

米 三月六

三月六日

條約改正

秘密アリ

591146

第六十一號

條約改正之件

二十三

本月十八日閣議密牙二事ヲ以テ其當時之考慮
 議員某等カ抱持スル意見ニ上申任五侯通り
 同定ニ於テハ本月十八日ヲ以テ本件ノ會議ヲ
 開キ使處右ノ秘密會ナルヲ以テ本橋、其
 狀況ヲ知ルニ由ナキ成分ニ有之候得共本在、
 於知スル所ニ依レハ多數議員ノ質問少ク
 ス為メニ多クノ時間ヲ費消シ終テ、
 ハ曾テ秘密信第七九号ノ明治七年十二月
 二十七日ヲ以テ御報告ニ及ビタル修正案ヲ
 提出シ其他專賣特許權等ノ保護及福

在米國日本公使館

任民制限等ニ付テ議事修出レタル中、使
 就テハ本官義ハ反對又ハ修正案ヲ主張ス
 ル議員ヲ取調ニ直格ニ辯護證明致居
 候處大ニ事實ヲ詳解致テ、者不致於尤
 之同日該條約調整ノ概要ニ付テハ外務省
 員ニモカシニ以テ國場長官、カレシヤムニ送リ
 タル秘密信寫曰長官ヲ受領致テモ、茲ニ
 添付使問本在申了承下不候
 者ニ付曾(本曜日)ハ行政會議ノ審目ニテ、
 議事日程ニ付テハ、
 本議ニハ日米案ノ認許ノ件ト決定ノ有之候
 處、ニカラカシ運向候候、付テハ議員ノ在
 身ノ問題トナリテ討議事論候ハ激烈、有之

WILL RATIFY THE TREATY.
N.Y. Herald Jan. 1916
The Senate Postpones the Japanese Convention for a Week to Make a Few Amendments.

(BY TELEGRAPH TO THE HERALD.)
SHERALD BUREAU.
CORNER FIFTH AND B STREETS, N.Y.
WASHINGTON, Jan. 18, 1900.
Hearing some opposition to the favored nation clause of the proposed Japanese treaty, and to the phraseology of a few other parts, the ratification of the convention by the Senate will be accomplished without any serious difficulty.
The treaty came up for consideration in executive session this afternoon. About an hour was devoted to the discussion of its provisions. It becoming apparent from the opposition made by Senator Frye and by several democratic Senators that an amendment to the favored nation clause would be necessary to secure ratification, it was decided to postpone further action until next Friday.
There was nothing in to-day's debate to indicate that the sensational reports about alleged atrocities in Port Arthur would figure in the slightest degree in the disposition of this convention. Indeed, the matter was not referred to at all to-day.

SENATOR MITCHELL OBJECTS.
Senator Mitchell, I understand, is the only one who objected to the treaty as a whole, on the general ground that it was similar in its operations to the Chinese treaty, which he and other Western Senators had antagonized.
Senator Morgan, chairman of the Committee on Foreign Relations, explained in detail the provision of the treaty, and drew upon his bearings in connection with treaties the United States has with other nations. He urged its ratification and highly eulogized Japan for the wonderful progress she has made in the direction of civilization. He expressed confidence that under the enlightened condition of affairs now existing in Japan the United States could safely intrust its citizens to her jurisdiction. The reciprocal trade relations as proposed by the new treaty, he felt satisfied, would operate to the advantage of both countries.

Senator Frye expressed his willingness to negotiate a treaty on the general lines proposed, but objected to the favored nation clause as it stood, and proposed an amendment, which would place Japan on an equal footing with all other nations with which we have treaties which include the clause referred to.
As the clause now stands the United States binds itself to give Japan the benefit of all the rights and privileges granted the most favored nation for a period of ten years or eleven years, including the one year's notice necessary to its abrogation. It was to the length of time only that Senator Frye objected. With other nations, with which we have treaties embracing the favored nation feature, abrogation is permitted after one year's notice by either party, no matter for what length of time the treaty itself is to run. Mr. Frye desired to put Japan on an equal footing with other countries.

Senator White and other democrats agreed with Senator Frye in this view, and in all probability the amendment will be adopted. It is understood that the Japanese Minister is quite willing to concur in the change.
When the subject comes up again next Friday, it is understood that Senators Lodge and Davis will have considerable to say in criticism of the Secretary of State for not perfecting with greater care the favored nation provision. Several amendments will doubtless be made, which, it is believed, can be very easily and satisfactorily adjusted by the Secretary of State and Minister Kurino.

THE TREATY WITH JAPAN
N.Y. Times Jan. 1916
Strong Objection Made to the Favored Nation Clause.

MR. FRYE STATES THE OPPOSITION

Assertion That Japan Gets More Benefit Than Other Countries Having Treaties with the United States.

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The provision for the continuation in force of the "favored-nation" clause for at least ten years, and the giving of a year's notice of its intended abrogation, making the term practically eleven years, is objectionable to Senators on both sides of the chamber, who take the ground that the United States might be placed in an embarrassing position should the treaty in its present form be adopted.

