

第三節 對米交渉

二四五 明治三十六年九月十日 陸奥外務大臣ヨリ
建野駐米公使宛

條約改正交渉開始方訓令ノ件

送第六八二號 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ニ關スル行懸ヨリスルモ最早何時迄モ緩慢ニ附シ置キ難キ筋ニ有之然ルニ御承知ノ通從來我政府提出ノ約案ハ孰レモ皆ナ殊日完全ナル對等條約ヲ獲得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タ其程度ノ差異アルニ過キサレヘケレハ到底之ニ對スル國內ノ物議ハ不可免義ト存候ニ付今回ハ全然從來ノ系統ヲ一變シ互相均等ノ基礎ニ因リテ成リタル對等條約ヲ締結スルコトニ廟議一決シ面シテ開談ノ順序ハ英

ニ具シテ及御送附候尤右ニ就キ斟酌取捨ヲ加ヘラル、コトハ全ク御裁量ニ一任可致候尙書外ハ委細「スチーヴンス」ニ申含置候間直チニ御聞取相成度候
右及訓令候 敬具

註 條約草案及別紙(新條約草案送附ニ關スル訓令案)ハ英國ノ部ニアリ

二四六 明治三十六年九月十日 陸奥外務大臣ヨリ
建野駐米公使宛

約定税目案ニ關スル件

送第六八三號 條約改正ニ關スル件(第二)

別信ニテ差進候條約草案ニ伴フトコロノ税目ハ從來ノ談判ニ伴居候モノニ有之候處右税目ニ據ル時ハ約ネ五百種ニ近キ物品ニ對シ一々其税率ヲ規定セシモノニシテ現ニ歐洲各國間ニ行ハレ居ルトコロノ約定税目トハ大ニ其趣ヲ異ニシ居ルトコロ有之彼ノ所謂約定税目ナルモノハ兩締盟國雙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要物品ヲ指摘シ之ニ對スル税率ヲ規定スルモノニシテ甲國ニ對シテハ甲國トノ約定税目ヲ有シ又乙國ニ對シテハ乙國

陸奥外務大臣時代 對米交渉 二四六

獨米三國ヲ先ニシ次ニ他ノ國ニ及ヒ談判調熟スルニ從ヒ調印スルコト又米國ノ意嚮ヲ問フコトニ付テハ閣下ヲシテ其折衝ノ任ニ當ラシムルコトニ閣議決定上奏裁可ヲ經居ニ付茲ニ右條約草案和英文及税目及御送附候尤モ今般スチヴンズ氏歸米ニ付委曲同氏ヘモ及訓示置候

前述ノ如ク今回ノ提案ハ從來ノ分ト全ク其趣ヲ異ニシ居レハ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急速ノ成功ヲ望ミ得ベキコトトハ存居不申候ヘトモ充分ノ御盡力ヲ以テ此重要ナル問題ヲ完結スルコトヲ得ハ爲國家御同様大慶ノ義ト存候本信御接受ノ上ハ時機ヲ見計ラヒ米國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相見ヘ彌ヨ談判ノ緒ヲ開カル、場合ト相成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、右御附與方直チニ取計可申候

本案提出ニ關シ米國政府ニ向テ開陳可相成理由ノ大綱別紙

トノ約定税目ヲ有シ各國ヲ通シテ同文一律ノ税目ヲ約定致居候モノニ無之ハ固ヨリ言ヲ待タサル義ニ有之就テハ締盟各國ヨリ輸入スル重要品ヲ集録シ之ニ對スル税率ヲ定メ別冊税目案ヲ製シ其中ニ就キ各國貿易關係ノ輕重ヲ鑒別シ各國各別ノ約定税目案調製致候ニ付米國ニ對スル分ハ勿論英獨佛ニ對スル分モ併セテ爲御參照及御送附候

右約定税目案ハ各國互ニ最惠國條款ニ因テ一體均霑スルコトヲ得ヘキヲ以テ假令ハ甲國ニ對スル約定税目ニ或種ノ物品ヲ掲ケサルモ若シ其物品ニシテ乙國ニ對スル約定税目中ニ掲ケアルトキハ甲國モ乙國ト同キ利益ヲ享有スルコトヲ得ヘキ義ニハ有之候得共彌ヨ談判ノ場合ニ當リテ若シ彼ニ於テ更ニ他ノ品目ヲ増掲スルコトヲ欲候節ハ其望ニ應シ別記税目案中ヨリ多少摘出シテ約定税目中ニ組入レ候テモ不苦候ニ付右等ノ場合ニ於テハ其旨電信若クハ郵便ヲ以テ御申越有之度候

將又此方案ヲ採用スルニ付テハ別信條約草案ニ伴居候「改正輸入税目」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スルノ權利アルコトヲ約定致置度ニ付是ヲモ議定書中ニ規定スルコトトナシ其趣意ヲ以テ議定書第一項ヲ全改シ其印刷ノ分和英文併セテ茲ニ及御送附候

今若シ最初ノ稅目(即チ「改正輸入稅目」ト稱スルモノ)ヲ各締盟國ニ對シ一律ニ約定致候トキハ折角對等條約ヲ締結スル上ニ於テ稅目ノ件ニ關シテハ頗ル物議ヲ生スルコトナキヲ保シ難キ義ニ候ヘハ可成本信所載ノ新方案ノ行ハレ候コト冀望ニ堪ヘス候ニ付何卒先ツ第一着ニ此方案ヲ以テ御談試有之度而シテ若シ此方案ニシテ幸ニ各國政府ノ肯諾スルトコロ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目的ニ向テ一進歩ヲナシタルモノニシテ國內ノ異論攻撃モ漸々其跡ヲ絶ツニ至ルヘシト被存候就テハ閣下ニ於テモ深ク其邊御察量相成我冀望ノ相達候様爲國家充分御盡力相成度候

右更ニ及訓令候 敬具

註 附屬書省略 一 文書參照

相成譯合ニ有之候

右ハ彌ヨ御開談ノ節ニ臨ミ米國政府ヲシテ我提案ヲ肯諾セシムル様ニ勸誘スルタメ一ノ有用ノ材料ト可相成ト存候ニ付茲ニ申進置候
右申進候 敬具

註 別表省略

二四八 明治三六年九月三日

陸奥外務大臣ヨリ
建野駐米公使宛

談判開始一時見合せ方ノ件

送第七五〇號 二十一 條約改正ニスル件(第四)

條約改正ノ義ニ關シテハ以前信及訓令置候次第有之候處去ル十五日青木在獨特命全權公使ヨリ電信ヲ以テ「條約草案ヲ示サス大體主義ニ付倫敦ニテ商議ヲ開始スル筈ナリ而シテ本使ノ詳報ヲ得ラル、迄ハ華盛頓ニテハ着手セラレサルコトヲ欲ス」トノ旨ヲ申來候ニ付テハ必ス同公使ニ於テ談判驅引ノ都合可有之事ト被存候ニ付前信御接受ノ上ト雖トモ遂テ更ニ何分ノ義申進候迄ハ進テ御着手無之様致度尤モ公然トナク徐々ニ彼ノ意嚮ヲ探討スルノ端緒ヲ開キ居ラレ

二四七 明治三六年九月三日

陸奥外務大臣ヨリ
建野駐米公使宛

輸出稅全廢ノ米國貿易業者ニ及ホス好影響

二關スル件

送第六九六號 條約改正ニ關スル件(第三)

條約改正彌ヨ成リ輸出稅全廢ノ場合ニ當リテ貿易上最モ好影響ヲ被ルハ米國ニ有之即チ別表ニ相見ヘ居候通昨二十五年度ノ輸出稅全額ハ貳百貳拾萬四千五百四十六圓ニ有之候處其內米國ヘ(ノ)輸出品ニ對シテ徵收セン稅額ハ百拾貳萬六千五百六十三圓ニテ輸出稅全額ノ半額以上ニ上リ居レリ而シテ同年度同國ヨリノ輸入品價額ハ五百九十八萬八千〇五十三圓ニシテ之ニ現行ノ五分稅ヲ課スルトキハ其高殆ト參拾萬圓不足ナリ故ニ右輸出輸入ノ兩稅ヲ合算スルトキハ大約百四十萬圓有之可ニシテ是レ即チ米國カ日本トノ貿易ニ於テ直接間接ニ支出スルトコロノ税金ニ有之然ルヲ今若シ條約ヲ重修スル時ハ輸出稅ハ皆無トナルヘキニ付假令今回提出ノ約定稅目案ニ依リテ同國ヨリノ輸入品ニ平均一割五分ノ稅ヲ課スルトスルモ其總額九拾萬圓不足ニ過キサハヘケレハ米國ニ取リテハ差引尙ホ五拾萬圓程ノ利得ニ可

候コトハ毫モ差支無之候

右申進候 敬具

逐テ本文ノ義ハ尙爲念前信御接到ノ頃(多分來月八九日ナラント信ス)ヲ見計ラヒ電信ヲ以テ可申進積ニ候得共其理由至急爲御知致置度ト存候ニ付今便申進候義ニ有之候

二四九 明治三六年九月三日

陸奥外務大臣ヨリ
建野駐米公使宛

新稅目案編成理由説明ノ件

(本文省略)

註 對英交渉 一 文書參照

二五〇 明治三六年十月四日

陸奥外務大臣ヨリ
建野駐米公使宛(往電)

訓令郵送ニツキ開談方ニ關シ心得ノ件

No. 222. Regarding instructions for revision of treaty mailed on September 15th, don't take any action until you see confidential despatch No. 750 dated September 22nd.

Oct. 4, 1893. Mutsu

註 二四五以下二四八ニ至ル前掲諸文書參照

二五一 明治三十六年十二月三日 陸奥外務大臣ヨリ
建野駐米公使宛

法典實施問題ニ關スル件

送第九五四號 二十八 條約改正ニ關スル件(第八)
條約案議定書案及約定税目案九月十一日附送第六八二號
(第一信)及第六八三號(第二信)ヲ以テ及御送附置候處
條約改正談判ニ關シ諸外國政府殊ニ英國政府力重キヲ措ク
トコロノ法典實施ノ點ニ付キ帝國政府ヨリ出來得ル丈ノ保
證ヲ與ヘサルニ於テハ英國政府ハ到底我提案ヲ肯諾スマシ
キコト青木公使カ該政府ノ意嚮ヲ探究セシ結果ニテ相分リ
候ニ付更ラニ閣議ヲ盡シタル上約案第十八條第十九條ニ修
正ヲ加ヘ而シテ外交文書ヲ以テ各法典實施ノ後ニ至テ條約
實施ノ通知ヲ爲スコトヲ約スルコトトナシ且ツ約定税目實
施期限ノ原ト條約實施期限ト同時ナリシヲ改メテ條約調印
後直チニ實施スルコトトナシ其趣意ニ因リテ議定書ニ修正
ヲ加フルコトニ決定シ其旨上奏裁可ヲ經候ニ付茲ニ改メテ

テ御回付相成領收致候

義ニ別紙寫ノ如ク電報ヲ以テ訓示相成又本年九月二十二日
附機密送第七五〇號二十一(第四信)ヲ以テ追テ何分ノ訓
令アルマテ商議ヲ差扣ユヘキ旨御訓令相成候ハ全ク青木公
使ノ詳報ヲ俟テ然ル後本官ニ何分ノ訓令ヲ發セラル、ノ御
趣意ニ出タル儀ト被存候ニ付今回到達ノ第八信ヲ以テ同公
使ノ報告ニ基キ條約案等ニ加ヘラレタル修正ヲ詳細御訓示
相成候上ハ直チニ商議ニ着手シ差支ナキ儀ト被存候然レト
モ右第八信ノ末文ニハ單ニ「之ヲ以テ帝國政府ノ提出案ト
被存度候」トノミアリテ果シテ直チニ商議ニ着手スルノ御
趣意ナルヤ否ヤ文面上判明ナラス即チ追テ商議ニ着手スヘ
キ旨ノ訓令ニ接スルニ及ンテハ今回御回付ノ書類ヲ以テ提
出案ト爲スヘシトノ御趣意ナルヤモ計ラレス此點ニ於テ本
官若シ御訓令ノ趣意ヲ誤解スルカ如キコト有之ニ於テハ事
極メテ容易ナラス而シテ商議ヲ開クヘキ時期ハ今日ノ場合
僅ニ三週間ノ日子ヲ爭フヘキニモアラス又當國政府ハ目今
布哇問題等ニテ政務頗ル繁雜ノ模様ナレハ強テ急速開談ニ
及フモ其効ナカルヘク即チ書面ヲ以テ閣下ニ伺フノ餘日ア
ルコトヲ認メ茲ニ爲念相伺候條若シ果シテ本官推察ノ如ク

右修正ヲ加ヘタル條約案議定書案及外交文書案約定税目案
及御送附候間之ヲ以テ帝國政府ノ提出案ト被致度候
右申進候 敬具
(追申省略)

註 修正諸案見當ラス 對英交渉三四、三〇附屬書、一一
附屬書參照

二五二 明治三十六年十二月三日 建野駐米公使ヨリ
陸奥外務大臣宛

談判開始時期ニ關シ伺ヒノ件

第二十六號 二十七年一月十九日到
青木公使カ英國政府ノ意嚮ヲ探究セシ結果ニ依リ更ニ閣議
ヲ盡サレ條約案第十八條及第十九條ニ修正ヲ加ヘ而シテ外
交文書ヲ以テ各法典施行ノ後ニ至リ條約實施ノ通知ヲ爲ス
コトヲ約スルコトトナシ又約定税目ハ條約ノ實施ヲ俟タス
條約批准交換後一個月ノ後之ヲ實施スルコトトシ其趣意ニ
因リテ議定書ニ修正ヲ加フルコトニ決定相成候趣ニテ右修
正ヲ加ヘタル條約案議定書案外交文書案及約定税目案本年
十一月二十二日附機密送第九五四號二十八(第八信)ヲ以

此上訓令ヲ俟タス直チニ當國々務長官ニ向テ開談ニ及フヘ
キ御趣意ニ候ハ、其旨電報ヲ以テ御回示相成度此段及上申
候也

明治二十六年十二月二十一日

米國駐劄特命全權公使 建野 郷三(官印)
外務大臣 陸奥 宗 光殿

註 本信署名ニ「在米日本特命全權公使ナル官印押捺シア
リ、123 夫々二五一、二五〇、二四八文書

二五三 明治三十七年二月九日 陸奥外務大臣ヨリ
建野駐米公使宛

永代借地權ニ關スル件

附屬書 議定書第二項ヘノ追加案

送第二號 條約改正ニ關スル件(第九)

昨年十二月二十一日附第一信接展條約改正事件ニ付縷々御
申越ノ趣致閣悉候

帝國政府カ今回米國政府ニ向テ提出スヘキ提案ハ已ニ昨年
十一月二十二日附第八信ヲ以テ及御送附置候處外國人居留
地ノ件ニ付テハ我草案中單ニ帝國市區ニ編入シ地方組織ノ
一部ト爲ストノミアリテ外國人ノ土地永借權ニ付何等將來

ニ關スル規定ヲ設ケサルヲ以テ英國政府ノ如キハ帝國政府カ他日外國人ノ土地永借權ヲ禁止スルカ如キ處置ヲ施ササルニモ限ラストノ懸念ヲ抱キ居候コト相分候ニ付此點ニ付テモ保障ヲ與フルコトトシテ議定書第二項ノ末ニ別紙記載ノ一項ヲ挿入シ可然旨青木公使ヘ致訓示置候就デハ米國政府ニ於テモ若シ右同様ノ懸念ヲ抱キ居候コトヲ察知セラルハニ於テハ右一項ヲ挿加スルコトヲ御承諾相成候テモ不苦候

將又昨年九月二十二日附第四信ヲ以テ米國政府ノ意嚮ヲ探究スルコトハ逐テ更ニ何分ノ御訓示ニ及フマテ御着手不相成様申進置候處本信御接受ノ上ハ好機御見計同國政府ノ意嚮御探知御電報相成候様致度冀望候

右申進候 敬具

附屬書

議定書第二項ヘノ追加規定案

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効力ヲ決シテ損傷セサルモノトス又右ハ函館東京横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代借地權ノ權利ヲ制限變更若クハ障礙セサルモノトス

二五四 明治三十七年二月三日 陸奥外務大臣ヨリ
建野駐米公使宛

條約改正問題ニ付在本邦米國公使ニ申入レノ件

附屬書

陸奥外務大臣ヨリ米國公使ヘ手交シタル條約改正要領書

送第四號 條約改正ニ關スル件(第十)

本月十六日本大臣ハ他ノ用事ニテ本邦駐劄米國公使ダン氏ニ致晤談候處話次彼ヨリ我條約改正問題ヲ提起シ該件ニ付若シ其應分ノ幫助ヲ要スルコトアレハ何時ニテモ居仲斡旋ノ勞ヲ執ルコトヲ厭ハサルヘシト懇話ノ次第モ有之候ニ付篤ト思慮致候處米國トハ兎ニ角已ニ調印マテ相濟畢ニ批准ヲ經ル一段マテニ相成居ル一ノ成約サヘモ有之候ヘハ假令如何程常ニ我國ニ向テ友好ノ情誼ヲ表シ來リ居候米國ナリトモ再ヒ快ク我需ニ應シテ更ニ重要ノ修正ヲ加フルコトヲ肯諾スルヤ否モ懸念ニ不堪殊ニ恰モ今該件ニ付同國政府ノ意嚮如何ヲ探知セラルノ様閣下ニ及訓令居候際ナレハ一面ニハ閣下ヨリ同政府ニ向テ陳述セラルノトコロアリ又一面

ニハ同氏ヨリ其政府ニ向テ勸告スルトコロアリ表裏相應シテ以テ米國政府ヲ誘動シタランニハ爲ニ帝國政府ノ希圖ヲ達スルノ道ヲ抄ラセ候手段トモ可相成ト存シ透カサス其好意ニ乘シテ帝國政府ノ期望ノアルトコロヲ敘述シ修正ノ要點ヲ撮記シタル別紙要領書ヲ交付致置候就デハ同氏ヨリ多分今便ニテ其政府ヘ申立候義有之候半ト存候因テ閣下ニモ此機ニ乘シ前度ノ訓令通り可成速カニ同政府ノ意嚮ヲ探リ御詳報有之候様致度候

右申進候 敬具

附屬書

條約改正要領書

Minute.

Of the more important principles and stipulations which the Imperial Japanese Government deem it essential to incorporate in the Treaties which are to regulate their future international relations, independently of any question whether the desired result is accomplished by means of new Treaties or the modification of those which have already been signed.

- I. The new treaties proper to be reciprocal in all their provisions, consequently all unilateral clause and engagements hitherto admitted to be suppressed.
- II. Consular jurisdiction to cease from the date the Treaties take effect, and at the same time the Empire to be thrown open to trade, travel and residence.
- III. The ownership of real estate to be left to domestic legislation.
- IV. Foreign settlements to be incorporated into the municipal system of Japan and the existing leasehold titles to be expressly confirmed.
- V. The Treaties to be eventual and to take effect after the lapse of some years.
- VI. By means of a separate Protocol: The Tariff to be Conventional in respect only of the more important articles of import. The remaining articles to be subject to the General Statutory tariff. The most favored nation treatment to be guaranteed in matters relating to commerce. The new Tariff system to take effect exceptionally one month after the exchange of ratifications.
- VII. Equal participation to be guaranteed, if desired,

by Diplomatic Note, in all privileges and immunities relating to the administration of justice which have been or may hereafter be accorded to any third Power in consideration or anticipation of the abolition of Consular jurisdiction.

二五五 明治三十七年二月二十二日

陸奥外務大臣ヨリ
建野駐米公使宛

條約改正ニ關スル在本邦米國公使ノ意見書ニ

關スル件

送第六號 條約改正ニ關スル件(第十一)
今回帝國政府ヨリ提出セントスル改正條約案ノ要點ヲ列記スル要領書ヲ米國公使ダン氏ニ手交致置候事ハ已ニ前信ニテ申進置候處其後デニソン氏力極内密ニ探知セントコロニ據レハ同公使ニハ今便右ニ對スル意見ヲ米國政府ニ稟陳致候由ニテ其意見書ノ大要ハ條約改正問題ニ付テハ從來日英兩政府間ニ於テ懸案ノ姿ニ相成居レハ目下引續キ談判中ナレトモ近來日本國內ニ於テ外國人ニ反對スル意嚮ヲ有スルモノ往々有之夫レカ爲メ談判未タ終結ノ場合ニ立到ラサル趣尤此外國人反對運動ニ關スル傳說ニ至テハ動モスレハ事

二五六 明治三十七年三月二日

建野駐米公使ヨリ
陸奥外務大臣宛

條約改正内交渉ノ經過報告ノ件

號外

本年二月九日附第九信¹ハ本月五日又二月二十日附第十信²及
同月二十二日附第十一信³ハ本月十四日接手致閱讀候
右第九信ヲ以テ好機ヲ見計ヒ當國政府ノ意嚮ヲ探究シテ電
報スヘキ旨訓令相成候處該信接到ノ當時大統領「クリーヴ
ランド」氏及國務長官「グレシヤム」氏ハ政務ノ都合ニ依リ
表面養痾ノ爲ト稱シ近州旅行中ニ有之依テ同長官ノ當地ニ
歸ルヲ俟テ本官ヲ引見スルニ便宜ノ時ヲ豫メ問合セ置キ本
月十四日國務省ニ於テ初メテ條約改正ノ件ニ付密談シタリ
(是素ヨリ「ノン、ファイナル」ノ談話ニ屬
シ未タ公然タル商議ニ着手シタルニアラス)
抑モ當國現任行政部内要職ヲ奉スル者ニシテ帝國ト合衆國
トノ間ニ於ケル條約改正商議ノ顛末ヲ知ル者ハ獨リ大統領
「クリーヴランド」氏其人アルノミ國務二等次官「エディ
ー」氏ハ巨細過去ノ沿革ニ通曉スト雖トモ苟モ席ヲ内閣ニ
占ムル者ニシテ條約改正商議ノ經歷ヲ知ル者ナシ國務長官
「グレシヤム」氏ノ如キハ客年三月就職以來本官トノ交際

實ヲ過大ニシ其實相ヲ得サルモノ多々有之要スルニ此等反
對ナル意嚮ノ因テ起ルトコロヲ尋タレハ矢張本トハ現行條
約ニ對スル不平不滿ノ心ニ基因スルモノニシテ其理由トズ
ルトコロハ日本帝國ニテハ今ヤ已ニ法典ノ重ナル部分ハ實
施セラレ居リ又裁判所構成法等ノ如キモ満足ニ施行シ居ラ
ルレハ最早何時迄モ現行條約ノ下ニ羈輓セラレ居ルヘキ筈
ナシ然ルヲ尙ホ對等條約(ヲ)結フヘカラストイフハ日本
帝國ヲ藐視スルモノナリ故ニ今新ニ又非對等主義ノ條約ヲ
訂結シテ侮辱ヲ受ケンヨリハ寧ロ不平ナカラモ現行條約ヲ
持續スルニ如カストイフニ在リ如何ニモ日本今日ノ形勢ニ
テハ對等條約ヲ期望スルハ最モ至當ノコトタルノミナラス
今若シ非對等條約ヲ締結セントスルモ所詮日本政府ノ肯諾
スヘキコトニ非ルヘク假(令)又政府ニテ承諾セントスル
モ萬々日本國民ノ甘心受諾スヘキコトニ非ラス云々ノ意味
ニ有之候由同公使ヨリ斯程迄ニ米國政府ニ勸告致吳候上ハ
帝國政府ノ請求ニ對シ必ス好影響ヲ與フヘシト信居候就テ
ハ閣下ニモ此際充分御盡力相成度候
尙以上米國公使意見稟陳ノ義ハ充分秘シ被置候様致度候
右申進候 敬具

