

PROTOCOL No. 14.

MEETING OF JUNE 29, 1882.

Present:

For Japan,
Mr. Inouye and Mr. Shioda ;

For Austria-Hungary,
The Chevalier Hoffer von Hoffenfels ;

For Belgium,
Mr. C. de Groote ;

For France,
Mr. Arthur Tricou, Envoy Extraordinary and Minister Plenipotentiary,
and Mr. Tony Conte ;

For Germany and Switzerland,
Mr. von Eisendecker, and as Second Delegate for Germany, Mr. Zappe ;

For Great Britain,
Sir Harry S. Parkes ;

For Italy,
The Chevalier E. Martin Lanciarez ;

For the Netherlands, for Sweden and Norway and for Denmark,
Mr. van der Pot ;

For Portugal,
Dom Joaquim José da Graça ;

For Russia,
Baron Rosen ;

For Spain,
The Chevalier Don Luis del Castillo y Trigueros ;

For the United States,
The Honourable John A. Bingham.

Protocol No. 13 was signed;

Mr. Tony Conte took leave of the Conference, and thanked the Delegates for the friendly reception which they had always accorded to him, whilst he had been present at the Conference.

The President thanked Mr. Tony Conte for the unremitting assistance which he had afforded to the Conference in its work. He presented Mr. Tricou, Envoy Extraordinary and Minister Plenipotentiary, as the Delegate of the French Government, and welcomed him to the Conference.

Mr. Tricou thanked the President for the welcome he had been so good as to extend to himself, and said that he congratulated himself on having arrived in time to take part in the final work of the Conference.

Sir Harry Parkes in the name of his Colleagues expressed their regret at being deprived of the assistance of Mr. Tony Conte, and offered a cordial welcome to the new French Delegate.

The French Delegate in the name of Mr. Conte and himself thanked the Doyen of the Corps Diplomatique for the friendly expressions of which he had made use.

Mr. Tony Conte then retired.

The President said that he desired to revert to the subject mentioned at the last meeting, namely, the proposed arrangement by which the Tariff and other commercial provisions should come into operation at once, instead of waiting for the settlement of all the details relating to the jurisdiction scheme. As the consideration of the latter must necessarily occupy a longer time, he thought it would be advisable to let the Tariff come into operation at as early a date as possible. This would not only be in the interests of Japan, but would also indirectly benefit foreign commerce, which was at present suffering from the instability and depreciation of the paper currency. As soon as the revised Tariff was agreed to, from which it was expected that a considerable increase of specie revenue would result, the Government would be able to take measures for improving the condition of the currency and gradually bringing it back to par. He proposed, therefore, to enter into an agreement as to the Tariff and other commercial questions, such as the Trade Regulations, Drawbacks, Bonded Warehouses, Light Dues, etcetera, to come into operation at as early a date as possible, as the details of the jurisdiction question must necessarily take more or less time to arrange. He hoped that the Delegates of the Foreign Powers would take a favourable view of this proposition.

Sir Harry Parkes observed that the various subjects embraced in the work of revision might be roughly classed under two heads, namely commercial questions and those which related to jurisdiction. The former could be dealt with at once, while the latter, as the President had justly remarked, would take a longer time to consider. He thought it undesirable that the delay which was unavoidable in the case of the jurisdiction question should be unnecessarily incurred in the case of those which concerned the commerce of the country.

The interests involved in the latter, whether foreign or Japanese, were, he was happy to think, identical. Owing to the reasons named by the President and other causes the present condition of trade was known to be most unsatisfactory, and it was obviously essential in the interests of the Japanese and foreigners alike, that this state of things should be remedied as soon as possible. He saw no reason why a convention embracing all questions connected with Commerce and any administrative questions which admitted of prompt settlement should not be at once arranged. He included in those questions the Tariff, the Trade Regulations attached to the Treaties (which it was proposed to reclassify under the heads of Customs and Harbour-Regulations), Bonded Warehouses and Drawbacks, Light Dues,—the admission of foreign vessels to the coast as carriers for the Japanese,—a revision of the Passport system, which, although not so intended by the Japanese Government,

was so conducted as to occasion much unnecessary inconvenience and vexation—and the relief of the foreign merchants from restrictions and adverse combinations which were opposed to the Treaties and greatly impeded the development of commerce.

All these questions, he submitted, might and should be dealt with at once. If they were made dependent on the settlement of the jurisdiction question, it was evident that several years would elapse before they could be remedied, as it would require that amount of time to complete the work of legislation in which the Japanese Government were at present engaged and the judicial organization which they now proposed to enter on.

Mr. Bingham said that at the last meeting he had expressed surprise that after all that had taken place, the proposition should be made to separate the question of Tariff revision from all other questions of Treaty revision, and submit the same separately to the respective Governments for approval by a separate convention. Heretofore there had been proposed to the Conference by the President (Mr. Inouye) several propositions to be considered in the revision of Treaties, namely, 1st. The Tariff of Customs on Imports, 2nd. The imposition by Japan of Light-dues, 3rd. The opening of the Empire to foreign residence, trade, travel and the acquisition of property, subject to the laws of His Imperial Japanese Majesty's Government, and on the condition that all persons of foreign nativity should be under the exclusive jurisdiction of His Majesty's Courts, to be composed where foreigners are concerned, largely of judges of foreign nationality, who should administer justice in accordance with the general principles of French law and the English Common Law and Equity, 4th. That the Most Favoured Nation Clause in the existing Treaties should be abolished.