Table with multiple columns containing financial or statistical data, including numbers and percentages.

外務省は前陸奥守を以て
追々日十百百等、日米條約の利益を
在米國日本公使館
加控、通之有る處に、報告者、惟
之に密なるに、台台、報告、別紙
之に、出テ、九毛、之に、有之、

明治二十八年百百等
外務省は前陸奥守を以て
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在米國日本公使館

之カ為ノ日自キ中ニ之ヲ議スルニ、
テ夕刻、事ノ本件ヲ議決スルニ至リ、
日米條約ノ議スルニ至ラザリ、ハ、
概シテ、所ニ有之、便メ、之、議會、ハ、
國王、統一、推、特、起、ノ、為、ノ、
控、有、之、便、海、多、事、週、内、ハ、
之、三、條、約、議、定、相、成、候、
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When the Senate this afternoon went into executive session Mr. Morgan explained the provisions of the proposed amendment between the two countries and its bearing upon the treaties already existing between the United States and other Governments.

Mr. Frye made the principal speech of the day, his argument being devoted to "the favored-nation" clause, which, he declared, should not be permitted to give Japan an undue advantage over this country. He was unable to see why Japan should be allowed to hold the United States to an eleven years' observance of this clause when, in all treaties now existing between the United States and foreign Governments, the right was reserved to abrogate the similar agreement upon a year's notice. It would be the height of folly, Mr. Frye contended, for the United States to tie its hands in this manner.

"Suppose," said he, "the United States should have a law placed on its statute books imposing discriminating duties against merchandise imported in vessels not flying the American flag. With the treaty now proposed in force, such a law would be absolutely a dead letter so far as Japan is concerned, and the effect would be exceedingly harmful to this country."

Mr. Frye introduced an amendment which provides that Japan shall be placed on the same basis as other treaty countries, in that the favored-nation clause may be abrogated on a year's notice. It was strongly supported by several Senators on both sides of the chamber. Mr. White of California speaking in its favor and then opposing the immigration clause, which, he asserted, would, if ratified, have a bad effect upon the people of the Pacific coast. Mr. Lindsay supported the Frye amendment, and so did Mr. Lodge. Mr. Mitchell of Oregon opposed the treaty on general principles and as likely to prove detrimental to the interests of the United States, in that it partook of some of the features of the Chinese treaty, to which he is strongly opposed.

During the debate the statement was made that Mr. Kurino, the Japanese Minister, would not object to the Frye amendment in case he should be informed that without its acceptance the treaty would not be ratified. It became evident to Mr. Morgan, the Chairman of the Committee on Foreign Relations, that the matter could not be disposed of in a single session, and so, about 9 o'clock, he agreed that further consideration of the treaty should go over until next Friday. At that time the Frye amendment will be further discussed, and it is understood that Mr. Lodge will oppose the clause which put the American patent laws in force in Japan five years hence instead of immediately upon the ratification of the convention.

The Republicans of the Senate appear to be confident of their ability to amend the treaty, and some of them say that, as amended, it will surely receive the indorsement of the Senate.

之カ為ノ向日キ中ニ之ヲ議スルニ下ルハ
テ夕刻ニ至リ本件ヲ議決スルニ至リテ皆
日米新条約ヲ議スルニ至ラザリハ本官、甚
憾トス所ニ有之候メ之議會ハ兩院トモ本
國王統一揆拜起ノ為ノ月ノ下ニ激昂ノ有
控ノ有之候時々本週内ニハ速クモモ金曜日
トニハ条約議定相候候折角盡力致メ
条約中承公不度候也
明治三十八年正月十八日
本官 野村 浩平
特命全權大使 野村 浩平
外務大臣 陸奥宗元
追々十日十日百百等、日米條約の調査
在米國日本公使館
之我密令、付告、報告、別紙
切控、通、有之、後、右、報告者、推
例、出、テ、タ、ル、モ、有、之、也

591148

-2-

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, 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

-3-

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adequate to the legal administration of such rights.

A Senator objects to treating with a power that is guilty of the 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 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.

2-1 2 5 6

Confidential.

UNITED STATES SENATE,

Washington, January 19, 1894.

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 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, before the treaty goes into full

2-1 2 5 6

米三月二十

廿九年三月六日

條約改正

次官

591150

在米日本國公使館第一六六號

機密(芳名)

事約改正之件

芳名三

本日午堂定議以事日米新事約改正ノ事一部
在在事約改正之件付テ致事以事約改正ノ事一部
事約改正ノ事付テ致事以事約改正ノ事一部也

明治三十年三月廿日

李昭烈

特命全權公使李昭烈

外務大臣李昭烈

條約改正

暗號

次官

外務省

電受第三一八號 (明治二十八年二月廿一日午後一時三十分着)

栗野ヨリ批准交換濟ノ電信未六直
ニ其地ヨリ本大臣ノ名ヲ以テトクシノ意ヲ
示ビタル上奏ヲ德大寺ヲ経テ為スベシ而
シテ此ノ時直ニ官報ニ布告スベシ又日新
ウツト(マイル)トニハ官報ト同時ニ記載セシ
ムベシ

馬淵

外務大臣

林外務大臣

秘米

三月廿二日

米 三月廿二日

591151

Kurino

Washington

I am very delighted to hear of your success regarding Exchange of ratifications. Res. in Washington till the present negotiations with China will be over.