ニ依リ漸ク帝國方今ノ國勢ヲ知得スルニ至リタリト雖モ其
帝國現時ノ狀況ニ迂遠ナリシハ本官ノ常ニ遺憾トセシ所ナ
リ
斯カル狀況ナルヲ以テ國務長官「グレシヤム」氏トハ數回
ノ面談ヲ重ネ以テ一面ハ條約改正事業ノ沿革及帝國政府カ
他日完全ナル對等條約ヲ各國ト締結スルノ準備トシテ年ヲ
逐フテ漸々施行シタル法律及司法制度ノ改正ヲ始メトシ其
他帝國施政上ニ於ケル諸般ノ事蹟ヲ縷述シ又一面ニ於テハ
條約改正ノ事タル實ニ帝國維新以還我官民ノ宿望セシ所ナ
ルノミナラス現内閣ハ帝國近代ノ歷史上ノ關係ヨリスルモ
百難ヲ排除シ誓テ此大業ヲ成就スルノ責務ヲ負フモノタル
コトヲ了解セシムルニアラスンハ到底我提議ニ係ハリ國務
長官ノ協力ヲ得ルコト難シ故ニ本月十四日面晤ノ際ニ於テ
モ密談數時間ノ長キニ涉リ條約改正ノ基礎ヲ協議一定スル
爲メ明治十五年東京ニ於テ開キタル條約改正豫議會以來ノ
事蹟殊ニ合衆國ニ對スル過去ノ經歷ヲ詳述シタリ
十四日ノ會合ニ於テハ條約改正ノ沿革説明ノ爲メ既ニ數時
間ヲ費シタルヲ以テ此日ハ我提出案ノ基礎ヲ詳述スルニ至
ラス更ニ數日ヲ隔テ今週中(即チ本月十九日ヨリ二十)彼ニ便

宜ノ時再ヒ國務省ニ於テ面晤スヘキコトヲ約シテ別カレタリ
 彼ノ巴里仲裁會議ノ裁定ニ基キ英米兩國間ニ商議セル「ベ
 リーリング」海「フアー、シール」保護ノ件ニ付國務長官ハ
 目下頗ル慮ノ景況アリ又本月一日衆議院ヲ通過シ十五日ニ
 至リテ元老院ノ可決セシ銀貨鑄造法案ヲ始メトシ動モスレ
 ハ「デモクラット」黨内部ノ波瀾ヲ醸スヘキ要件尠カラス
 爲メニ内閣會議頗ル頻繁ナリトス加フルニ南米洲ニ於テハ
 巴西國ノ内訌ヲ始メトシ合衆國ノ對外政務ヲシテ益々繁雜
 ナラシムヘキ事件多ク本日ノ如キハ木曜日ニシテ國務長官
 カ各國大使及公使ニ面接ノ定日ナルニ拘ハラス午前ヨリ元
 老院外務委員會ニ出頭セル等其掌務繁劇ヲ極ム右ノ景況ナ
 ルヲ以テ今週ハ果シテ國務長官ト面晤ノ機會ヲ得ルヤ否豫
 期シ難シト雖モ苟モ好機會ノアルアレハ透カサス其機ヲ利
 用シテ懇談ニ及ヒ而シテ後合衆國政府ノ意嚮ヲ確認スルニ
 及テハ閣下ニ電報スヘシ去リナカラ前述ノ景況ナルヲ以テ
 此際俄カニ當國政府力意嚮ヲ一定スルニ至ラサルハ時期ノ
 然ラシムル所ニシテ寔ニ已ムヲ得サル儀ト御承知相成度本
 月五日閣下ノ第九信(本年二月九日附)接受以來今日ニ至ルマテノ

國務長官ノ意向申報並ニ交渉權限ニ關スル件

Regarding treaty revision, indications are that our
 proposal will be favorably received. Attention of
 the Executive is at present intensely occupied with
 the consideration of the Behring Sea question, silver
 agitation and the tariff reform. Under these circum-
 stances, chances are that negotiations will be
 protracted, but I have already come to a point beyond
 which I can no longer proceed unofficially. Authorize
 me by telegraph to negotiate officially. It is almost
 certain that United States will decline to conclude
 new treaty in the absence of reasonable prospect
 that similar treaties will be concluded by the great
 Powers of Europe, but at the same time United
 States will not watch with complacence Great Britain
 first conclude revised treaty. For purpose of my
 negotiation, it is highly desirable that I should be
 advised of the present stage of the negotiations in
 London.

Washington, March 31, 1891, Tateno

成行不取敢茲ニ及報告候也

明治二十七年三月二十二日

米國駐劄特命全權公使 建野 郷三

外務大臣 陸奥 宗光 殿

追テ國務省官吏某ニ就キ極内密ニ探聞セシ所ニ依レハ閣
 下ノ第十信及第十一信ニ記載アル如ク本月十四日當地着
 ノ郵便(即チ本年二月二十三日横濱發)ニテ「ダン」氏
 ノ稟申書ハ同日本官ト國務長官ト面晤ノ後國務省ニ達シ
 タリ去リナカラ同長官カ果シテ之ヲ熟讀セシヤ否ハ頗ル
 疑ハシク寧ロ一應通讀ノ末直チニ書記官長ニ交付シタル
 モノノ如シ勿論東京駐劄公使ノ稟申ハ當國政府ニ好影響
 フ及ホスヘキコト當然ノ理ニハ候ヘトモ奈何セン本文ニ
 詳述スルカ如キ景況ニテ時機宜ヲ得スシテ同公使ノ稟議
 ハ未タ國務長官ノ注意ヲ惹クニ至ラサルモノ、如シ茲ニ
 御含マテニ内偵ノ結果ヲ申添候也

註 123 六々二五三、二五四、二五五文書

二五七 明治二十七年三月二十一日 建野駐米公使ヨリ
 陸奥外務大臣宛(來電)

二五八 明治二十七年四月三日 建野駐米公使ヨリ
 陸奥外務大臣宛

内交渉ノ經過報告ノ件

第十二號 四月二十七日到

客月二十二日第拾號¹(第三信)ヲ郵送セシ以來同月三十一
 日別紙電報²ヲ發スルニ至ルマテノ間ニ於テ本官ノ國務長官
 ニ面接セシコト數回而シテ本官ハ第三信ヲ以テ閣下ニ報告
 セシ方針ニ據リ毎時同長官ヲシテ帝國方今ノ國勢及條約改
 正商議ノ沿革ニ通曉セシムルコトヲ努メタリ其結果遂ニ客
 月三十日ノ會合ニ於テ國務長官ハ實ニ左ノ言ヲ吐露シタリ
 帝國力空前絶後ノ速度ヲ以テ泰西ノ文化ヲ採用シタル
 ニ拘ハラス今仍ホ關稅徵收權ノ執行上往年締結ノ國際
 條約ニ箝制セラルヘカ如キハ衡平ヲ失スル亦甚シト謂
 フヘシ

此一言ハ素ヨリ國務長官カ本官トノ談話ノ際一時心中ニ感
 動ヲ起シ圖ラス口外セシモノニ過キス且曩ニモ閣下ニ報告
 セシ如ク本官ト同長官トノ會合ハ全ク「アンヲフキシャ
 ル」ナルカ故ニ直ニ此一言ヲ執テ以テ帝國政府カ關稅徵收
 自主ノ權ヲ回復セントスルノ至當ナルコトヲ國務長官ニ於

テ職務上承認シタリト云フヲ得サルハ勿論ナリト雖モ亦以テ「グレシヤム」氏其人ノ意嚮ヲ推知スルニ餘アリ此日ノ會談當サニ畢ラントスルニ際シ氏ハ本官ニ告ケテ曰ク

貴國條約改正事業ノ沿革及今貴國カ志望セラル、改正ノ要點ハ拙者略ホ之ヲ了解ス依テ貴國政府志望ノ存スル所ヲ詳細記述シタル公文ヲ拙者ニ送ラルレハ本件ヲ閣議ニ提出シ我政府ノ意嚮ヲ一定シテ貴公使ニ通知スヘシ

「グレシヤム」氏ハ帝國ニ於ケル領事裁判制度廢除ノ件ニ就キ本官ニ所見ヲ漏サスト雖モ數回ノ會談ニ於テ其吐露セシ言ヲ彼此對照シテ彼カ内心ノ意嚮ヲ推察スルニ帝國カ志望スル條約改正ノ要點ハ概シテ當ヲ得タルモノト認ムルモノノ如シ然レトモ歐洲諸大國ニ於テ帝國ト條約ヲ改正スルノ傾向ヲ呈スルニ先立チ獨リ合衆國ノミ新條約ヲ締結スルハ合衆國政府ノ斷シテ肯諾セサル所ナルヘシ是蓋シ本官ノ臆測ニ止マラス「グレシヤム」氏ノ言語中暗ニ此意ヲ表白スル所アルヲ見ルナリ之ニ反シ英國トノ商議着々歩ヲ進メ遂ニ合衆國ニ先チ英國カ帝國ト改正條約ヲ締結スルニ至ラ

アラスト雖モ當國ノ大統領ハ即チ一身ニ責任ヲ荷フ所ノ公吏ナルカ故ニ之ニ裁屬スル内閣員ハ重要ノ政務ニ關シテハ大統領ノ決裁ヲ請フニ當リテハ必スヤ先ツ其件ヲ閣議ニ提出スルノ例規ナリトス故ニ當國ニ對スル商議ハ僅カニ其發端ニ於テノミ「アンヲフキシャル」的手段ヲ用ユルコトヲ得ルモノニシテ商議一步ヲ進ムレハ忽チ此手段ニ據ルコトヲ得サルナリ詳言スレハ國務長官ニ於テ果シテ我提議ノ主要點ヲ可トシ之ヲ閣議ニ提出シ同僚ト詳議ヲ盡シテ大統領ノ決裁ヲ仰クノ意思アルコト聊カ疑フヘキニ非サル以上ハ速ニ其閣議ノ基礎タルヘキ書類ヲ同長官ニ送り以テ行政部意嚮ノ一定スルヲ俟ツノ外ナキナリ

當國ニ對スル商議ノ手續夫レ斯ノ如シ故ニ倫敦ニ於ケル商議ノ進歩如何ニ依テハ一日モ速カニ本官ヨリ改正條約案ヲ國務長官ニ送り以テ當國政府ニ充分審議ノ餘日ヲ與ヘサルヘカラス

客月三十日日本官ノ發セシ電報ニ對シテハ今明兩日ノ内必ラス閣下ノ回電ニ接スルコトヲ得ヘシト信スレトモ今ヤ既ニ本邦行郵便締切ノ時刻切迫シタルニ因リ閣下ノ回電ヲ俟タス茲ニ本官發電ノ事由及報告候也

ハ或ハ合衆國ノ感情ヲ傷害センコトヲ虞ル是レ蓋シ過去ノ經歷上應サニ然ラサルヲ得サルノ理ナレハナリ故ニ合衆國政府ニ對スル本件ノ商議ハ極メテ我政府ノ焦慮ヲ要スル所アリ歐洲諸國殊ニ英國ニ對スル商議ノ傾向如何ニ拘ハラス專ラ合衆國政府トノミ條約ヲ改正セントスルトキハ到底我宿望ヲ貫徹スル能ハス之ニ反シ日米條約ノ改正ヲ他條約改正ノ後ニ讓ラン乎一種ノ影響ヲ日米兩國關係ノ前途ニ及ホスコトナキヲ保セス

之ヲ以テ若シ不幸ニシテ此際諸國ト條約ヲ改正シ得ルノ見込確然タラサルニ於テハ合衆國政府ニ向テハ此上本件ニ付活發ナル運動ヲ執ラスシテ寧ロ自然ノ成行ニ一任スルノ優レルニ若カス然レトモ苟モ帝國政府ニシテ此大業ヲ完結スルノ見込確然タルニ於テハ銳意以テ合衆國ト之ヲ議セサルヘカラス

當國行政部ノ掌務繁劇ヲ極ムルノ今日日本官ヨリ正式ノ書簡ヲ國務長官ニ送ルモ未タ俄カニ其確答ヲ聞クコトヲ得サルヘシト雖モ抑モ當國ニ對スル商議ノ手段ハ君主國ニ對スル手段ト大ニ其趣ヲ異ニセサルヘカラス君主國ニ於テハ外務長官ノ意嚮ヲ聽テ其政府ノ意嚮ヲ推知スルコト敢テ難キニ

明治二十七年四月三日

米國駐劄特命全權公使 建野 郷 三

外務大臣 陸 奥 宗 光 殿

註 12 夫々二五六、二五七文書

二五九 明治二十七年四月二日

陸奥外務大臣ヨリ
建野駐米公使宛(回電)

交渉權限ニ關スル件

No. 99. Confidentially ascertain of Secretary of State whether the basis of new treaty sent to him by American Minister in Japan is acceptable, as authorization for official negotiations cannot be given to you until this is ascertained.

(Via Peters.), April 21, 1894. Mutsu

二六〇 明治二十七年四月二日

建野駐米公使ヨリ
陸奥外務大臣宛(來電)

國務長官ト會見ノ件

Had an interview with Secretary of State to-day. He said that owing to pressure of urgent business he has not yet closely examined the dispatch of the

United States Minister, but he spoke in general terms very favorably and he said that he would enter into full consideration of the subject in a few weeks. Under these circumstances it does not seem wise to insist upon categorical answer. The Secretary of State has peculiar business methods and therefore I think it is highly desirable that I should have power to negotiate whenever he is ready.

(Via Peterburg) Washington, April 25, 1894.

Tateno

二六一 明治三十七年五月二十二日 陸奥外務大臣ヨリ
建野駐米公使宛

英國政府トノ交渉進行状況通報ノ件

送第一九號 條約改正ニ關スル件(第十二)

條約改正ニ關スル英國政府トノ談判ハ追々其歩ヲ進メ來リ別冊ニ記載セシ朱字ノ通り英國政府ヨリ提議有之候ニ付帝國政府ハ右ニ對シ更ニ綠字ノ通修正ヲ申出テ目下談判最中ニ有之候得ハ猶或ハ此上多少修改ヲ加フルトコロ可有之トハ存候得共要スルニ調印ノ運ニ至ルコト最早程速カラサルヘシト存候因テ爲御參考別冊及御送附候

送第二二號 條約改正ニ關スル件(第十三)

先便第十二信ヲ以テ及御送附置候英國政府ノ修正及帝國政府ノ再修正ヲ書入レタル約案ニテ御承知ノ如ク議定書第一項第六節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致置候得共尙其後加熟考候處右從價稅ヲ從量稅ニ換算ノ義ハ調査上少カラサル日子ヲ要シ爲メニ談判ノ結局ヲ遲延スルノ恐有之候ニ付此際改メテ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更ニ青木公使ヘ致電訓置候就テハ此提議ニシテ若シ英國政府ノ承諾スルコロトナルニ於テハ米國ニ對シテモ同様ノ修正ヲ加フルコト必要ト存候其場合ニハ

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ルコト

「右稅目ニ定ムルコロノ從價稅ハ出來得ル限ハ追加條約ヲ以テ從量稅ニ換算スヘシ而シテ右追加條約ハ本議定書ノ日附ニ先タツコト六曆月間ノ日本國關稅報告ニ示スコロノ平均價格ニ物品仕入地、產出地若クハ

右申進候 敬具

(頭註) 別冊ハ佛國ニ對スル締込中ニ在リ(但シ曾爾公使宛ニ十七年五月二十二日附機送第一三號ヲ見ヨ)

註 右別冊見當ラサルモ對英交渉九一、九二、九三往復電報參照 尙後出二六四文書併テ參照

二六二 明治三十七年五月二十四日 陸奥外務大臣ヨリ
建野駐米公使宛(往電)

全權委任ニ關スル件

No. 128. Confidentially inform you that English negotiation progressing favorably. I think that before long I will be able to inform you of its details. Since your telegram of April 27, ample time seems to have expired for you to approach Secretary of State again to urge the matter. If he agrees to negotiate on our proposed basis I am ready to send you full powers at any time required.

Sent. May 24th 1894. Mutsu

二六三 明治三十七年六月一日 陸奥外務大臣ヨリ
建野駐米公使宛

輸入稅ニ關スル議定書第一項修正ノ件

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稅目實施ノ爲メニ定メタル期限ノ盡ルマテ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ニ前ニ定メシ基礎ニ因リタル從量稅ナリトモ又ハ右稅目ノ末面ニ掲クルコロノ規定ニ因リタル從價稅ナリトモ日本國政府ノ擇ヒニ任セテ之ヲ課スヘキモノトス」

(右 英文)

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 price as shown by the Japanese Customs Returns during the six calendar months preceding 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 basis

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 recited at the end of the said Tariff shall, in the meantime as the Japanese Government may determine, be levied.

尙又此提議ニシテ承諾ヲ得ルトキハ議定書第一項第三節即チ二ヶ年毎ニ税目ヲ改正スル件及税目中ニ所載ノ第二ノ規定ヲモ削除スルコトニ同意可致答ニ有之候
右預メ申進置候 敬具

逐テ米國政府へ提出スヘキ條約案ニハ第十七條中「本條約ハ其實施ノ日ヨリ兩締盟國間ニ現存スル」ノ下「及ヒ之ニ附屬スル一切ノ諸約定」ノ上ニ「嘉永七年三月三日即千八百五十四年三月三十日締結ノ和親條約安政五年六月十九日即千八百五十八年七月二十九日締結ノ修好通商條約慶應二年五月十三日即千八百六十六年六月二十五日締結ノ改稅約書明治十一年七月二十五日即

(Power to negotiate) ナリ而シテ本官カ此權限ヲ附與セラレンコトヲ特ニ稟請シタル所以ノモノハ從來閣下ヨリ受領セシ訓令ハ「合衆國政府ノ意嚮ヲ探クルヘシ」「國務長官ハ我提議ノ基礎ニ同意スヘキヤ否公然トナク之ヲ聞合スヘシ」等ノ趣意ニ止マリ公然條約案ヲ提出シテ合衆國政府ノ意存ヲ問フノ一事ニ至リテハ未タ曾テ閣下ヨリ訓令セラレタル限リニアラス然ルニ君主國ト異ナリ民主國ニ在テハ國際條約改正ノ如キ大事ニ至リテハ外務ノ長官ハ大統領ニ上申シテ旨ヲ奉スルニ非スンハ苟モ意見ヲ吐露セス而シテ同長官ヲシテ大統領ニ上申スルコトヲ得セシムル爲メニハ公然書面ヲ提出スルヲ要ス既ニ公文ヲ以テ條約改正ノ議ヲ申入ルハ以上隨テ復タ公然商議ヲ重タルニ至ルハ勢ノ免レサル所タリ故ニ本官ハ本年三月三十一日ニ至リ商議ノ權限ヲ必要ト認メ此權ヲ特ニ付與セラレンコトヲ電報ヲ以テ稟請ニ對スル閣下ノ回訓⁴ハ實ニ左ノ如シ

日本駐劄合衆國公使カ國務長官ニ送リタル新條約ノ基礎ニ對シテハ國務長官ハ敢テ異議ナキヤ否内密ニ(「コンフィデンシャルレー」ニ)聞合スヘシ「ヲフキシャル」的ニ商議ヲ開クノ權ハ之ヲ確メタル後ニアラスン

千八百七十八年七月二十五日締結ノ約書」ノ文字ヲ記入スヘキ旨ト御承知相成度候

二六四 明治三十七年五月三十一日 建野駐米公使ヨリ
陸奥外務大臣宛

國務長官ト内交渉ノ經過報告ノ件

第十八號

六月二十五日到

本月二十六日別紙甲號電報¹接到御來示ノ趣敬承抑モ我政府ノ所望スル條約改正ノ基礎ニ付合衆國政府抱有スル所ノ意嚮ヲ確認セント欲セハ先ツ國務長官ニ於テ我提議ヲ閣僚會議ニ付シテ大統領ノ決裁ヲ仰クコトヲ得ヘキ爲メ公文ヲ以テ我提議ヲ同官ニ申入ルハ心須ノ處分ナリトス彼ノ「アンヲフィシャル」的談話ニ依テ國務長官ノ意嚮ヲ精確ニ聞知センコトヲ試ムルカ如キハ徒ラニ日ヲ經過スルニ止マリ敢テ益スル所アルヲ見ス故ニ本官ハ本年三月三十一日閣下ニ電報²ヲ呈シ以テ公然商議ヲ肇始スルノ權限ヲ付與セラレンコトヲ稟請シ尋テ四月三日機密第拾二號³ヲ以テ其事由ヲ詳カニ具申シタリ
右電報及書面ヲ以テ本官ノ稟請セシ權限ハ條約締結及記名調印ノ全權 (Full Power) ニアラスシテ條約商議ノ權

ハ付與シ難シ

是即チ本年四月二十日當館ニ達シタル閣下ノ電訓ニシテ其文ハ別紙乙號ノ如シ

合衆國政府ニ對シテ「アンヲフキシャル」的手段ノ毫モ効ヲ奏セサルハ既ニ本年四月三日附機密第十二號³ヲ以テ閣下ニ具申シタル以上ハ本官ノ所見ニ拘ハラス閣下ノ訓令ニ服從シ重テ「アンヲフキシャル」的ニ國務長官ノ意嚮ヲ探聞スルハ本官ノ職務ナリ故ニ四月二十五日ヲ以テ同長官ニ面接シ陳ヘテ曰ク

東京駐劄貴國公使カ閣下ニ進達セシ改正條約ノ基礎ニ對スル貴見如何冀クハ之ヲ内示セラレヨ云々

此時國務長官ハ大體贊成ノ意ヲ表シタリト雖モ詳細意見ヲ陳ヘスシテ左ノ如ク答ヘタリ

職務繁劇ヲ極メ未タ東京駐劄公使「ダン」氏ノ申報書ヲ熟閱スルノ暇ヲ得ス閣下幸ニ假スルニ數週間ノ日子ヲ以テセヨ數週ノ後篤ト本件ヲ審査スヘシ

上來具申スルカ如ク本官カ「ヲフキシャルレー」ニ國務長官ト條約改正ノ事ヲ談スルノ權ヲ有セスシテ而シテ同長官ノ意嚮ヲ聞カント欲スルモ到底好結果ヲ收ムルコトヲ得サ

ルハ明白ナリ故ニ四月二十五日右談話ノ結果ヲ閣下ニ電報スルト同時ニ商議權 (Power to negotiate) ヲ本官ニ交付セラレンコト希望ノ至リニ堪ヘサル旨ヲ併セテ具申シタリ其電報ハ別紙丙號ノ如シ

