輔ニ協議ノ上十四日ヲ期シ調印スヘキコトニ同意致候然ルニ尙一難事ノ決セサルモノアリ即チ稅率ノ「コンベンション」ニ關スル當國商務省ノ異議是ナリ第一同省ノ見込ニ於テハ豫テ申上置候通り我力「カストムス、レタルン」ニ信據スルノ意ナク同省ヨリ本會議ニ參列セシメタル通商局長ノ申分ニ據レハ我稅關ニ於テハ「インボイス、プライス」ヲ計算スルニ當リ今日ニテモ尙ホ千八百六十六年間ノ「プライス」ヲ基礎ト爲居云々トノ事ニ有之候右ニ付テハ本官モ篤ト事實ヲ存シ不申候得共斯ル事ノアルヘシトモ不被信候間直チニ別紙覺書ヲ認メ其事實ニ反スル旨ヲ説明致

是亦常ニ變リテ屹然トシテ本官ヲ迎ヘタリ依テ本官ハ約ノ如ク條約調印ノ爲メ出頭セシ旨ヲ述ヘタルニ同大臣ハ頭ヲ振り御氣ノ毒ナカラ調印ハ出來難シト答ヘ候ニ付其理由ヲ相尋候處彼曰ク其理由ハ他ニアラス即チ駐朝鮮日本公使ハ英國海軍少尉「コルドウェル」(Coldwell)ヲ解願スヘク朝鮮政府ニ要求シタルノミナラス京城ニ於ケル總領事ノ申報ニ據レハ日本兵ハ陸軍電線ヲ仁川外國居留地ヲ橫斷シテ架設シタリト是レ果シテ何事ソヤ余ハ貴官ヲ信シ貴官ハ余ヲ信シ彼我ノ事情ヲ了解シテ條約談判既ニ今日ノ運ヒニ至リタルニ貴國政府ノ舉動此ノ如シ故ニ右ニ對シ余ニ満足ヲ與フル説明ヲ得ルニアラサレハ條約ノ調印到底爲シ難シ云々本官ハ之ヲ聞キ事ノ意外ナルニ驚キタレトモ第一點ナル英國軍人解雇ヲ要求スルカ如キ事實ノアルヘシトモ不被信候ニ付力ヲ極メテ斯ル事ハ決シテ事實ニアラス且本官ハ本官ニ屬スル名譽職掌ヲ以テ誓言スルノミナラス貴意如何ニヨリテハ二十四時間ヲ期シ此事ノ虛謬ナルコトヲ確カムルヲ得ヘク若シ果シテ此事アリトセハ本官ハ直チニ之ヲ取消サシムルコトヲ得ヘシ今ヤ貴官ノ好誼ニ據リ條約改正談判全ク成リ今日調印スルヲ得ハ實ニ千載ノ一時其好誼ハ日本

臣民カ永ク銘肝シテ忘却セサルヘシ是レ余ノ信シテ疑ハサル處ナリ依テハ十分本官ノ言ヲ信シテ調印アリ度ト再三説明及抗議ヲ試ミ候得共彼レ斷乎トシテ動カス加之左ノ四件ヲ枚舉シ

第一數年前ヨリ我國ニ於テ外人排斥若クハ鎖攘説ノ發起シタルモ帝國政府ハ久シク之ヲ不問ニ付シテ彈壓セス第二帝國總理大臣ヨリ貴族院議員ニ交付シタル書狀ノ文言及外務大臣ノ吐露シタル條約排棄様ノ強迫主義

第三「フレーザー」公使死去ノ後「パジヒツ」(Page)氏ヨリ外務大臣ヘ送リクル書簡ヲ返付シ同氏ヲ臨時代理者ト認可セサリシ事

第四今回朝鮮ニ在ル英國士官ノ解雇ヲ請求シタル事右ノ如キ日本府ノ運動ハ國際上ノ主義ヲ認可セス若クハ條約改正ニ熱心ナラサルコトヲ現示シタルニ似タリ故ニ篤ト勘考シ且ツ日本府ノ本意ヲ認了スルニ非ラサレハ容易ニ改正條約ノ調印ヲ爲シ得ヘカラストテ反テ彼ヨリ反駁ヲ試ミルニ至レリ於此本官ノ保證ハ彼ノ容ルヘ處トナラス調印ノ事ハ彼ニ於テ斷然拒絕セルヲ以テ本官ハ前顯第一點ニ關シテハ我政府ニ電信ヲ發シ貴官ノ満足スヘキ説明ヲ請求

全權公使子爵 青 木 周 藏 印
外務大臣 陸 奥 宗 光 殿

追啓本文稅率計算ノ基礎ニ付本官ヨリ致保證候事項ニシテ萬一實際ノ定規ニ相違致候ハノ後日ニ至リ交際上ノ手續ヲ以テ更ニ御協議相成度候也

周 藏 印

註 1 及 2 一〇四及一〇五文書

附屬書 I

二十七年七月十六日調印日英條約書

(一) 日英通商航海條約

His Majesty the Emperor of Japan, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective 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,

スヘケレトモ第二點即チ仁川居留地電線架設ノ件ハ若シ果シテ有之トスルモ我カ司令官軍事上ノ必要ヲ認メテ之ヲ爲シタルニ過キス是レ同地ニ居住スル二三外國人ノ利害ヲ顧ミルニ違アラス正シク軍隊運動上止ムヲ得サルコトト信スルナリト述ヘ置キ退省致候依之直チニ閣下ヘ電信ヲ以テ右事情ヲ申報致候處閣下ヨリ直チニ「日本政府ハ朝鮮政府ニ迫リ右解雇ヲ請求シタル事ナシ」ト御回答有之候ニ付翌十五日未明右電文ノ趣當國外務大臣ヘ通知致シ併セテ十六日ヲ期シ調印有之度旨及請求候處十五日夕外務少輔ヨリ右十六日午後四時ヲ期シ外務大臣ハ欣然本官ヲ引見可致旨申進候依テ翌日治定ノ時刻外務省ニ出頭シ外務大臣ニ面シ貴電ノ趣ニ依リ更ニ詳細ノ説明ヲ爲シ其疑團ヲ氷解セシメ遂ニ快ヨク調印セシメ申候其他朝鮮疑問相起候テヨリハ該疑問忽チ改正問題ニ波及シ種々名狀シ難キ困難ニ致際會候得共百難ヲ壓シ終ニ使命ヲ了シ候故茲ニ苦情不申述候尤モ詳細ノ報告ハ他日ニ讓リ置申候 敬具

明治二十七年七月十八日

在 英

based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, First Class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James'.