Mutuo

Sent March 22. '95 10.30 P.M.

電送第 號

Washington, March 21, '95

Received " 22 "

Mutan, Shimonoseki,

(23) Ratifications have been exchanged 三月廿一日. [Can sign Peruvian treaty 三月廿三日. May I then leave immediately for Mexico.]

Kurino

2-1256

三月廿二

其八三三二二三三

條約改正

591152

第三〇二號

秘密文() 本条

條約改正之件

第一号

老一月二十日元老院行政會議、於日本
 新條約第十九条中 *At any time* : 修了十
 刑條に本条約ヲ議了し別紙甲号、通國勢
 長官ノ公文、按シ候勢、此修正条約、修了ハ
 本条約實施後、同父条約ヲ修了セトスル
 旨、他ノ一方、通國シタル一箇年ヲ修了スル
 トキハ本条約ノ消滅ニ由スルガ故、之ヲ排用スル
 形テハ第一改正ノ主意、背北シ依然舊条
 約ヲ遵守スルノ不承アル多免カク、現ニ改州
 各國ノ談判中ナル改正事件、其影響ヲ及ホ
 スハ勿論ト云候、付本条ハ若ク國勢長官、

在米國日本公使館

即ち之修正条約ノ意、修了セザル旨、修了後
 條約長官、修了モ本条ノ論、修了後、此
 之老院ノ按、白クハ會衆國ガ喜耳、日本、對
 シ此項ニ修了、相成スルモノ、認ムルモノ、返
 答セラル、依リ之老院修正ノ趣、ハ早、速
 實報ヲ以テ本國政府、通報スル所存、候間
 本國政府、何事、四者、按スル、之ハ老院
 ノ批准、或ル修了ハ、尚方、修了相成度、依
 形、及修了長官、修了、日、修了、修了、其
 旨、ハ別紙乙号、通電、修了、以テ、同、上、中
 修了、

其、本条ハ、老院、修了、日、本、新、條、約、ノ、修、了、
 旨、ハ、別、紙、乙、号、通、電、修、了、以、テ、同、上、中、
 修、了、

内修正案提出者タルヲラサレシヲ始メ其他有
 カ家ニ就キ今回元老院が日米条約ニ加ヘ
 修正ノ趣旨ヲ有ルニ該条約実施前ニ於テ
 モ之ヲ廢棄スルヲ請ルモノ、如シ是レ果シ
 テ元老院ノ存首ナルヤ若シ然リトセハ元老
 院ノ措置ハ日米条約改正ニ関シ従来米
 國政府ノ執リ來リタル方針ヲ飄シ今回
 ノ改正事業ニ反對スルモノト看認ノサルヲ
 得ス是レ果シテ元老院ノ存首ナルヤ或ハ
 日本帝國ノ司法制度等ノ前途ニ付懸念
 ヲ有ルニキモノアリテ然ルヤ否等疑問ヲ以テ
 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」氏曰ク元老院ハ學ヲ今

在米國日本公使館

回ノ新条約ヲ賛成スルモノナリ抑モ此ノ修正ヲ
 必要シタル所以ノモノハ他ナシ全ク本國ノ實
 易保護主義ニ出ルモノナリ云々(此趣旨ハ
 前信中叙述致シタルヲ以テ茲ニ省略ス)元
 老院ニ於テハ条約實施前廢棄ノ意ヲ有
 スルモノニ非ス實施後一年ノ後若クハテ廢棄
 スルヲ請ルコトニシタレトノ事也(過キズ條約存
 官曰ク存シテ是テ之ノ考慮ノ存首ナリトセハ再
 翻登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態々該語ニ及
 候處幸ニ曰ク之レ曰意ヲ表シ外務委員
 長モ「カン」氏ハ少シク解釋ヲ異ニシ異見アリ
 リト雖モ其他存官カ回致シタル諸氏ハ悉ク

日意し年月日、以て再々行政管ヲ開キ、
 約第十九条、其ニ改定「Army time」ノ次「Heranfter」
 ナル語ヲ押入シ、全管一致ヲ以テ可決ス、其ノ為
 由、別紙内書寫、通電作ヲ以テ閣下、上申シ
 尋テ本件ニ付國務長官ヨリ別紙丁書寫、
 通電書有之、其ノ書寫、因テ回答ニ至ル
 御批准書交換之、其ノ書寫、其ノ交換又
 尋テ閣下、以て電送、其ノ書寫、其ノ交換又
 港業ノ給役ハ、波永ノ都等、其ノ書寫、其ノ交換又
 業池内モ其ノ書寫、其ノ書寫、其ノ交換又
 候多邊カ、其ノ書寫、其ノ書寫、其ノ交換又
 候千四百、其ノ書寫、其ノ書寫、其ノ交換又
 以て電訓、其ノ書寫、其ノ書寫、其ノ交換又