國務長官トノ内協議既ニ斯ノ如ク熟シタル以上閣下ハ速カニ商議權ヲ本官ニ附與セラルヘシト信シ爾來一方ニ於テハ相當訓令ノ到達スルヲ待チ又一方ニ於テハ國務長官ハ數週ノ間本件ヲ審査スルノ暇ナシト斷言シタルニ拘ハラス苟モ好機會ノアルアレハ必ラス之ニ乘シテ國務長官ノ内意ヲ探聞センコトヲ期シ此際俄カニ迫テ其回答ヲ促スコトヲ見合セタリ然ルニ四月上旬以降當國內政ノ景況ハ一方ニ於テハ關稅法改正案ノ討議ニ起因シ「デモクラット」黨ノ波瀾頗ル荒ク一方ニ於テハ金融閉塞物價下落ノ結果トシテ職業ヲ失フニ至リタル貧民國內各地ニ隊伍ヲ組織シテ施政ニ對スル不満表示ノ運動 (デモンストレーション) ヲ舉行シ當國中央政府部ノ苦心容易ナラス國務長官ニ迫リテ回答ヲ促スハ頗ル策ノ得タルモノニアラス故ニ本官ハ已ムヲ得ス同長官力職務上多少ノ閑暇ヲ得ヘキ時機ノ到來スルヲ待チタリ爾來當國ノ内政ハ益々行政部ノ憂慮スヘキ狀態ニ傾キ大統領

貴國政府ノ志望セラル、條約改正ノ件ニ就テハ未タ貴國政府ヨリ公然ノ提議ナシト雖モ既ニ東京駐劄合衆國公使ヨリ貴國政府所望ノ改正條約案ヲ添ヘ詳細具報アリ又閣下ヨリ再參再四拙者ヘ懇談アリタルコト故特別ノ計ラヒテ以テ本件ヲ審案シ來ル木曜日(本日即チ五月二十一日ヲ指ス)我政府ノ意存ヲ閣下ニ告グルコトヲ得ヘシト思量ス依テ同日當省ヘ來訪セラレヨ

茲ニ於テ本官ハ國務長官カ格別ノ取扱ヲ以テ特ニ本件ヲ審議セントスルノ懇情優渥ナルヲ謝シ本日國務省ニ同官ヲ訪フヘキコトヲ約シテ退出シタリ

今方サニ此約ニ從ヒ國務省ニ到リ長官ニ面謁セントス而シテ本日日本行郵便締切ノ時刻既ニ切迫シタルニ因リ面談ノ結果ハ今便書面ヲ以テ具報スルコトヲ得スト雖モ國務長官若シ幸ニシテ帝國政府ノ所望スル改正案ノ基礎ニ據テ直チニ商議ニ着手センコトヲ諾スルニ於テハ本官ハ速力ニ閣下ニ其旨ヲ電報シテ條約商議權ヲ附與セラレンコトヲ稟請スヘシ若シ夫レ條約ヲ締結シ及其約書ニ記名調印スルノ全權ニ至リテハ他日國務長官ト商議既ニ成リ改正條約ヲ方サニ締結セントスル場合ニ臨ミ更ニ之ヲ稟請スヘシ

領ハ遂ニ内閣員ト竊カニ樞機ヲ密議スルノ必要ヲ認メタリト見エ五月十二日養病ノ爲メ遊漁ニ赴クモノナリト稱シテ國務長官及大藏長官ヲ隨ヘ政府所有ノ蒸汽船ニ搭シ遠ク「サウス、カロライナ」州ノ近海ニ航行シ歸ラサルコト十有餘日五月二十四日午後大統領以下國務長官等當地ニ歸ルニ及テ本官ハ遂サス國務長官ニ面談ヲ申入レタルニ同長官ハ五月二十八日 (月曜日) 本官ニ面接スヘキコトヲ約セリ而シテ此約既ニ成リタル際恰モ別紙甲號閣下ノ電報ニ接シタリ

五月二十八日ノ會合ニ於テ本官ハ四月二十五日會合ノ節ニ於ケル長官ノ談話ヲ引照シ左ノ如ク陳ヘタリ

客月二十五日面接ノ榮ヲ辱フセシ際閣下拙者ニ告グルニ帝國政府所望條約改正ノ件ハ數週ノ後之ヲ審査スヘキ旨ヲ以テセラレタリ爾來日ヲ重タルコト既ニ數週間ニ及ヒ帝國政府ニ於テモ速力ニ閣下ノ意見ヲ聞カントヲ欲シ我外務大臣閣下ヨリ特ニ拙者ヘ電報アリタリ依テ冀クハ我改正案ノ基礎ニ對シ高見ノ存スル所ヲ明示セラレンコトヲ

國務長官之ニ答ヘテ曰ク

茲ニ今日ニ至ルマテノ成行ヲ具申シテ以テ本月二十六日受領ノ電信訓令ニ復ス

明治二十七年五月三十一日

米國駐劄特命全權公使 建野 郷 三

外務大臣 陸 奥 宗 光 殿

註 12345 夫々二六二、二五七、二五八、二五九、二六〇文書

二六五 明治二十七年五月三十一日 建野駐米公使ヨリ 陸奥外務大臣宛 (來電)

國務長官ト會談ノ件

Had an interview with Secretary of State last Friday and to-day. He has consulted with the President. They will negotiate on the proposed basis but the President does not believe it is wise to conclude (until?) treaty with China has been disposed of in the Senate because the Senate would be almost certain to reject or to refuse to act at this juncture. Secretary of State advised delay in the beginning of formal negotiations. He said that meanwhile he would consult with leading senators in order to

facilitate ratification when the treaty has been concluded. The President evidently is greatly interested in this question and I am very confident we shall have his cooperation.

Washington, May 31, 1894. Tateno

二六六 明治三十七年六月六日 陸奥外務大臣ヨリ
建野駐米公使宛(往電)

條約商議權附與ニ關スル件

No. 163. I am gratified to know that our proposals are acceptable as basis of negotiations and also appreciate advice of secretary of state as to delay in opening negotiations, but from our side it is extremely desirable that definite progress in negotiations be made before summer holidays begin. If you consider (the) latter result possible, you will be authorized to enter upon negotiations.

June 6, 1894. Mutsu

二六七 明治三十七年六月十二日 建野駐米公使ヨリ
陸奥外務大臣宛

正式交渉開始方ニ關スル米國側ノ態度ニ付

然電報ニ載スルモノニ外ナラス今其回答ノ要旨ヲ説明スレハ即チ左ノ如シ

一、當國行政部ハ帝國政府提出ノ基礎ニ對シ概要異議ナク之ヲ條約改正商議ノ基礎トシテ採用スルニ躊躇セサルヘシ
然レトモ

二、清國ト締結セシ改正條約(本年三月二十八日甲第五號ヲ以テ本官ヨリ報告件)ハ今仍ホ元老院ニ於テ審議中ナリ而シテ之ニ對スル異論頗ル強硬ナルカ故ニ該條約ハ未タ俄ニ批准ニ至ラサルヘシ

此時ニ際シ大統領復タ新ニ帝國トノ條約ヲ元老院ニ提出シテ批准ヲ需メン平同院ハ現在行政部ヲ以テ國際政略上強硬ヲ失スル傾向アルモノト爲シ憤懣ノ勢ニ乘シ敢テ深ク審議ヲ盡サスシテ忽チ之ヲ排斥スルカ然ラサレハ故サラ同院行政會議(Executive Session of the Senate)ノ議題ト爲サス永ク之ヲ不問ニ附シ去ラン

三、右ノ理由ニ因リ大統領及國務長官ハ商議ヲ肇始スルコトヲ遷延スルヲ可トシ今俄カニ商議ヲ開クコ

陸奥外務大臣時代 對米交渉 二六七

報告ノ件

第十九號 七月三日到

合衆國々務長官「グレンシャム」氏ハ果シテ帝國政府提出ノ基礎ニ據リ改正條約ヲ商議スルコトヲ肯諾スヘキヤ否ニ就キ其確答ヲ聞カンカ爲メ本年五月三十一日同官ヲ方サニ國務省ニ訪ハントスル時ニ至ルマデノ成行ハ同日第十八號(第五信)ヲ以テ續々報告シタリ依テ今茲ニ爾來ノ經過ヲ具報スヘシ

五月三十一日ノ會談ハ例ニ依リ溫厚ナル友誼的ノ懇談ニ屬シ敢テ格式的談判ニ涉ラス故ニ國務長官ニ於テモ腹藏ナク所見ヲ語り本官モ亦忌憚ヲ要セサル範圍ニ於テ帝國現時ノ政況ヲ述ヘ我政府力條約改正ノ舉ヲ以テ焦眉ノ急ト爲ス所以ヲ辨明シタリ而シテ此日ノ會談ヲ大體ニ就テ評スレハ彼レハ今俄カニ條約改正ノ商議ニ着手スルノ不利ナルヲ說キ之ヲ後日ニ讓ランコトヲ欲シ本官ハ之ニ反シ百難ヲ排斥シテ成ルヘク速カニ條約改正ノ大業ヲ満足ナル終局ニ至ラシメンコトヲ期スルモノナルカ故ニ彼我共ニ專ラ內政ノ情實ヲ縷述シテ頗ル長談ニ涉リタリ然リト雖モ國務長官回答ノ要領ハ五月三十一日午後五時本官ヨリ閣下ニ呈セシ別紙甲

トニ反對ス然リ而シテ其之ニ反對スル所以ノモノハ一方ニ於テハ友誼上深ク帝國政府ノ利害ヲ鑑ミ一方ニ於テハ元老院ニ對シ行政部ノ體面ヲ保全セシコトヲ希望スルカ故ナリ試ミニ今商議ニ着手シ改正條約既ニ協議一決シ故サラ元老院ニ提出ノ時期ヲ遷延セン乎他日之ヲ提出スルニ及ンデ同院ハ大統領力其承認ヲ請フニ遲緩ナリシコトヲ攻撃シテ假籍スル所ナカルヘシ而シテ其結果ハ當國行政部力元老院及國民一般ニ對シ威嚴ヲ損スルノミナラス成功當サニ期スヘキノ條約改正ト雖モ是等阻碍ノ爲メ遂ニ架空ニ屬スルニ至ラン

四、國務長官ハ一方ニ於テ條約改正ノ商議ヲ開クコトヲ見合スト同時ニ一方ニ於テハ元老院議員中錚々タル有力者ニ我條約改正ノ基礎ヲ竊カニ示シテ意見ヲ叩キ以テ他日商議決了ノ後元老院ニ於テ蹉跌スルコトナカラシムコトヲ期スヘシ

五、大統領「クリーヴランド」氏ハ我條約改正ノ件ニ就キ決シテ冷淡ナラス充分協力シテ満足ナル終局ニ至ラシメントスル希望アルハ國務長官ノ談話ニ

徴シテ明ラカナリ

五月三十一日國務長官ト會談セシ結果夫レ斯ノ如クナルヲ以テ即日別紙甲號²ノ如ク閣下ヘ電報シタリ其後本月七日午前十時三十分ニ至リ別紙乙號³閣下ノ電報ニ接ス此日ハ恰モ木曜日ニシテ國務長官カ各國公使ニ面謁スル定日ナルヲ以テ直チニ國務省ニ至リ長官ニ謁シ曩ニ五月三十一日ノ會談ニ於テ具述セシ所ト重覆スルニモ拘ハラス王政維新ノ時、議定參與ノ官ヲ置キ補弼ノ責ニ任セシ以來中央行政機關ノ組織幾回トナク變遷シ遂ニ明治十九年十二月ニ至リ立憲政體ニ適合スル内閣ヲ組織スルニ至リクル沿革及現今在廷ノ大臣各位ハ多クハ戊辰ノ元勳ニシテ封建ヲ廢シ郡縣ノ制ヲ布キ立法行政合體ノ制ヲ改メテ光輝アル立憲政體ヲ肇造スルノ偉業ニ於テ陛下ヲ輔翼シ奉リ不磨ノ勳功ヲ奏セシ人タルコトヲ説明シ以テ閣下始メ内閣諸公ハ上

陛下ノ御信任ニ對シ奉リ下國民ノ輿望ニ對シ帝國維新以還ノ宿望ヲ貫徹セサルヘカヲサルノ責ヲ負フ所以ヲ縷陳シ且方今帝國政界ノ波濤愈荒キヲ加ヘ我政府ニ取リテハ條約改正ノ大業ヲシテ速カニ満足ナル終局ニ至ラシムルハ焦眉ノ急ニ迫レル任務タルコトヲ反覆辨明シ以テ今直チニ改正條

約ノ商議ニ着手センコトヲ國務長官ニ請求シタリ然ルニ同長官ハ五月三十一日本官ニ語リタル所見ヲ反覆再述スルニ止リ毫モ本官ノ請求ニ應スルノ色ナシ依テ本官ハ此際強テ最終ノ決答ヲ催スハ却テ甚タ不利ナルコトヲ認メ更ニ再考アリタキ旨ヲ述ヘテ退出シタリ

大統領及國務長官カ今商議ヲ開クコトニ固ク反對スル所以ノモノハ全ク元老院ニ於テ蹉跌ナカランコトヲ希望スルカ故ニシテ決シテ他意アルニ非ス閣下ノ熟知セラル、如ク條約ノ批准ハ當國ノ憲法上元老院ニ於テ議事ニ要スル表決者總數 (Voting Quorum) 三分ノ二以上ノ可決ヲ俟テ始メテ之ヲ行フコトヲ得今元老院議員定員八十八名ノ内缺員三名アリテ現員ハ八十五名ナリトス故ニ同院ノ議事ヲシテ有効ナラシム爲メニハ現ニ議場ニ列シテ可否ノ表決ヲ爲ス者四十三名以上 (現員八十五名ノ二分ノ一以上) アルヲ要ス而シテ條約批准ハ表決者ノ三分ノ二以上之ヲ可トスルニ非スシハ之ヲ行フコトヲ得サルナリ試ミニ元老院議員八十五名ヲ政黨ニ依テ區別スレハ左ノ如シ

デモクラツト黨 四十四名
レパブリカン黨 三十七名

ボビュリスト黨

合計

四名
八十五名

「デモクラツト」黨カ「レパブリカン」黨ニ超過スルハ僅カニ七名ニ過キササルヲ以テ其勢力決シテ強硬ナリト謂フヘカラス而シテ目下「デモクラツト」黨中波瀾荒キコト既ニ第五信ヲ以テ報告セシカ如シ其波瀾ノ原因ハ素ヨリ一ニシテ足ラスト雖モ其最モ顯著ナルモノヲ舉レハ銀貨問題及關稅改正法案ノ討議ナリトス然リ而シテ銀貨問題ニ依テ胚胎セラレタル「デモクラツト」黨ノ不和ハ既ニ過去ニ屬スト雖モ關稅改正法案ノ討議ハ現在ノ問題ニ屬シ某元老院議員等カ今方サニ關稅ノ改正アラントスルニ際シ投機的奇利ヲ貪ランカ爲メ職務上ノ認識ヲ濫用シテ製糖會社ノ株ヲ買入レタリ云々ノ醜聞頻々タルヲ以テ今現ニ株式取引所仲買人等ヲ元老院委員會ニ召喚シテ議員ノ非行ニ就キ證據調ヲ施行セルカ如キハ「デモクラツト」黨議員相互ノ不和甚タ淺カラサルコトヲ推知スルニ餘アリ此時ニ方リテ「デモクラツト」黨ニ屬スル元老院議員ハ判然ニ二分カレ一ハ即チ現任行政部派 (Administration Democrats) ニシテ一ハ現任行政部反對派 (Anti-administration Democrats) ナ

リトス而シテ其間隙ハ容易ニ調和スヘカヲサルモノアリ元老院ノ景況夫レ斯クノ如クニシテ現任行政部ハ專ラ自黨ノ調和ヲ圖ルニ急ナルカ故ニ今國務長官ニ迫リテ強テ條約改正ノ商議ヲ開クハ決シテ策ノ得タルモノニ非ス抑モ條約改正ノ大業ニ就キ急速ノ成功得テ望ムヘカヲサルハ明治二十六年九月十一日附送第六八二號十七閣下ノ訓令書中ニ明言セラル、所ニシテ合衆國政府ノ意嚮ヲ探知スルノ準備手段ニ就テスラ尙且時機ヲ見計ラヒ好機會ニ乘スヘキ旨特ニ再參本官ニ注意セラレタリ況ヤ時機極メテ不利ナル今日帝國内政ノ都合ニ依リ強テ國務長官ニ迫リテ商議ヲ開キ以テ此重大ナル對外政策ノ成功ヲ危フスルカ如キハ固ヨリ閣下電訓ノ本旨ニ非ルヘシ即チ當國ニ對シ條約改正ノ成功ヲ危フセサル範圍ニ於テ國務長官ニ迫リテ成ルヘク速カニ商議ニ着手スヘシトノ趣意ナルコト聊力疑ヲ容レス故ニ本官ハ退テ好時機ノ至ルヲ俟チ苟モ乘スヘキノ好機會ヲ瞻見スレハ必ラス其機ヲ失セス同長官ニ迫リテ商議ヲ促スヘシ現今當國內政ノ事頗ル繁雜ヲ極メ大統領以下行政部内ノ顯官ハ勿論「デモクラツト」黨ニ屬スル錚々タル議員及在野名士ノ心痛現ニ名狀スヘカヲサルモノアルニモ拘ハラ

ス此際國務長官ニ迫リテ強テ商議ヲ開クハ決シテ我志望ヲ貫徹スルノ途ニ非サルヘキヲ信ス然リト雖モ國務長官「グレシヤム」氏ハ執務ノ順序ニ關シ一種ノ偏僻アル人ニシテ重要ナル事件ハ同時ニ二個以上ヲ取扱ハス必ス先ツ一件ニ就キ處分ヲ畢リ而シテ後他事ニ移ルヲ常トス氏カ熱心以テ一事件ヲ審案セル際敢テ他事ヲ語ルモ決シテ功ヲ奏セス故ニ若シ好機會ニ遭遇スルニ及ンテハ速カニ公文ヲ以テ條約案ヲ提出シ彼ヲシテ専心此事ニ從ハシムルハ極メテ緊要ナリトス若シ一度其機會ヲ失スレハ國務長官ハ忽チ他ノ内政及國際案件ニ專ラ意ヲ注ヒテ復タ我提議ヲ顧ミルノ餘裕ナキニ至ルハ炳然タリ依テ同官ノ適當ト認ムル時機ニ臨ミ條約案ヲ提出シテ商議スヘキ旨ヲ載セタル訓令ヲ豫メ本官ヘ交付相成置度茲ニ今日ニ至ルマテノ成行ヲ具シ以テ條約商議權ヲ附與セラレシコトヲ敢テ稟請ス

明治二十七年六月十二日

米國駐劄特命全權公使 建 野 鄉 三 印

外務大臣 陸 奥 宗 光 殿

註123 夫々二六四、二六五、二六六文書

Secretary has talked with Tateno in general terms and whilst assuring Tateno of the entire sympathy of the United States with the aspiration of Japan to perfect autonomy, he had called his attention to the general tendency of legislation in the United States which was to curtail rather than enlarge rights and privileges of aliens especially where the race distinction existed, and to the probability of a treaty of the nature proposed failing to meet with the approval of Senate, and to the consequent bad effect which such rejection must have upon the Japanese people.

Washington, June 15, 1894. Tateno

二六九 明治二十七年六月十二日

建野駐米公使ヨリ
陸奥外務大臣宛

條約改正交渉開始方ニ關スル米國政府ノ

態度ニ付報告ノ件

第二二號

七月十八日到

帝國政府ノ所望スル條約改正ノ件ニ就キ國務長官「グレシヤム」氏カ本官ニ語リタル所見ハ本年五月三十日日本官ヨリ

陸奥外務大臣時代 對米交渉 二六九

二六八 明治二十七年六月十五日

建野駐米公使ヨリ
陸奥外務大臣宛(來電)

國務長官ノ意向申報ノ件

According to instructions had an interview with Secretary of State and impressed the necessity for immediate negotiations. He was so greatly opposed to immediate negotiations that I deemed unwise to press for the definite answer. I learned by a very delicate process the purport of instructions to American Minister in Japan which were mailed on May 31. Secretary of State has never clearly defined to me his objections, to the reciprocity features of the proposed draft of treaty, but now it is clear that indisposition of the present Administration to negotiate is caused by fear of rebuff in the Senate in case treaty expressly reciprocal in form is concluded. I believe treaty silent on the principle of reciprocity but embodying all of our demand regarding tariff and jurisdiction can be concluded. Instructions to American Minister in Japan are as follows: The United States could not enter into a treaty of the unqualified reciprocal nature now proposed. The

閣下ニ呈セシ電報¹及本月十二日第十九號²(第六信)ヲ以テ具報スルカ如シ即チ同長官ハ改正條約ノ基礎ニ對シ未タ曾テ本官ニ向テ異論ヲ述ハタルコトナク唯タ今俄カニ商議ヲ開クハ時機宜シキヲ得サル旨ヲ反覆詳説シタルノミ然リト雖モ帝國駐劄合衆國公使「ダン」氏カ條約改正ノ件ニ付國務長官ニ稟申書ヲ呈シタルハ本年二月二十二日附送第六號³(第十一信)ヲ以テ閣下ヨリ本官ニ内示セラレタル所ナルノミナラス該稟申書現ニ國務省ニ到達シタルノ事實ハ茲ニ本官ノ竊カニ聞知セシ所ナリ故ニ國務長官カ果シテ該稟申書ニ對シ所見ヲ帝國駐劄公使ニ回示スルヤ否ハ本官ノ常ニ内偵ヲ怠ラサリシ所ナリ其結果遂ニ本月十五日ニ及テ國務長官ヨリ帝國駐劄公使ニ至ル回訓⁴(此回訓ノ日附ハ未タ之ヲ詳モノタルコト聊カ疑ヲ容レス)ノ要領ヲ探知スルコトヲ得タル帝國駐劄公使カ國務長官ノ回訓ニ遵ヒ合衆國政府ノ所見ヲ閣下ニ開陳スルハ本月二十五日頃ナルヘシ而シテ其機ニ臨ミ帝國政府執ル所ノ方針既ニ確然一定シ合衆國公使ヲシテ毫モ之ヲ動カスコトヲ得サラシムル爲メ同公使ニ先チ本官ヨリ合衆國政府ノ所見ヲ閣下ニ具報スルハ本官ノ責務タリ故ニ本月十五日夜半別紙ノ如ク暗號ヲ以テ閣下ニ電報シ

タリ

國務長官「グレシヤム」氏カ現ニ東京駐劄公使ニ回訓ヲ發シナカラ帝國政府提議ノ基礎ニ對シ合衆國政府抱有スル所ノ意見ヲ逐一本官ニ語ラスシテ唯タ大體ニ就テ專ラ同意ヲ表シ一ニ商議ノ時機宜シキヲ得サル事情ノミヲ反覆陳シタルハ甚タ穩當ヲ失スルモノニ似タリト雖モ退テ國務長官ノ心中ヲ察スルニ同官若シ改正條約ノ基礎ニ對シ合衆國政府執ル所ノ意見ヲ詳細本官ニ語ラン乎其結果即チ今俄カニ華盛頓ニ於テ商議ヲ開始スルニ至ルヤ必セリ故ニ本官ノ未タ商議權ヲ有セサルヲ奇貨トシ帝國政府ノ提議ニ對シテ詳細意見ヲ述ヘス又東京駐劄公使ニ送りタル訓令ノ要領ヲ本官ニ告ケスシテ商議ヲ遷延スルノ手段ニ出デタルハ敢テ怪ムニ足ラス況ヤ帝國臣民カ自由ニ合衆國ニ來住スルノ權アルヘキコトヲ明言以テ擔保シタル條約ハ到底元老院ノ批准ヲ經ルノ見込ナキニ因リ兩締約國ノ人民ハ互ニ他ノ一方ノ領地及所屬地ニ自由ニ到ルコトヲ得ト云フカ如キ相互條款ヲ條約文中ヨリ刪除センカ爲メニハ國務長官ハ商議權ヲ有セサル本官ト之ヲ談センヨリハ寧ロ東京駐劄公使ヲシテ直接帝國政府ニ其意ヲ通セシムルニ若カスト認メタルオヤ且