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

Article I.

The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions 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 the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions 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 subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the

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

The subjects of each of the High 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; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or sub-

dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances and Regulations, shall enjoy the right of private or public exercise of their worship, and also the rights of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

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.

Article II.

The subjects of either of the Contracting Parties residing in the dominions and possessions 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.

Article III.

jects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, or 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 subjects or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

Article IV.

The dwellings, manufactories, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

Article V.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions 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, 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 High Contracting Parties, into the dominions and possessions of the other, from 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 drawbacks.

Article VIII.

All articles which are or may be legally imported into the ports of the dominions and possessions 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; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions 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. 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

and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

Article VI.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

Article VII.

The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities

same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High 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.

Article IX.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding 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, 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 or vessels of the most favoured nation. Such equality of treatment shall apply re-

ciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

Article X.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

Article XI.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His

Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations 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 the dominions and possessions of His Majesty the Emperor of 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 Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow British vessels to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisu-minato.

Article XII.

Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reasons 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 officer, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

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

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnishings and appurtenances belonging thereunto, and all goods and merchandise 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 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 merchandise 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 ship or 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 States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

Article XIII.

other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article XVI.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, 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, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

Article XVII.

The subjects of each of the High Contracting Par-

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to British law, are to be deemed British vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels, respectively.

Article XIV.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

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

Article XV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any

ties 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.

Article XVIII.

Her Britannic Majesty's Government, so far as they are concerned, give their consent to the following arrangement:—

The several foreign Settlements in Japan shall be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place, existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect

of such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said 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.

Article XIX.

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.

the 26th day of August, 1858, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction 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.

Article XXI.

The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain

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.

Article XX.

The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to

in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

Article XXII.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of the seventh month of the twenty-seventh year of Meiji.

(L.S.) AOKI.
(L.S.) KIMBERLEY.

(11) 議 定 書

PROTOCOL.

The Government of His Majesty the Emperor of Japan and the Government of Her Majesty the Queen of Great Britain and Ireland and Empress of India, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff hereunto annexed shall, subject to the provisions of Article XXIII of the Treaty of 1858 at present subsisting between the Contracting Parties, as long as the said Treaty remains in force and thereafter, subject to the provisions of Articles V and XV of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth,

produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, foods, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The *ad valorem* duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a Supplementary Convention, which shall be concluded between the two Governments within six months from the date of this Protocol; the medium prices, as shown by the Japanese Customs Returns during the six calendar months preceding the date of the present Proto-

col, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the Supplementary Convention not having come into force before the expiration of the period fixed for the said Tariff to take effect, *ad valorem* duties in conformity with the rule recited at the end of the said Tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said Tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article XXIII of the Treaty of 1858 and Articles V and XV of the Treaty signed this day respectively.

From the date the Tariffs aforesaid take effect, the Import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing Treaties and Conventions shall be maintained

unconditionally until the time when the Treaty of Commerce and Navigation signed this day comes into force.

2. The Japanese Government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British Representative in Tôkiô, or from any of Her Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated; it being understood that the existing Rules and Regulations governing British subjects who visit the interior of the Empire are to be maintained.

3. The Japanese Government undertakes, before the cessation of British Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

4. It is understood between the two High Contracting Parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

5. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be

binding.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of the seventh month of the twenty-seventh year of Meiji.

L. S. Aoki.

L. S. Kimberley.

(111) 稅 則

Annex. (Tariff.)

Articles.	Ad valorem Rates of Duty
Ceoutchouk, manufactures of.....	Per cent. 10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton,	

however, predominating	10
Glass, window, ordinary—	
(a.) Uncoloured and unstained	8
(b.) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	7½
Tinned plates	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather—	
Sole	15
Other kinds	10
Linen—	
Yarns	8
Tissues	10
Mercury or quicksilver	5
Milk, condensed or dessicated	5

Nails, iron.....	10
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar	10
Saltpetre	5
Screws, bolts, and nuts, iron.....	10
Silk, satins, and silk and cotton mixtures	15
Tin—	
Block, pig, and slab	5
Plates	10
Wax, paraffin	5
Wire—	
Telegraph.....	5
Iron and steel, and small rod iron and steel, not exceeding ¼ inch in diameter	10
Woollen and worsted—	
Yarns	8
Tissues of all sorts, plain or mixed	

with other material, the wool, however, predominating	10
Yarns of all sorts, not specially pro- vided for	10
Zinc—	
Block, pig, and slab	5
Sheet	7½

Rule for calculating ad valorem Duties.

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

(四) 法典實施ニ關スル實地

Japanese Legation,

London, July 16, 1894.

The Undersigned, Envoy Extraordinary and Minis-

Foreign Office,

July 16, 1894,

Sir,

With reference to Article XIX of the Treaty between Great Britain and Japan signed this day, in view of the fact that some of the British Colonies and foreign possessions enumerated in that Article might be prevented from acceding to the present Treaty by reason of their inability to accept the stipulations relating to military service contained in Article II of the said Treaty, and in order to avoid future misunderstandings, Her Majesty's Government request from the Government of Japan an assurance that any of the said British Colonies and possessions may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II.