在米國日本公使館

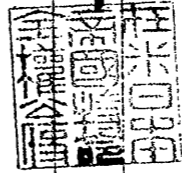
陛下御批准書、到達相待居候、其ノ書寫、其ノ交換又
 且右電送中書國大臣、其ノ書寫、其ノ交換又
 以閣下、其ノ書寫、其ノ書寫、其ノ交換又
 已書寫電送、其ノ書寫、其ノ書寫、其ノ交換又
 上年叙述致、其ノ書寫、其ノ書寫、其ノ交換又
 云此大洗領、其ノ書寫、其ノ書寫、其ノ交換又
 其ノ書寫、其ノ書寫、其ノ書寫、其ノ交換又
 夕ルハ幸甚、其ノ書寫、其ノ書寫、其ノ交換又
 在之考院再調査、其ノ書寫、其ノ書寫、其ノ交換又
 別紙内書寫、其ノ書寫、其ノ書寫、其ノ交換又
 項中本条約ハ、其ノ書寫、其ノ書寫、其ノ交換又
 其ノ書寫、其ノ書寫、其ノ書寫、其ノ交換又
 義ニ付解釋上、其ノ書寫、其ノ書寫、其ノ交換又

素業、通者ヲ支下、然ハルモ、如ク、お見之、其内
考之、老從修正ノ目的ハ、其内、其後、行時ヲ
向ハス、生通者ヲナスヲ得ル、ト、其内、其後、行時ヲ
有ク、同以、其内、其後、行時ヲ

明治十年一月一日

王國助

持余全稿之仙臺野村二郎



外務省子爵陸奥宗玄殿

追々、其内、其後、行時ヲ
可、其内、其後、行時ヲ
其内、其後、行時ヲ

在米國日本公使館

其内、其後、行時ヲ
其内、其後、行時ヲ

copy.

甲
号

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

Mr Shinichiro Kurino,

Contracting

90. 90. 90.

(2)

"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) D. Q. Gresham.

591157

戊辰
号

February 6. 1895.

Nishi

St. Petersburg.

I. Senate reconsidered and amended as follows: insert and "thereafter" after the word "at any time", so that it reads "either High Contracting parties 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 ratifications will be exchanged.

Kurino.

591156

乙
号

Sent January 31st, 1895.

Mutan

Tokio

10. Senate confirms the treaty, striking out 14 words after "at any time" Art. 19 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. Please send some amount of money entertainment expense Kurino.

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
 "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 expiration 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}
 committed 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.

兩丁
号

Department of State,
Washington, February 6, 1896.

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

Mr. Shinichiro Kurino,

cc., cc., cc.,

(2)

have 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.

591160

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3

February 13. 1895.

Nissi.

St Petersburg.

T. 17. The form of ratification is the same as Treaty of Intradition. 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 word 'time' insert the word 'thereafter' and strike out all after the word 'time' in line 6, down to and including

591159

5代 Legation of Japan,
5号 Washington, February 12, 1895.

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

Hon Walter Q. Gresham,
Secretary of State.

anese treaty, but it consumed fully one-half the time in which the Senate doors were closed. Finally the treaty was declared to be ratified, although there was no attempt made to take a formal vote.

The treaty does not go into effect until July 17, 1899. In the long interval there will be plenty of opportunity to ascertain whether the codes and the judicial systems of Japan are suited to carry out the provisions of the treaty, and if the United States authorities conclude that this judicial system was not sufficiently well organized or effective, there would be plenty of time to demand further preparation. Those who have studied the provisions of the treaty express the opinion that its acceptance by both countries cannot fail to advance American commercial interests in Japan through the liberal recognition of the rights of Japan by this country as regards the levying of customs duties.

THE JAPANESE TREATY.
W. Starbuck
 With the Amendment It May Be Rejected by Japan.

The belief is growing in diplomatic circles that the action of the Senate in attaching to the new Japanese treaty a proviso that it may be terminated on one year's notice after it goes into effect will operate to defeat the treaty, and it can now be stated on good authority that in its present shape the entire treaty will be rejected by the Japanese government. It transpires that the Senate was influenced in this action, not by any fear that the interests or liberties of American citizens in Japan would suffer by making them subject to Japanese law and relinquishing the right to extraterritorial jurisdiction, for this clause does not go into effect until five years have elapsed. The actual reason was founded on tariff considerations. By the treaty the United States allowed Japan within thirty days after its ratification to fix her own tariff charges on imports from the United States instead of holding her to the old treaty, by the terms of which the United States itself fixed the rate at one figure—5 per cent ad valorem on all imports.