錄ノ昭乎トシテ後來ニ傳フル所ナリ

明治二十七年帝國政府カ合衆國ニ向テ條約改正ノ議ヲ申込ミタルノ事實既ニ炳然トシテ合衆國政府ノ記錄ニ上リタル以上今回復不幸ニシテ往年ト同一ノ覆轍ニ陥ルカ如キコトアラハ帝國政府ハ數十年ノ後ニ非スンハ復タ合衆國政府ニ向テ條約改正ノ議ヲ申入ル、コトヲ得サル場合ニ立至ルヘキニ付此際合衆國政府ノ所見ニ對シ斷然帝國政府ノ意ヲ決セラレ而シテ後本官ハ確然訓令相成候様致度此段及稟議候也

明治二十七年六月二十一日

米國駐劄特命全權公使 建 野 鄉 三 印

外務大臣 陸 奥 宗 光 殿

註 1 2 3 4 夫々二六五、二六七、二五五及二六八文書

二七〇 明治三十七年七月五日

建野駐米公使ヨリ
陸奥外務大臣宛(來電)

米政府ノ意向轉向ノ模様申報ノ件

Met John W. Foster (?) on his return and thoroughly explained the state of affairs here. He has had an

陸奥外務大臣時代 對米交渉 二七〇 二七一

本官ハ國務長官ト本件ヲ談スル毎ニ其會談ノ「ヲフキシヤル」的商議ニ非サルコトヲ明言セリ之ニ反シ帝國駐劄合衆國公使カ國務長官ニ呈セシ稟申書ヘ素ヨリ公然ノ書面ナルカ故ニ國務長官カ本官ト内協議中ナルニ拘ハラス同公使ニ回訓シタルハ文書取扱上ニ於テモ自然ノ順序ナレハ其措置敢テ穩當ヲ失スルモノナリト云フヘカラス

抑モ本官カ再參閣下ニ電報ヲ呈シテ以テ條約商議權ヲ附與セラレンコトヲ稟請シタルニ拘ハラス未タ之ヲ附與セラレサルハ本官ノ甚タ了解ニ苦シム所ナリト雖モ惟フニ之レ一度本官ニ於テ公然條約改正ノ議ヲ提出スルニ於テハ明治二十七年帝國政府カ合衆國政府ニ對シ條約改正ノ商議ヲ開キタル事實ハ永ク合衆國政府ノ記錄ニ遺ルニ因リ若シ不幸ニシテ今回ノ舉復タ往年ト同一ノ覆轍ヲ踐ムカ如キコトアラハ障礙ヲ他年ニ傳フルノ虞アルカ故ナルヘシ然リト雖モ閣下ヨリ帝國駐劄合衆國公使ニ向テ開談セラレタル事實ハ假令私交上ノ談話ニ基クト云フト雖モ之レ東京駐劄公使カ國務長官ニ呈シタル稟申書ノ公然載スル所タリ而シテ又國務長官カ合衆國政府ノ所見ヲ帝國政府ニ向テ開陳セシムル爲メ東京駐劄公使ニ訓令ヲ下シタルノ事實モ亦既ニ國務省記

interview with Secretary of State who himself first mentioned treaty revision and said that the present administration will follow traditional policy of the United States to Japan and will concede much more than is demanded in regard to jurisdiction and Tariff autonomy. The difficulty is (that) Senate will probably refuse to ratify treaty containing stipulations which might permit unrestricted immigration. If they can be omitted or modified, Secretary of State said that he would conclude treaty at once. It would greatly expedite matters if we would modify draft of Treaty at once. This is a good opportunity for vigorous and decisive action.

Washington, July 5th, 1894. Tateno

二七一 明治三十七年七月八日

建野駐米公使ヨリ
陸奥外務大臣宛(來電)

米國務長官公使開談承任ノ件

Secretary of State invited interview to-day and said to me that he is now willing to formally open negotiations for revision of treaty. If you desire me to avail of present opportunity powers to negotiate

should be communicated by telegraph.

Washington, July 8, 1894. Tateno

一七二 明治三十七年七月十日 陸奥外務大臣ヨリ
建野駐米公使宛(往電)

公式開談ニ關シ訓令ノ件

No. 315. (A) You are hereby authorized to formally open negotiations with Secretary of State for revision of treaty, submitting as the basis of negotiations drafts already forwarded to you and inviting Secretary of State to present, as soon as he can conveniently do so, such amendments as he may deem essential. Express to Secretary of State our satisfaction at friendly attitude of United States and assure him of our desire to bring the work to speedy and satisfactory conclusion. Designate your future telegrams on treaty revision alphabetically.

July 11, 1894. (Via peters.) Mutsu

一七三 明治三十七年七月十日 陸奥外務大臣ヨリ
建野駐米公使宛

テハ此點ニ付彼ヨリ修正ノ意見申出候ハノ條約本文第一條ニ有之候居住自由ノ規定ハ其儘之ヲ存シ置クコトヲシテ別ニ移住民ノ制限ノ件ニ付特約ヲ訂結スルコトヲ提議可被成即チ別紙特約案甲乙二案ヲ備ヘテ差出候間此内何ノ方ニテモ彼ノ採擇ニ御任カセ可被成尤此精神ヲ失ハサル以上ハ文書上ノ變改ハ固ヨリ差支無之候

又最惠國條款ニ付テハ米國政府ハ從來無條件ノ取極ヲ爲サル慣例ニ候ハ此點ニ付彼ヨリ修正ノ意見申出候ハノ別紙朱筆ノ通修正ヲ御加ヘ相成不苦候

英國政府トノ談判ハ我提案ニ多少ノ修正ヲ加ヘ已ニ調印ノ運ニ相成居候ニ付右修正變改ノ諸點ニ付詳細御承知相成度義有之候ハノ便宜青木公使ハ御申送御聞合可被成同公使ハモ已ニ其旨及訓令置候

右申進候 敬具

(追申省略)

附屬書一

甲號 移住民制限ニ關スル特約案(一)

Separate Article. It being the intention of the High Contracting Parties to severally reserve to

陸奥外務大臣時代 對米交渉 一七三

勞働者ノ移住制限及最惠國條款問題ニ付訓令ノ件

附屬書一 移民制限ニ關スル特約案(一)

二 同 (一)

三 最惠國條款修正案

送第二七號 條約改正ニ關スル件(第十四)

先般來電信或ハ書信ニテ條約改正ニ關シテハ米國國務長官ハ猶須與公然ノ開談ヲ見合候方可然トノ意見ナル旨御申越有之居候處本月六日及九日接ノ御電報ニ據レハ米國政府ハ俄カニ其口氣ヲ變シ速カニ新條約ヲ締結スヘキ旨「フオースター」氏及國務長官ヨリ閣下ヘ談話有之候趣米國政府ニ於テ斯ク友好ノ誼ヲ表シ候義ハ帝國政府ノ深ク満足スル所ニ有之候就テハ既ニ去ル十一日及電訓候通閣下ニハ公然我提案ヲ提出シ談判ニ御着手相成度右談判全權御委任狀ハ速カニ御授與相成候様本大臣ヨリ奏請可致候

將又我提案ニ對シ米國政府ニ於テ修正ヲ加ヘタシトノ提議有之候ハノ每條ニ付其修正ノ點ヲ列記セシメ速カニ御申越相成候様致度又是迄ノ御來示并本邦駐劄米國公使ヨリ内密ニ本大臣ニ開示セシ所ニ據レハ同政府力最モ困難ヲ感居候トコロハ夫ノ勞働者ノ移住ニ制限ヲ加フル點ニ有之候由就

themselves full and entire liberty of action in all that concerns the regulation and control of labor and the immigration of laborers, it is declared, with a view to the prevention of any possible misunderstanding on the subject in the future, that each Contracting Party possesses, as it did before the conclusion of the present Treaty, the absolute right, by domestic legislation, at its own pleasure and independently of the other, to regulate and control all questions of labor and to limit, restrict, or prohibit the immigration of laborers into its own territories, without in any way calling in question the provisions of the present Treaty.

The present separate Article shall have the same force and value, as if it were inserted, word for word, in the Treaty signed this day and shall be ratified at the same time.

In witness &c. &c.

Done at &c. &c.

附屬書二

乙號 移住民制限ニ關スル特約案(二)

Separate Article. It is understood by the High

四七五

Contracting Parties that the stipulations of the present Treaty do not, in any wise or to any extent, limit or qualify the right enjoyed by each of the Contracting Parties prior to the conclusion of the present Treaty, of regulating all questions relating to labor and labor immigration; accordingly each Contracting Party is at full and perfect liberty, by domestic legislation, at its own pleasure and independently of the other, to regulate and control all questions of labor and to limit, restrict or prohibit the immigration of laborers into its own territories without in any way calling in question the provisions of the present Treaty.

The present separate Article shall have the same force and value as if it were inserted word for word in the Treaty signed this day and shall be ratified at the same time.

In witness &c. &c.
Done at &c. &c.

附屬書三

最惠國條款修正案

Article XIV.

月十七日より實施セラルヘキ筈ニ有之然ルニ帝國政府今回ノ提議タルヤ各國同時ニ新約實施ノ運ニ相成候目的ニ有之候ニ就テハ米國政府ニ對スル提案モ談判彌ヨ相纏マリ候上ハ前記明治三十二年七月十七日より實施セラルヘ都合ニ致度因テ條約案第十八條中

本條約ハ調印ノ日ヨリ少クモ五ヶ年ノ後迄ハ實施セラレサルモノトス

トアルヲ

本條約ハ調印ノ日ヨリ少クモ〇〇〇ノ後迄ハ實施セラ

レサルモノトス

ト改メ又

尤此通知ハ調印ノ日ヨリ四ヶ年ヲ經タル後何時ニテモ爲スコトヲ得ヘシ

トアルヲ

尤此通知ハ調印ノ日ヨリ〇〇〇ヲ經タル後何時ニテモ爲スコトヲ得ヘシ

ト改メ提議相成度而シテ詰リ明治三十二年七月十七日より新約ノ實施セラルヘキコトヲ標準トシテ新約調印ノ日ニ應シ右ニケ處ノ空處ニ年月數ヲ書入ルノコトト致度假令ハ米

陸奥外務大臣時代 對米交渉 二七五

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, subjects or citizens of any other State shall be extended (*immediately and unconditionally*) to the Government or subjects or citizens of the other Contracting Party *gratuitously if the concession in favor of that other State shall have been gratuitous and on the same or equivalent conditions if the concession shall have been conditional*, 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 favored nation.

二七四 明治三十七年八月三日

陸奥外務大臣ヨリ
建野駐米公使宛

條約實施ニ關スル第十八條ノ規定修正方ノ件

送第二九號 條約改正ニ關スル件(第十五)

英國ニ對スル條約改正談判ハ彌ヨ結了シ本月十六日新約調印相濟候ニ付テハ同日ヨリ五ヶ年目即チ 明治三十二年七月十八日九十九年七

國トノ新約明年一月調印ノ運ニ至リタリトスルカ其節ハ

本條約ハ調印ノ日ヨリ少クモ四ヶ年ノ後迄ハ實施セラ

レサルモノトス

尤此通知ハ調印ノ日ヨリ三ヶ年ヲ經タル後何時ニテモ爲スコトヲ得ヘシ

ト取極置キ同條ニ規定ノ條約實施ニ關スル通知ヲ明治三十二年七月十六日ニ先ツコト一ヶ年ニシテ之ヲ爲スコトト致候ヘハ恰モ我目的通り右明治三十二年七月十七日より實施スルコトヲ得ル都合ニ可相成候
右申進候 敬具

二七五 明治三十七年八月三日

栗野駐米公使ヨリ
陸奥外務大臣宛

交渉開始方ニ關スル米國側ノ態度ニ付報告ノ件

第三十二號

九月二十六日到

大統領ニ謁見ノ際ニ於ケル本官ノ言上ハ本日閣下ニ呈スル甲第一一號信附屬第三號ノ如クニシテ其趣意ハ素ヨリ常例ニ違フト雖モ其中ニ

These sentiments of cordial friendship to the United

States on the part of His Imperial Majesty have also pervaded the minds of His people, so that, in assuring you, Mr. President, of my desire to do what I can to draw even closer the bonds which unite our countries, while I obey the first and most important behest of my August Sovereign, I likewise express a purpose, in the execution of which I shall have the earnest sympathy of my countrymen.

ト故サヲ述ヘタルハ本官カ銳意以テ條約改正ノ事ニ當リ汝
々トシテ商議ニカヲ致シ以テ此大業ヲシテ速ニ満足ナル終
局ニ至ラシムルハ上ハ 陛下ノ使命ヲ完フシ下ハ國民ノ輿
望ヲ貫徹スル所以ナリトノ意ヲ暗ニ表示シタルモノトス
本官ノ言上ニ對スル答詞ニ於テ大統領領カ

I welcome the cordial assurances and wishes you express in His Majesty's name and on behalf of your countrymen for a fuller development of the ties of amity that join the two peoples, and for their continued and, if it be possible, closer intercourse, and I can assure you of the earnest cooperation of myself and my constitutional associates toward these beneficial ends.

ト述ヘタルハ本官言上ノ寓意ヲ察シタルモノニシテ條約ノ改正ニ關シテハ大統領自ラ協力ヲ辭セサルノミナラス元老院モ亦敢テ協力スルコトヲ意ラサルヘシトノ意ヲ表シタルモノトス

大統領ハ答詞ヲ畢リタル後頗ル懇篤ナル容體ニテ
“It gives me pleasure to welcome you as an Envoy to this country.”

ト云ヒ起シテ本官カ會テ「ハーヴァード」法學院ニ在テ修業セシ願末等ヲ下問シテ今回條約改正商議ノ任ヲ奉シテ本官ノ當國ニ來リタルヲ喜フノ色ヲ言外ニ顯ハシタリ
二十九日午後國務長官ハ前日本官カ同官ヲ訪問セシ答禮トシテ當館ニ來訪セリ此時種々談話ノ末本官ハ左ノ如ク述ヘタリ

今ヤ漸ク貴國ノ議會閉會ヲ告ケ閣下當サニ繁劇ノ公務ト此地ノ炎熱トヲ涼風清水ノ地ニ避ケ以テ攝養ヲ試ミラレントスルノ時ニ際シ特ニ閣下ヲ煩ハスハ深ク本官ノ素志ニ反スト雖モ抑モ條約改正ノ事タル帝國政府ニ執リテハ一日モ遷延スヘカラサルノ急務ナレハ閣下ノ御都合次第可成速ニ此商議ヲ開カンコトヲ希望ス云々

之ニ對シ國務長官ハ左ノ如ク答ヘタリ

向フ兩三日間ハ職務甚タ繁忙ヲ極メ閣下ト熟談スルノ機會ヲ得ルコト難シト雖モ閣下ト速カニ條約改正ノ商議ヲ開クハ拙者ノ甚タ喜フ所ナリ云々

右不取敢及報告候也

明治二十七年八月三十日

在華盛頓府 特命全權公使 栗野 慎一郎
外務大臣 陸奥 宗 光殿

二七六 明治三十七年九月八日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

草案第三條ノ Premises ノ語義ニ關スル件

No. 692. (13) In draft of treaty (the) word premises in Article III means edifices not land. The same is true with that word used in article III of new English treaty.

Tokio, September 5th, 1894. Mutsu

二七七 明治三十七年九月八日 栗野駐米公使ヨリ
陸奥外務大臣宛

陸奥外務大臣時代 對米交渉 二七六 二七七 二七八 二七九

電文照合ノ件

受第一九八〇號三十九

十月五日到

英文條約案第三條ニ用ヒタル Premises ナル語ノ意義ニ關シ本月六日別紙譯文ノ如ク閣下ノ暗號電報ニ接シ御訓示ノ趣委曲拜承致候 敬具

明治二十七年九月八日

米國駐劄 特命全權公使 栗野 慎一郎 印
外務大臣 陸奥 宗 光殿

二七八 明治三十七年九月十一日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

全權委任ニ關スル件

14. (A) Had the first preliminary Conference with Secretary of State the result of which is very satisfactory. Send Full Powers by the earliest mail.
Washington, Sept. 21, 1894. Kurino

二七九 明治三十七年九月十四日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

全權委任狀送付ノ件

四七九

No. 797. (19) Full Powers sent by mail on September 20th.

Sent 24, Sept. 1894. Mutsu

二八〇 明治三十七年九月二十四日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

第一條修正關スル件

16. (B) Great difficulty here is article I. Can I propose to modify first paragraph introducing the wording of "on conforming to the laws, ordinances and regulations of the country" after the word "Parties." Such stipulation was accepted by the United States in the treaty with Congo, 1892. Negotiations will be opened on September 27th.

Washington, Sept. 24, 1894. Kurino

二八一 明治三十七年九月二十七日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

國務長官ノ第一條修正内容申報ノ件

17. (C) Secretary of State proposes to insert in Article I after the word parties the phrase "subject

to any laws now in force or which may hereafter be enacted in reference to the immigration of laborers." He said that if that point can be settled the remainder is matter of detail only. As to the tariff, Secretary of State appears to be disposed to concede Tariff autonomy. He proposed to insert stipulation that no export duties shall be levied by either country. He did not propose to modify most favored nation clause but if you wish we can obtain conditional clause. In reference to the enforcement, he says that he is willing that new treaty shall be operative at once at the expiration of five years from the date of signature. Secretary of State criticized the wording of some articles while accepting principle. It would facilitate progress if I could accept verbal changes not affecting meaning without waiting for instructions.

Washington, Sept. 27, 1894. Kurino

二八二 明治三十七年九月二十七日 栗野駐米公使ヨリ
陸奥外務大臣宛

談判開始打合せノ爲メ國務長官ト會談ノ件

ハ駿タトシテ完結ヲ告クルニ至ルハ論ヲ俟タサル所ナリ故ニ合衆國政府ニ於テ帝國政府ノ企望ヲ容レ速カニ調印批准ノ局ヲ見ルニ至レハ帝國政府ハ合衆國政府ノ信誼ニ謝スルト共ニ尙兩國從來ノ友情ハ益優渥ヲ加ヘ以テ將來日米貿易上ノ關係ニ於テ互ニ利益スル所アルヘシ

國務長官曰ク

本條約締結ニ關シ合衆國政府ニ執テ須ク顧慮ヲ要スルモノハ彼ノ外國勞働者渡航ノ一事ナリ此事ニ付テハ先キニ閣下ノ前任者建野氏ヘ再三辨明セシモ拙者意見能ク同氏ノ認識セラル、所トナラサリシモノ、如シ即チ條約書案第一條「兩締盟國ノ一方ノ臣民ハ他ノ一方ノ版圖内何レノ所ニ到リ旅行シ或ハ住居スルモ全ク隨意タルヘク」ノ一項ハ他國勞働者ノ渡來ニ關スル一種ノ地方問題ニ徴シ元老院ニ於テ恐ラク通過セサルヘシ依テ此項ノ修正ハ最モ企望スル所ナリ而シテ其餘ノ條款ニ付テハ概シテ異議ナカルヘシ

本官之ニ對シテ曰ク

條約第一條ノ規定ハ普通一般ノ條約ニ於テ見サル所ノ

第四十八號

十月二十二日到

去月三十日附第三十二號ヲ以テ申報候通當國々務長官「グレシヤム」氏カ本官ヘ答禮トシテ來訪ノ際條約改正ノ商議ニ付會合ヲ促シタリシニ同長官ハ本官ノ發議ニ應シ商議ヲ開クコトニ付テハ同意ヲ表シ候得共其當時職務繁忙ノ爲メ數日間ノ猶豫ヲ乞ハレ候ニ付同官公務繁簡ニ注意シ一日モ速ニ面會ヲ求メ度心得候處爾來同長官ハ養病ノ爲メ數日ヲ期シ避暑地ヘ向ケ出發致サレ候依テ此間會合ノ機ヲ得ス遂ニ本月二十二日(土曜日)同官歸府ノ報ニ接シ早速別紙甲號寫ノ通書簡ヲ以テ條約改正ノ商議開設ニ先チ諸事打合ニ關シ面會ヲ求メタリシニ本月二十一日面會致スヘキ旨回答ニ接シ候間本月二十一日示命ノ時刻國務省ニ至リ同長官ニ面接シ本官國務長官ニ述ヘテ曰ク

條約改正ニ關シ帝國政府力拙者ヲシテ閣下ト商議セシメントスルニ方リ閣下ノ御注意ヲ乞フモノアリ今や既に諸條約國トノ間ニ商議ノ端緒ヲ開キ漸次進捗ノ狀アリ英國ノ如キハ調印批准トモ既に完了シタリ此際合衆國政府ニシテ他諸條約國ニ先達テ我提議ヲ容レ以テ條約ヲ締結スルニ於テハ現今談判中ナル他條約國ノ商議

モノナルノミナラス其文言ヨリ觀ル時ハ或ハ相互人民ノ爲メ移住ノ權ヲ約定スルモノ、如クニ相見ヘ候得共是レ決シテ然カラス閣下御承知ノ通り現今帝國ニ在留スル外國人ハ現行條約ノ結果ニ依リ開港場ノ一小區域内ニ於テノミ商業ニ從事シ或ハ倉庫ヲ借入レ且住居スルコトヲ得ルモノナルニ依リ今回新條約ヲ締結スルニ於テハ帝國政府ハ通商旅行住居ノ爲メ全國ヲ開放セント欲ス故ニ前述ノ項ヲ設ケタルナリ然ルニ若シ貴國政府ニ於テ本項規定ノ爲メ勞働者移住ノ自由ニ關スル懼アリト認メラレ修正ヲ加フルノ企望アルニ於テハ冀クハ閣下ノ御意見御明示アリタシ