I have the honour to be
with the highest consideration,

Sir,

Your most obedient,

humble Servant,

ter Plenipotentiary of His Majesty the Emperor of Japan, in virtue of special authorization from His Imperial Japanese Majesty's Government, has the honour to announce to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, that the Imperial Japanese Government, recognizing the advantage of having the Codes of the Empire which have already been promulgated in actual operation when the Treaty stipulations at present subsisting between the Government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of Article XXI of the Treaty of Commerce and Navigation, signed this day, until those portions of said Codes which are now in abeyance, are brought into actual force.

The Undersigned avails himself of this opportunity to renew to the Earl of Kimberley the assurance of his highest consideration.

(Signed) Aoki.

(五) 英領殖民地ニ關スル交換公文

(Signed) Kimberley.

Viscount Aoki,

&c., &c., &c.

(六) 英領殖民地ニ關スル交換公文

Japanese Legation,

London, July 16, 1894.

Monsieur le Comte,

In reply to the note of Her Majesty's Government referring to Article XIX of the Treaty between Great Britain and Japan signed this day, and requesting, for the reasons given in the said note, an assurance that any of the British Colonies and foreign possessions enumerated in that Article may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II, the Government of Japan hereby give the assurance desired.

I have the honour to be
with the highest consideration,

Monsieur le Comte,

Your Excellency's most obedient,

humble Servant,

(Signed) Aoki.

The Right Honourable
Earl of Kimberley, K. G.,
&c., &c., &c.

附屬書二

二十七年七月十三日附青木公使覽書

Memorandum.

The Undersigned having on the 29th June, 1894, telegraphed to his Government as follows:—

“Board of Trade want to replace the words ‘Japanese Customs ‘Returns’ by the words ‘average prices,’ because they say that these Returns already include the amounts for insurance, transport, &c.”

The Undersigned received the following answer on the 11th July, 1894:—

“You can assure British Government that Customs Returns do not include insurance, transportation, or commissions; they contain original values only as prescribed, in Tariff Convention, 1866. Customs Returns much better and more constant basis than

“The *original invoice* or *invoices* of the goods so entered shall be presented to the Custom-house Authorities, and shall remain in their possession until they have examined the goods contained in the entry.”

The Undersigned is not aware that any subsequent arrangement has altered the principle of the production to the Custom-house of the *original invoices*, and it is his impression that these documents serve as material for the Custom-house Statistics which the Imperial Government wishes to adopt as basis.

The Austrian-Hungarian Treaty of the 18th October, 1869, contains the same stipulations, and it will be remembered that the Conference of Tokio for the Revision of the Treaties, 1862, accepted this Treaty as the model Treaty on which the revision was to be based.

(Signed) AOKI.

Japanese Legation,

London, July 13, 1894.

註 日英條約改正記事ニ曰シ

「八月十八日青木公使ヨリ左ノ電信ニ接ス

陸奥外務大臣時代 改正稟議ト對英交渉 一一三

average prices.”

With reference to this the Undersigned has no hesitation to declare:—

1. That the prices which served as a basis to the Conventional Tariff of 1866 are not the prices which are adopted since in the Custom-house Statistics as the medium price of the imports.

2. That the Custom-house Statistics are made up on the contrary on actual documentary evidence which is at their disposal, and represent the average *original* prices, without the addition of insurance, transport, and commission.

3. The Regulations under which British trade is to be conducted in Japan (Treaty of the 26th August, 1858) contain the following at the end of Article III:—

“On each entry the owner or consignee shall certify in writing that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the Customs of Japan would be defrauded, and the owner or consignee shall sign his name to such certificate.

英國皇帝陛下ノ批准書ハ七月十九日「カナダ」便ニテ發送セラレタリ英國政府ハ批准交換ニ付必要ナル訓令ヲ日本駐劄英國公使ニ與フヘケレハ我天皇陛下ノ御批准相濟ミ次第其旨直チニ電報アリ
タシ

同二十日英國新任公使「ハワ、ル、ボエル、トレンチ」氏着任セリ

同日青木公使ハ左ノ電信ヲ發ス

調印濟ノ條約書ハ只今接受セリ時ヲ失ハス批准交換ノ運ヲナスヘシ

一一三 明治三十七年七月十九日 在英青木公使ヨリ
陸奥外務大臣宛

對英談判終了ニ付衷情披瀝ノ件

私信

(前略) 重修事件ニ付最後英政府ト致談判候模様ハ本日ノ別信ニテ御承知可被下候回顧スレハ二月中此境ハ致赴任候以來公會私話殆ト五十回程モ經由シタル末、漸ク談判相續リ可ナリノ條約相調候故大命ヲ辱メス並ニ老兄及ヒ内閣諸彦ノ信任ヲ全フスルヲ得申候尤昨年來屢々困難相生候節ハ老兄輒チ機敏ニ之ヲ排シ生ラシテ商議ヲ繼續シ得ルノ位置

