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日米新通商航海條約及議定書談判始末ノ概要

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日米新通商航海條約及議定書談判始末ノ概要

日米現行通商航海條約ノ有効期限ニ關シテハ其ノ第十九條ヲ以テ規定セルカ同條第二項中「其ノ後」ナル文字ノ意味明確ヲ缺キ之カ解釋ニ付疑義ナキ克ハサルカ故帝國政府ハ該條約ヲ他ノ諸國トノ條約ト齊シク本年七月ヨリ消滅セシムルノ必要上右第十九條第二項ノ解釋ニ關シ齟齬ナカラシムカ爲既ニ明治四十一年中米國政府ニ交渉ヲ開始シタルカ同國政府ハ文理上ノ解釋ニ據リ日米條約ハ實施ノ日ヨリ十二個年ヲ經過シタル後即チ本年七月十七日以後ニ非サレハ廢棄ノ通告ヲ爲スヲ得ス從テ如何ナル場合ニテモ明年七月十七日以前ニ消滅スルコトナシト主張シ帝國政府カ現行條約締結當時ノ事情ヲ指摘シテ該條約ハ實施後何時ニテモ十二個月ノ豫告ヲ以テ終了セシム得ルモノナリト説明セルモ之ニ同意セス爾來久シク交渉ヲ重ネタルカ途ニ決スルノ見込ナキニ因リ帝國政府ハ寧ロ右期限ノ問題ヲ離レ本年七月十七日ヨリ現行條約ニ代ハリテ實施セラレヘキ新條約ヲ締結スルノ提案ヲ以テ米國政府ノ考量ヲ求メタルニ同國政府ハ熟慮ノ結果若シ帝國政府ヨリ其ノ提出セムト欲スル新條約案ノ内示ヲ得之ヲ査閲シタル上長日ノ討議ヲ要セスシテ米國政府ノ同意シ得ヘキモノタルコトヲ認ムルニ於テハ談判開始ノ問題ヲ考量スヘキ旨昨年五月二十六日ヲ以テ回答セリ

仍テ帝國政府ハ時機ヲ見計ラヒ昨年十月十九日內田大使ヲシテ我通商航海條約案及關稅條約案ヲ米國政府ニ内示セシメ其ノ考量ヲ求メタルニ本年一月二十三日ニ至リ談判開始ニ異議ナキ旨公然ノ回答アリ二月八日對案ヲ提出シ來リ彼我商議ノ後二月二十一日新條約及議定書ノ調印ヲ了セリ

今回ノ談判上問題トナリタル主ナル點ニ付之ヲ叙述スレハ左ノ如シ

一、移民條項ノ削除

現行日米條約第二條末項「但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文ハ將來制定セラレヘキ法律、勅令及規則ニハ何等ノ影響ヲ及ホスコトナシ」トノ規定中「勞働者ノ移住」及「又ハ將來制定セラレヘキ」ノ文字ノ挿入セラレ又法律、勅令及規則ニ對シ「外國人一般ヲ適用スヘキ」トノ條件ノ附隨セサリシハ當時帝國政府ノ提案ニ對スル米國政府ノ修正意見ヲ參酌シテ相互妥協ヲ圖リタル結果ニ外ナラス
右ノ結果現行條約第一條第一項ニ於テ規定セル入國居住等ノ自由ハ第二條末項ノ爲少カラス制限セラレ殊ニ他ノ一般外國人ニ加ヘサル特殊ノ制限ヲモ相互ニ設ケ得ル理ニシテ條約ノ明文ハ固ヨリ片務的ニ非スト雖實際ニ痛痒ヲ感スルハ獨リ我國人ニ止マリ米國人ハ何等現實ノ不利益ヲ蒙ルノ虞ナキ有様トナレリ但シ當時ニ在リテハ移民問題カ未ダ近年ノ如キ發展ヲ見

ス且米國政府カ英佛獨諸國ト異リ關稅自主權ヲ全然帝國政府ニ認容シ而シテ帝國政府ニ於テハ迅速ニ條約ノ締結ヲ切望スル吃緊ノ理由ヲ有セシヲ以テ前記ノ修正ヲ承諾シタルモノナ

然レトモ移民問題ノ發展ト共ニ現行條約第二條末項ハ帝國ニ取リ頗ル不安ノ因トナリ米國政府カ其ノ政體上民論ニ顧慮スルノ極特ニ我移民ノ排斥ヲ目的トシテ法規ヲ設ケ遂ニ或ハ到底我カ忍フ能ハサル事態ノ發生ヲ見兩國ノ交誼ヲ損傷シ通商ノ進進ヲ阻止スルニ至ルヲヤキ保セス茲ニ於テカ帝國政府ハ日米條約改訂ノ機ヲ待テ所謂移民條項ヲ撤廢スルヲ以テ夙ニ其ノ決意ト爲スト同時ニ之ヲ米國ノ實情ニ顧ミルニ到底多數ノ我移民ヲ同國ニ渡航セシムルノ得策ヲササルヲ認メ一昨年第二十五議會ニ於テ移民ニ關スル一般ノ方針ヲ説述スルニ當リ米國行及加奈陀行移民ノ制限ハ從來ノ通誠實ニ厲行スヘキ旨右一般方針ト共ニ之ヲ宣明シ以テ内外ヲシテ我方針ノ存スル所ヲ知ラシメ聽テ來ルヘキ日米通商條約ノ改訂ニ於テ難關タルヘキ本問題ニ豫メ備フル所アリタリ

畢竟帝國政府ハ米國行移民ノ制限ニ關シテ過去三年間實行シ來レル方針ヲ將來モ猶守持シテ渝ルコトナク日米兩國久遠ノ交誼ニ顧ミ彼我ノ間荷モ紛争ノ因トナルノ虞アル事由ヲ防止スルニ努ムルト同時ニ荷モ邦人ノ權利自由ニ關シ一般外國人ヨリモ劣等ノ待遇ヲ受クルコトヲ