In thus admitting Japan's right to fix her own tariff schedules the United States went further than Great Britain or any other of the great powers. The Japanese looked upon our action with deep gratitude as the first recognition of the fact that she was really on even terms with other great nations. The little amendment, which at first glance seems inconsequential, really means much to Japan, for it is said to touch the foundation of her whole projected new tariff system. The draft of the laws necessary to put this into effect has been already prepared awaiting the ratification of the treaty, yet if Japan should accept the amendment she will be placed in a peculiar and dangerous condition. Having proceeded under the new tariff for a short time, and in the meantime having negotiated trade treaties with other nations, Japan might be suddenly notified by the United States of the termination of the treaty in one year. The relations of the two countries would then revert to those prevailing under the present treaty, and that would immediately make all duties on United States imports into Japan only 5 per cent.

This in itself would seriously disarrange the Japanese revenues, but the secondary effect would be worse, for immediately every other nation with which Japan was in treaty relations would claim the benefits of the favored nation clause, and secure the 5 per cent rate, thus completely destroying the Japanese revenue system. Inasmuch as it has been for many years the object of the most advanced Japanese to relieve their people from the heavy burden of internal and direct taxation to which they are now subjected to raise revenues for the support of the government, the possibility of thus wrecking all their hopes by one slight amendment of the treaty, inserted by the very power to which Japan looked for help in leading other nations to similar treaties, it is said by diplomats acquainted with the views of Japan, could not be contemplated by the Japanese government with anything less than alarm.

*the word 'operation' in line 8 so
 that the clause will read: Either
 High Contracting Party" etc.
 Kurino.*

591163

THE TREATY IS MODIFIED

N. Y. Times Feb. 6 1905
Action on the Japanese Convention

Reconsidered.

THE SENATE DISCOVERS A BLUNDER

A Correction Is Made Which Is Satisfactory—Powers Drops Into

Poetry—Richardson Holds

His Seat.

WASHINGTON, Feb. 5.—The Senate today wisely reconsidered its recent ratification of the Japanese treaty to the extent of modifying the amendment which provided that upon one year's notice by either party the treaty could be terminated. In the interval following the adoption of this amendment the absurdity of making the treaty revocable before it could become effective was pointed out and the Senators who were responsible for this provision became convinced that they had gone too far in their efforts to prevent the United States from being taken at a disadvantage, which they thought would be the inevitable result if the time originally specified for the notice were permitted to stand. The stipulation that the treaty should not take effect until 1899, in itself a protection to the United States, did not strike the Senate last week as it did to-day.

Only about ten minutes were required in which to modify the amendment so that in one year after the treaty shall take effect the United States may, if so disposed, bring the convention to a termination. Mr. Morgan outlined the situation in a short speech, and there was no opposition when he asked for the modification. The treaty as now ratified is now satisfactory to the Secretary of State and the Japanese Minister.

2-1 2 5 6

JAPAN TREATY RATIFIED

Jan. 31, 1892
Either Party May Abrogate It on Giving One Year's Notice.

NO OPPOSITION AFTER THIS CHANGE

Republican Senators Objected to Binding the United States to an Eleven Years' Observance.

WASHINGTON, Jan. 30.—The Senate has ratified the commercial treaty with Japan and with substantially no opposition, after the convention had been amended so as to permit its abrogation upon one year's notice by either party to it.

While it is gratifying to the friends of Japan that the report of cruelties committed by the Japanese Army at Port Arthur had no weight in the discussion, and absolutely no influence in the vote, it is regrettable that the convention has been so changed as possibly to give the impression in Japan that the American people, speaking through the Senate, were disposed to be distrustful, and that perhaps there was a pro-Chinese feeling animating the members who succeeded in converting the convention into one that can be dropped even before it becomes effective.

In many respects, the treaty is much more liberal than that secured by Japan with Great Britain. The British Government permits the treaty to run for ten years, and then allows a year for its denunciation. The treaty will not take effect until 1896, by its terms. Great Britain has agreed that it shall have a trial of at least six years. The United States Senate appears to have expressed a doubt whether the treaty ought to be allowed to become effective, and it is unwilling to forego the opportunity to abrogate it, even before 1896.

This outcome must be disappointing to Japan, as unquestionably it will not be helpful to the United States, which now enjoys the largest share of import trade with Japan; if the distrust shown is accepted by Japan as an indication of lack of confidence in her ability or disposition to fulfil her obligations under the treaty.

It is possible that the effect of the modification of the treaty upon the Japanese was disregarded by the Senate, and that the members who secured the year's limit of time within which the treaty may be abrogated may be disposed to ask for a reconsideration of the vote by which it was ratified, in order to restore the term of ten years stipulated in the treaty as submitted. Great Britain has evinced some dissatisfaction because the terms of the treaty with the United States were more liberal than were the terms of the agreement signed by Great Britain.

The ungracious treatment of the convention by the Senate of the United States may do much to reconcile the British to

their own work, but the Japanese may feel as if repulsed by a nation they have come to regard as extremely friendly.