It had been suggested that all which had been heretofore proposed should be indefinitely postponed, except the Tariff propositions and lighthouse duties. He failed to see any good reason for this. No more time need be consumed in preparing the entire scheme as presented by the President than in formulating for the consideration of the Foreign Governments the several propositions made for a Tariff revision and the imposition of light dues. Why should the Conference be delayed by details, when the several members were not authorized to negotiate and conclude a revised Treaty? If the object sought by Treaty revision were to promote the interests of Japan and the commercial interests as well of the foreign powers, in his opinion this could be most certainly effected by presenting and recommending to the foreign Powers all the several propositions of this Government as heretofore presented, and to which he had referred, and such additional propositions as His Majesty's Government might be pleased to submit for the consideration of the Delegates.

He had already conveyed to his Government his opinion in approval of the proposition, as made by the President, to open the Empire of His Majesty to the citizens and subjects of all the Treaty Powers on the terms named and already adverted to.

It seemed to him that the time had come when Japan should be allowed to regulate her internal taxes and her domestic and foreign commerce, without restriction. Surely Japan should be considered to be sufficiently enlightened after

twenty five years of foreign intercourse, to be able to prescribe her own tariff rates on foreign imports and regulate her internal affairs. He therefore submitted whether it was wise or advisable for the foreign Delegates to send to their respective Governments a proposition to so revise existing Treaties, as to provide only for a schedule of impost duties upon foreign imports for an indefinite period? He understood from the remarks of the President that it was now proposed to enter into a Tariff convention alone, and to submit to the several foreign Powers such a proposition without any concession to trade and travel in the interior or any additional guarantees by law and Treaty agreement to life and property in Japan. The reason assigned for thus separating the Tariff revision from all the other reforms in existing Treaties was that it was important that the Tariff as proposed should presently and without delay go into effect. To this he replied: There would be no difficulty in a Treaty of general revision as heretofore contemplated, in stipulating that the Tariff rates agreed upon should go into operation within a specific time after the ratification of such revised Treaties, specifying such period in the text of the Treaty. Why should the Conference fail, for the reason stated and thus answered, to present the other and still more important and weighty propositions made by the President in the name of his Government?

It must be patent to all the Delegates that to open the country to commerce under the shelter of just laws and wise and reformed judicial administration would be as likely to advance both foreign and Japanese interests in this Empire as an increase of Tariff duties or the imposition of light dues. The proposition to open the country to all comers upon the conditions named in the Protocol was as fair and just a proposition as could possibly be made. Should the Tariff question be separated from the larger question and be separately presented as the sole basis for a revised convention, to the foreign Powers, they might fail to perceive therein any inducement to agree upon a mere increase of duties upon their productions without any new security to property and person in Japan, and might therefore reject it.

He desired to see all the propositions thus far presented by the President, and substantively approved by the Delegates, submitted to the respective Governments as the basis of Treaty revision, believing as he did, that they would command the approval of all the foreign Governments, as they had commanded the approval substantially of their respective Representatives in this Conference.

The President observed in reply, that his present proposition did not by any means involve the abandonment of his proposals for the opening of the country and the jurisdiction of the Japanese tribunals over foreign residents. But it seemed to him undesirable to delay the Tariff and other commercial questions until an agreement could be arrived at as to the details of the jurisdiction scheme. It was his intention to propose that the duration of the Tariff arrangements should be for a limited time.

Mr. Tricou observed that in his opinion the two parts of the Treaty were connected, and formed a whole of which the jurisdiction question was the principal. He considered that all the rest was dependent on it, and could not be dealt with in advance. It therefore appeared to him difficult to separate the commercial question from that of jurisdiction.

The German Minister observed that in his opinion it was unnecessary and not desirable to separate the Tariff entirely from the arrangements relating to jurisdiction over foreign subjects and citizens and the opening of the country. He was however ready to submit to his Government the wish expressed by the President that the Tariff should come into force at an earlier date than the provisions as to jurisdiction, taking it for granted that there would be no separation between the two, but that an arrangement was proposed by which the Tariff and other commercial questions should come into operation as soon as possible, and he ventured to hope that the Japanese Government would be liberal in dealing with those commercial questions.

The Delegates of Austria-Hungary, Belgium, Italy, the Netherlands, Portugal, Russia and Spain declared that they associated themselves with the views expressed by the German Minister.

The President remarked that there was no difference between his own views and those expressed by the German Minister. He had no desire to put off or to lay aside the settlement of the jurisdiction question. It was his wish to proceed with both subjects at the same time, but he was anxious that the Tariff should come into operation at once, for which end it would be necessary to make a special arrangement. At the same time he would propose to go on with the jurisdiction question.