ルヘキヲ甘諾シテ毫モ異議ヲ唱ヘ得サルカ如キ條約上ノ規定ヲ再ヒ設クルコトハ獨リ體面上
ノミナラス重大ナル利害關係ニ照ラシ到底同意スル能ハサル所ト認メタリ日米現行條約ヲ改
訂セムト欲スルノ理由ハ他ニモ猶存スト雖第二條末項ノ撤去カ其ノ主ナルモノニ屬スル所以
實ニ茲ニ存ス

ニモトノル行

要スルニ現行條約第二條末項ヲ再ヒ新條約ニ挿入スルコトハ帝國政府ノ到底承諾スル能ハサ
ル所ナルカ米國政府モ亦本件ニ重テ措キテ新條約談判上他ノ問題ヨリモ第一ニ此ノ問題ニ付
我態度ヲ知ラムト欲スルコト勿論ナルヘケレハ帝國政府ハ始ヨリ明確ニ其ノ意思ヲ宣明スル
ノ得策ナルヲ認メ新條約案内示ト同時ニ一ノ覺書ヲ提出シ合衆國行勞働者ノ制限ニ關シ帝國
政府カ兩國間ニ紛議ヲ生セザラシムカ爲從來任意ニ實行シ來リタル措置ノ成績満足ナルコ
トヲ指摘シ事態ノ必要トスル限リ將來モ之ヲ繼續スルノ覺悟ナル旨ヲ開陳スルト共ニ帝國政
府ハ現行條約第二條但書ノ規定ノ不必要ニシテ之カ存續ハ却テ誤解ノ因トナリ易キノミナラ
ズ殊ニ國民ノ自負心ニ顧ミ到底同意スルコト能ハサル旨明瞭ニ告白シ猶米國ノ立場ヲ諒シ
テ其ノ希望トアラハ新條約ヲ何時ニテモ六個月ノ豫告ニテ廢棄シ得ルコトト爲シ將來萬一ノ
難局ニ處スルノ自由ヲ存スルコトニ異議ナキ旨説述セリ蓋シ短期豫告ヲ以テ締約國ノ各一方
ヨリ新條約ヲ廢棄シ得ルノ規定ヲ設ケ置クトキハ他日萬一米國政府カ移民問題ノ爲ニ甚シキ

困難ヲ感シタル場合ニハ右ノ規定ヲ利用シテ六個月内ニ條約ノ羈絆ヨリ脱却シ得ルノ途アル
カ故此辦法ノ存在ニ因リ假令移民條項ヲ削除スルトモ米國政府ハ國內ノ反對論ニ對シテ辯解
ノ辭アルヘク又元老院ニ對シ批准ノ協賛ヲ求ムルニ當リ説明ノ便モアルヘキニ付帝國政府ハ
右ノ辦法ヲ提供シテ以テ本件ノ解決ヲ期圖シタルモノナリ然ルニ米國大統領及國務卿等ニ於
テハ我提案ニ格別ノ異存ナキモ元老院ヲシテ新條約ノ批准ニ協賛セシムルノ見込ナキトキハ
折角談判ヲ行フモ或ハ無益ニ終ルヘキカ故同國政府ハ先同院議員ノ意嚮ニ付内々見當ヲ付ク
ルノ必要アリ之カ爲長時日ヲ費シタルカ議員中ニハ猶異論者アルヲ以テ米國政府ハ其ノ反對
ヲ豫防シ且輿論ヲ満足セシムカ爲移民問題ニ關シ新條約中ニ何等カ規定スルノ己見ヲ得ザ
ルヲ主張シタルカ帝國政府ハ其ノ到底同意シ難キ所以ヲ辯シ結局條約調印ノ際帝國政府自ラ
移民制限ニ關スル將來ノ方針ヲ繼續スルノ覺悟ナルコトヲ宣言スルコトニ協議ヲ纏メ米國政
府ハ布宣言ニ據リテ自己ノ立場ヲ辯明スルコトニ決セリ而シテ帝國政府カ右ノ如キ宣言ヲ爲
スニ同意シタルハ畢竟新條約締結上先方ノ立場ヲモ顧ミタルモノニシテ且帝國政府ハ其ノ三
年以前ヨリ合衆國行移民ニ關シテ實行シ來リタル方針ヲ今後自ラ變更スルノ意思毫モ之ナキ
カ故其ノ旨聲明スルヲ辭ゼサリシナリ

三 回答シ來リ移民ニ關スル宣言ノ文案定マルヤ二月八日條約對案ヲ提出セリ

二、關稅問題

關稅問題ニ關シテハ米國政府ハ左ノ修正意見ヲ提出セリ
關稅ニ關スル特別取極ノ締結セララルニ至ル迄ハ日本國政府ハ關稅ニ付別國ニ許與スルコトアルヘキ所ト實際上同一ナル好遇ヲ合衆國ニ許與スヘキコトヲ保障シ若シ日本國政府ニ於テ特別條約又ハ關稅率ノ改正ニ因リ別國ニ對シ關稅上ノ殊遇ヲ許與スル場合ニハ之ニ匹敵スル殊遇ヲ合衆國ニ提供シ以テ合衆國カ其ノ最低稅率ヲ引續キ日本ニ許與スルニ對スル報酬ト爲スヘキコト

然ルニ關稅ニ關スル特別取極ノ締結セララルニ至ル迄ハ日本國ヨリ別國ニ許與スルコトアルヘキ所ト實際上同一ナル好遇ヲ米國ニ許與スヘキコトヲ保障スヘシトノコトハ單純最惠國待遇ノ保障ヲ意味スルモノニ非スシテ實際上同一ノ好遇ナルカヤ否ヤニ付テハ種々議論ノ餘地アルヘク而シテ若シ條約又ハ關稅率ノ改正ニ因リ別國ニ對シ關稅上ノ殊遇ヲ許與スル場合ニハ之ニ匹敵スル殊遇ヲ米國ニ提供スヘシトアルハ畢竟所謂實際上均等ノ待遇ヲ米國ニ保障スヘシトノ趣意ヲ一層具體的ニ説明シタルモノノ如ク之カ報酬トシテ米國ノ約スル所ハ單ニ其ノ國定最低稅率ヲ我國ニ許與スルニ過キス