When the treaty was last under discussion in the Senate, it became apparent that the opposition to the clause requiring the convention to remain in operation eleven years before notice could be given by either Japan or the United States of its intention to terminate it, was sufficiently strong to reduce the limit to one year. Mr. Frye was the chief opponent of the eleven-year term. He argued that such a long term would give Japan an undue advantage over this country, and he was unable to see why Japan should be allowed to hold the United States to an eleven years' observance, when in all treaties now existing between the United States and foreign Governments the right was reserved to abrogate the similar agreement upon a year's notice. Mr. Frye introduced an amendment providing that Japan should be placed on the same basis with other treaty countries, in that the treaty might be terminated at the expiration of one year.

This amendment was debated at length to-day, Mr. Frye declaring that it would be suicidal for the United States to tie its hands in the manner proposed. The essence of his speech was that if the United States should have a law placed on its statute books imposing discriminating duties against merchandise imported in vessels not flying the American flag, such a law, with the treaty now proposed in force, would be absolutely a dead letter so far as Japan was concerned, and the effect would be harmful to this country.

Mr. Lodge, Mr. Aldrich, and other Republican Senators supported Mr. Frye's contention in vigorous speeches, and several Democratic Senators, Mr. Lindsay, in particular, expressed like views. Mr. Lindsay subsequently called for a modification of Article 14 of the treaty, which covered the Frye amendment, and, in fact, all of the points made by those who desired to cut down the time for giving notice of an intention to terminate the treaty, and it was finally adopted.

Mr. White and other Western Senators expressed opposition to the immigration clause, and Mr. White sought to secure the adoption of an amendment which he deemed necessary to the interests of the Pacific slope, but the Democratic members of the Foreign Affairs Committee managed to defeat it.

It was expected by some that the clause relating to patents, which, it had been charged, would operate to the disadvantage of American inventors, would be amended, but the Senate decided that it should stand. The discussion of the abrogation period enabled the Republicans, under the lead of Mr. Aldrich, to direct the debate to the subject of the one-tenth differential duty on sugars. Mr. Aldrich made a bitter speech in opposition to the views of Secretary Gresham regarding the effect of this differential on the treaties between the United States, Germany, and other countries, taking the ground that the differential constituted a grave breach of treaty agreement on the part of the United States.

This was the signal for Mr. Lodge and other partisans to join in the cry, which they did to their own satisfaction. All this talk had no direct connection with the Jap-

庚子三月廿二



廿八年三月二十二日

條約改正

591164

機密 第二四〇號

機密(七年)

条約改正之件

カニナ

本月廿六日... 日本... 条約改正... 明治... 宣統...

宣統...

宣統...

宣統...



在米國日本公使館

2-1 256

明治三十三年三月二十三日

591165

Kurino,

Inform Secretary
of State that I have
received with much satis-
faction your telegram
announcing exchange of
ratifications of treaty.
You will express to
Secretary of State our
high appreciation of
friendly attitude con-
stantly maintained by
United States throughout
the protracted negotiations,
and assure him that
the result will certainly
draw still closer the
bonds of good friendship
which have ever existed
between the two Countries.

49^w

Sent March 23 '95.

Mutsu

2-1256



591166

至急
暗號

外務省

電受第三三二二號

明治二十八年三月廿三日 午前九時三十分着

日本條約官報ニ公布スルニハ之レニ附帯
スル勅令ヲ要スルコト勿論ナレバ勅令案ヲ
至急其地ノ諮議ニ提出シ速ニ所裁可ナル
様取計方サレタシ

馬關

陸軍大臣

林以三

2-1256

日米

決官宛

591167

暗號

明治 年 月 日 起草
同 年 月 日 發着

政務局長一系紙

電送第三三三號
明治六年三月三日
午前七時三十分

主任

下
外務省
外務書記官
林外務書記官

外務大臣へ

日米条約公布、勅令案、在京内閣之席
大臣より電報ヲ以テ決裁可ラシク成リ
外務省

居り依え速ニ御裁可ト成ル様ホウニ
下サレタシ

2-1 256

591168

次官

至急

暗號

省外務省

條約改正

電受第三三〇號 (明治二十八年三月三日午三時三十分發)

栗野公使ヨリ左ノ通り電報アリ

三月二十日 日米条約批准交換相済ニタリ

ペリユウ条約モ三月二十二日 調印ノ名本使ハ其ノ上

速カニ墨西哥ヘ向ケ出発シテ宜敷ヤ

日米条約批准交換ノ事ハ此地ヨリ直ケニ上奏シ

置ケリ貴官ハ官報ニテ右発表ノ義取計アリタシ

又栗野公使墨西哥行ハ日清談判結了ノ迄

差止メ置キタリ

馬関

陸奥大臣

林次官

2-1256

次官

591169

親展送第一六號

明治二十八年三月廿三日發遣

政務局長

主任

内閣總理大臣伯耆伊藤博文殿

外務大臣子爵陸奥宗元

明治二十七年十一月二十二日華盛頓に於て我全權委員

自三采利加合衆国会格委員、記名調印シテ

外務省

通商航海條約の批准書を本月廿日華盛頓府に於て

右條約に右至急公布すべし候由に別紙條約

書附合衆国会に調印シテ請フ

591170



勅令案

朕明治二十七年十一月二十二日亞米利加合衆國華

盛頓ニ於テ朕カ全權委員ト亞米利加合衆國全權

委員ノ記名調印シタル通商航海條約ヲ批准シ

茲ニ之ヲ公布セシム

御名 御璽

明治二十八年 月 日

外務省

内閣総理大臣

外務大臣

米
四月二十二日

條約改正

591171

三
六
六

明治八年四月二十二日

秘書芳十三号

條約改正ニ関スル件 (日清条約改正交換件)