ニ立クシメラレタリ否レハ生ノ瘦腕焉ンゾ此功ヲ奏スルヲ得ン其勞ヲ鳴謝シ爲國家唱萬歲矣條約中特ニ覺書中ニハ谷干城子等ノ意ニ滿サル箇條モ可有之候得共大體先不都合ナキ約束ト被存候此舉ニ由リ三十年來ノ汚辱ヲ一掃シ一躍シテ Fellowship of nations ノ仲間入相調タルハ實ニ大賀々々已ニ一昨日調印相濟候節 Lord Kimberley ハ生ニ對シ「此條約ノ性質タル日本ニ取リテハ清國ノ大兵ヲ敗走セシメタルヨリモ寧ロ遙ニ優レルモノアリ」云々ト懇話シテ我内閣及生ニ對シテ祝詞ヲ述タリ唯々此上ハ我政府及人民ノ行爲ヲシテ According to Laws of nations ナラシメ以テ益々開明事業ヲ發達セシムヘキナリ但シ此後獨逸政府ト談判スルハ亦一箇ノ至難 task ナリ豫メ御覺悟有之度候英政府ノ考ニテハ頗ル知覺鋭敏ナルニ由リ 彼軍艦註文云々速ニ其意ヲ滿スヘキ工夫スヘシトノ事ナリ依テ調印ノ翌日ハ直ニ獨國大使ヲ尋問シテ英國トノ商議ニ關スル屢歴ヲ説明シ且伯林政府ヘ同使ヨリ云々ノ事情可申通旨及倚賴置候又英外務大臣並生ヨリ新條約ノ謄寫各一冊宛同大使ヘ交附致申候 英政府ハ伊太利大使ヘ對シテ 米國大使 Mr. Bayard ニ對シテモ生ハ同前ノ手續ヲ爲シタル處、同氏ハ書帖ヲ以

テ右ノ通申遣候

Quite apart from the merits of this trade arrangement between the two countries of which I do not venture to speak I congratulate you upon the illustration it contains of the independent right and power implied there-by of Japan to treat freely and as a recognized equal and independent member of the great family of nations 云々

建野公使ヘハ本日ノ郵便ヲ以テ條約書ノ謄寫可差送候考ニ有之填伊兩國トノ談判モ英政府ノ内意ニテハ生ニ於テ負擔スル方可ナリトノ事ナリ併シ此儀ハ已ニ業ニ生ノ independent idea トシテ申上置候ニ付茲ニ贅言セス又各國ヘ駈廻ル事ハ最早閉口々々健康ヲ害シ及私財迄モ費シテハ實ニ困ル々々

女皇ハ已ニ新條約ヲ批准セラレタリ定テ本日ノ便ニテ御批准被爲遊候ハハ本日ヨリ三十四五日間ニハ御地ニテ批准交換可相調都合ニ御座候

朝鮮事件ニ付テハ本年三月頃ヨリ勉テ英政府ノ注意ヲ喚呼シ其清國ヲ偏信スルノ非ナルヲ責メ李鴻章及北京政府ノ信據シ難キ事實ヲ枚舉シテ Lord Kimberley 等ノ妄想ヲ

論破シ並ニ朝鮮ニ於ケル我國ノ權利即天津條約ニ由テ清國ト共ニ之ヲ「プロテクト」シ教訓スル云々ノ事實ヲ説明致置候ニ付先般事變相生シ候節ハ同大臣云々至懇ノ談話ヲ以テ生ノ考慮ヲ付度シタルニ由リ生ハ先ツ英國ト清國ヲ離間スル事ニ勉テ其功ヲ奏シ併テ朝鮮ヲ或ハ一己ニ若クハ清國ト共ニ occupy スル權利又我國防上ヨリハ維生ノ義務アリト (respecting our national existence ノ意味ナリ)

迄論シ込候處同氏ハ快ク生ノ主張スル主義ヲ認可シタリ故ニ一方ニ於テハ「シーボルト」氏ヲ以テ竊ニ外務省ノ固執セル妄想 清國ヲ偏信シテ緩急ノ際ニハ味方ヲ破リ又「タイム條約」ヲモ締結スル内意アリタリ「デリー、クロニクル」ヲ利用シ廣ク英國ノ輿論ヲ薰陶シテ我國ノ行爲ヲ認可セシメタリ然ルニ本件ニ關シテハ老兄ノ訓旨尙ホ不十分ニ候間折角百方ヘ着手シテ斗大ノ魚鱗ヲ一網ノ内ニ漁獲セント待居候得共鐵砲未タ發セス長太息々々々先月中差出置候「プロテクトレート」案ハ定テ御一見被下候半一戰前後ニ於テ清人ト右様ノ約ヲ結ヒ露人ノ南侵ヲ早ニ追ンテ彈壓スルハ如何々々此案ニ付テハ英政府モ最初ヨリ不同意ヲ示サス最後ニ於テハ昨日モ電信ヲ以テ申上候通同意ヲ示ス都合ナリ

要スルニ英人ハ日清ヲ朝鮮ノ北端若クハ全部ニ置キ身躬ラハ其勞ヲ取ラスシテ、露國ノ南侵ヲ防クニ意アリ熟々思惟スルニ今回ノ改正條約ノ性質タル實ニ貴重ナリ此際即御批准相調候節別紙ノ如キ詔勅ヲ發セラレテハ如何々々左候トキハ内外ニ對シ無限ノ感覺ヲ挑發シ將來ノ爲メ非常ナル利益ヲ收ムルヤ必セリ多少ノ不賛成者アルモ斷然御決行有之度爲國家千々祈萬々禱草々不盡

二十七年七月十九日

在龍動 周 藏

陸奥 盟 兄

註 間接ニ英國ニ謝シ及他ノ諸國ノ好感觸ヲ挑發スルハ實必要々々

一一四 明治三十七年七月三日

陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

伯林歸任對獨交涉開始準備并二日英追加交渉

ニ關スル件

No. 384. I wish you to commence negotiations for treaty revision in Berlin as early as possible. Can

you attend to the conclusion of supplementary convention with England while conducting negotiations with Germany in Berlin? If you can do so, all necessary material shall be sent in due time. I have no doubt Great Britain would consent to insert clause in supplementary Convention excluding non-competing Chinese imports from operation of most favored nation clause and parity clause, as British interests in our tariff with China are limited to those Chinese imports which compete with British imports. List of competing articles might be agreed upon. Use your discretion about sounding British Government on this point at present.