帝國政府カ此ノ如キ提議ニ應スル能ハサルハ明ニシテ其ノ理由左ノ如シ

(イ) 帝國政府ハ其ノ關稅條約案ニ示スカ如ク米國ト相互ニ無條件最惠國待遇ヲ保障スルニ異議ナク從テ我國カ條約又ハ國法ヲ以テ或物品ニ付別國ニ與フルコトアルヘキ稅率上ノ便益ハ同一米國品ニ對シ直ニ均霑ヲ許スヘク其ノ代ハリ本邦品モ亦米國ニ於テ同様ノ場合ニ同様ノ均霑權ヲ有スヘシ

(ロ) 若シ米國政府カ右無條件最惠國條款ニ基ク同一物品ノ均霑ニ非スシテ特ニ或別種ノ米國品ニ付我稅率ノ輕減ヲ希望スルニ於テハ米國政府モ亦相互的ニ或本邦品ニ對シ米國最低稅率ノ輕減ヲ以テ對償トスルコトヲ條件トセサルヘカラス

(ハ) 本邦ニ於テハ單一關稅制ヲ採ルカ故國定稅率ニ高低ノ二種ナク複稅制國ニ於テ所謂一般又ハ最高稅率ト稱スルモノハ本邦ニ於テハ普通關稅ニ加フルニ輸入物品ノ價格ト同額以內ニ於テ勅令ノ定ムル額ヲ合算シタルモノノ範圍(新關稅定率法第四條)ニ屬シ我國定稅率ハ複稅制國ノ最低稅率ニ該當ス

(ニ) 且又米國ノ最低稅率ハ既ニ頗ル高稅ナルノミナラス今日迄之カ適用ヲ報酬トシテ特ニ米國品ノ爲何等ノ殊遇ヲ他國ヨリ獲得セルコトナシ米國カ昨年其ノ最低稅率ヲ各國ノ輸入品ニ適用スルニ當リ何レノ國ニ對シテモ今回提議シタルカ如キ條件ヲ以テセシコトナ

シ米國ハ其ノ最低稅率適用ノ對價トシテ何レノ國ヨリモ殊遇ヲ獲得セサルノミナラス佛國及加奈陀ヨリハ僅カニ部分的最惠國待遇ヲ得テ満足セリ

(ホ)殊ニ今回帝國政府カ何レノ國トノ新條約談判ニ於テモ主義上最モ重ヲ措クハ

(甲)我稅權ノ獨立ヲ害セサルコト

(乙)別國トノ交渉ニ累サ及ホスカ如キ協定ヲ爲ササルコト

ノ二點ニアリ若シ單ニ米國最低稅率ノ適用ヲ條件トシテ我稅率ノ据置又ハ輕減ヲ行フコトヲ約諾セムカ是全然片務的協定ニ外ナラス何トナレハ米國ハ毫モ我ニ對シテ其ノ稅率ヲ協定セス從テ何時ニテモ其ノ最低稅率ヲ增加スルノ自由ヲ有シ何等稅權ニ羈束ヲ受ケザルニ反シ我方ハ稅率ニ制限ヲ蒙リ稅權ヲ束縛セラレハナリ又若シ米國ニ對シテ此ノ如キ讓歩ヲ爲サムカ佛國ノ如キ複稅制國ニ對シテ同様ノ讓歩ヲ爲ササルヘカラサルニ至リ帝國多年ノ宿望ニシテ條約改正ノ主眼タル稅權回復ノ目的ヲ達スル克ハサルノミナラヌ我經濟上及財政上永遠ノ利益ヲ損傷スルノ虞アリ故ニ帝國政府ハ到底之ニ同意スルヲ得ス既ニ前回ノ條約改正ニ於テ米國ハ自國ト對等ノ關稅獨立權ヲ帝國ニ認容シナガラ今ニ至ツテ曾テ國際間ニ前例ナキ提議ヲ以テ之ヲ覆サムトスル如キハ帝國政府ノ萬々承諾スル克ハサル所ナリ

(ヘ)然リト雖米國カ右ノ如キ提議ヲ捨テ差當リ我提案ノ如ク單ニ無條件最惠國待遇(條件付最惠國待遇)ヲ主張スルニ於テハ之ヲ相互的ニ爲サハソレニテモ可ナリ)ヲ互約スルノ外他日兩國間ニ特別取極ヲ行ヒ互ニ其ノ重要輸出品ニ付稅率ノ輕減ヲ協定セムト欲スルニ於テハ帝國政府ハ米國カ我商品ノ好販路タルニ顧ミ十分ノ好意ヲ以テ之ヲ考量スベシ但シ協定ハ常ニ双務的タルヲ要ス

以上ノ次第ニ付帝國政府ハ米國政府ニ對シ内田大使ヲシテ左ノ趣旨ヲ以テ回答セシメタリ
關稅ニ付テハ帝國政府ハ其ノ關稅條約案ノ示スカ如ク日米相互ニ最惠國待遇ヲ保障セムコトヲ希望スルモノニシテ從テ帝國政府カ別國ノ或輸入品ニ對シ條約又ハ國法ヲ以テ輕稅ヲ適用スルトキハ米國ヨリノ同一輸入品ニ對シテ右ト同一ノ輕稅ヲ適用スヘク之ト均シク米國ニ於テ同様ノ場合ニ本邦品モ亦同様ノ均霑權ヲ有スルコトニ協定セムコトヲ欲ス然レトモ他日若シ米國政府カ最惠國待遇ノ條款ニ基ク同一物品ノ均霑ニ非シテ特ニ別種ノ米國輸入品ニ付我稅率ノ輕減ヲ希望スルニ於テハ米國政府ニ於テモ亦相互的ニ或種ノ本邦品ニ對シ米國最低稅率ノ輕減ヲ行フコトヲ條件トシテ之ヲ提議スルニ於テハ帝國政府ハ慎重ナル考量ヲ加フルヲ辭セサルヘシ但シ協定ハ常ニ双務的タルヲ要スルハ特ニ米國政府ノ注意ヲ希望セサルヘカラサル點ニシテ帝國政府カ何レノ國トノ新條約談判ニ於テモ主義上最モ

