

in as official and regular a character as the other Delegates present. That it was in fact simply a meeting to which the Representatives of the European Powers had been invited by the Minister for Foreign Affairs in order to arrive at a preliminary understanding upon questions of principle, which, if they were agreed to, would serve as a basis for the Treaties to be afterwards concluded separately by each Power with Japan. Under these circumstances, as the Representative of Italy, one of the Treaty Powers, he was entitled to take part in the Conference without it being necessary, as the language of the Protocol would appear to suggest, that he should be officially authorized to do so by his Government, the concurrence of the Japanese Minister for Foreign Affairs being sufficient to confer on the Italian Representative an official position at the Conference.

For the foregoing reasons the Italian Chargé d'Affaires requested that his declaration to this effect be inserted in the Protocol of the present sitting, and that the undeniably official character of his position at the Conference should be recognized.

It was decided to enter the declaration of the Italian Representative in the Protocol of the present sitting, and the reading was then proceeded with.

The French version was then next read, and the signatures were then added; the reading of the Japanese version being dispensed with at the request of the Minister for Foreign Affairs.

Mr. Kennedy having signed the First Protocol remarked that his official duties had ceased, and that the presence of Sir Harry Parkes relieved him from further attendance at the Conference. In taking leave he begged to express his thanks to the President and to the members of the Conference for their courtesy and attentions, and his best wishes for a successful termination of the negotiations.

On the proposal of Sir Harry Parkes it was unanimously agreed that there should be but one Protocol for the two sittings in each week and that the members of the Conference should meet on Mondays at two p.m. to determine the final draft of the Protocol for the preceding two sittings.

In reply to an inquiry from Sir Harry Parkes, Mr. Inouye stated that his Government had as yet received no communication from the Government of Portugal on the subject of the negotiations.

The meeting separated at five o'clock.

MEETING OF 2ND FEBRUARY, 1882.

Present:

Mr. Inouye Kaoru and Mr. Shioda Saburo;
The Chevalier Hoffer von Hoffenfels;
Mr. Guillaume de Roquette;
Mr. von Eisendecker and Mr. Zappe;
Sir Harry S. Parkes;
The Chevalier E. Martin Lanciarez;
Mr. van der Pot;
Mr. de Struve and Baron Rosen;
The Chevalier Don Luis del Castillo y Trigueros.

Mr. Inouye communicated copy of a note addressed to him by the Russian Minister in which the latter stated that in view of his approaching departure from Japan, Baron Rosen had been instructed by the Government of His Majesty the Emperor to take part henceforth at the Conference. This note forms an annexe to the present Protocol.

Sir Harry Parkes in the name of his colleagues replied that they cordially welcomed Baron Rosen as a member of the Conference.

Mr. Inouye announced that the Belgian Government had informed him by telegraph that they had appointed Mr. Scribe, Belgian Consul at Yokohama, to represent them at the Conference in the quality of Chargé des Affaires of the Belgian Legation. This telegram is annexed to the present Protocol.

Mr. Inouye observed that it had been agreed at the preceding meeting to take the Austro-Hungarian Treaty as the basis of their discussions. It appeared to him that it would meet the general convenience if the subjects to be considered were grouped under separate headings, instead of the Treaty being taken article by article. At the same time he would suggest that the order observed in the Treaty itself should be adhered to, as far as that was consistent with a logical division of topics.

This proposition having been unanimously accepted, on the motion of Mr. Inouye the following scheme for the division of subjects of discussion was agreed to.

Corresponding Articles of the
Austro-Hungarian Treaty.

GROUP I.—Consular Privileges. Art. 2.
GROUP II.—Civil Jurisdiction. Art. 5.
GROUP III.—Criminal Jurisdiction. Art. 6.
GROUP IV.—Administrative Regulations. Art. 7 and parts of
Arts. 3, 10 and 14.
GROUP V.—Land Tenure and Conditions of Re- }
sidence in open ports. } Art. 3 and various
special Conventions.
GROUP V^{bis}.—Religion. Art. 4.
GROUP VI.—Tariff and Commercial Questions. Arts. 8, 9, 10, 11, 12,
13 and 16.

GROUP VII.—Coasting Trade	Parts of Arts. 9, 11 and 13.
GROUP VIII.—Light, Harbour and Shipping Dues. .	Art. 17.
GROUP IX.—Favoured Nation Clause.	Art. 20.
GROUP X.—Japanese Seamen on Foreign Vessels. .	Art. 15.
GROUP XI.—Shipwreck Conventions.	Art. 18.
GROUP XII.—Neutrality.	Art. 19.
GROUP XIII.—Duration of Treaty.	Art. 21.