Sent July 20th, 1894. Mutsu

一一五 明治三十七年七月二十日

青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

英京離去ハ時ヲ得サル旨申報并ニ日英追加交渉地ニ關スル件

If I should leave London for Berlin at this critical moment British Government would have grave sus-

picion considering they have great confidence in me. Besides, negotiations with Germany would be very difficult. I understand nothing about Customs question. You should conduct conversion negotiation at Tokio.

Berlin July 23rd, 1894. Aoki.

Petersburg July 24,

Tokio. July 26, 1894.

註 一四〇文書参照

一一六 明治三十七年七月二十日

陸奥外務大臣ヨリ
在英青木公使宛(往電)

日英追加條約交渉地ニ關シ訓令ノ件

No. 423. If Conversion negotiations are as you recommended to be conducted here, you should as soon as possible arrive at understanding to that effect with British Government and British Representative here should be instructed accordingly.

Sent, 26 July, 1894. Mutsu.

一一七 明治三十七年七月二十六日

在英青木公使ヨリ
陸奥外務大臣宛(來電)

英京離去ハ時ヲ得サル旨申報并ニ日英追加交渉地ニ關スル件

(前略) The question of application of Chinese tariff would solve itself by outbreak of hostile measure annulling treaties or you might provide for this during eventual negotiations with China.

German Government are ready to open negotiations on the basis of Japanese-Anglo Treaty and will inform me when I should return to Berlin.

Sympathy expressed in England and Germany with Japan, Lord Mayor's reception of Japan Society on July 24, therefore, largely attended. Incident of British Consul General considered as settled.

London, 28, July 1894. Aoki.

Rec'd 29, July 1894.

一一八 明治三十七年八月十二日

在獨青木公使ヨリ
陸奥外務大臣宛(來電)

批准交換準備方要請ノ件

Prepare for immediate exchange of ratification as here anti-ratification movement exists. (中略) Trench

陸奥外務大臣時代 改正京議ト對英交渉 一一七 一一八 一一九

will be authorized to conclude additional convention Full Powers will be dispatched. (下略).

Via Petersburg, 12 August 1894. Aoki.

Rec'd, 13 August 1894.

註 中田敬義「日英條約改正記事」ニ曰シ

「八月二十二日陸奥外務大臣ハ參内ノ上日英條約議定書及三通ノ外交文書ヲ 陛下御手許ニ捧呈シ且之ヲ内閣ニ提出セラル

又内閣總理大臣ヲ經テ御批准案ヲ添ヘ 御批准ヲ奏請セラル

嗣ヒテ又内閣總理大臣ヲ經テ御委任狀案ヲ添ヘ批准交換ノ全權ヲ御附與ノ義ヲ奏請セラル

同二十三日英國公使信任狀捧呈ノ爲メ 謁見被仰付其節 陛下ヨリ賜ハリタル 勅答中左ノ 勅語アリ 貴國トノ條約モ粗ホ整ヒ朕大ニ満足ス尙今後卿ノ盡力アラムコトヲ希望ス

同二十四日日英新條約ヲ樞密院ヘ 御諮詢アリタリシニ全會一致ヲ以テ之ヲ可決セリ因テ 陛下ニハ其決議ヲ納レサセ玉ヒ直チニ御批准遊ハサレ批准交換ノ全權ヲ陸奥外務大臣ニ 御附與アラセラレタリ」

一一九 明治三十七年八月二十四日

陸奥外務大臣ヨリ
英國公使宛

二四三

批准交換ニ關スル件

親展送第七六號

大不列顛特命全權公使

ゼ、オノラブル、ル、ポール、トレンチ 閣下

外務大臣 陸 奥 宗 光

以貴翰致啓上候陳者貴我兩國改正條約ニ對シ本日我
皇帝陛下ノ御批准相濟候ニ付明廿五日午前十一時當省ニ於
テ貴我双方ノ御批准書交換可致候間貴國
皇帝陛下ノ御批准書御携帶同時刻御來省相成度候本大臣ハ
玆ニ重テ閣下ニ向ヒ敬意ヲ表シ候 敬具

一一〇 明治三十七年八月三十五日

批准交換ノ件

別 紙一 御批准書寫

二 批准交換全權御委任狀寫

三 批准交換證書

四 上奏案

八月二十五日午前十一時英國公使ハ書記譯官代理「ワキル
マン」氏譯官見習「ハムテン」氏ヲ隨ヒ外務省ニ出頭ス因

御 名 國 璽

外務大臣 陸 奥 宗 光 印

別 紙二

批准交換全權御委任狀寫

天佑ヲ保有シ萬世一系ノ帝祚ヲ踐ミタル日本國皇帝(御名)
此書ヲ見ル有衆ニ宣示ス

朕玆ニ帝國ト大不列顛國トノ間ニ締結シタル通商航海條約
ノ批准ヲ交換スルノ全權ヲ朕カ外務大臣從二位勳一等陸奥
宗光ニ附與ス

神武天皇即位紀元二千五百五十四年明治二十七年八月二十
四日東京宮城ニ於テ親カラ名ヲ署シ璽ヲ鈐セシム

御 名 國 璽

内閣總理大臣 副署

別 紙三

批准交換證書寫

下名ハ明治二十七年七月十六日倫敦ニ於テ締結調印シタル
日本國皇帝陛下ト大不列顛愛蘭聯合王國皇帝陛下トノ間ニ
於ケル通商航海條約ノ批准書ヲ交換スル爲メ玆ニ會合シ右
條約ノ批准ヲ篤ト對照シ其各相符合スルコトヲ認メ定式ニ