Mr. Shioda observed that both questions formed part of one subject, but the Tariff and the commercial arrangements might be put into operation earlier than the remaining provisions, and that did not imply any separation.

Mr. Tricou repeated to the President the declaration which he had already had the honour to make, namely, that the question of jurisdiction, ranking first in his opinion, ought to take precedence of the others.

Sir Harry Parkes ventured to submit that the proceedings of the Conference should be of a practical character and that the objects for which it was held should be fulfilled as far as possible. That object was to arrive at an agreement or an understanding as to the amendments in the existing Treaties which experience had proved to be desirable, and it was hoped that that agreement, which was to be submitted to all the Governments for approval, would be sufficiently clear to enable them to use it as a basis for the revision of the Treaties. As far as he could see, no agreement had yet been arrived at on the points that had been discussed, and it appeared to him that the proposals of the Japanese Government had not yet been stated in a sufficiently distinct form. At present those proposals were scattered through the Protocols, and those contained in the later Protocols differed materially in their treatment of the jurisdiction question from those of the earlier ones. He thought at least that at the close of the Conference the proposals of the Japanese Government should be restated in a condensed form, so that the various Governments might clearly perceive what were the points which were submitted to their consideration. It certainly could not be said that the deliberations of the Conference had yet resulted in the framing of a basis for the revision of the Treaties, and he did not see how the work of revision could be taken up and advanced by the Governments represented by the Foreign Delegates, until they had more definite material to deal with. Unless something more were done by the Conference he apprehended that those Governments would be obliged to refer again to Tôkiô, and that these discus-

sions might have to be reopened some months hence.

Mr. Tricou, as Sir Harry Parkes had done, asked whether the Protocols contained all the elements which were required to arrive at a conclusion. It was possible that certain questions of high importance, such as that of jurisdiction, had not been entirely worked out. This was however a mere doubt, which he, their fellow-worker at the last moment, took the liberty of submitting to his honourable Colleagues.

The President replied that the question of jurisdiction had in fact been only considered in relation to general principles, and that if the Governments should accept the principles put forward the details might, no doubt, be more fully considered when the appropriate time should arrive.

Mr. van der Pot stated that he was quite willing to submit to the Governments he had the honour to represent, the proposal of the Japanese Government that the commercial questions should be first examined and agreed upon, but he begged leave to express his opinion that the interests of trade required an interval to elapse between the promulgation of the Tariff and its coming into operation, in order that merchants might have sufficient notice of the new scale of duties to be levied.

The German Delegates declared that the merchants, whom they had consulted on the question were in favour of the Tariff coming into operation with as little delay as possible after its promulgation.

The German Minister also concurred with Sir Harry Parkes in suggesting that the President should at the final meeting put before the Conference a resumé of what had been proposed by the Japanese Government as a basis for revision.

The French Minister supported this proposal.

The German Minister further begged to remark in reply to Sir Harry Parkes, that as he had stated before he had no particular objection to offer to the President's most important proposition, which in itself contained the essential points of many of the revision questions now before the Conference.

Being without instructions he had agreed to submit those propositions to his Governments as they stood, and most of his Colleagues had, on the occasion when that proposition was presented, agreed to do the same.

The Delegates of Austria-Hungary, Belgium, Italy, Russia, Portugal and Spain declared their adherence to the views expressed by the German Delegate.

Sir Harry Parkes proposed that after the next meeting the Conference should adjourn in order to allow time for the Committees who were engaged in working out the details of the commercial questions to conclude their examination of those subjects and to report thereon to the Conference. After the Conference should have considered and passed judgment upon those reports the Japanese Government would be in a position to complete their proposals, and to restate them in a short and definite form, and those proposals would then be submitted by the various Foreign Delegates to their respective Governments. The latter would then receive them in a concise and uniform shape, they would understand the precise nature and terms of the measures which the Japanese Government wished them to consider, and on which they would have to communicate with each other, and they would thus be able to determine how far the proposals submitted to them could be accepted as a basis of

revision.

In accord with the Italian Chargé d'affaires, Mr. Tricou, in the name of Mr. Lanciarez and himself, proposed, in order to reconcile divergent opinions, to declare the sittings closed as soon as the orders of the day had been disposed of, the Delegates at the same time leaving it to the President to call an extraordinary meeting in order to receive and consider the reports of the Committees.

The proposal of the French and Italian Delegates was unanimously agreed to.

The President asked whether the Delegates agreed to his proposal that the Tariff and other Commercial arrangements should come into operation before the jurisdiction scheme, because their answer would influence the work of the Committees.

After some discussion it was agreed that the consideration of this question should be postponed until the ensuing meeting. On the motion of the President it was agreed that the other orders of the day for the next sitting should be

The Duration of the Treaty; Neutrality.

The President also promised to give a reply to the points raised by Sir Harry Parkes at the meeting of the 15th June regarding the leasing of land to foreigners at Niigata, Bankruptcy of Japanese subjects indebted to foreigners and the security to be given by Japanese appellants for the satisfaction of an adverse judgment on its being confirmed by the Courts of Appeal.

The Conference adjourned at half past five o'clock.