重テ措クハ我稅權ヲ獨立ヲ害セサルコトト別國トノ交渉ニ累テ及ボササルコトトノ二條件ニ在リ若シ單ニ米國最低稅率ノ適用ヲ對償トシテ我稅率ノ輕減ヲ行フコトヲ約諾セザルカ是全然片務的協定ニ外ナラス何トナレハ米國ハ毫モ帝國ニ對シテ其ノ稅率ヲ協定セス從テ何時ニテモ其ノ最低稅率ヲ增加スルノ自由ヲ有シ何等稅權ニ羈束ヲ受ケサルニ反シ帝國政府ハ稅率ニ制限ヲ蒙リ稅權ヲ束縛セラルレハナリ又若シ米國ニ對シテ此ノ如キ讓歩ヲ爲サムカ他ノ複稅制國ニ對シテモ同様ノ讓歩ヲ爲ササルヘカラサルニ至リ帝國多年ノ宿望ニシテ一般條約改正ノ主眼タル稅權回復ノ目的ヲ達スル克ハサルノミナラス我經濟上及財政上永遠ノ利益ヲ損傷スルノ虞アリ故ニ帝國政府ノ到底同意スル克ハサル所ナリ帝國政府ハ前回ノ條約改正ニ於テ對等ノ關稅獨立權ヲ帝國ニ認容シテ良好ナル印象ヲ殘セル米國カ今日再ビ帝國ノ正當己ミ難キ立場ヲ諒スヘキコトヲ期待ス

斯クテ交渉ノ末米國政府ハ遂ニ我立場ヲ諒シ其ノ主張ヲ撤回シタル結果獨立ノ議定書ヲ以テ他日關稅條約ノ締結セラルルニ至ル迄現行日米通商航海條約中關稅ニ關スル規定即チ相互最惠國待遇ノ保障ヲ繼續スルコトトナレリ(現行日米通商航海條約第四條前半參照)

三、永代借地權

永代借地權ニ關シテハ米國政府ハ左ノ規定ヲ條約中ニ挿入セムコトヲ提議セリ

永代借地券ニ因リテ保有スル財産ニ附帶關聯スル一切ノ權利、特權及免除ニシテ新條約實施ノ當時存在スルモノハ之ヲ確認シ關係者間ノ合意ニ依ルノ外之ヲ變更スルコトヲ得ス

右ニ對シテハ帝國政府ハ今回諸國トノ現行條約消滅及新條約締結ヲ機會トシ新條約談判ト全然分離シテ別ニ永代借地權問題ヲ根本的ニ處理スル方針ニテ目下考案中ナルカ其ノ考案確定次第關係國政府ニ提出スヘク而シテ之カ處理ヲ了ル迄ハ現在ノ永代借地券ヲ維持スベキモ右ノ如ク別ニ本件處理ノ商議ヲ行フノ方針ナルヲ以テ米國ノ提議ニ係ルカ如キ規定ヲ條約中ニ挿入スルコトニ同意シ難キ旨主張セリ然レトモ米國政府ハ他國ニ率先シテ新條約ヲ締結スルニ當リ全然永代借地券ニ言及セサルトキハ自國民ノ權利保護ニ缺クル所アルノ觀アルヲ免レスト唱ヘ結局何等カノ文書ヲ作成スルノ已ムヲ得サルニ至リタルヲ以テ帝國政府ハ新通商條約ヲ離レノ獨立議定書ヲ用ユルノ案ヲ立テ兩國政府間ニ本件ノ根本的處理ニ關スル協定ヲ締結スルニ至ル迄ノ間日本國ノ舊外國人居留地ニ於テ米國人ノ因テ以テ財產ヲ保有スル現存ノ永代借地券ヲ維持尊重シ新條約締結ノ爲右永代借地券ヲ有スル米國人ノ權利ハ何等影響ヲ受ケサルヘキ旨一時ノ取極ヲ締結スルコトヲ提議シ彼我交渉ノ結果遂ニ公文ノ往復ヲ以テ本件ヲ妥結スルコトトナリタリ右ハ現行條約ノ如ク永代借地券ヲ確認シタルモノニ非ス兩國政府間ニ根本的處理ノ協定ヲ見ルニ至ル迄ノ間一時之ヲ維持シ而シテ永代借地券財產ニ附帶關

聯スル一切ノ權利、特權及免除ノ何モノタルカハ之ヲ定ムルコトナク、彼我各其ノ主張ヲ留保

シタルモノナリ
右ノ次第ニテ本件ヲ往復文ハ彼我ノ主張ニ何等影響ヲ及ボスモノニ非スト、雖素帝國政府ハ永
代借地權問題ニ關シテハ何等ノ約束ヲモ爲サス根本的處理ノ考案ヲ別ニ提出シテ協議スル方
針ナルヲ以テ右公文ノ如キモ之ヲ發表シテ以テ他國ヲシテ其ノ例ニ倣ハムコトヲ求メシムル
ヲ好マサルニ因リ之ヲ發表セサルコトニ米國政府ト内約セリ