テ陸奥外務大臣ハ林外務次官中田秘書官加藤記錄課長ヲ隨
ヒ出テ、同公使ニ會見シ中田秘書官ト「ハムテン」氏トヲ
シテ條約文ヲ彼此對照セシメタル後各互ニ其批准交換全權
委任狀ヲ示シ批准ヲ交換シ互ニ批准交換證書ニ記名調印シ
之ニテ批准交換ノ式ヲ終リ陸奥外務大臣ハ改メテ英國公使
ニ向テ本大臣ハ今玆ニ帝國政府ヲ代表シテ英國政府ノ好意
ヲ謝ス因テ宜ク此意ヲ「キムバーレー」伯ニ轉達アラムコ
トヲ望ムトノ旨ヲ述ヘラレ一同賀詞ヲ述ヘテ相別ル

別 紙一

御 批准 書 寫

天佑ヲ保有シ萬世一系ノ帝祚ヲ踐ミタル日本國皇帝(御名)
此書ヲ見ル有衆ニ宣示ス

朕帝國ト大不列顛國トノ交際ヲ永久親睦ナラシメンコトヲ
欲シ明治二十七年七月十六日倫敦ニ於テ兩國全權委員ノ記
名調印シタル通商航海條約ノ各條目ヲ親シク閱覽點檢シタ
ルニ善ク朕力意ニ適シ間然スル所ナキヲ以テ右條約ヲ嘉納
批准ス

神武天皇即位紀元二千五百五十四年明治廿七年八月二十四
日東京宮城ニ於テ親カラ名ヲ署シ璽ヲ鈐セシム

因リ本日右交換ヲ執行ス

右證據トシテ各此交換證書ニ記名調印スルモノナリ

明治二十七年八月二十五日東京ニ於テ之ヲ作ル

日本國皇帝陛下ノ外務大臣 陸 奥 宗 光

大不列顛國皇帝陛下ノ特命全權公使

ビー、ル、ポエル、トレンチ

別 紙四

二十七年八月二十五日附上奏案

日英條約改正ニ關シテハ臣宗光明治廿六年七月十九日

歡旨ヲ奉シテ約案ノ基礎ヲ確定シ同年十二月五日英國駐劄

特命全權公使子爵青木周藏ニ談判ノ全權ヲ御委任アラセラ

レタル以來多少ノ障礙ニ遭遇シタルコトアリシモ全ク

陛下ノ御威德ニ賴リ此等ノ障礙モ隨時排除セラレ竟ニ八月

ヲ閱シ本日ヲ以テ批准ノ交換ヲ了レリ而シテ日英條約ノ改

正既ニ成ル以上ハ他ノ締盟各國ニ對スル條約改正モ漸次其

成局ヲ見ルニ至ルヘキハ臣宗光力竊カニ自ラ信シテ疑ハサ

ル所ナリ臣宗光今玆ニ大不列顛國皇帝陛下ノ批准ヲ捧呈ス

ルノ榮ヲ荷フニ當リテ恭ク

陛下カ中興ノ鴻業ニ隨伴スル條約改正事業ノ一部ノ成レル

コトヲ慶賀シ奉ル謹テ奏ス

明治二十七年八月二十五日

外務大臣 陸 奥 宗 光

一一一 明治二十七年八月二十五日 陸奥外務大臣ヨリ
在獨青木公使宛(往電)

批准交換濟ノ件

No. 652. Ratifications just exchanged. Express to Minister for Foreign Affairs my lively gratification at this satisfactory conclusion and assure him of my perfect confidence that the result will prove of lasting benefit to the two countries whose relations will be drawn closer together by the important event.

Aug. 25, 1894. Mutsu.

一二二 明治二十七年九月三日 在獨青木公使ヨリ
陸奥外務大臣宛(書翰)

英政府へ謝意表明ノ件

附屬書一 八月二十五日附英外務大臣宛書翰

二 同三十一日附英外務大臣返翰

別信第十號(抄録)

十月二十二日到

日東京ニ於テ交換相濟クル趣ニ有之且ツ帝國政府ニ代リ貴大臣ニ向テ深ク此ノ満足ナル結局ヲ悅フ旨ヲ開陳シ此結果ノ兩國ノ爲メニ永遠有益ナルヘク而シテ兩國ノ交情ハ此ノ重大ナル事項ニ因テ愈々親密ヲ致スヘキコトヲ確信スル旨ヲ證言可致同大臣ヨリ本使へ訓令有之候右得貴意候 敬具

千八百九十四年八月二十五日

青 木 周 藏

外務大臣 キムバーレー伯閣下

附屬書二

(乙號譯文)

以書簡致啓上候陳者本月二十五日附貴簡ヲ以テ千八百九十四年七月十六日附ノ英、日兩國間通商航海條約ノ批准東京ニ於テ交換相濟タル旨貴國外務大臣ヨリ電報ヲ接收セラレ候趣御通知相成忝存候又本大臣ハ英國政府ニ於テモ貴國外務大臣カ閣下ヘノ電信中ニ申添ヘラレタル所ト同様ナル友厚ノ意ヲ懷抱致居候コトヲ茲ニ證言致候右回答得貴意候 敬具

千八百九十四年八月三十一日

キムバーレー

日本國特命全權公使子爵 青木周藏閣下

陸奥外務大臣時代 改正稟議ト對英交渉 一二三

(前略)八月二十五日ニ至リ電信ニテ御批准濟ノ御通知并ニ英國外務大臣ニ對シ閣下ノ謝意ヲ陳述スヘキ御訓令アリタルニ付別紙甲號ノ通書翰ヲ認メ身躬ラ之ヲ持參シ外務大臣ニ對面シ口頭ニテモ謝辭ヲ陳候處外務大臣曰ク今般條約ノ効果タル日本ニ取テハ甚タ小少ナラス朝鮮ニ於テ支那ノ大兵ヲ擊退クルヨリモ其効力ハ寧ロ遠キニ達スルト謂フモ過言ニアラス而シテ此偉大ナル効果ヲ得タルハ全ク貴子爵ノ誠意ト勉強トニ因ルナリトテ兩手ヲ以テ本官ノ手ヲ握リ猶ホ祝意ヲ陳候此ニ於テ該外務大臣トハ改正上ノ談判ヲ結了致候同月三十一日ニ至リ外務大臣ヨリ前顯書翰ニ對シ乙號ノ通回答ヲ差送リタリ時ニ朝鮮ノ件ニ付テモ目下特ニ本官ノ滯英ヲ必要スルコト無之ニ因リ即日英國ヲ發シ翌九月一日伯林府ニ歸着致候(後略)