Sir Harry Parkes remarked that as Group 1 included questions closely affecting the position of foreigners in Japan it would no doubt be convenient to consider it before any other. He would suggest, however, that of the remaining subjects, those comprising Civil and Criminal Jurisdiction (Groups 2 and 3), Administrative Regulations (Group 4) and Tariff (Group 6) being the most important, their discussion would probably occupy time in proportion. He thought they might advantageously be proceeded with next after Group 1, and he begged to inquire which of these subjects in the opinion of the Conference might be most conveniently taken first.

Mr. Inouye replied that as the consideration of the proposals which he had to make with regard to Groups 2 and 3 would probably not occupy much of the time of the Conference he begged to recommend that for the present the order of subjects already submitted should be adhered to. This proposition was unanimously agreed to.

Mr. von Eisendecker observed that it would greatly facilitate business if at the end of each sitting the subjects to be considered at the following meeting were agreed upon. This suggestion was adopted by common consent.

Mr. Inouye then proceeded to observe with regard to Group 1, "Consular Privileges," that hitherto it had been the practice of certain of the Treaty Powers to appoint only Consuls *de Carrière*, while other Powers appointed merchant-consuls only, and in some cases Consuls-general who were also merchants. The latter enjoyed by Treaty the right of travelling in the interior, which it was manifest they could make use of, in a manner not contemplated by the Treaty, for the purposes of their business. In the second place these merchant-consuls and Consuls-general, having jurisdiction under Treaty in cases against members of their own nationality, might be called upon to try actions in which they themselves were more or less interested so as to be both defendant and judge. He knew of cases though he would not mention any names in which Japanese subjects had been entirely prevented from obtaining the payment of debts owing to them simply because the debtor was a merchant-consul, who was judge in his own cause. Thirdly, there had grown up a practice, confined to merchant-consuls, of being represented during their absence from their posts by persons whom they themselves appointed as acting consuls, and these absences of the Consul had lasted in some cases for a year and upwards. In other cases a merchant-consul appointed for one open port, still retained the title and claimed the privileges attached to the office after he had become resident at another port. Without going further into details Mr. Inouye, having thus stated in a general manner his views on the subject of

Consular Privileges, would beg leave to propose that none but Consuls *de Carrière* duly appointed by their Governments, and therefore not engaged in trade, should be entitled to *exequatur* from the Japanese Government, or that, in other words, merchant-consuls should be abolished.

Mr. von Eisendecker observed that this question was one of great importance for several of the members of the Conference, and proposed that its further discussion should be postponed to the ensuing meeting.

Sir Harry Parkes begged to point out that by the Austro-Hungarian Treaty the privilege of unrestricted travelling in the interior extended only to Consuls-general. He thought the time had come when the Japanese Government might concede the same privilege to all Consuls *de Carrière*.

Mr. Inouye replied that at present he did not see any particular objection to Consuls *de Carrière* being permitted to travel freely in the interior in the discharge of their official functions.

Sir Harry Parkes thought it would be found unnecessary to establish any such limitation as "in the discharge of their official functions."

Mr. von Eisendecker remarked that if Sir Harry Parkes' proposition was adopted by the Japanese Government a great part of Article 2 might be dispensed with; e. g. that it was perhaps no longer necessary to stipulate that His Majesty the Emperor of Japan might appoint Diplomatic and Consular officers to reside in foreign countries.

Mr. Inouye desired to explain that by Consuls *de Carrière* he meant Consular officers competent to perform judicial duties as well as administrative. Some Powers had preferred to separate the judicial and administrative powers of their Consuls, and to appoint distinct officers to discharge those different functions, an arrangement which seemed to him highly advantageous. At the same time looking to the diverse magnitude of the interests of different Powers, it was evident that some might find it convenient to be represented by a simple Consular officer, in which case he was of opinion that only properly qualified persons ought to be appointed, and further, that where a Power did not avail itself of the right to make such an appointment it should arrange for the exercise of its Consular representation by the duly qualified Consul of some other Treaty Power.

It was then unanimously agreed that the further discussion of the subject should be deferred to the ensuing meeting, in order to give time for its mature consideration.

Mr. Inouye then announced that he would also be prepared at the next meeting to discuss Group 2, "Civil Jurisdiction," which he would propose to divide into the following headings:

1. The payment of costs and court fees.
2. Jurisdiction in partnerships between Japanese and foreigners.
3. The absence of competent foreign Courts.
4. The compulsory attendance of witnesses.
5. The absence of accessible Courts of Appeal.

This proposal was adopted, and the Conference adjourned to February 8th. The meeting separated at five o'clock.