國務長官曰ク

本條約案ハ貴國政府ノ提議ニ係ルヲ以テ先ツ貴方ニ於テ其案文ヲ付セラレタシ

本條約締結ノ後實施期限迄ノ歲月ニ於テ貴國人民ノ意向頓ニ變シテ之ヲ實施ヲ中止スルノ止ムヲ得サルニ至ルノ虞ナキヤ如何

本官之ニ對テ曰ク

帝國官民力條約改正ヲ切望シテ止マサルモノハ爾來ニ

右申報候也

明治二十七年九月二十七日

米國駐劄 特命全權公使 栗野慎一郎

外務大臣子爵 陸 奥 宗 光殿

註 1 二七五 2 及3省略ス 4 及5 二二八及三二九

文書

二八三 明治三十七年九月三六日

栗野駐米公使ヨリ
陸奥外務大臣宛

條約案第一條修正問題（移民問題）ニ關スル件

第四十九號

十月二十二日到

日米條約案第一條修正ノ義ニ付テハ先キニ送第二號^一（^二）^三（^四）^五（^六）^七（^八）^九（^十）^{十一}（^{十二}）^{十三}（^{十四}）^{十五}（^{十六}）^{十七}（^{十八}）^{十九}（^{二十}）^{二十一}（^{二十二}）^{二十三}（^{二十四}）^{二十五}（^{二十六}）^{二十七}（^{二十八}）^{二十九}（^{三十}）^{三十一}（^{三十二}）^{三十三}（^{三十四}）^{三十五}（^{三十六}）^{三十七}（^{三十八}）^{三十九}（^{四十}）^{四十一}（^{四十二}）^{四十三}（^{四十四}）^{四十五}（^{四十六}）^{四十七}（^{四十八}）^{四十九}（^{五十}）^{五十一}（^{五十二}）^{五十三}（^{五十四}）^{五十五}（^{五十六}）^{五十七}（^{五十八}）^{五十九}（^{六十}）^{六十一}（^{六十二}）^{六十三}（^{六十四}）^{六十五}（^{六十六}）^{六十七}（^{六十八}）^{六十九}（^{七十}）^{七十一}（^{七十二}）^{七十三}（^{七十四}）^{七十五}（^{七十六}）^{七十七}（^{七十八}）^{七十九}（^{八十}）^{八十一}（^{八十二}）^{八十三}（^{八十四}）^{八十五}（^{八十六}）^{八十七}（^{八十八}）^{八十九}（^{九十}）^{九十一}（^{九十二}）^{九十三}（^{九十四}）^{九十五}（^{九十六}）^{九十七}（^{九十八}）^{九十九}（^{一百}）

面會ノ際同長官ハ第一條ニ修正ヲ加ヘタキ旨申出ラレ其修正ヲ要スルノ事情ハ別紙機密第四十八號²ヲ以テ縷述致置候次第ニ有之候就テハ該案ノ修正ヲ要スル場合ニ於テハ御訓令ノ旨意ヲ體シ先キニ御交付相成居候特約案ヲ提出シ審議ヲ遂クヘキ手筈ニ候得共千八百九十二年合衆國ト「コンゴト」獨立國トノ間ニ取結ヒタル條約書第一條ハ必ラス當國

陸奥外務大臣時代 對米交渉 二八三

十有餘年トス而シテ此間其意向ハ終始一轍毫モ變體ノ狀ナキ點ヨリ見ルモ亦領事裁判權ノ如キハ帝國憲法ト相抵牾シテ併立スル能ハサルノミナラス領事裁判權廢棄ノ說ニ至ツテハ一般輿論ノ贊成スル所ナレハ前途其意向ヲ變スルカ如キコトナキハ拙者ノ固ク信シテ疑ハサル所ナリ

右談話ノ外國務長官ハ帝國文物ノ進歩ニ付談話ヲ始メラレ候ニ付此機ヲ逸サス維新以降帝國諸法律及司法制度ノ改正ヲ始メトシ裁判所構成法判事採用規則等詳細叙述セシニ同長官ハ始メテ帝國司法制度ノ大要ヲ聞キ大ニ曉ル所アルモノ、如ク見受候爰ニ於テ本官ハ商議開設ノ日取ニ付キ確答ヲ求メ候處本月二十七日ヲ以テ開設可致旨答ヘラレ又當今我公使館ニハ書記官不在中ニ付商議開設中ハ「ステーション」氏ヲ書記官トシテ議席ハ同伴致度旨申出候處承諾致サレ候ニ付即チ二十七日ヲ期シ退省致候

右會談ノ模様ニ因テ國務長官ノ意向ヲ窺フニ長官ハ進テ商議ニ着手スルノ狀況ニ有之候ニ付本官ハ直ニ別紙寫内號⁴ノ通電信ヲ以テ閣下ニ申報シ併セテ全權御委任狀御下付相成候様及稟請置候處別紙寫丁號⁵ノ通御返電ニ接シ致了悉候

政府ノ肯諾スヘキモノト認メタルヲ以テ該正文ニ倣ヒ第一條ニ修正ヲ加ヘ候ハ、合衆國政府ニ於テ異議之レナカルヘキ見込ニ有之果シテ此修正ヲ施シ合衆國政府ノ承諾ヲ得候ハ、特約ヲ以テ第一條ニ關スル制限ヲ定ムルヨリハ寧ロ利便ニ可有之ト思量シ別紙甲號³ノ通電信ヲ以テ仰御高裁候次第ニ有之候右電信伺ニ對スル御返電ハ國務長官ト商議上必要ニ付昨二十七日會議席へ出頭時刻迄ニ接受致度相待受候得共接到致サス且出省時刻ニ相迫リ候ニ付本官ハ「ステーション」氏ヲ携ヘ臨席シ國務長官ニハ次官「ロツクヒル」氏ヲ議席ヘ列セシメ會談ヲ始メ候本日ハ先ツ條約案ノ大體ニ付初項ヨリ末文ニ至ル迄審議ヲ盡シ第一條ニ關シテハ別信ヲ以テ申述候通同長官ハ先キニ第一條ノ修正ヲ本官ヘ讓ラレタルニモ拘ハラス自ラ修正案ヲ提出致サレタリ依テ本官ハ該修正案ヲ査閱スルニ移住民ニ關スル文字有之體裁上甚タ宜シカラサル様被認候間反復辨論ヲ交エタル後チ一千八百九十二年合衆國ト「コンゴ」自由獨立國ト締結シタル條約ヲ取出シ全ク本官ノ意見トシテ其第一條ヲ舉ケ此旨意ニ倣ヒ修正ノ議ヲ申出セシモ同長官ハ移住民問題ニ關シテハ合衆國政府ノ最モ困難ヲ感スル一問題ナルカ故ニ特ニ

其語句ヲ用ヒ其規定ヲ明カニスルニアラサレハ到底元老院ノ通過ヲ見ルコト難カルヘシトノ意見ニ付本官ハ別紙内號⁴ノ通電信ヲ以テ審議ノ結果ヲ申報シ併セテ仰御訓令候其他條款ノ大體ニ付テハ別ニ異議ト申スヘキ程ノモノモ無之ニ付當日會議ノ顛末茲ニ省略致候右ハ「スチーヴンス」氏カ議席ヘ列シ筆記シタルモノニ依リ會議錄ヲ作ル管ニ有之候間次便ヲ以テ可供瀏覽候

右電報照合旁申報候也

明治二十七年九月二十八日

米國駐劄 特命全權公使 栗野慎一郎

外務大臣子爵 陸 奥 宗 光殿

追テ條約案第一條修正ニ關シ電信ヲ以テ御訓示ヲ仰キタル閣下ノ御回訓ニハ本月二十七日午後七時三十分接
到致候

註 1及2ニ二三及二八二文書

345 夫々二八〇、二八一、二八四文書

尙「スチーヴンス」氏ノ會議錄ハ十月三十日附栗野公使來信五十九ニ附シタルモ來信及會議錄ハ之ヲ省略ス

no international engagement on the subject. Japanese Government desire to maintain present wording of clause regarding enforcement but as Secretary of State is willing to make treaty unconditionally operative from fixed date, I think he will waive diplomatic note regarding Codes. As to wording of present draft we desire to make all new treaties identical as far as possible and hope Secretary of State will as far as possible accept present wording. Submit all proposed changes before acceptance. It United States propose conditional most favored nation clause, you can propose draft in my letter No. 14, July 16. Regarding date treaty is to take effect see my letter No. 15, July 20. German treaty revision seems not to be progressing but expect earlier success with United States.

October 3, 1894. Mutsu

二八六 明治三十七年十月十日

陸奥外務大臣ヨリ
栗野駐米公使宛

米國側ノ修正提議ニ付訓令ノ件

送第四二號 條約改正ニ關スル件(第二十)

陸奥外務大臣時代 對米交渉 二八六

二八四 明治三十七年九月二十七日

陸奥外務大臣ヨリ
栗野駐米公使宛(同電)

第一條ノ修正ニ關シ回答ノ件

No. 805. (19) (20?) I have no objection to propose modification in article I of treaty, but I think it is better to let United States propose it.

Tokio, Sept. 27, 1894. Mutsu

二八五 明治三十七年十月三日

陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

米國政府ノ修正ニ對スル帝國政府ノ提示訓令ノ件

No. 821. (21) In place of proposed amendment to article I Japanese Government propose to insert in (the) last paragraph (of article II after (the) word trade, the words "immigration of laborers." In place of words "in force" insert words "which are now in force or which may hereafter be enacted" and before the word "applicable" insert the words "which are." Use every endeavor to secure tariff autonomy. It is our fixed intention to abolish export duties as soon as possible but prefer to make

條約改正ノ件ニ付米國政府ト開談被成候處條約案第一條第一項ニ關シ談判頗ル困難ニ付該項中「兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ版圖内何レノ所ニ到リ旅行シ或ハ往居スルモ全ク隨意タルヘク」トアルヲ「兩締盟國ノ一方ノ臣民或ハ人民ハ他ノ一方ノ法律勅令及規則ニ遵ヒ其ノ版圖内何レノ所ニ到リ旅行シ云々」ト修正スルコトヲ提議シテ宜キヤ否電信ヲ以テ請訓被成候ニ付右ノ修正ニハ異存無之候得共之ヲ提議スルコトハ米國政府ノ方ヨリ爲サシムル様致度旨及電訓²置候處去月二十九日接到ノ貴電³ニテ米國政府ハ該項中「兩締盟國ノ一方ノ臣民或ハ人民ハ」ノ下ニ「勞働者ノ移住ニ關シ現ニ行ハレ又ハ將來制定セラルヘキ諸法律ニ遵ヒ」ノ文言ヲ挿入スルコトヲ提議シ此點サハ極マヘハ其餘ハ細目タルニ過キストイヒ稅權ニ關シテハ全ク我ニ讓ルノ色アリ輸出稅ニ關シテハ雙方ニテ之ヲ課セサルコトヲ條約中ニ規定スルコトヲ提議シ新條約實施ノ義ニ付テハ調印後五ケ年經過ノ上直チニ實施スルコトヲ欲シ其外或條項ノ字句ニ付評論スル所アリタリ就テハ字句上ノ修正ヲ爲スコトヲ委任セラレタシ又最惠國條款ニ付テハ何等修正ヲモ提出セサレトモ本大臣ノ望ニ依テハ條件附ノ條款ヲ

求ムルコトヲ得ヘキ旨御申越相成候ニ付本大臣ハ之ニ對シ
本月三日左ノ通及電訓置候

第一條第一項ニ關スル米國政府提出ノ修正ニ對シ帝國
政府ハ左ノ修正ヲ提議ス即チ第二條ノ末項ヲ左ノ通改
ムルコト但シ本條及前條ノ規定ハ兩締盟國ノ各方ニ於
テ商業、勞働者ノ移住、警察及公安ニ關シ現ニ行ハレ
又ハ將來制定セラルヘキ特別ノ法律勅令及規則ニシテ
外國人一般ニ之ヲ適用セラルヘキモノニハ何等ノ影響
ヲ及ホスコトナシ

稅權ハ勉メテ之ヲ回復スルコトニ盡力セラルヘシ
輸出稅全廢ノ義ハ帝國政府ノ定見ニシテ事情ノ許ス限
ハ可成速ニ之ヲ實行スル意思ニ付之ヲ國際條約ニ規定
セサルコトヲ欲ス

新條約實施ノ義ニ關スル一條即チ第十八條ハ原案ノ通
ニ致置クコトヲ希望スレトモ米國政府ニ於テ條件ナシ
ニ新條約ヲ一定ノ期日ヨリ實施スルコトニ同意ストノ
コトナレハ同政府ハ法典ニ關スル外交文書ヲ要セサル
コトニ同意ナルヘシト思考ス如何

新條約中ノ字句ニ關シテハ帝國政府ハ可成各國トノ條

去月二十七日條約改正ニ關スル第一回商議ノ結果ニ付テハ
電報ヲ以テ相伺置候次第ニ有之候處當時同長官ハ再ヒ暑中
休暇ヲ以テ他行ノ模様相見ヘ候ニ付同長官當府出發前閣下
ノ御訓示ニ接シ尙審議ヲ進メ度存意ニ候得共本月六日ニ至
ルモ御返電ニ接セサリシヲ以テ本官ハ別紙甲號寫ノ通電信
ヲ以テ本月七日午前十一時御訓示ヲ促シ候處之ト行違ヒ同
日午後六時別紙乙號寫²ノ通御電訓ニ接シタリ然ルニ國務長
官モ亦同日夕當府出發致サレタルハ實ニ遺憾ノ次第ニ有之
候然ルニ其後當國政府ト條約締結ノ全權御委任狀モ亦第五
十四號ヲ以テ申進候通り既ニ受領致候ニ付本官ハ國務省ニ
至リ國務長官不在中代理次官「ユール」氏ニ面會シ目下歐
洲各國政府トモ開談中ニ有之候得ハ當國政府ト改正談判ノ
終結ヲ要スル事情等懇切ニ陳述シ此際着々商議ヲ重ネ速カ
ラス調印ノ運ヒニ至ランコトヲ希望スル旨談話致置候處國
務長官「ギレシヤム」氏ハ本月十八日頃歸府ノ豫定ニ付同
官歸着ノ上ハ必ラス本官陳述ノ旨意ヲ申告シ速ニ商議ノ時
日ヲ定メ本官ニ通知可致旨「ユール」氏ヨリ書信ヲ以テ通
知有之候就テハ今明日中時日示命ノ來文ニ接スヘキ積ニ付
次回ノ商議ヨリハ着々審議ヲ了スヘキ見込ニ有之候條左様

約ヲ一樣ニシタシト希望シ居レハ米國政府ニ於テモ可
成原案ノ通ニテ肯諾アラムコトヲ望ム

米國政府ヨリ提議スル總テノ修正ハ之ヲ承諾スルニ先
タチ本大臣ニ請訓セラルヘシ

若シ米國政府ニ於テ條件附ノ最惠國條款ヲ用ユルコト
ヲ欲セハ七月十六日附第十四信ニテ送附セシ提案ヲ提
出セラルヘシ

又新條約實施ノ期日ニ關シテハ七月二十日附第十五信
ヲ熟讀セラルヘシ

獨逸政府ニ對スル談判ハ抄々數進行無覺束候ニ付閣下ニハ
一日モ速ニ米國政府トノ商議ヲ了結セラレ候様致冀望居候
右申進候 敬具

註 1 2 3 4 5 夫々二八〇、二八四、二八一、二八五、
二七四文書

二八七 明治三十七年十月六日

栗野駐米公使ヨリ
陸奥外務大臣宛

談判ノ經過報告ノ件

第五十三號

十一月十七日到

御了承相成度候
右申報候也

明治二十七年十月十八日

米國駐劄 特命全權公使 栗野慎一郎

外務大臣子爵 陸奥 宗光殿

追テ前文甲號寫電報ト乙號寫電報ト行違ヒ尙閣下ヨリ
別紙丙號寫ノ通御電報有之候ニ付別紙丁號寫ノ通返電
致置候

是又爲照會茲ニ相添ヘ候也

註 1 及 2 二八二及二八五文書

甲、丙、丁往復電信並ニ栗野公使來信第五十四號ハ
之ヲ省略セリ

二八八 明治三十七年十月九日

陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

談判ノ進行及ヒ終局見込問合セノ件

No. 913. (30) Anxious to know progress of negotia-
tions. Inform me prospect and your opinion how soon
they can be brought to conclusion.

Oct. 19, 1894. Mutsu

二八九 明治三十七年十月三日 栗野駐米公使ヨリ
陸奥外務大臣宛(同電)

終局見込回申ノ件

29. (E) Secretary of State has been away from (the) beginning of the month and no opportunity to see him since your instructions have been received with respect to my telegram C. He has returned yesterday and expect to have conference in a few days. President being also expected to be here soon, conclusion of negotiations will not be much delayed. (Via Petersburg), Oct. 20, 1894. Kurino

二九〇 明治三十七年十月二十六日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

第二條ノ修正ニ付請訓ノ件

34. (F) Secretary of State will accept amendment to article II if the last seven words are omitted. The settlement of this question will lead to satisfactory conclusion of the whole matter.

容レス今日ハ區々ノ異論ヲ容ルヘキ時ニア
ラスト思フ如何

米國ニ對スル條約改正談判ニハ労働者移住ノ件ニ有
ルモ彼ノ注意ヲ加ヘ居ル處ニ有之候ヘハ彼ヨリ我約
案ニ修正ヲ加ヘ度旨申出候ニ付過般栗野ヲ經テ條約
案第二條ノ末項ニ

但シ本條及ヒ前條ノ規定ハ兩締盟國ノ各方ニ於
テ商業警察及ヒ公案ニ關シ現ニ行ハル、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及ホスコトナシ

トアルヲ

但シ本條及前條ノ規定ハ兩締盟國ノ各方ニ於テ
商業労働者ノ移住警察及ヒ公案ニ關シ現ニ行ハ
レ又ハ將來制定セラルヘキ特別ノ法律勅令及ヒ
規則ニシテ外國人一般ニ之ヲ通用セラルヘキモ
ノニハ何等ノ影響ヲ及ホスコトナシ

(此ノ修正案ハ小生廣島ニテ提議シ閣下ノ
御同意ヲ得テ栗野ニ發電セシモノナリ)

ト修正スル事ヲ提議爲致置候處此度亦栗野ヨリ別紙
ノ通り電信ニテ申來候、右電信末ノ七語トアルハ日
本文ノ方ニテハ即チ「外國人一般ニ通用セラルヘキ
モノ」ト云フ處ヲ指スモノニ有之候、而シテ「デニ
ソン」又ハ「ダン」等ノ話ニテハ米國ニテハ近來ハ
何レノ國ニ對シテモ労働者ノ移住ヲ好マサルヲ以テ

陸奥外務大臣時代 對米交渉 二九一

(Via Peters) Washington, Oct. 26, 1894.

Kurino

二九一 明治三十七年十月三日 陸奥外務大臣ヨリ
栗野駐米公使宛(同電)

修正承認ノ件

No. 984. (35) We accept (the) proposition of the United States as reported in your telegram F. We desire to strike out also (the) word "special" before "laws" in the same paragraph. You can inform Secretary of State that we accept his proposition in (the) hope that no obstacle now stands in the way of early conclusion of treaty and in expectation that United States will accord us tariff autonomy.

October 30, 1894. Mutsu

註 本件ニ關シ外務大臣ヨリ伊藤總理大臣宛左ノ書面アリ

「本日ハ外客輻湊シテ執筆ノ暇ナク中田ヲシ
テ代筆セシメ候ヘトモ全文意趣ハ總テ小生
持論ニ候間何卒御同意被下度米國トノ改正
ハ是非本年中ニ成功致シ度心得ニ候又米國
トノ成功ノ影響ハ他國ニモ波及スル事疑ヲ

將來ハ何レノ國ト締結スル條約中ニモ必ス労働者移
住ニ關スル法律制定ノ權利ヲ米國ニ保有シ置ク精神
ナレハ今茲ニ我提案中ニモ今般栗野ヨリ申來リシ所
ノ米政府ノ修正ヲ諾セサル時ハ所詮元老院ノ承諾即
チ大統領ノ批准ヲ得ヘキ望ナカルヘシト申居候、且
ツ假令之ヲ諾シタリトテ今直チニ彼ニ於テ日本労働
者ニ對スル法律ヲ制定スル次第ニモ可無之縱ヒ又之
ヲ制定シタリトスルモ方式上ヨリ云ヘハ我ニ於テモ
亦タ之ト同様ノ報復ヲ米國労働者ニ向テ爲スコトヲ
得ヘキ自由ヲ有スル譯合ニモ有之詰リ双方トモ自由
ノ行爲ヲ執ル事ヲ得ヘク所謂對等互相ノ規定タル主
意ヲ失ハス且ツ栗野ヨリノ電信ニ依レハ稅權ノ事ハ
米國政府ニ於テモ(稅權)全ク約條稅目ヲ附セサル
ノ意ナリ)餘リ異存無之ノ模様ナリトノ事ナレハ小
生ノ考ニテハ今前記修正ヲ我ニ於テ承諾セサリシ爲
メニ全條約ヲ失フヨリモ寧ロ右ノ修正ヲ承諾シテ一
日早ク修正ヲ締結スル方萬々ニ利便ナルヘケレハ右
承諾ノ旨ヲ返電致シ度ト存候ヘトモ一應閣下ノ御意
見相同道若シ小生ノ意見ニ御同意被下候義ニ候ハ、
電信ニテ栗野ノ電信ノ事ハ承知セリ
ト御返事被下度又別ニ御意見御座候ハ、其ノ旨御來
示被下度栗野ヨリモ此ノ件ニ對スル返答ヲ速カニス
ル事最必要ナル旨申來候ニ付此ノ書簡御覽ノ上ハ直
チニ何分ノ御返事被下度候

尙右條約案(和英文トモ)御入用ニ候ハ、鍋島ヨリ御取寄セ可被下候 右當用ノミ草々 頓首

十月二十七日

陸奥 宗光

春 畝 首相閣下

(伊藤家文書)

二九二 明治三十七年十月三日

栗野駐米公使ヨリ
陸奥外務大臣宛

移民其他主要條項ニ付交渉ノ結果報告ノ件

第五十八號

本月十四日附機密第五十三號ヲ以テ申報致置候通當國々務長官「ギレシヤム」氏ハ本月六日再ヒ暑中休暇ヲ以テ旅行シ本月十八日歸府同二十日俄ニ私信ヲ以テ同日午後三時國務省ニ出頭致吳候様申來候ニ付不取敢示定ノ時刻(ニ)出省候處先キニ本官ヨリ閣下ヘ伺出タル移住民制限ノ件ニ付回訓ノ有無尋問致サレ候ニ付電信ヲ以テ御訓示相成タル變更ノ要領ヲ開陳致シ且ツ之ヲ筆記シ相示シ候處右ニ付テハ尙ホ熟考シタシトノコトニ付其日ハ改正談ハ右ニ相止メ餘談ニ移リテ殆ント二時間餘ヲ費ヤシ歸館致候其後四五日經過スルモ何等通知ニ接セサルヲ以テ同月二十五日日本官國

シ條約ニ依リ輸出税制限ノ約束ヲ爲スコトハ第一立法ノ權内ニ立入り且ツ「タリフ、ヲートノミー」ノ主義ニモ反スルトノ論鋒ヲ以テ反論ヲ加ヘ候處本件ニ付テハ終ニ本官ノ議論ニ同意ヲ表シ輸出入税トモ相方ノ國法ニ準據スルコトニスルモ可ナルヘシト述ヘラルルニ至リタリ

一、最惠國條款ノ件ニ關シテハ機密送第二七號ヲ以テ御訓示相成リタル趣旨ニ依ルモ亦タ本官ヨリC號電信ヲ以テ伺出タルモノニ對スル御電訓ニ依ルモ米國政府ヨリ修正ヲ申出ツルニ於テハ前記機密信中御訓示ノ旨ニ依リ該款ニ修正ヲ加フヘシトノ御旨意ト相認メ候間本官ヨリハ之レカ修正ヲ申出サルハ勿論ナリ然ルニ國務長官ニ於テモ別ニ修正ノ議論モ無之ニ付同伴ハ原案ノ儘ニ致置候乍去本官ヨリ差出シタルC號電信ニ申上候通日本政府ニ於テ其修正ヲ希望セラルハ上ハ當國政府ニ於テハ無論同意相成候義ニ有之候