註 本信ハ對獨交渉一四〇ニ再録セリ

附屬書一

(甲號譯文)

以書簡致啓上候陳者唯今本國外務大臣ヨリ電報接收致候處去月十六日倫敦ニ於テ調印致候新通商航海條約ノ批准ハ本

一二三 明治二十六年七月六日調印

日英追加條約(從量稅改定)

SUPPLEMENTARY CONVENTION.

Signed at Tokio, in English, July 16, 1895

(28th year of Meiji).

Ratified November 18, 1895.

Ratifications exchanged at Tokio, November

21, 1895.

Promulgated November 29, 1895.

Whereas, by the Protocol signed at London, on the 16th day of the 7th month of the 27th year of Meiji, it was agreed between the Government of His Majesty the Emperor of Japan and the Government of Her Britannic Majesty, that the *ad valorem* duties of the Tariff annexed to the aforesaid Protocol should, so far as might be deemed practicable, be converted into specific duties by means of a Supplementary Convention, to be concluded between the two

Governments within six months from the date of that Protocol, and

Whereas, this period was extended by subsequent arrangement;

The High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the Emperor of Japan, Marquis Saionji Kimmochi, Junii, First Class of the Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Education and Acting Minister of State for Foreign Affairs, and Her Britannic Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Gerard Augustus Lowther, Her Britannic Majesty's Chargé d'Affaires;

Who, having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:—

1.—The Tariff annexed to this Convention shall be substituted for the *ad valorem* Tariff annexed to the aforesaid Protocol of the 16th day of the 7th month

of the 27th year of Meiji; it shall be subject to all the stipulations contained in Article I of that Protocol, in so far as these are applicable, and it shall come into force one month after the exchange of the ratifications of this Convention.

2.—The specific duties established by this Convention shall be subject to triennial readjustment. Such readjustment shall be based on the difference between the average of the two quarterly rates of exchange adopted by the Japanese Customs during the six months ending the 30th day of the 6th month of the 27th year of Meiji, and the average of the rates of exchange adopted by the Japanese Customs for the four quarters preceding that in which each successive period of three years expires.

The schedule of readjusted duties shall be published by the Japanese Government three months in advance, and shall take effect immediately upon the expiration of the said period.

It is understood between the High Contracting Parties that the operation of this stipulation shall be subject to the acceptance of a similar arrangement

by the other Powers with whom Conventional Tariffs are now being negotiated by Japan.

3.—The quarterly rates of exchange mentioned in the preceding article are the rates determining the comparative values, as entered in the quarterly tables published by the Japanese Department of Finance, of the present Japanese silver Yen on the one hand, and of the English Pound Sterling on the other.

4.—The present Convention shall have the same duration as the Treaty and Protocol concluded on the 16th day of the 7th month of the 27th year of Meiji, of which it is a complement.

5.—The present Convention shall be ratified, and the ratifications shall be exchanged at Tokio as soon as possible, and not later than six months from the present date,

Done at Tokio, in duplicate, this 16th day of the 7th month of the 28th year of Meiji.

(L.S.) MARQUIS SAIONJI.

(L.S.) GERARD AUGUSTUS LOWTHER.

ANNEX. (TARIFF.)
No. ARTICLES. DUTY.

1	Caoutchouc, manufactures of.....	<i>ad valorem</i> . 10 percent.	Yen
2	Cement, Portland	100 Catties. 0.065	
3	Cotton yarns, plain or dyed	do. 4.180	
	Cotton tissues:—		
4	Drills	Sq. Yard. 0.016	
5	Duck	do. 0.053	
6	Handkerchiefs in the piece	do. 0.011	
6	Prints	do. 0.012	
8	Sateens, plain, figured or printed, brocades, Italians and figured shirts	do. 0.017	
9	Shirtings, dyed	do. 0.013	
10	„ gray.....	do. 0.006	
11	„ twilled	do. 0.011	
12	„ white or bleached.....	do. 0.010	
13	T-cloths	do. 0.009	
14	Turkey red cambrics.....	do. 0.012	

15	Velvets or velveteens	do.	0.041
16	Victoria lawns.....	do.	0.006
17	All other sorts of pure cotton tissues, and all tissues of cotton mixed with flax, hemp or other fibre, including wool, the cotton, however, predominating in weight, not specially provided for in this Tariff	<i>ad valorem</i> .	10 percent.
NOTE.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of Cotton Tissues.			
18	Glass, window, ordinary:—		
a)	Uncolored and unstained	100 Sq. Ft.	0.302

b.)	Colored, stained and ground.....	<i>ad valorem</i> .	10 percent.
19	Hats, including also hats of felt.....	do.	10 percent.
20	Indigo, dry	100 Catties.	12.953
Iron and mild steel:—			
21	Pig and ingot	do.	0.083
22	Bar and rod, exceeding $\frac{1}{4}$ inch in diameter.....	do.	0.261
23	Nails, including spikes, sprigs, tacks and brads.—		
a)	Plain	do.	0.573
b)	Galvanized.....	<i>ad valorem</i> .	10 percent.
24	Pipes and tubes	do.	10 percent.
25	Plate and sheet	100 Catties.	0.296
26	Rails	do.	0.129
27	Screws, bolts and nuts, plain and galvanized.....	<i>ad valorem</i> .	10 percent.
28	Sheet, galvanized, both plain and Corrugated.....	100 Catties.	0.740
29	Tinned plates:—		
a)	Ordinary.....	do.	0.691