先月廿七日日米条約御批准相成候に付テ
ハ彼我批准交換ニキ旨同廿八日付秘書
第八号ヲ以テ示シテ了承致候右迄
批准書ハ送送ノ義ハ本月一日ハ電報ニテ
奉曲承知致居候に付其日取テ以テ交換
方兼テ準備致候處去ル日ハ所批准
書ニ捺印候に付即夜國務長官ニ御會
右交換方ノ都合抄旨ノ上翌廿日午
十時國務省ニ於テ日長官ト會合シ双
方奥澤批准書ノ交換ナリ候儀ナリ
在米國日本公使館

右印進候也

明治八年三月廿七日

東國總領

特命全權使野村三郎

野村三郎

外務大臣子爵陸奥宗玄殿

2-1 256

光緒二十八年三月廿八日

光緒二十八年三月廿八日

條約改正

591172

號三〇三

秘密分十三号

条約改正之件

(第二十九)

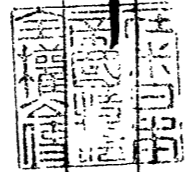
本月廿日日本条約批准交換與清相滿
 候段及電報候屬貴大臣閣下、於テモ御
 満足、趣、テ合衆國カ數年來遷延シタル
 談判中終始好意ヲ表シタルハ貴大臣閣
 下、於テ殊ニ御喜悅相成候旨並ニ兩國
 關係今後愈親密ニ至ル旨ヲ國務長官ニ
 申傳フ旨去ルハ廿三日御電命ニ據シ委曲
 拜承致候依テ本官ハ同日早速國務長
 官ヲ訪ヒ先リ口上ニテ御電訓ノ次才並ニ
 本官カ此条約ノ調印批准交換共ニ預リ
 終ニ此嘉電ヲ傳達スルニ至リタルハ深ク

在米國日本公使館

明治二十八年三月廿八日

東國販割

特命全權公使栗野修一郎



外務大臣少輔陸奥宗光殿

3.

to foster and perpetuate those relations of sincere good will which have always been such a notable feature of the intercourse between Japan and the United States.

To you personally, Mr Secretary, I beg to express the sense of obligation I entertain of your effective efforts to bring about the successful consummation of the task with which we were entrusted by our respective Governments, as well as my cordial thanks for the considerate and appreciative attitude

4.

591174

attitude on your part which has tended so largely to make the performance of that task a most agreeable duty.

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

(Signed.) I. Kurihara.

Legation of Japan,
Washington, March 23, 1895.

Sir:

I have just received, by telegraph,
from His Excellency Viscount Mutsu, His
Imperial Majesty's Minister for Foreign
Affairs, instructions which read as --
follows: --

"Inform the Secretary of
" State that I have received with much
" satisfaction your telegram announcing
" the exchange of the ratifications of the
" Treaty. You will express to him our
" high appreciation of the friendly --

Hon Walter Q. Gresham, *attitude*
Secretary of State. ?

2.

591173

" attitude continually maintained by
" the United States of America throughout
" the protracted negotiations [for treaty
" revision], and assure him that the
" result will certainly draw still --
" closer the bonds of cordial friendship
" which have ever existed between the
" two countries."

I have great pleasure
in communicating this message
to you, and in adding to it the
expression of my own gratification
at the final conclusion of a Treaty
so just to Japan and so well calculated

To

591175

至急

暗號

次官

庶務課

會計課

外務省

電受第四九八號 (明治二十八年四月廿一日午後一時五十分發)

栗野ハ、電信御申越、通り且、修約改正
ノ機密金中ヨリ日本政府ノ名ヲステ「スチ
ーランス」ニ三千円ヲ送ラルベシ

舞子

陸奥大臣

林次官

川崎

2-1256

591176

米

米

電送第

12

號

31

修約改正

Sent 24/4/95 1.50 PM

To From

在米公使 Muten

19. 勳二等旭日章 will be conferred on you for special consideration of your service with regard to treaty revision. Sum of 3000 yen remitted by telegram has been granted to Stevens in the name of Japanese Government for the same consideration.