因ニ記ス本件ニ付中田秘書官ヨリノ注意トシテ「デニソ」氏ヨリ「スチーヴンス」ニ送リタル私信ノ趣ニ依レハ「コンデヒシユナル、クローズ」ニ修正スルコト必要ナリト有之候得共本官ニ於テハ大臣ノ訓令ヲ遵奉スルノ外無之義ニ付本書中記述ノ通措置致置候

務省ニ出頭シテ長官ノ面謁相求候處早速ニ面會セラレ本官ニ告ケテ曰ク

大統領モ本夕歸府セラル、ニ付テハ本官モ貴公使ニ面會致シタシト考ヘ居リタリ云々彼ノ移住民云々ニ關シ過日御示シ相成リタル通り貴政府ノ修正ニ同意スルヲ得ヘシ併シ第二條中結文ノ七語即チ「外國人一般ニ適用セラルヘキ云々」ノ語ヲ刪除シタシ云々

依テ本官(ノ)考フル所ニ依レハ此ノ語句ヲ刪除スルニ於テハ舊ニ外國人一般ニ對シ施行スル法律ノミナラス日本人ニ限リ施行スヘキ法律ヲ設クルノ懼有之ニ付テハ容易ニ本國政府ニ電報スルコトヲモ諾セス討議ヲ重ネ候得共同長官ノ說ク所ニ依レハ日本人ノ移住ハ決シテ恐ル、ニ足ラサルモノナルコトハ同長官ハ知了スト雖モ同伴ニ關シテハ上院議員中未タ日本ノ情態ヲ知悉セサル者多ナルニ依リ寧ロ明瞭ノ約定ヲ爲スニ如カサル旨主張相成候間本官ハ不同意ナカラ之レヲ政府ニ報告スヘキコトヲ約シ本件約了致候一、「タリフ、ヲートノミー」ノ件ハ承諾セラレタリ輸出税廢止ノ個條ヲ條約面ニ掲載スルコトハ頗ル企望ノ様子ニテ主張セラレタルニ付是亦御訓示ノ趣旨ニ遵ヒ種々辨論致

一、條約實施期限ハ會テ電信ヲ以テ申上置候通り國務長官ハ實施ノ期日ヲ確定シ置キタシトノ希望ニ付御訓示ノ趣旨ニ遵ヒ條約案第十八條ニハ本條約ハ明治三十二年七月十七日實行スヘシ云々ト修正ヲ加ヘ候處勿論異論ハ無之候得共法典實施關係ノコト之レアルヲ以テ少シク考ヘ居ラレ候ニ付此義ハ未タ確定シタリトハ申上兼候

一、條約年期ニ付テハ日英條約ハ十二ヶ年ナルモ社會ノ狀況往昔ト變リ商業ノ進歩迅速ナルヲ以テ通商航海條約ハ短期ノ約定ヲ爲スコト近年各國ノ慣例ナルカ如キヲ以テ日米兩國ニ取リテハ或ハ原案ノ通り十年以内ノ年限ヲ以テ約定スルコト兩國ノ爲メ利益ナルニ非サヤト申述候處長官ニ於テハ強テ異論アルカ如クモ相見ヘ不申候得共英國條約ト餘リ懸隔ヲ生スル個條アリテハ或ハ上院ノ氣受ケ宜シカラサルモ難計トノ注意ニ付本件ハ強テ本官之ヲ主張スル義ニハ之レナシト申述置候

終ニ臨ミ「ギレシヤム」氏曰ク本日御商議ニ及ヒタル趣旨ニ付テハ本夕大統領ニモ歸府セラレ候間同官ニ面會シテ篤ト相談ヲ遂ケ候上再ヒ御挨拶スヘシトノコトヲ以テ本日ノ談判相了リ候抑モ大統領「クリーヴランド」氏ハ日米新條

約ノ締結ヲ企望セラル、趣ナレハ移住民ト條款確定セシ以上ハ商議相抄リ遠カラス内新條約締結ノ完成ヲ告ルニ至ルヘキ様被存候

一、第四十八號中ニ申進候通改正會議ノトキハ書記役トシテ「スチーヴンス」氏ヲ列席セシメ候事ニ致置候處其後ノ模様ヲ看ルニ「ギレシヤム」氏ハ大ニ同人ヲ嫌厭スル様子相見ヘ語次同人ノコトニ移レハ「スチーヴンス」氏ヲ指シテ「I do not know that man」ト評言シ感情甚妙ナフス斯ク同長官カ「スチーヴンス」氏ヲ嫌厭スルニ立至リタル原因ハ何分明瞭致サス候得共察スルニ先ニ紐育「トリビューン」新聞紙ニ於テ東京通信ト題シ同長官ヲ攻撃シタル通信ハ「スチーヴンス」氏カ公使館ニ於テ起稿セシモノナリト信シ居リ又タ黨派ノ關係ニ於テモ多少相容レサルノ二事ハ明カニ同長官ノ感觸ヲ損スルモノ、如ク相見ベ候斯ノ如ク同長官カ嫌厭スルニモ拘ハラス強テ「スチーヴンス」氏ヲ帶同スルノ必要無之候ニ付爾來ハ本官一人ニテ國務省ニ到リ會談致候處同長官ニ於テモ其後ハ「ロツクヒル」氏ヲ列席セシメサル事ニ相成居候商議ノ都合ハ其後却テ圓滑ニ相運ヒ都合宜敷候間左様御承知置相成度候

政府ハ我修正案ニ同意スヘク此點ヲ其望通り肯諾スルトキハ全局ノ商議ヲ抄ラスヘキ効アル旨御申越相成候ニ付本大臣ハ熱慮ヲ加ヘ候處閣下ヨリノ電信及書信中ニモ米國政府ノ最モ重キヲ措ク所ハ労働者移住問題ニ有之候事ヲ開示セラレ此點サヘ彼ノ満足スル丈ニ協定セハ他ノ點ニ付テハ格別ノ異議ナカルヘキ事モ相分リ居リ又稅權問題ニ關シテモ米國政府ハ我ニ自由ヲ與フルノ意圖アル事モ御來示ニ據テ相知レ居リ候ヲ以テ已ニ電信ニテ申進セシ如ク本大臣ハ同政府ノ望ニ應シ前記ノ語ヲ削除スルコトヲ肯諾致候次第ニ有之候尤「法律勅令」ノ上ニ在ル「特別」ノ語ハ削除致度ト存候

既ニ此ノ如ク其望ニ應シ其修正ヲ承諾致候上ハ米國政府ニ於テモ我冀望ノ如ク速ニ談判ヲ了結ニ歸セシメ又稅權ノ自由ヲ全然帝國政府ニ與フルコトヲ承諾致候様此際一層御盡力相成度候
右及訓令候 敬具

註 1 2 3 4 夫々二八八、二八九、二九〇、二九一文書

右申報候也

明治二十七年十月三十日

米國駐劄特命全權公使 栗野慎一郎

外務大臣子爵 陸奥 宗 光殿

註 1 2 3 4 夫々二八七、二七三、二八一、二八二文書

二九三 明治三十七年十一月七日

陸奥外務大臣ヨリ
栗野駐米公使宛

移民及稅權問題ニ關シ訓令ノ件

送第四七號 條約改正ニ關スル件(第二十一)
本大臣ニハ此際可成速ニ米國ニ對スル條約改正ヲ了了ト切望致居候ニ付去月十九日電信(三十)ニテ談判ノ進行如何及凡ソ何時頃談判ノ終局ヲ告クルニ至ルヘキヤ御見込承知致度旨申進候處同二十一日接ノ貴電²ニテ談判ノ終結ハ左程遅延セサルヘシトノ御意見御申送相成候ニ付本大臣ハ大ニ此佳報ヲ悅居候
其後貴電³ニテ條約案第二條ノ末項中「現ニ行ハレ又ハ將來制定セラルヘキ特別ノ法律勅令及規則ニ」ノ下「シテ外國人一般ニ適用スヘキモノニ」ノ語ヲ削除スルニ於テハ米國

二九四 明治三十七年十一月四日

栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

議定書ノ修正ニ關スル件

35. (G) Negotiations are interrupted in consequence of the illness of Secretary of State. Almost certain (that) we can have tariff autonomy in which case shall I modify Protocol as follows:

Article I, first paragraph. Substitute (the) words "the general Statutory tariff of Japan for the time being in force" for the words "import tariff etc." and make change in fifth paragraph. Insert "and XIV" after the words "article IV." Substitute the words "all articles" for the words "the articles therein enumerated." Omit second, third and fourth paragraphs of article I if United States Government desire it.

If United States Government prefer English form of stipulation regarding foreign Settlement, can I accept and insert it in Protocol as article III or in (the) body of (the) treaty?

Washington, Nov. 4, 1894. Kurino

二九五 明治三十七年十一月十二日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

議定書ノ修正ニ關シ訓令ノ件

No. 1038. (39) If tariff autonomy is secured, amend article I of Protocol as follows:

Omit second, third, fourth and fifth paragraph. In (the) first paragraph strike out the words "hereto annexed" after the words "import tariff" and insert the words "now in operation in Japan in respect of goods and merchandise imported into Japan by citizens of the United States shall cease to be binding. From the same date the general Statutory tariff of Japan for the time being in force." Substitute the words "goods and merchandise" in place of the words "or the tariff hereunto annexed." You may insert (the) words "article XIV" after the words "article IV" and, if United States desire, you may follow the text of British treaty but Japanese Government rather prefer that stipulation to remain in Protocol.

Nov. 11, 1894. Mutsu

No. 1064. (43) You are authorized to sign English text. When and where are ratifications to be exchanged? No preference about the place, but desire to fix time as soon as possible.

Sent, Nov. 20, 1894. Mutsu

二九九 明治三十七年十一月二十日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

批准ニ付キ英米條約書捺用方申報ノ件

47. (K) As to ratification, followed the text of English treaty.

Washington, Nov. 20, 1894. Kurino

三〇〇 明治三十七年十一月三十一日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

居留地及批准交換地ニ關スル規定修正方

申出ノ件

48. (L) Making copies for signature, Secretary of State wishes to have foreign Settlement stipulation inserted in the main body of treaty because he thinks that this will facilitate ratification in the Senate as

二九六 明治三十七年十一月七日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

改正談判完了ノ件

44. (I) Held conference on November 17th. At last everything satisfactorily settled according to our proposals. Next Monday Secretary of State submits to President for confirmation before signature.

Nov. 17, 1894. Kurino

二九七 明治三十七年十一月十六日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

英米條約書ニ關スル議ニ付請願ノ件

Urgent. The President confirmed. Can I sign to the English text as was done in case of British treaty? As to most favored nation clause, the President decided to adopt conditional clause.

Washington, Nov. 19, 1894. Kurino

二九八 明治三十七年十一月二十日 陸奥外務大臣ヨリ
栗野駐米公使宛(來電)

英文條約書ニ關スル議ニ付批准交換ノ場所ニ關スル件

it is so inserted in English treaty, changing the first clause so as to read "the High Contracting Parties agree to the following arrangement"; He wishes also to modify the article regarding exchange of ratifications inserting "or Washington" after the word "Tokio." He is anxious to have ratifications to be exchanged at the earliest date. For this purpose, (he) wishes some arrangement to be made for exchange at Washington soon after ratification in the Senate.

Washington, Nov. 21, 1894. Kurino

三〇一 明治三十七年十一月二十二日 陸奥外務大臣ヨリ
栗野駐米公使宛(回電)

居留地及批准交換地ニ關スル議定書修正方

承諾ノ件

No. 1074. (47) Received your telegram L. Both modifications accepted. Sign treaty as soon as possible.

Sent, Nov. 22, 1894. Mutsu

三〇四 明治三十七年十一月三十日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)
新條約調印済ノ件

50. (M) Signed on November 22nd. Modifications of our original draft are as follows:

The word "territories" has been used throughout in the place of "dominions" &c.

Article II, paragraph 2, modified according to English (treaty) and consequent change in article III and the last paragraph according to your telegram 21.

Article X, last paragraph of English (treaty), Article XI added as last paragraph.

Article XIII, English article XIV conditional clause as mentioned in your confidential despatch No. 1 date July 16th and (the) word "ships" inserted as in English (treaty) and also (the) word "article XIV" according to your telegram 39.

Foreign Settlement stipulation comes in as article XVII. Original article XVIII, paragraph 1 reads as follows:

"The present treaty shall go into operation on the seventeenth day of July, 1899 and shall remain in

force for the period of twelve years from that date." In paragraph 2, (the) word "eleven" substituted for "six."

The last article according to my telegram L. Protocol modified according to your telegram 39. Passport stipulation inserted as article II. No other changes.

Is it not possible to obtain H. I. M's ratification of treaty before you will receive signed copy and to send it by mail leaving Yokohama on November 29th or December 8th for the purpose of exchange here.

Article I, paragraph 2, the two words "and easy" struck out.

Article II, paragraph 3, most favored nation treatment inserted according to English (treaty) and so in Article VIII.

Washington, Nov. 23, 1894. Kurino

三〇三 明治三十七年十一月三十日 陸奥外務大臣ヨリ
栗野駐米公使宛(社電)
原案修正ノ旨付報書方禮令ノ件

三〇四 明治三十七年十一月三十日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

調印條約書照會並ニ批准奏請相ナハサル儀
通達ノ件

No. 1100. (52) Impossible to solicit ratification of His Majesty before the receipt of signed text.

(以下省略)

Sent, Nov. 27, 1894. Mutsu

明治三十七年十一月二十三日 附栗野公使來電第五十號米
陸參照

三〇六 明治三十七年十一月三十日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

新條約調印済ノ旨公表方ニ關スル件

No. 1098. (51) Ascertain and telegraph at once whether United States Government would keep secret (the) fact of signature of treaty until ratification or not.

Sent, Nov. 27, 1894. Mutsu

(以下省略)
Washington, 24, Nov. 1894. Kurino

陸奥外務大臣時代 對米交渉 第三〇四 第三〇六 第三〇七

公表方ニ關シ回答ノ件

53. No objection as to publishing (the) fact of signature. New treaty despatched which will leave San Francisco on December 5th.

Washington, Nov. 27, 1894. Kurino

三〇八 明治三十七年十一月二十七日

栗野駐米公使ヨリ
陸奥外務大臣宛

日米通商及航海條約ニ記名調印ヲシ其原

文進達ノ件

附屬書 二十七年十一月二十二日調印日米條約書

受第三二四七號

十二月二十六日到

合衆國ト新條約締結ニ關シ當國々務長官ト商議ヲ遂ケ一日モ速カニ帝國政府ノ目的ヲ達セントスルハ本官閣下ノ訓示ニ遵ヒ重要ノ任務トスル所ナリシヲ以テ去八月二十七日當華盛頓ヘ着任ノ翌二十八日大統領ニ謁見シ尋テ改正商議ニ關シ國務長官「グレシヤム」氏ニ會シ商議開設ノ事ヲ促シタリシニ其當時ハ當國々會閉會ヲ告ケ恰モ大統領ヲ始メ内閣長官等ハ暑中休暇ヲ以テ各地方ヘ旅行ノ折柄ニ候ヘハ國務長官ニモ本官着後早々旅行ヲ企テ不在ナリシ爲メ本件ニ

關シ同長官ト談判ヲ開クノ機ヲ得サリシコト殆ント一ヶ月ナリ其後漸ク九月二十一日ヲ以テ本件ニ關シ始メテ改正商議ヲ開クニ至リタリ依テ本件ニ關スル談判結了ニ至ル迄ノ要領茲ニ叙述致候

條約案中合衆國政府ニ於テ一問題トシテ其修正ヲ主張シタル事項ハ勞働者移住ノ制限是ナリ本件ニ付テハ種々討議ノ末遂ニ電信ヲ以テ御訓示相成リタル通り第二條ニ修正ヲ加ユルコトヲ主張シ當國政府ノ同意ヲ得ルニ至リタリ又「タリフ、ブートノミー」ノ權回復ニ付テハ國務長官ハ始メヨリ反對ノ意ヲ表スルモノ、如クニハ見ヘサリシモ該權ヲ認諾スル上ハ條約中ニ明文ヲ掲ケ互ニ輸出稅ヲ課セサルコトヲ約定スヘキ旨ヲ主張セラレタリ然ルニ是亦其都度御報告ニ及候通國權論等ヲ以テ數回討議ノ末遂ニ御訓示ノ趣旨ヲ達シタリ去已ニ帝國政府ヨリ提議ニ及ヒタル稅則ヲ撤回シ「タリフ、ブートノミー」ヲ諾スルト否トハ大藏省ノ所管事項ニ屬スルヲ以テ本官ノ同意ヲ得同長官モ數回議席ニ列セラレタリ依テ本官ハ日米兩國間通商ノ狀況及今般我條約ヲ改正スルニ當リ英米佛獨ノ四ヶ國ニ限り條約ヲ提出シタル理由等詳細ニ説明シ而シテ相方ノ利害得失論ニ及ヒ兩

長官トモ全然帝國ノ稅權ヲ認諾スルニ至リタリ

最惠國條款ニ付テハ國務長官ハ提出案ノ通ニテ何等異存ナク同意ヲ表シ商議濟ノ後之ヲ當國大統領ニ提出シテ認可ヲ求ムルニ方リ大統領ハ最惠國條款ニ關シテハ特約附ノ方ヲ採用スヘキコトニ裁定セラレタリ依テ該條ハ第二七號²(第十四)ヲ以テ御訓示ノ旨意ニ遵ヒ該信別紙特約案挿入ノ分ヲ採用スルコトニ決シタリ

條約實施期限ニ關シテハ國務長官ハ寧ロ確定ノ期限ヲ約束スル方ノ然ルヘキ旨申出ラレタルニ付本官ハ該條ノ趣旨ハ重ニ法典實施云々ニ關係スル旨ヲ説明シ若シ當國政府ニ於テ右法典ノ實施ト否(ト)ニ關セス本條約實施期限ヲ確定スルコトニ同意セラル、上ハ無論帝國政府ニ於テモ異議ナカルヘシ云々陳述致置キ其後御訓示ノ趣旨ニ遵ヒ該條ニ修正ヲ加ヘ日英條約同月日ニ實施スヘキモノトシ提出致置候處是亦異議ナク採用セラレタリ

御批准書交換ノ義ハ英國ノ例ニ倣ヒ東京ニ於テ舉行セラル、方速カニ其目的ヲ達シ得ヘシト信シ該府ニ於テ交換ノコトニ致置候處國務長官ハ可成速カニ其手續ヲ了シ公布スルコトヲ希望シ當國上院ノ允許相濟タル上ハ直チニ當府ニ於

テ交換スルコトニ相成間敷哉トノ申出有之候間右ハ本官ニ於テモ希望スル所ナレトモ
陛下ノ御批准ヲ仰カンニハ調印ノ本書必要ト被存候ニ付其義行ハレ難シトハ存候得共一應閣下ニ電信ヲ以テ可伺出旨相答ヘ又爲念該條ニハ東京ノ下ニ「又ハ華盛頓府」ナル語ヲ加ヘルコトヲ約束シ別紙ノ通り電信ヲ以テ訓令ヲ仰キタル次第ニ有之候

右ハ今般當國政府ト商議談判ノ要點ニ有之候抑モ帝國政府ニ於テ現行條約ヲ廢止シ改正條約ノ締結ヲ希望セラレシハ維新以後二十有餘年一日ノ如シ這回右改正ニ關シ本官其任命ヲ奉シ合衆國政府ト商議ヲ開キ遂ニ其希望ヲ貫徹シ本月二十二日國務省ニ於テ日米通商及航海條約並ニ議定書ニ記名調印シ陛下御批准ノ爲メ茲ニ其本書ヲ送呈スルニ至リタルハ全ク閣下ノ明裁ニ因ルト雖モ本官ノ光榮モ亦タ尠カラサルモノニ有之候
右稟申候也

明治二十七年十一月二十七日

米國駐劄特命全權公使 栗野慎一郎

外務大臣子爵 陸奥 宗 光殿

TREATY OF COMMERCE AND NAVIGATION

His Majesty the Emperor of Japan and the President of the United States of America 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 the purpose, have named as their Plenipotentiaries, that is to say: Majesty the Emperor of Japan, Shinichiro Kurino, Jushii, of the Order of the Sacred Treasure and of the Fourth Class, and the President of the United States of

America, Walter Q. Gresham, Secretary of State of the United States; 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 or citizens of each of the two High Contracting Parties shall have full liberty to enter, travel or reside in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects or citizens 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 or citizens.

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 or citizens of each

Contracting Party shall enjoy in the territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in these respects than native subjects or citizens, or subjects or citizens of the most favored nation. The subjects or citizens 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 the 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 citizens, or subjects or citizens of the

most favored nation.

The subjects or citizens of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard or militia; from all contributions imposed in lieu of personal service, and from all forced loans or military exactions or contributions.

Article II.

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

The subjects or citizens of each of the Contracting Parties may trade in any part of the territories 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 or citizens; and they may there own or hire and occupy houses, manufactories, warehouses, shops and premises, which may be necessary for them, and lease land for residential and commercial purposes, conforming them-

selves to the laws, police and customs regulations of the country like native subjects or citizens.

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

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, police and public security which are in force or may hereafter be enacted in either of the two countries,

Article III.

The dwellings, manufactories, warehouses and shops of the subjects or citizens of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto destined for purpose 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 or citizens of the country.

Article IV.

No other or higher duties shall be imposed on the importation into the territories of the United States of any article, the produce or manufacture of the territories 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 territories of His Majesty the Emperor of Japan of any article, the produce or manufacture of the terri-

ories of the United States 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 territories of either of the High Contracting Parties, into the territories 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 of persons or of cattle or of plants useful to agriculture.

Article V.

No other or higher duties or charges shall be imposed in the territories of either of high Contracting Parties on the exportation of any article to the territories of the other, than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any

article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other country.

Article VI.

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native subjects or citizens 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 territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in vessels of the United States, without being liable to any other or higher duties or charges of what ever 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 territories of the United States in vessels of the

United States 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 vessels of the United States. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories 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 vessels or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

Article VIII.

No duties of tonnage, harbor, 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 Government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports of the territories 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 favored nation. 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, harbors or rivers of the territories 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 the United States, respectively. It is, however, understood that Japanese subjects in the territories of the United States and citizens of the United States in the territories 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 and of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the territories of the United States and a vessel of the United States laden in a foreign country with cargo destined for two or more ports in the territories 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 vessels of the United States to continue, as heretofore, for the period of the duration of this Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

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 High 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 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 the United States, shall take place in accordance with the laws of the United States; and, reciprocally, all measures of salvage relative to vessels of the United States, 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

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 or citizens 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 United States law, are to be deemed vessels of the United States, shall, for the purposes of this treaty, be deemed Japanese vessels and vessels of the United States, respectively.

Article XIII

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of each of the High Contracting Parties, residing in the territories 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 or citizens of the country where the

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 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, ordinances and regulations 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 or citizens of one of the High 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

desertion takes place.

Article XIV.

The High Contracting Parties agree that in all that concerns commerce and navigation, any privilege, favor or immunity, which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects or citizens of any other State, shall be extended to the Government, ships, subjects or citizens of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional; 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 favored 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 High 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 favored nation.

Article XVI.

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories of the other the same protection of native subjects or citizens in regard to patents, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

Article XVII.