b)	Crystallized	<i>ad valorem</i> .	10 percent.
30	Wire, and small rod not exceeding $\frac{1}{4}$ inch indiameter	100 Catties.	0.503
31	Wire, telegraph or galvanized.	do.	0.256
NOTE.—By the term “mild steel” as used in this Tariff is understood mild steel manufactured by the Siemens, Bessemer, Basic or similar processes, and approximating in value to iron of the same class in this Tariff.			
32	Lead, pig, ingot and slab...	do.	0.316
33	Leather:—		
a)	Sole.....	do.	5.690
b)	Other kinds	<i>ad valorem</i> .	10 percent.
34	Linen yarns, plain or dyed...100 Catties.		6.527
Linen tissues:—			

35	Canvas	Sq. Yard	0.047
36	All other sorts.....	<i>ad valorem</i> .	10 percent.
NOTE.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of Linen Tissues.			
37	Mercury or quicksilver.....	100 Catties.	5.048
38	Milk, condensed or desiccated	doz. 1 lb. tins	
and proportionately for tins of other weights.			
39	Oil, paraffin	<i>ad valorem</i> .	10 percent.
40	Paint in oil	100 Catties.	1.304
41	Paper, Printing	do.	1.163
42	Saltpetre, (nitarte of potash),	do.	0.490
43	Silk faced cotton satins ...	<i>ad valorem</i> .	15 percent.

NOTE.—It is expressly

understood that all other mixed tissues of cotton and silk, and of wool and silk, where the cotton or wool predominates in weight, are to be classed for duty under Nos. 17 and 61 of this

Tariff respectively.

Steel, (other than mild steel) :—

44	Ingot	do.	5 percent.
45	Bar, rod, plate and sheet...	do.	7½ percent.
46	Wire, and small rod not exceeding ¼ inch in diameter.....	100 Catties.	1.819

47 Sugar, refined :—

a)	No. 15 to No. 20, inclusive, Dutch standard in color	100 Catties.	0.748
b)	Above No. 20, Dutch		

standard in color do. 0.827

Tin :—

48 Block, pig and slab do. 1.992

49 Plates *ad valorem*. 10 percent.

50 Wax, paraffin 100 Catties. 0.544

51 Woollen and worsted yarns, plain or dyed do. 9.169

Woollen and worsted tissues, material :—

52 Alpaca Sq. Yard. 0.075

53 Blanketing and whipped

blankets, in plain weave... 100 Catties. 7.458

54 Buntings..... Sq. Yard. 0.031

55 Cloth :—

a) Wholly of woollen or worsted yarn, or of woollen and worsted yarns such as broad, narrow and army cloth, cassimeres, tweeds and worsted coatings..... do. 0.093

b) In part of woollen or

worsted yarn and in part of cotton yarn, such as pilot, president and union cloth

56	Flannels	Sq. Yard.	0.039
	do.		0.044
57	Italian cloth	do.	0.029
58	Long ells	do.	0.036
59	Mousseline de Laine	do.	0.021
60	Serges :—		

a) Where the warp is worsted and the weft

woollen do. 0.056

b) All other kinds *ad valorem*. 10 percent.

61 All other sorts, pure or mixed with other material, the wool, however, predominating in weight, not specially provided for in this Tariff do. 10 percent.

NOTE.—It is expressly understood that ready-

WEIGHTS, MEASURES AND COINS.

The catty mentioned in this Tariff is the Japanese weight. It is equal to 600 grammes of the metric system of weights, or 1.32277 lbs. English avoirdupois weight.

The pound is the English avoirdupois weight.

The square yard and squar foot are the English Imperial surface measures.

The Yen is the present Japanese silver Yen of 900 fineness and 416 grains in weight.

RULE FOR CALCULATING AD VALOREM DUTIES.

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production or fabrication, to the port of discharge, as well as commission, if any exists.

RULE FOR THE MEASUREMENT OF TISSUES.

In determining the dutiable width of any Tissue the Customs shall discard all fractions of an inch not exceeding half an inch, and shall count as a full inch all fractions exceeding half an inch.

NOTE.—*It is understood that selvedges shall not be included in the measurement of Tissues.*

第二節 對 獨 交 涉

一二四 明治三十八年十一月六日 陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

獨逸政府ノ態度ニ關スル件

You have been successful with British Government. I think it is also necessary to know the inclination of German Government before opening negotiation with England. Ascertain and telegraph at once.

November 6, 1893. Mutsu.

一二五 明治三十八年十一月十五日 青木駐獨公使ヨリ
陸奥外務大臣宛(來電)

獨逸政府ノ態度ニ關シ回答ノ件

German attitude unfavorable. Therefore diplomatically unwise to approach that Government at present.

November 15, 1893. Aoki.

一二六 明治三十八年十一月十五日 陸奥外務大臣ヨリ
青木駐獨公使宛(往電)

獨逸政府ノ態度内探方ノ件

Japanese Government is very anxious to ascertain definitely attitude of German Government because if it is certain that German Government is not favorably disposed to our treaty revision on principle of equal footing it might become dead-lock to treaty revision in general. You say it is unwise etc. Is it your own view or opinion ascertained of proper persons? In either case full reasons are required for guidance of our decision. Answer by telegraph at once.

November 15, 1893. Mutsu.

一二七 明治三十八年十一月十五日 陸奥外務大臣宛
青木駐獨公使ヨリ(來電)

獨逸政府ノ態度ニ關スル件

Fraser will leave for Japan (中略). I must inform