四、沿岸貿易

沿岸貿易ニ關シテハ帝國政府ハ全然之ヲ各自國內法ノ規定ニ一任セムコトヲ提議セシモ米國
政府ニ於テハ他國ニ率先シテ新條約ヲ締結スル次第ニモアルカ故最惠國待遇ノ保障ヲ得ルハ之
ヲ得タキ旨希望シ結局帝國政府ニ於テ之ニ同意セリ蓋シ帝國政府ハ今後何レノ外國ニモ沿岸
貿易權ヲ許與セサルノ方針ナルヲ以テ假令條約上最惠國待遇ヲ保障スルモ實際事ニ害ナキヲ
認メ右ノ如ク同意シタルナリ

五、其ノ他ノ問題ニ付

新條約ハ我提案ト先方ノ對案トヲ基礎トシテ成リタルモノナルカ元老院會期ノ切迫シ商議ノ
猶豫長カラサル爲先方ノ對案ハ成ルヘク單簡ヲ計リテ我原案ヨリ數個ノ條項ヲ削除セリ其ノ

餘ニ至リテハ大體我提案ノ通ニ成立シタルモノナルカ新條約ト我原案トノ相違ノ點ヲ舉クレ
ル左ノ如シ

- 一、我提案中死亡者ノ財産管理、商船内秩序ノ管掌、脱船人ノ回收及遭難船ノ救助等ニ關ス
ル規定ハ別ニ締結スヘキ領事職務條約ニ於テ考量スルノ趣意ヲ以テ之ヲ新條約中ヨリ削
除スルコトヲ米國政府ニ於テ希望シ帝國政府ハ之ニ同意セリ領事職務條約ニ關シテハ明
治三十九年中米國政府ヨリ之カ締結ヲ希望シ其ノ約案ヲ帝國政府ニ提出シ爾來懸案ニ儘
留ナリシカ今回再ヒ米國政府ヨリ右締結ノ希望ヲ述ヘタルニ付帝國政府ハ通商航海條約締
結ヲ了シタル後之カ商議ヲ開始スルコトニハ主義上異議ナキ旨回答セリ
- 二、新條約第六條通過稅ノ免除等ニ關スル規定及第十五條工業所有權保護ニ關スル規定ノ
旅商ニ關スル規定ハ關稅條約ニ於テ考量スルノ趣旨ヲ以テ米國政府ヨリ削除ヲ提議シタ
ルニ付之ニ同意セリ

如キハ我原案ニ存セザリシモ米國政府ニ於テ現行條約同様之カ挿入ヲ主張シ帝國政府ニ
於テハ其ノ書式ヲ好マス又ハ其ノ必要ヲ認メザリシト雖迅速妥結ノ必要上之ニ同意セリ
實質上別ニ害アルヲ見ス

三、新條約第一條ハ主トシテ一八七一年ノ米伊條約ニ基キテ米國政府ヨリ提出シタル修正



會
紅

意見ニ依リタルモノニシテ我提案ト多少書式ヲ異ニシ殊ニ帝國政府カ米國ニ對スル限リ
頗ル重ヲ置キタル生業、職業等ノ最惠國待遇ノ保障ヲ省略セリ本件ニ關シテハ帝國政府
ハ右ノ保障ヲ明文ニ記載セシムカ爲頗ル努メタリト雖米國政府ハ自國條約一般ノ例ニ
アラサルコトヲ主張シ殊ニ元老院ノ通過困難ヲ理由トシテ之ヲ承諾セス迅速妥結ノ必要
上帝國政府ニ於テ遂ニ米國政府ノ修正意見ニ同意スルニ至レリ

四、新條約第七條第二項ハ一九〇四年ノ米露商事會社互認條約ニ基キテ米國政府ヨリ提議
シタル修正意見ニ依リタルモノナルカ既ニ第一項ニ於テ「其ノ國法ニ違反セザル限リ」并
ル條件アル上ハ強ヒテ第二項ノ必要アルヲ認メスト雖之カ挿入ハ事ニ害ナクシテ一層明
瞭ヲ加フルコトトモナルカ故帝國政府ニ於テ同意セリ

又新條約第十四條ニ於テ「工業」ノ文字ヲ省キタルハ現行日米條約其ノ他米國條約一般ノ
例ニ依リ之カ削除ヲ米國政府ヨリ主張シタル結果ナリ

六、條約及議定書中ノ修正

新條約カ元老院ノ議ニ付セララルヤ同議員中當時問題トナリ居タル米加關稅互惠條約ニ付政
府ニ快カラサル一派ハ國務省カ日米新條約及議定書中ノ特別取極ナル文字ニ藉リテ他日更ニ
議會ニ諮ルコトナク右互惠條約ノ如キ關稅協定ヲ行フノ虞アリトナシ之ヲ防カムカ爲該文字

ナ條約ナル文字ニ改メタリ右修正ハ帝國政府ヨリ見レハ何等意義ニ變更ヲ來シタルモノニ非
ス「トリートイ」ノ文字ヲ用ユルモノニテモ「コンヴェンション」ノ文字ヲ用ユルモノニ
之ヲ包含セシムルノ趣旨ナリ以テ特別取極ノ文字ヲ用ヒタル迄ナレハ右修正ハ毫モ我提案ノ趣
意ニ悖ルモノニ非ス却テ事態ヲ一層明瞭ナラシムルノ益アルヲ以テ之ニ同意セリ而シテ帝國
政府カ其ノ關稅條約案ニ依リ米國政府ニ提議セル眼目即チ輸入稅ニ關スル相互最惠國待遇ノ
保障ハ今回ノ議定書ニ依リ其ノ目的ヲ達セルモノナリ
日米新條約及議定書ハ米國ニ於テハ二月二十四日元老院ノ協賛ヲ經テ三月二日大統領之ヲ批
准シ本邦ニ於テハ三月三十一日陛下ニ於テ御批准アラセラレ四月四日午後三時外務省ニ於テ
小村外務大臣ト米國大使「オーブライエン」氏トノ間ニ批准書交換ヲ了シ帝國政府ハ即日官報
號外ニテ之ヲ公布セリ