The High Contracting Parties agree to the following arrangement:—

The several Foreign Settlements in Japan shall, from the date this Treaty comes into force, be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general munici-

pal 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 upon which property is now held in the said Settlements shall be confirmed, and no conditions whatever 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 XVIII.

The present Treaty shall, from the date it comes

into force, be substituted in place of the Treaty of Peace and Amity concluded on the third day of the third month of the seventh year of Kayei, corresponding to the 31st day of March, 1854; the Treaty of Amity and Commerce concluded on the 19th day of the 6th month of the 5th year of Ansei, corresponding to the 29th day of July, 1858; the Tariff Convention concluded on the 13th day of the 5th month of the 2nd year of Keio, corresponding to the 25th day of June, 1866; the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to, such jurisdiction shall absolutely and without notice

Article XIX.

This treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date it goes into operation, 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

This Treaty shall be ratified and the ratifications thereof shall be exchanged at Tokio or Washington as soon as possible, and not later than six months after its signature.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty in duplicate, and have thereunto affixed their seals.

Done at the City of Washington the 22nd day of the 11th month of the 27th year of Meiji, corresponding to the 22nd day of November in the eighteen hundred and ninety-fourth year of the Christian era.

(Signed) SHINICHIRO KURINO. (L. S.)

(Signed) WALTER Q. GRESHAM. (L. S.)

(1) 日米通商航海條約改訂議定書

PROTOCOL.

The Government of His Majesty the Emperor of Japan and the Government of the United States of America, 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

or any other article which for sanitary reasons or in view of public security or morals might offer any danger.

2.—The Japanese Government, pending the opening of the country to citizens of the United States, agrees to extend the existing passport system in such a manner as to allow citizens of the United States on the production of a certificate of recommendation from the Representative of the United States at Tokio, or from any of the Consuls of the United States 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 Tokio, 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 citizens of the United States who visit the interior of the Empire are to be maintained.

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

Treaty of Commerce and Navigation signed this day, the Import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by the citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan, shall, subject to the provisions of Article IX. of the Treaty of March 31, 1854, at present subsisting between the Contracting Parties, so long as the said Treaty remains in force and thereafter, subject to the provisions of Article IV. and Article XIV. of the Treaty signed this day, be applicable to goods and merchandise being the growth, produce or manufacture of the territories of the United States upon importation into Japan.

But nothing contained in this Protocol, 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; articles in violation of patent, trade-mark or copyright laws of Japan;

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 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 their seals.

Done at Washington the 22nd day of the 11th months of the 27th year of Meiji, corresponding to the 22nd November, in the eighteen hundred and ninety-fourth year of the Christian era.

(Signed) SHINICHIRO KURINO. (L. S.)

(Signed) WALTER Q. GRESHAM. (L. S.)

三〇九 明治二十七年十一月二十二日

栗野駐米公使ヨリ
陸奥外務大臣宛

交渉經過情報ノ件

(私信)

益御清適奉慶賀候陳者當國政府ノ我條約改正談判ノ件ニ

(中略)就テハ御訓示ノ趣ニ遵ヒ迅速改正談判相開キ一日モ早ク此重要任務ヲ了シ度ハ勿論ニ候得共大暑ノ時節柄國務長官ハ時々暑中休暇ニテ不在勝ニ有之タルヲ以テ自然開談ノ期延引ニ及ヒタル段遺憾ノ至ニ存候然ル處同長官義十月ニ至リ歸府セラレタルヲ以テ早速談判ノ端緒ヲ開キ爾來數回ノ談判ヲ重ネ其内本邦ヨリ提出セラレタル稅案撤回「タリフ・ヲートノミー」回收ノ件ニ關シテハ國務長官ノ申立ニ依リ大藏大臣モ數回議席ニ列セラレ遂ニ帝國政府ノ希望ヲ達シ我カ稅案ヲ撤回スルヲ得タルハ小官ノ満足之レニ過キス而シテ本月二十二日國務省ニ於テ此ノ日米新條約ニ記名調印ヲ了シ以テ今回野生御派遣ノ任務ヲ全クシタルハ實ニ野生生涯ノ榮譽ニ有之候右談判進行ノ模様等ハ時々ノ報告及電信ニテ疾ク御承知ノ事ニ候間右ハ玆ニ省略致候尤モ新條約記名調印ノ際グレシヤム氏曰ク本條約ハ追テ元老院ニ提出スルマテハ極テ秘密ニ致度其故ハ會テ清國政府ト締結シタル勞働者移住制限條約ハ未タ批准ノ運ニ至ラス若シ本條約ノ如キ日本國ノ爲メ特ニ利益ナル條約ヲ締結シタルコト今回世上ニ傳播スル上ハ或ハ清國ノ批准モ之レカ爲メ益々遲延ヲ生スルヤモ難計ニ付極テ秘密ニ致置度云々

ニ互信の親密ヲ加ヘ野生ノ重任執行上殆ント遺憾ナキニ至リタルハ自ラ賀スヘキ事ト存居候先ハ當地ノ事情私信ヲ以テ申上候 勿々敬具

明治二十七年十一月二十五日

栗野 慎一郎

陸奥 外務大臣殿

追啓 一日國務長官ト談話ノ節米國船雇入ノ日本水夫犯罪アリタルトキ其裁判管轄權云々ニ付ダン氏ヨリ到達シタル公文即チ同伴ニ付キ本國政府ノ訓令ヲ請求シタルモノ野生ニ示サレ意見如何トノ事ニ付野生ハ同公文ノ附錄ニテ閣下ヨリ神奈川縣知事へ與ヘラレタル指令文ヲ一讀シ其正當ニシテ法理上已ムヲ得サルモノナルコトヲ相述候處長官曰ク本件ハ事實問題ニアラス單ニ事實ヲ設ケ疑問シ來リタルモノニ付今日何等ノ措置ヲ要セス就テハダン氏ニ對シテモ指令ヲ與ヘサル積リナリ云々且ツ同氏カ本件ニ付閣下ト公然ノ往復ヲ開キタルハ一步行キ過キタル處置ナリ云々ト談話有之候是亦御參考迄爲念添申致候

然ルニ當國新聞紙ハ記名ノ當日野生ノ國務省ニ出頭シ居ルコト且ツ秘密事務ヲ取扱ヒ居ル模様其他封臘ヲ以テ長官ノ官房ニ出入スル等ノ事實ヨリ想像ヲ下シ其翌日ノ新聞ハ殆ント盡ク新條約記名調印シタリト傳ヘサルモノナキ次第ニ有之候(中略)

日清事件ニ關シ(中略)昨二十四日國務長官ヨリ私信ヲ遣シ國務省へ來リ吳候様申來候ニ付早速出頭候處在清米國公使カ清國ノ依頼ニ應シ我政府ニ平和ノ申入レヲ爲シタル電報並旅順陷落ニ關スルダン氏ヨリノ電報相示サレ候右平和申入レニ關スル電報ハ唯今(十一月二十五日午後三時)閣下ヨリ接到シタルモノト同文ニ有之候將又去ル二十三日附英國代理公使ヨリ國務長官へ提出シタル英國政府ノ覺書野生參考トシテ極々内密ニ被相示同國ハ時機ニ應シ清國分割ノ意旨ヲ有スルコト明カナル旨談話セラレタルニ依リ其趣ハ直ニ電信ヲ以テ及御報置候間疾ク御承知ノ事ト存候擬當國々務長官グレシヤム氏ノ野生ニ對スル態度ハ大凡ソ前述ノ通りニ有之候又タ旅順口陷落ニ關スル電報ノ如キハ自ラ其寫ヲ携帶シ去ル二十四日夕態々當公使館へ來訪之レヲ野生ニ示サレタル次第ニ有之候右ノ通り同長官トノ關係ハ幸

三二〇 明治三十七年十二月六日

陸奥外務大臣ヨリ
栗野駐米公使宛

日米條約調印濟ノ旨上奏ノ件

送第五三號 條約改正ニ關スル件(第二十二)

去月二十二日日米條約調印相濟タル旨翌々二十四日貴電ニ接シ候ニ付其旨早速達 散開候處陛下ニモ御満足ニ被思召候殊ニ我提案ヨリ一步ヲ進メ約定税目ヲ附セサルコトニ御商議相成其爲メ一層完美ナル結果ヲ顯ハシ候義本大臣ノ大ニ欣悅致居ル所ニ有之候此上ハ近日來屢々電信ニテ申進居候通不意ノ出來事ノ爲メ頓ニ進行ヲ妨ケンツスル模様アルニ拘ハラス百方工夫ヲ運ラサレ是非共元老院ノ批准ヲ被取附候様精々御盡力相成度希望ノ至ニ不堪候 右申進候 敬具

註 1 三〇二文書

三二一 明治三十七年十二月九日

栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

元老院外務委員會通過ノ件

62. Foreign Committee fully examined treaty on December 19th and unanimously decided to recommend

to the Senate for its confirmation.

Washington, Dec. 19, 1894. Kurino.

三二二 明治三十七年十二月三十七日

栗野駐米公使ヨリ
陸奥外務大臣宛

新條約元老院外務委員會通過ノ件

附屬書 フライ氏ノ修正案

第七十九號

二十八年一月二十二日到

當國元老院外務委員カ本月十九日ヲ以テ日米新條約ノ審議ヲ遂ケ全會一致ヲ以テ之ヲ協定スルコトニ決議致候間即日別紙甲號電信寫ノ通閣下ヘ申報致置候右ノ通り該委員會ハ已ニ之レヲ全院行政會議「エキゼキテヒブ、セツシヨン」ニ報告ノ手續ヲ了シタルニ付年内休會前餘日之レナシト雖モ可相成ハ其前協定セシメ度キ精神ヲ以テ奔走盡力致候得共遂ニ行政會議ヲ開クニ至ラスシテ休會シタルコト寔ニ本官ノ遺憾トスル所ニ有之候然レトモ本件ハ前述ノ通り外務委員全會一致ヲ以テ之レヲ可決シ且ツ其後重立チタル元老(院)議員等ノ談話スル所ニ徴スルモ元老院力之レヲ協定スルコトハ聊カ疑ヲ容ル、所無之候

外務委員「フライ」氏(メイン州選出議員)ハ同會ニ於テ該條約審議ノトキ兩締盟國ハ自國ノ船舶ニ由リ輸入スル貨物ニ對シテハ特種稅(デヒフヘレンシヤル、デユテ)ヲ課スヘシトノ意ヲ以テ別紙寫ノ通り修正案(ヲ)提出シタル由ノ處該委員會ノ賛成ヲ得ル能ハサリシヲ以テ同議員ハ議場ニ於テ該條約審議ノトキ再ヒ其修正案ヲ提出スル積リノ由シ然ルニ右ハ全ク「レバブリカン」黨ノ商船保護論ニ基因スルモノニ有之候ニ付テハ若シ之レカ爲メ「デモクラツト」黨ノ反對ヲ惹起シ該條約ノ經過ヲ妨碍スル模様有之ニ於テハ同修正案ハ直チニ撤回スヘキ旨「フライ」氏自カヲ相話候右修正案ハ同氏ヨリ入手候間爲御參考閣下ノ電覽ニ供シ候

旅順口ニ於テ支那人殺戮ノ報導ハ一時元老院議員ヲ躊躇セシムルニ至リタルモ本官等奔走盡力ノ効ヲ奏シ前述ノ結果ヲ得且ツ元老院ハ來ル一月早々開會ノ上遲滯ナク該條約ヲ協定スヘキハ明瞭ナル事實ト相成候段本官ノ満足スル所ニ有之候

右申進候也

明治二十七年十二月二十七日

特命全權公使 栗野 慎一郎

外務大臣子爵 陸奥 宗光殿

註 1 前掲三二一文書

附屬書

「フライ」氏ノ修正案

Amendment which Mr. Frye, of
Maine, intends to propose.

“That each of the Powers shall have the right to give one Year's notice to the other of its intention to impose differential duties upon goods imported into its territories in ships of its own nationality, provided that similar notice is given at the same time to the most favored nation.”

三二三 明治三十八年二月十日

陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

元老院ノ情勢探問ノ件

No. 6 (3) The Privy Council having recommended

陸奥外務大臣時代 對米交渉 三二四 三二五

ratification it can be obtained at any time. Inform me progress in Senate.

Sent, Jan. 10, 1895. Mutsu

三二四 明治三十八年二月十三日

栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

新約元老院通過見込回答ノ件

(4) It appears to me quite certain treaty will pass Senate in a few days.

(Via Petersburg), Jan. 11, 1895. Kurino

三二五 明治三十八年二月六日

栗野駐米公使ヨリ
陸奥外務大臣宛

元老院ニ於ケル新條約審議狀況報告ノ件

附屬書 1 追加議定書案

- II 二十八日一月十日附栗野公使ヨリ米國國務長官宛書翰
- III 二十八年一月八日附モーガン氏ヨリ栗野公使宛返書
- IV 二十七年十一月二日附在本邦米國公使ヨリ國務長官ヘノ報告

第二號

元老院議員「シャーマン」氏ハ日米新條約第二條第二項中 in lieu of personal service ノ句ニ Such ノ一語ヲ personal ノ上ニ加ヘタシトノ意見ヲ有シ居リ若シ右ニテ一ツノ修正案トナリ提出セラル、上ハ自然條約ノ議定ヲ延引スルニ至ルハ勿論ニ付同院外務委員長「モルガン」氏ハ本使ニ面會シ右ハ國務長官ト本使ノ間ニ於テ右ノ一語挿入方協議致吳候様談話有之候ニ付歸館後早速國務省ニ出頭セントスルニ方リ同長官ヨリ本使ノ出省ヲ求メタル書信ニ接シ候間直ニ國務省ヘ出掛候處同長官モ既ニ同伴ヲ承知シ一ツノ議定書ヲ作り本官ト協議シタシトノ事ニ有之右議定書ヲ閣讀致候處別紙甲號ノ通り三ヶ條ヲ以テ成立シ第一條ニハ such ナル一語挿入ノ件第二條ニハ會テ在横濱「フリーメイソン」社ヨリ新條約反對ノ建言書ヲ大統領ニ提出シタル秘密結社ノ件第三條ニハ合衆國人民ヲシテ專賣特許權等(ヲ)享有セシムル義ニ有之右ニ付國務長官ニ於テハ三ヶ條トモ必要ナキコト能ク識別シ居ラル、所ナレトモ此時機ニ際シ何等相當ノ措置ヲ爲ササレハ自然條約ノ通過ヲ遲延スルノ虞アルヲ以テ此ノ議定書ヲ草定シタリトノ説明ニ有之候要スルニ第一條 such ナル語ノ挿入ハ全ク不必要ト認

双方承諾ノ上虛約ヲ爲シタルモノニ有之候間右様御承知可被下候右「ダン」氏ノ報告ノ謄本ハ國務長官ヨリ受領致候ニ付御參考迄ニ別紙丁號トシテ供電覽候元老院ニ於テ行政會議ヲ開クハ一週日中惟タ火曜日ナルカ故ニ動モスレハ行政事件ハ意外ノ延引ヲ來スノ弊アリ殊ニ當今「ニカラダワ」國運河事件ニテ當今元老院議員ハ此事ニ關シ討議最モ盛ナル時機ニ付他ノ事件ハ敢テ問ハサルモノノ如キ狀勢ニ有之候得共本使ハ議員中有力家ニ就キ毎ニ懇談ニ及ヒ種々盡力致居候際本月十日條約通過ノ模様如何ニ付閣下ノ電報三號ニ接シ候ニ付其模様探偵候處元老院ニ於テハ前記ニカラクワ運河案ノ爲メ他案ヲ顧ミサル態ナレトモ「モーガン」「シャーマン」氏等ノ意見ニ依レハ日米條約ハ多分兩三日内(ニ)議定スルヲ得ヘシトノ談話モ有之其旨直ニ電信四號ノ通り閣下ヘ申報仕置候處其後未タ行政會議ヲ開クニ至ラサルモ愈ヨ日本件ノ議事ヲ開クコトニ相成居候趣承知致シ且ツ右ニ付同院ノ情勢ヲ觀ルニ多分本日ノ一會ニテ協定ノ運ニ至ルヘキコトト相考ラシ候此段御承知被下度候也

明治二十八年一月十八日

メラレ且ツ第二條ハ帝國法規ノ説明ニ過キサルモノナレハ無論議定書ヲ以テ約定スヘキ性質ノモノニアラスト見認メ本使ハ長官ト協議ノ後テ公文ヲ以テ前顯建言者ノ誤解ニ屬スル法規ノ趣旨ヲ説明スルコトヲ約シ隨テ第三條專賣特許權ノ義モ右公文中ニ附記スルコトニ同意相成候間即日別紙乙號寫ノ通り書信相送り候處國務長官ニハ即タ其寫ヲ作り「モルガン」氏ニ回付セラレタル趣ニ有之候又タ「フリーメイソン」社ノ建言書ニ付テハ始メ「モルガン」氏ヨリ本使ヘ談話之レアリタル節充分ノ説明ヲ爲シ置タルモ議員ノ閱覽ニ供スル爲メ必要ト存シ尙ホ書翰ヲ以テ説明致置候處別紙丙號ノ通り満足ノ旨返答有之候間是亦御參考ノ爲メ添付致置候

本官ヨリ國務長官ニ送リタル書信中同長官ト協議ノ上專賣特許等ノ件ニ關シ商議ヲ開設スヘシトノ約束ヲ玆ニ掲グルニ至リタルハ全ク元老院議員ノ意向ニ逆ハスシテ圓滑ニ條約ヲ通過セシムルノ一策ニ出テタル次第ニ有之抑モ此商議ノ成立タサルコトハ同長官ハ業ニ已ニ東京駐劄合衆國公使「ダン」氏カ同伴ニ付閣下ト御應對致シタル同氏ノ報告ニ依リ充分承知致居ラレ候右ハ全ク議院ニ對スル政略ノタメ

米國駐劄 特命全權公使 栗野慎一郎
外務大臣子爵 陸奥 宗 光殿

附屬書一

甲號 追加議定書案

Protocol.

The undersigned, Plenipotentiaries of the United States of America and of His Majesty the Emperor of Japan, by whom was signed, on the 22nd day of November, 1894, a Treaty of Commerce and Navigation between the two Governments, in the exercise of their said functions and for the purpose of more exactly defining and explaining certain portions of said treaty, have agreed upon the following, which, when signed, shall be deemed of even date with said treaty and joined thereto as an additional protocol with like effect as if signed by them on said 22nd day of November, 1894.

1. It is understood that the last paragraph of Article I of the aforesaid Treaty, shall be read and interpreted as if the word "such" were inserted

between the words "of" and "personal".

2. It is further understood and declared that nothing in said Article I shall prohibit the peaceable assemblage of the citizens or subjects of either contracting party in the territories of the other, with closed doors, for charitable or mutually beneficial purposes; and the Plenipotentiary of Japan hereby declares that the provisions of the first Article of the Regulations for the Preservation of the Public Peace, issued by Imperial Rescript on the 25th day of December, 1887, whereby any combination or meeting of a secret nature is interdicted, relate to clandestine associations or meetings for political purposes threatening public order and tranquility, and do not affect such associations as Free Masons, Odd Fellows and the like having no connection with the political affairs of the country. The Japanese Plenipotentiary further declares that the Regulation relative to Public Meetings promulgated on 13th April, 1893, relates only to meetings and associations of a political nature and authorized interference with such non-political meetings as endanger the

public order or peace.

3. It is agreed that negotiations shall be set on foot for the mutual extension of the rights and privileges established by law in either country, to the citizens or subjects of the other, in matters pertaining to patents, trade marks and copyrights.

In witness whereof the respective Plenipotentiaries have signed the same and have thereto affixed their seals.

Done at Washington the day of January, in the eighteen hundred and ninety fifth year of the Christian era, corresponding to the day of the month of the Year of Meiji.

W. Q. G. (Seal)

S. Kurino. (Seal)

陸奧轉川

明治二十八年一月十日陸奧轉川使

米國國務卿宛書翰

January 10th, 1895.

Sir:

Referring to our yesterday's interview at the State

Department on the subject whether the Article 1st of Peace Preservation Regulation promulgated by the Imperial Ordinance No. 67 under the date of December 25th 1887 does apply to such an institution as Free Masons, and the like, I may state that the Article 1st of the said Regulation do prohibit all secret associations and meetings with certain penalties; but the said Regulation being issued with (the) object of suppressing clandestine associations or meetings for political purposes threatening public order and tranquility it necessarily follows that the said Regulation does not affect, for all intents and purposes, the peaceable assemblage of persons for charitable or benevolent purposes as Free Masons, Odd Fellows and the like having no connection whatever with political affairs of the country.

It may be added that the said Regulation being designed to meet a particular emergency and no occasion requiring it, it is now entirely in abeyance. I may further state that the Law for Public Meetings and Political Associations passed by the Imperial Parliament and promulgated in April 13th 1893

relates especially to meetings and associations of political nature having no relation whatever to such non-political meetings. The memorial of the Free Masons is the more remarkable in view of the fact that they now enjoy the right of meeting in Japan without interruption and also of the fact that such a memorial signed by other foreigners than American citizens with (the) exception of one or two of them had been presented to the President of the United States.

Permit me, Mr. Secretary, to express my confident hope that a singular Memorial as prepared mostly under the misapprehension of the law of Japan would not interfere with the actions of the most honorable Senate in consideration of the new Commercial Treaty just concluded between the two countries.

As to the question of patents, trade-marks and copy-rights I will, as the representative of my Government, be ready, Mr. Secretary, when it will suit your convenience, to commence negotiations for the mutual extension of the rights and privileges established by law relative thereto in either country to the citizens

or subjects of the other.

Accept, Mr. Secretary, &c., &c.,
(Signed) S. Kurino.

Hon. Walter Q. Gresham.
Secretary of State.

附屬書川

丙號 二十八年一月八日附「キーガン」氏ヨリ

栗野公使宛返書

Dear Mr. Kurino.

I acknowledge, with much satisfaction, your letter informing me the state of the law in Japan, relating to secret political societies. I hope that your explanation will satisfy the inquiries to which I called your attention.

&c., &c., &c., &c.
With great respect
and high esteem,

John T. Morgan.

January Eighth,
1895.

附屬書四

丁號 二十七年十一月四日陸奥外務大臣ヨリ
國務卿閣下ノ華中

No. 191. Legation of the United States
Tokyo, Japan, November 2, 1894.

Honorable W. Q. Gresham

Secretary of State

Washington, D. C.

Sir:

Referring to instructions No. 94 of date August 14th 1894, relative to the absence of protection in Japan for American patents, and directing me to report to the Department upon the subject with such suggestions as I may find it convenient and "proper to offer", I have the honor to inform you that, since the receipt of the instruction, I have had several interviews with H. I. J. Mr's Minister for Foreign Affairs, during which the question of protection of American patents, trade marks and copyright, was discussed. Viscount Mutsu reminded me that these questions had been a subject of correspondence between his Government and this Legation since 1880,

—that while he was desposed to meet the wishes of my government in all matters affecting the interest of American citizens in a spirit of friendly liberality, he did not see how, under existing conditions, the protection of Japan's patent, trade mark and copyright laws could be extended to foreigners; that without jurisdiction over foreigners in such matters Japan could not grant the protection sought; that before the protection of those laws could be extended to others than Japanese subjects, Japan must have the right to enforce their observance by all who sought their protection.