2-1256

五月二日

五月二日接書

條約改正

591177

文第三三六號

秘書第百三十三号

条約改正ノ件

第百三十三号

日本条約批准交換相済ニ候ニ付テハ
直閣下ニ於テモ以満足ノ趣書ニ此有、
扱可致旨以電訓ニ揚ニ候ニ付テハ
國務長官一以類並ニ書面ニテ右謝辭申
述候義ハ先三月廿八日付秘書第百三十三号
ヲ以テ申進候處今取別紙書ノ通り日長
官ニ移テ抄テ満足ノ旨回答有之候
存申進候也

明治二十年四月廿日

英國駐劄

特命全權公使野村

在米國日本公使館

外務省ニ對陸奥守之殿

591178

adding your personal gratification at the agreeable outcome of your and my endeavors to reach conclusions in accord with the mutual friendliness and interests of the United States and Japan.

It affords me sincere pleasure to receive the cordial assurances you thus communicate, and to express in reply the reciprocal satisfaction I feel in having contributed to bring about a fuller recognition of the

591179

high principles which have long controlled the relations of the United States and Japan and to embody them in conventional engagements which I am happy to believe will prove advantageous to both.

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

(Signed) W. Q. Gresham

2-1256

Department of State,
Washington, March 27, 1895.

Sir,

I have the honor to acknowledge
the receipt of your note of the
23rd instant, by which you
convey to me under instructions
by telegraph from His Excellency
Viscount Muteh, an expression
of the high appreciation felt
by your Government in view of
the exchange of ratifications
of the recently negotiated
treaty between the two countries,

Mr. Shinichiro Kurino,

cc. cc. cc.

2-1256

米 十月十日

條約改正

望

591180

三〇〇

機密者格年

條約改正一英二件

去ル七月一日付機密者十六号ノ以テ日米
 条約改正記事ヲ送附あり且之受
 讀改ハ此ニ建野ノ公使ヨリ外務大臣ニ
 送リタル六月十二日付ノ機密者ト七月六日
 本署接到ノ電報トヲ對照スルニ前後ノ
 盾點ニ下我心ニ對スル米心政府ノ志ニ思
 二其何レニ立ルヤヲ知ルヲ得ヌモ本官昨
 年八月着任以來親シク心務長官並
 内閣議事長ニ面會シテ彼等ノ意中ヲ察
 知シ得タルニテハ政府カ一般ニ我心
 ニ好情ヲ表シ我心ノ正當ナル要求ヲ容ル
 ルニ吝ナラサリシニナラス且米我心ニ對シ
 米心カ有ル好意ハ今更ニ於テ之敢テ論
 ルヲ得之米心政府ニ終始一徹ノ政果ヲ
 執リ且之我心トノ友愛ナル交際ヲ望ム
 ンテヲ希望シ居リ且本官カ數ニ機
 密行ニシ具報及通リ之等又六月十
 一日付ノ以テ故心務長官グレックヤ氏ヨリ
 タン公使ニ送リタル書中ニ徴シテモ略
 々之ノ旨ハ建野ノ公使ノ如極密行
 ト電報トハ懸隔甚シク其旨ハ米心
 政府ノ志ニ表シシクモ不
 ナルヨリ日米条約改正記事ノ編者ニ其
 才八九頁ノ末段ニ米心政府ニ多ク以

在米國日本公使館

ノ遊説ニ延テ頌ニ其意向ヲ一変セシモノ
 ナラシムトノ評註ヲ挿入セラレタレ氏ハ
 故ニ務長官少シヤト覺流ヲ異ニ
 之ニ勿論政治上下ニ有テ其旨ヲ
 之殊ニ布告列敷ノ如キニ至リテハ
 全クハ氏ノ政策ヲ頌賞シ政府ヲ既
 元先院ニ提申シテ合併案ヲ撤回
 シタル位存フ氏ノ意見ニ從テ現政府力
 強ク其意向ヲ一変スルカキテ決シテ無之
 現政府ニ我ニ對シテ年々ニ從来ノ友好ナ
 ル政界ヲ施行シ名ニ有之
 本官ニ素ヨリ前任ト使ノ交遊ニ付彼此批
 評ヲ加ヘ或ニ編者ノ評註ヲ批難スルノ

在米國日本公使館

意ニハ中々之氏右改日記中ニ我政府ノ
 記録中ニ有テ其意ヲ示シテ其後世ニ
 傳ルモノニ付右ノ誤認ハ何レ改メテ其
 ト其旨ヲ前敷ノ面ノ并疏方ノ其時改
 正ノ旨ヲ前任ト使提申中ニ其旨ヲ改訂成
 行ノ旨ニ其報告ニ付テ其旨ヲ陸奥大臣
 内年ヨリ其旨ヲ申述シ其旨ヲ有之
 右右極密トシテ電報擅着ノ旨ニ自任
 任ニ其旨ヲ承知シ其旨ヲ承知シ其旨ニ
 及具申シ其旨

明治廿八年九月十四日

特命全權公使栗野浩二

外務大臣臨時代理



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文部大臣侯爵西園寺公望

在米國留本公使館

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至 自
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月 月
日 日

日米通商航海条約改正一件

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至 自
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