明治四十四年四月



661317

外務省									
								日 米 通 商 航 海 條 約 締 結 顛 末	

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第一 条約終了期間問題

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第八 巴拿馬運河地帯問題

第九 条約、条文、関税高議

第十 条約、調印批准及批准書、交換

第一 條約終了期間問題

日米新通商航海條約締結の談判に先ケ
也、閣議シラサテ、口出兩國政府間ノ交渉問
題トカリ、ハ、現行日米通商航海條約ノ終
了期限、閣ニ問題ト、抑モ現行日米通商
航海條約ハ明治三十七年十月二十二日調印セラレ

外務省

同年三月二十日批准書ノ交換ヲ了シ、而シテ明
治三十二年七月十七日より實施セラルリ、然レ、本調
印ノ際、該条約第十九条第一項ニハ

本条約ハ明治三十二年七月十七日より實施

セラルヘキモノトス、而シテ其ノ日ヨリ十二年向効

カリ有ス

トアリ、而シテ其ノサテニ項ニハ

西締盟國ノ一方ハ本條約實施ノ日ヨリ十二個



年ヲ経過シタル後、何時ヲリトモ本条約ヲ
終了セムト欲スル旨ヲ他ノ一方へ通知スル権
利ヲ有スルニ而シテ、以テノ通知ヲ受ケタル後十
二個月ヲ経過シタル後、本条約ハ消滅、
歸スルニキヌルニトス

トアリシガ合衆國之元老院ニ於テ本条約ノ批准、
協賛セムトキニ前記第一項中「本条約實施、日
ノ十一年ヲ経過シタル後」ナル文句ヲ削除シ是
外 條 省

ニ代フルモ、其後「ナル」文字ヲ以テ即
兩締盟國ノ一方、其後何時ヲリトモ本条約
ヲ終了セムト欲スル旨ヲ他ノ一方へ通知スル
ノ權利ヲ有スルニ云々

ト修正シ帝國政府ハ此ニ同意セリ然レニ右
文句中「其」後「ナル」文字ノ意義曖昧ニシテ
之ヲニ様々解釈スルニ得ルニ即チ「」ヲ以テ
第一項中ニ記載セル實施ノ期日ヲ以テ明治三十

二年七月十七日以後ヲ意味スルモノト解釈
 スルコトヲ得（一）又（二）サテ一項ノ末ニテ記載セ
 本條約ノ有効期間ヲ終了シタルトキヨリ以後
 ラ意味スルモノト解釈スルコトヲ得、シテ第一
 ノ解釈ニ從ハハ日未現行條約ハ我方ノ決意
 ニ依リ今日改定セシムル他ノ諸條約ノ日付ハ
 廢止業マシトシテサテニ解釋ニ從ハトキハ
 明治四十四年七月十七日、至ラカレハ廢止業ノ通
 外務省
 共ラ認ムルコトヲ得ズ、從テ右條約ハ明治四十五年
 七月十六日ニ至ル迄消滅セサシムルナリ其ノ結果
 今日改定條約ニテ他ノ諸條約ハ明治四十四年
 七月又ハ八月ニ於テ消滅スルキハ物ラス、半國ト
 條約ノ變更ノ約一箇年ノ期間存続シ以テ条
 約改正事業ニ勤カラサル不便ヲ来ス事ナリト
 明^{トシテ}依^テ帝國政府ハ明治四十一年十月二十八
 日高平駐米大使ヲシテ本問題ノ関与帝國



別紙サカキ半^下ニ書ク米國政府ノ提出セシ
 日米現行通商航海条約サカキ十九年ノ意義ハ既
 確ヲ欠ル事改定終ラ、理由^ハ觀ヒキ、西國
 政府ハ右条約ノ實施後何時^ノモ一個年ノ義務
 ヲ以テセテ^テ廢止業^ニ得^ルニシテ^モ然^レル^ル意思^ヲ有
 セシ如ク見^ルニ^モ、帝國政府^ハ法^五ト^シテ^モ現行条約ヲ
 改定^スル^ル事^ヲ、意思^ヲ有^ルル^ル可^クシ^テ、
 或^レ立^ルル^ル時^ノ、行^ハラ^ズ、便^宜ト^シテ^モ、在^ル、右ノ
 外^ニ、
 次方^ノ、自^ラ、前^ノ、九十九年ノ、意^思、再^ニ、開^ク、米國
 政府^ノ、見^解、知^ル、一^ノ、不^幸、西國
 政府^ハ、辭^退、糾^結、於^テ、右^ノ、條件^ノ、解決^ス、
西國政府^ハ、協^定、
海^ノ、在^ル、内^ニ、
解決^ス、
 題^ニ、艦^隊、出^動、間^隙、ニ^テ、
 國政府^ハ、の年十一月三日付、實書^ノ、依^テ、右^ノ、件
 關^ニ、の政府^ノ、見^解、同^ク、右^ノ、依^テ、其
 後^ニ、文字^ハ、其^ノ、政^中、在^ル、或^レ、期^ノ、ヲ、指^ス、

下疑ナケレバ其第一項中ハ二〇〇期日記載ナリ
 該条約ノ實施期日ト其ノ終了期日ト是ナリ而シテ
 如キ場合ハ文理解釈上最後ノ記載セシ期日ニ関
 聯スルキモノナルヲ以テ其後トハ終了期日ニ係ラ
 ズモト認メサルハカラス隨テ本國政府ノ見解
 解ニ依ルハ条約實施十二年ヲ経過スルコト
 ラサレハ各締約國々々条約廢棄ノ通告ヲ致スル
 コト能ハスト云フコトナリ然レバ現行条約締結當時
 佛大使ノ記録、基テ帝國政府ノ調本並ニ其所
 ニ依ルハ同条約ノ之後、迴附セラレテ其外立条
 約今ハ亦ナク其外立ニ項ヲ付スルコトナリ
 兩岸盟國ノ一方ハ何時カトモ本条約ヲ終
 了セムト欲スルコトナリ他ノ一方ハ通知スルノ權利
 ヲ有スルコトナリ