During the second interviews with Viscount Mutsu, I made the following the inquiry of him:—If the negotiations now pending at Washington should result in the conclusion of a new treaty between the United States and Japan, and in the event that my government should propose a supplemental clause or protocol to that treaty, granting to Japan *immediate* jurisdiction over American citizens in Japan in all matters pertaining to patents, trade marks and copyright in consideration of the protection of Japan's patent, trade mark and copyright laws being *im-*

mediately extended to American citizens, would his government, in that event, be disposed to accept such a proposal on the part of my government.

I informed the Minister that this was merely a suggestion on my part and that I was not authorized to commit my government in any way. Viscount Mutsu seemed at first disposed to consider the suggestion very favorably but a few days since he informed me that he was not yet prepared to give me a decided answer in regard to the matter, that so far as the matter concerned only the United States and Japan he would be perfectly willing to consent to an arrangement of the kind suggested, but as it might raise with some of the other great Powers undesirable discussion relative to the scope of the most favored nation clause in Japan's present treaties with those countries, he desired more time to consider the matter.

Upon the receipt of a definite reply from the Minister in regard to my suggestion I shall, of course, at once inform you of it.

It appears to me that in the event of the conclu-

sion of a new treaty the arrangement suggested would be a favorable one to the United States. The benefits that would result to Americans are obvious, while the disadvantages be practically nominal or entirely sentimental. The principle involved in the surrender of jurisdiction would have been settled: the Japanese laws and regulations pertaining to patents, trade marks and copyright being codified, the penalties for infringements of those laws are known. As it is not in the least likely that any American will ever violate any of the Japanese laws governing patents, trade marks and copyright, the question of jurisdiction is not an important one if that of principle is not involved; it would afford protection in such matter to Americans many years, perhaps, in advance of the time the treaty itself would come into operation.

I have the honor to enclose herewith a book entitled, "Administrative Regulations promulgated by His Imperial Japanese Majesty's Government and in force on the 18th day of the 12th month of the 18th year of Meiji" (December 1st 1885), in part II of

which from page 55 to page 60 will be found the "Patent regulations" of Japan. Page 61 to 69, the "Trade Marks" regulations. Page 70 to 78, the "Copyright Regulations".

These regulations, with one or two unimportant changes, are now in force.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun.

三二六 明治二十八年一月二十六日

栗野駐米公使ヨリ
陸奥外務大臣宛

元老院ノ審議状況報告ノ件

附屬書

二十八年一月十九日附上院外務委員長モーガ
ン氏ヨリ國務長官ヘノ書翰

第四號

三月六日到

本月十八日附第二號¹ヲ以テ其當時元老院議員某等カ把持スル意見等上申仕置候通り同院ニ於テハ本月十八日ヲ以テ本件ノ會議ヲ開キ候處右ハ秘密會ナルヲ以テ直接ニ其狀況ヲ知ルニ由ナキ次第ニ有之候得共本官ノ探知スル所ニ依レハ

多數議員ノ質問少カラス爲メニ多クノ時間ヲ費消シ續テ

「フライ」氏ハ會テ第七九號²明治二十七年十二月二十七日

附ヲ以テ御報告ニ及ヒタル修正案ヲ提出シ其他專賣特許權等ノ保護及移住民制限等ニ付キ議論續出シタル由ニ候就テハ本官義ハ反對又ハ修正説ヲ主張スル議員ヲ取調ヘ直接ニ辨護説明致居候處大ニ事實ヲ誤解致居候者不尠候尤モ同日該條約調査ノ概要ニ付テハ外務委員「モーガン」氏ガ國務長官「グレンシャム」氏ニ送リタル機密信寫同長官ヨリ受領致候モノ玆ニ添付候間右ニテ御了承可被下候

去ル二十四日(木曜日)ハ行政會議ノ當日ニシテ此日ノ議事日程ハ午前ニハ「ニカラグワ」國運河事件午後ニハ日米條約認許ノ件ト相定メ有之候處「ニカラグワ」運河問題ニ付テハ議員ノ間重要ノ問題トナリテ討論爭論頗ル激烈ニ有之レカ爲メ同日午前中ニ之ヲ議了スルコト能ハスシテタ刻ニ至リ本件ヲ議決スルニ至レリ依テ此日米新條約ヲ議スルニ至ラサリシハ本官ノ甚ダ(遣)憾トスル所ニ有之候將又議會ハ兩院トモ布哇國王統^(續カ)揆峰起ノ爲メ目下大ニ激昂ノ有様ニ有之候得共本週内ニハ遲シトモ金曜迄ニハ條約議定相成候様折角盡力致居候條右様御承知被下度候也

明治二十八年一月二十八日

米國駐劄特命全權公使 栗野慎一郎

外務大臣子爵 陸 奥 宗 光殿

追テ本月十八日開會ノ日米條約調査ニ關スル秘密會ニ付各新聞ノ報告ハ別紙切抜ノ通ニ有之候處右ハ重ニ報告者ノ推測ニ出テタルモノニ有之候

註 新聞切抜省略 1 及 2 三一五及三一三文書

附屬書

二十八年一月十九日附上院外務委員長

「モーガン」氏ヨリ國務長官ヘノ書翰

Confidential.

United States Senate,

Washington, January 19, 1895.

Dear Mr. Secretary:

I despair of finding time to have a satisfactory conference with you and will inform you, in this way, of the points made against the Japanese treaty, in the form of proposed amendments.

1. That we should reserve the right, to both

parties, to make discriminative duties, by law, on imports in national vessels. This, as a starting point for like provisions in other, or all, commercial treaties. This is not likely to be adopted, but is vigorously urged. To this point I urge that if we are to inaugurate this as a national policy, we had better begin with some other nation. It is replied that, *for more than 12 years*, this treaty will hold us to our present policy under the most favored nation clause in all our commercial treaties.

2. That there is no reservation of the right, if we should find it important, to terminate the articles relating to extraterritoriality because the treaty goes into full effect in 1899. That the change to be made in reference to the Mixed Courts may not be found just or advantageous in 1899, and we should, in the meantime, have the power to recede from that agreement.

To this I reply that Congress can repeal the treaty or withdraw our consent to it, (perhaps,) if it is then found to have been improvident.

To my reply, it is insisted that such a law would,

whole, seem to be conceded.

The treaty comes up for final action next Thursday at the close of the routine morning business.

The Senate was thin when the treaty was discussed and I did not think it best to have a vote under the circumstances; but will insist on disposing of it on Thursday.

Sincerely yours,
Jno. T. Morgan.

三 一 十 明治三十八年一月三十一日
臺灣駐米公使(注電)
陸奧外務大臣宛(來電)

新條約に於ての修正可決ノ事

10. Senate confirmed the treaty striking out 14 words after "at any time" (in) article XIX so as to make it terminable even in five years. Am trying to get its reconsideration in view of alteration that either party to give such notice any time after the treaty will take effect. Secretary of State disappointed with the action of Senate. He will take no action until I shall have received your instructions regarding Senate amendment. (以下省略)

apparently, be tainted with bad faith and that it is better to have, now, a clear understanding with Japan on that point.

This objection seems to be rather impressive upon the minds of some Senators.

3. That a provision should be made for *habeas corpus*, and the right to give bail.

To this I reply that we have treaties with many powers where such privileges are not accorded to their own people and are not, therefore, provided for in treaties.

4. I have stated that negotiations for the security of patents and trade marks would be urged, pointing out the fact that their judicial system and ours, in Japan, are not adequate to the legal administration of such rights.

A Senator objects to treating with a power that is guilty of cruelties at Port Arthur, that are alleged against Japan. This point is not of any real significance.

These are the points, so far, raised for discussion. The purposes and advantages of the treaty, as a

Washington, Jan. 31, 1895. Kurino.

三 一 〇 明治三十八年二月四日
陸奥外務大臣(注電)
臺灣駐米公使宛(往電)

米條約に於ける修正問題ニ關する論議

Is Senate's amendment limited to suppression of words (in) article XIX "after eleven years shall have elapsed from the date it goes into operation"? Is it understood that such suppression would give (the) right of denunciation before (the) treaty comes into force and that (the) exercise of that right might in any case have (the) effect of perpetuating (the) existing treaty? In my opinion (the) right of denunciation being accorded by (the) treaty could not be exercised until (the) treaty takes effect and consequently that, as one year's previous notice of denunciation is essential, (the) treaty must be in operation for at least one year independently of (the) last 14 words (of the) first paragraph, article XIX. You must telegraph full and definite information and

exact significance or effect of (the) amendment before I can give you instructions. If (the) only consequence of (the) amendment is to shorten (the) duration of (the) treaty the Japanese Government will agree to (the) amendment, although we would prefer original duration.

Sent direct from Hiroshima, Feb. 4, 1895. Mutsu

三一九 明治三十八年二月六日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

米米論ノ意向回報ノ件

12. Senate had no other intention than to shorten (the) duration and now they acknowledge error in making it terminable within five years. Secretary of State submitted to the Senate representation stating that (the) amendment will defeat the whole treaty. Senate agreed to reconsider (the) treaty in view of correcting (the) error to-morrow or the day after.
(Via Petersburg), Feb. 6, 1895. Kurino

三二〇 明治三十八年二月十日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

米米論ニ於テ修正案ヲ提出スルノ件

14. Next mail from San Francisco dropped and no Canadian mail till next month. Will you send ratification to be exchanged at Washington?

Washington, Feb. 11, 1895. Kurino

三二一 明治三十八年二月十日 陸奥外務大臣ヨリ
栗野駐米公使宛(回電)

米米論ニ於テ修正案ヲ換答スルノ件

No. 56. (13) I agree to exchange of ratifications at Washington, but in order to obtain ratification of His Majesty it is necessary to know (the) form of ratification of President. Will (the) form be (the) same as in Extradition Treaty? If it is, I desire you to telegraph exact words in which President describes Senate amendment.

Sent, Feb. 12, 1895. (Via Peters.) Mutsu

三二四 明治三十八年二月十日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

陸奥外務大臣時代 對米交渉 三三三 三三四 三三五

三三〇 明治三十八年二月六日 栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

米米論ニ於テ修正案ノ件

Senate reconsidered and amended as follows:

Insert (the) word "thereafter" after the words "at any time" so that it reads "either High Contracting Party shall have the right at any time thereafter to give notice etc." Paragraph one in the same article is retained. "thereafter" is intended to mean "after the treaty goes into operation".

The President is ready to ratify. How ratification will be exchanged?

(Via Peters.) Washington, Feb. 6, 1895. Kurino

三三一 明治三十八年二月六日 陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

米米論ニ於テ修正案ノ件

No. 47 (11) I am gratified Senate reamended (the) treaty. I approve it. Secure ratification of President quickly and arrange for exchange of ratifications in Tokio. (以下省略)

Sent, Feb. 9, 1895. Mutsu

米米論ニ於テ修正案ノ件

17. The form of ratification is the same as (the) Treaty of Extradition. The President describes Senate amendment as follows:

And whereas the Senate of the United States by their resolution of February 5, 1895 (two thirds of the Senators present concerning therein) did advise and consent to the ratification of the said treaty with the following amendment: "Article nineteen, clause 2, in line 6, after (the) word 'time' insert the word 'thereafter' and strike out all after the word 'time' in line 6, down to and including the word 'operation' in line 8 so that the clause will read: Either High Contracting Party etc."

Washington, Feb. 13, 1895. Kurino

三三五 明治三十八年二月二十六日 栗野駐米公使ヨリ
陸奥外務大臣宛

元老院ニ於ケル修正願未報告ノ件

附屬書一 二十八年一月三十一日附米國國務長官ヨリ
栗野公使宛書翰

二 同二月六日附米國國務長官ヨリ栗野公使宛

書翰

三 同二月十二日附栗野公使ヨリ米國國務長官宛返翰

第六號

去ル一月三十日元老院行政會議ニ於テ日米新條約第十九條中 at any time ニ續ク十四語ヲ刪除シ本條約ヲ議了シ別紙甲號ノ通國務長官ノ公文ニ接シ候然ルニ此修正條約ニ依レハ本條約實施前後ヲ間ハス條約ヲ修了^(修了)セントスル旨ヲ他ノ一方ヘ通知シタル後一個年ヲ經過シタルトキハ本條約ハ消滅ニ歸スルカ故ニ之ヲ採用スルニ於テハ第一改正ノ主意ニ背犯^(反カ)シ依然舊條約ヲ墨守スルノ不幸アルヲ免レス剩ヘ現ニ歐洲各國ト談判中ナル改正事件ニ其影響ヲ及ホスハ勿論ト被存候ニ付本官ハ先ツ國務長官ニ面會シテ修正條約ノ妥當ナラサル旨意ヲ縷述致候處同長官ニ於テモ本官ノ論旨ニ賛成シ此回元老院ノ措置ニ付テハ合衆國カ舊年日本ニ對シ把持スル信誼ニ相反スルモノト認ムル云々ト返答セラル、ニ依リ元老院修正ノ趣旨ハ早速電報ヲ以テ本國政府ニ通報スル所存ニ候間本國政府ヨリ何等回答ニ接スル迄ハ大統領

本官曰ク右ニシテ果シテ元老院ノ本旨ナリトセハ再調査ノ上明瞭ニ該院ノ意旨ヲ表彰シタル字句ヲ以テ修正相成度旨懇々談話ニ及候處幸ニ同氏之レニ同意ヲ表シ外務委員長モーガン氏ハ少シク解釋ヲ異ニシ異見アリタリト雖トモ其他本官力面談シタル諸氏ハ悉ク同意シ本月五日ヲ以テ再ヒ行政會ヲ開キ條約第十九條第二項中 any time ノ次ニ thereafter ナル語ヲ挿入シ全會一致ヲ以テ可決スルニ至リ候間直チニ別紙丙號²寫ノ通電信ヲ以テ閣下ヘ上申シ尋テ本件ニ付國務長官ヨリ別紙丁號寫ノ通照會有之候間戊號寫ノ通及回答置候

御批准書交換ノ義ニ付テハ東京ニ於テ交換スヘキ旨閣下ノ御電報ニ接シ候得共本月二十一日頃桑港發ノ郵便ハ汽船ノ都合ニ依リ中止ト相成又加奈陀便モ無之ニ付當華盛頓府ニ於テ交換致候方速カニ其目的ヲ達シ得ヘシト存候間其旨電信十四號³ヲ以テ相伺候處電信十三號⁴ノ通閣下ノ御電訓ニ接シ目下

陛下御批准書ノ到達相待居候次第ニ有之候且右電報中當國大統領ノ批准書々式ニ付御問合ノ件ハ早速國務長官ト相談ノ上別紙已號寫電信ノ通答申仕置候

ノ批准ニ關スル措置ハ當分猶豫相成度旨依頼ニ及候處同長官ハ直チニ同意セラレ候依テ其旨ハ別紙乙號寫¹ノ通電報ヲ以テ閣下ヘ上申仕置候夫レヨリ本官ハ元老院ニ於テ日米新條約ノ修正ニ付再調査ヲ爲サンコトヲ切望スルカ故ニ同院議員ノ内修正案提出者タル「フライ」氏ヲ始メ其他有力家ニ就キ今回元老院カ日米條約ニ加ヘタル修正ノ趣旨ヲ看ルニ該條約實施前ニ於テモ之ヲ廢棄スルヲ得ルモノ、如シ是レ果シテ元老院ノ本旨ナルヤ若シ然リトセハ元老院ノ措置ハ日米條約改正ニ關シ從來米國政府ノ執リ來リタル方針ヲ翻シ今回ノ改正事業ニ反對スルモノト看認メサルヲ得ス是レ果シテ元老院ノ本旨ナルヤ或ハ日本帝國ノ司法制度等ノ前途ニ付懸念セラルヘキモノアリテ然ルヤ否等(ノ)疑問ヲ以テ元老院ノ意旨ヲ探究候處第一修正案ノ提出者タル「フライ」氏曰ク元老院ハ舉テ今回ノ新條約ヲ贊成スルモノナリ抑モ此ノ修正ヲ必要(ト)シタル所以ノモノハ他ナシ全ク本國ノ貿易保護主義ニ出タルモノナリ云々(此趣旨ハ前信中敘述致シタルヲ以テ茲ニ省略ス)元老院ニ於テハ條約實施前廢棄ノ意ヲ有スルモノニ非ス實施後一年ノ豫告ヲ以テ廢棄スルヲ得ルコトニシタシトノ希望ニ過キス依テ

上來敘述致候通元老院ニ於テ一旦議決ヲ爲シ公然大統領ニ通告ヲ發シタル後再ヒ行政會ヲ開キ本官ノ希望ニ應シ前記ノ修正ヲ加フルニ至リタルハ本官ノ満足ニ堪ヘサル所ニ有之候

右元老院再調査ノ結果ニ係ル修正ニ付テハ別紙丙號電信中申進候通條約第十九條第一項中本條約ハ十二ヶ年間其効力ヲ有スヘシ云々ノ字句ニ續キ thereafter ナル語ヲ挿入シタル義ニ付解釋上或ハ十二ヶ年經過ノ後ニ非サレハ廢棄ノ通告ヲナスコト能ハサルモノ、如ク相見ヘ候得共元老院修正ノ目的ハ條約實施後何時ヲ問ハス其通告ヲナスヲ得ルトノ精神ニ出テタルモノニ有之候間此段併テ申進候也

明治二十八年二月二十六日

米國駐劄特命全權公使 栗野慎一郎

外務大臣子爵 陸奥 宗光殿

(追申省略)

註 1 2 3 4 夫々三七、三三〇、三三三、三三三文

書

附屬書一

甲號 二十八年一月三十一日附米國國務長官ヨリ

栗野公使宛書翰

Department of State,

Washington, January 31, 1895.

Sir:

I have the honor to inform you that the Senate, in executive session yesterday, advised and consented to the ratification of the Treaty of Commerce and Navigation between the United States and the Empire of Japan, signed November 22, 1894, with the following amendment:

"Article XIX, clause 2, strike out all after the word 'time' in line 6, down to and including the word 'operation' in line 8, so that the clause will read; Either High Contracting Party shall have the right at any time 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."

Accept, Sir, the renewed assurance of my highest consideration.

(Signed) W. Q. Gresham.

Mr. Shinichiro Kurino.

&c., &c., &c.

piration of twelve months after such notice is given this Treaty shall wholly cease and determine."

Adding that beside advising and consenting to the ratification of the said Treaty of Commerce and Navigation between the United States and the Empire of Japan, signed November 22, 1894, with the foregoing amendment, the Senate has likewise advised and consented to the Protocol concluded and signed by the same parties on the same day, regulating certain special matters of mutual concern.

Accept, Mr. Minister, the assurance of my highest consideration.

(signed) W. Q. Gresham.

Mr. Shinichiro Kurino,

&c., &c., &c.

附屬書三

戊號 二十八年二月十二日附栗野公使ヨリ

米國國務長官宛返翰

Legation of Japan,

Washington, February 12, 1895.

陸奥外務大臣時代 對米交渉 三三六

附屬書三

上號 二十八年二月六日附米國國務長官ヨリ
栗野公使宛書翰

Department of State,

Washington, February 6, 1895.

Sir:

Referring to my note to you of the 31st ultimo in regard to the ratification of the lately signed Treaty between the United States and Japan, I have now the honor to inform you that the Senate, having recalled its resolution for reconsideration, has, by a Resolution adopted yesterday, importantly modified its previous amendment to the said Treaty so that it now stands as follows;

"Article XIX, clause 2, in line 6, after the word 'time', insert the word thereafter, and strike out all after the word 'time' in line 6, down to and including the word operation in line 8, so that the clause will read;

'Either High Contracting Party shall have the right at any time thereafter to give notice to the other of its intention to terminate the same, and at the ex-

Sir:

I have the honor to acknowledge the receipt of your two communications, dated respectively the 31st ultimo and the 6th instant, and having reference to the ratification by the Senate, with an amendment to Article XIX, of the Treaty signed on the 22nd of last November.

I have informed my Government of the action of the Senate, as set forth in your communication of the 6th instant, and have now the honor to acquaint you that His Imperial Majesty's Government are prepared to accept the amendment therein stated.

Accept, Mr. Secretary, the renewed assurance of my highest consideration.

(signed) S. Kurino

Hon. Walter Q. Gresham,

Secretary of State,

&c., &c., &c.

三三六 明治二十八年二月六日

陸奥外務大臣ヨリ
栗野駐米公使宛

批准交換ノ件

送第八號 條約改正ニ關スル件(第二十三)

日米條約米國政府發議ノ修正ヲ加ヘタル處ニテ本月二十七日御批准相成候ニ付テハ右御批准書及御送附候間御落手ノ上ハ速カニ批准交換ヲ了ヘ其旨直ニ電申有之度候

右批准交換ニ關スル全權御委任狀並其節要スル所ノ批准交換證書案(和英文各一通)及御送附候間是亦御落手有之度而シテ批准交換濟ノ上ハ右交換證書ノ一通米國大統領ノ批准書ト共ニ御差送相成度候

右申進候 敬具

註 批准交換證書案ハ和英文共省略

三二七 明治三十八年三月二日

陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

御批准書郵送ノ件

No. 90. (17) His Majesty's ratification of new treaty is mailed March 1.

March 1, 1895. Mutsu

三二八 明治三十八年三月二日

栗野駐米公使ヨリ
陸奥外務大臣宛(來電)

him that the result will certainly draw still closer the bonds of good friendship which have ever existed between the two countries.

Sent, March 23, 1895. Mutsu

三三一 明治三十八年三月二十七日

栗野駐米公使ヨリ
陸奥外務大臣宛

日米條約批准交換ノ件

第十二號

四月二十二日到

條約改正ニ關スル件(第廿八)

先月二十七日日米條約御批准相成候ニ付テハ彼我批准交換スヘキ旨同二十八日附第八號ヲ以テ御訓示ノ趣了承致候右

批准交換濟ノ件

23. Ratifications have been exchanged March 21.

(以下省略)

Washington, March 21, 1895. Kurino

三二九 明治三十八年三月二日

陸奥外務大臣ヨリ
栗野駐米公使宛(同電)

表 祝 ノ 件

I am very delighted to hear of your success regarding exchange of ratifications. (以下省略)

Sent, March 22, 1895. Mutsu

三三〇 明治三十八年三月三日

陸奥外務大臣ヨリ
栗野駐米公使宛(往電)

謝意傳達方ノ件

Inform Secretary of State that I have received with much satisfaction your telegram announcing exchange of ratifications of treaty. You will express to Secretary of State our high appreciation of friendly attitude constantly maintained by United States throughout the protracted negotiations and assure

御批准書御發送ノ義ハ本月一日ノ御電報ニテ委曲承知致居候ニ付其日取ヲ以テ交換方兼テ準備致居候處去ル二十日御批准書ニ接到候ニ付即夜國務長官ニ面會右交換方ノ都合打合ノ上翌二十一日午前十時國務省ニ於テ同長官ト會合シ雙方無滯批准書ノ交換相了ヘ候依テ貴命ノ如ク當國大統領ノ批准書並ニ批准交換證書名一通本便ヲ以テ差進候間御查收相成度候

右申進候也

明治二十八年三月二十七日

米國駐劄特命全權公使 栗野愼一郎

外務大臣子爵 陸 奥 宗 光殿

註 1 及 2 夫々三二六及三二七文書