此ノ案野全權委員ハ条約實施ノ期日ニ關シテハ

三年餘ノ期間ニテ右ノ如ク信正セラルル能ラハ
 本年約カ事實施セラレサル先テ癸亥業セラレ、様ノ
 コトヲムコトヲ屢シ直ニ向キ委員合ノ一員、面會ヒ
 右信正ノ不穩者ナリ所以テ再駁ニ所談委員
 ハ右信正ハ長期ノ条約ヲ締結シテ永ク行動自
 由ヲ鞏固^カ来セラル、コトヲ好ミカレハバフリカン^カ党ノ主
 張ニ基リモノミレテ固ヨク實施期日ニ先テ本条
 約ヲ癸亥業スルヤ如キ意思アルコトヲガハ^カ取^カ早
 速ニ事合ニ於テ条件ツ角弄ノコトヲ約シ其
 ノ結果ハ事合ニ於テ更ニ其後^カニ
 ナル文字ヲ挿入シ以テ本年約實施后ハ何時ニテ
 モ十二個月ノ豫告因^カニテ癸亥業スルコトヲ得
 ルコトトモニカレモノミレテ沿革上ニ我^カ解^カノ正當
 ナルニ疑ナカリシヲ以テ帝國政府ハ信正未^カニ
 局者ノ文送^カル^カ様トシテ^カ以^カ治^カ四^カ十^カ二^カ年^カ高^カ平^カ
 大快ヲシテ^カ此^カニ^カ對^カシ^カ覺^カ書^カヲ^カ提^カ出^カセ^カシ^カノ^カ條^カ文^カ

ノ嚴格ナル解釈に依シハ米國政府ノ見解ニ亦
 同キ様見エザルコトヲ示シテ元老院終止ノ理由並
 其ノ當時ノ情況ニ徴スルハ帝國政府ノ見解
 カ向方ナリトモテラレ、旨前記ノ事實ヲ精細ニ
 列記シテ之ヲ証明シ且米國中府他諸國ト
 ノ条約上ノ時ニハ此項ノ條約ノ改定レシキ事
 國政府ノ希望ヲ罷陳シ以テ米國政府カ帝國
 政府ノ解釈ニ同意セリトシホノ多ク然レ共
 外務省ノ解釋ニ同意セリトシ
 國政府ハ依然條文ノ文理解釈ヲ固執シ
 元老院終止ノ理由ニ関シテハ正確ニ記録
 ノ存在コト以上一二議會ノ見解ハ以テ条約
 本文ノ文理解釈ヲ動かス足ラヌト主張シ
 帝國政府ハ^{米國}容レシテ爾来^帝兩國政府ハ本件
 之^{米國}面ニ^{米國}交渉ヲ重ネタルニ各其ノ見解ヲ反
 主張スルニ至リテ到底似テミテ我カ解釋ニ同意
 せしムコト能ハス 是ニ於テ帝國政府ノ様ニキキ

段(三) 本口款に於て交渉ヲ中止し明治四十四年七月十七日ヲ以テ該条約を廢棄し通告ヲ發スルニトスルカ案(一) 現行条約の有効期間ニ關係ナク明治四十四年七月十七日(一) 現行条約に代ラシムル新通商航海条約ヲ締結スルニ米政府ノ同意ヲ得ルカ案(二) 依リ外ナキ至レバ帝國政府ハ在リテ案ニ對シ米政府ノ同意ヲ得ルコト困難ナルヲ知シト案一 一 否也、方針ヲ以テ交渉ヲ試ムルニ決シテ明治四十三年四月ニテ駐米内田大使ヲシテ米西政府、別狀ガ 予ノ如ク覚書ヲ提出セシメ帝國政府ニ各國ト条約ヲ成シヨリ何時、廢棄シ新案ノ何時、實施シヤキ希望ナルヲ以テ米西政府、於テモ現行条約ガ第十九條ノ解款ニ關シテ明治四十四年七月十七日ヨリ該条約に代ラシムル目的ヲ以テ新通商航海条約ヲ締結スル商議

近頃閣議スルコトノ向意ニシテハ干島並リ口米通
 高航海軍の締結當時米國政府ハ率先シテ其
 ノ締結ノ高議ハ后ニシテ先例ノ援キテ口米通
 政府ノ友好的考慮ヲ求メテ此ニ對シ米國政
 府ハ口年五月ニテ六口ニ對シ^{推測}口米通政府ハ現
 行締結ノ目下締約也、双方ノ對シ満足ニ行ヒ
 居ルノミナラズ其ノ有効期間終了前締結約ヲ
 高議スルコトハ國務省ノ一在、ノ決シ業スルヲ
 外務省
 以上口省ハ以テ際立成モ又ハ非立成ニシテ新締約締
 結ノ高議ノ開始スルキ約束ヲカスコト能ハルマデ口政
 府ハ本件ニ對シ成^{スル}コトハ本國政府ノ希望ニ合
 シテキツク以テ若シ口省政府ニシテ極メテ秘密ニ其
 ノ作成セシ新締約ノ性質ヲ開示セシ而シテ該條
 約草案ニシテ亦リ討論ヲ要セスルコト外務政府ノ承認
 スル所トカントシトモ口省ハ其ノ思キスル能クハ口
 政府ハ高議開始ノ件ニ對シ^ハ口省^ハ帝國政府ノ

米穀の割り様を是よりかつ一ヶ年四ヶ年
 是に於て帝國政府の明治四十三年十月十九日
 内田大使ヲシテ辛島政府、作成、係、通商
 航海条約案及特別相互通商税条約案ヲ
 米國政府へ提出せしむ。種、移、氏、周、之、覚、書
 其、^{ハ、}米、國、政、府、之、對、し、照、會、書、^{ハ、}一、月、
 二十三日ハ公文ヲ以テ、^{（別紙）}勅、令、同、日、一、日、之、案、件
 ヲ、承、知、ス、ル、ガ、ル、。其、後、同、日、ハ、同、日、同、日、之、案、件
 内、外、の、取、扱、ハ、^{（別紙）}對、し、同、日、同、日、之、案、件
 的、条、法、之、ハ、^{（別紙）}同、日、同、日、之、案、件
 附、屬、的、條、款、ハ、^{（別紙）}同、日、同、日、之、案、件
 之、か、主、要、的、條、款、ハ、^{（別紙）}同、日、同、日、之、案、件
 同、日、同、日、之、案、件、^{（別紙）}同、日、同、日、之、案、件
 借、地、條、款、^{（別紙）}同、日、同、日、之、案、件
 其、他、條、款、^{（別紙）}同、日、同、日、之、案、件
 之、案、件、^{（別紙）}同、日、同、日、之、案、件

第二 移民に関する問題

明治三十七年十月二十日調印、日米通商航海条約の二条末項、但本条及前条の規定ハ兩序盟國ノ各地方於テ高島、岩手、秋田、山形、宮城、福井、滋賀、京都、大阪、兵庫、和歌山、徳島、高松、香川、岡山、広島、山口、福岡、熊本、鹿児島、那覇ノ各地方ニ於テ現行ハシ又ハ將來制定セラレルル法律、勅令及規則ハ何等ノ最優等ノ及ホエドナレトモ規定中ノ労働者、移民及又ハ將來制定セラレルル文字ノ挿入セリシ法律、勅令及規則、對シテ外國人一般ニ適用スルコト、条件ヲ附隨セザリシハ當時ニ中國政府、提案ニ對スル米國政府、修正意見ヲ參考シテ相互妥協ノ結果、右ノ結果現行條約ニ於テ一項ニ於テ規定スル入國居住等ノ自由ハ若干条末項ノ為少カラス制限セラレ殊、他ノ一般外國人ニ加ケル特殊ノ制限ヲモ相互、設ケ得ルハ現行條約ノ明文ハ固ヨリ片務的ニ非ズ

外務省

ト雖實際、痛痒ノ感スルハ、独々我國人ノ止カ
 リ米國人ノ何等致スルノ不利益ヲ蒙ルノ虞ナキ有標
 トナレリ但シ當時ニ立リテハ、移民問題カ未ダ近年ノ
 如キ發展ヲ見ス且米國政府ハ英海陸諸國ト是
 ヲ廣範自主権ヲ全然帝國政府ハ認容シ而シテ帝
 國政府ハ旅人ハ迅速、條約ノ締結ヲ切望スル吃
 緊ノ理由ヲ有セシヲ以テ前記ノ修正ヲ承認シタルモノ
 リ然レニ移民問題ノ發展ト共、現行条約第ニ条
 未項ハ帝國國、取リ勝ルニ由リ因リカ、米國政府ハ
 其ノ改體ト論議ニ顧慮スルノ極特、我移民ノ
 排斥ノ目的トシテ法規ヲ設ケ遂ニ或ハ到底我カ忍
 ヲ能クサレ事態ノ發生ヲ見兩國ノ交誼ヲ損傷シ
 通商ノ進運ヲ阻止スルニ至リキヲ保セシ茲ニ此ヲカ
 米帝國政府ハ、口米条改訂ノ機ヲ待リ所謂移民條
 項ヲ撤廢スルヲ以テ夙々其ノ決意ヲ固メテ同時ニ之ヲ
 米國ノ立場ハ、願ミル、到底多數ノ我移民ヲ同

外務省

國、渡航せしむる得策ナラサルヲ認め、前二十五年議令、
 於テ移民ニ関スル一般ノ方針ヲ設述スルニ當リ、米國
 行及カキ移民行移民ノ制限、従来ノ通商、輸入、輸出
 及、キヒ右一般方針トモ、セツテ、並明ニ以テ内外ヲシテ我
 方針ノ存スル所ヲ知ラシメ、懸テ来レ、キ日米通商
 条約ノ改訂ニ於テ難關タルハキ本問題ニ務メ備フ
 ル所アリタリ

畢竟帝國政府、米國移民ノ制限、關シテ過
 外務省

去三年、日米行ニ來シ、方針ヲ將來ニ猶守持シテ
 濟ニシ、トナル米西迄久遠ノ交誼、觀ニ彼我ノ尚ホセ
 紛争ノ因トナルハ、虞ラス、事由ヲ防止スルハ、努ムルニ、可時
 ニ為シ、邦人ノ權利自由ニ關シ、一般外人ヨリ、劣等ノ待
 遇ヲ受ムルコトアルニキ、ソ、甘謀ニテ、其モ、受、最、ノ、留、留、得
 サルカ、如キ、条約上ノ、規定、ノ、用、目、設、キ、コト、ハ、獨、リ、體、面、上、ニ、
 ナ、ラ、ス、重、大、ナル、初、意、一、受、源、ノ、明、シ、シ、至、底、口、息、ス、ル、能、ハ
 サ、ル、所、ト、認、メ、タ、リ、日、米、改、訂、条、約、ノ、改、訂、セ、ル、欲、ス、ル、ノ

現由他ニミ存スル条ニ条ノ撤去カ其ノ主ナルモノ
ニ屬スル所以實ニ存ス

要スル、現行条約其ニ条ヲ頭ヲ用ニ新条約ニ移入マ

スルニ、帝國政府ノ到底承諾スル能ハサル所ナル米國

政府ニ亦布件ニ重ク携キテ新条約談判上他ノ向標ニ

リモサガレ、ケノ向標ニ付我態度ヲ知ラント欲スルニ勿論

ナリ、セハ米國政府ノ如キリ明確、其ノ意思ノ宣明

スルノ得業ナラシメ、四月四日三月十九日新条約案

外 務 省

ヲ米國政府ノ内ニシテト同時、一ノ覚書ヲ提出シ合

衆ニ行ハル條約ノ制限、及ビ帝國政府ノ米西兩國向

結議ヲ生セサレシメムカ為 從來任意ノ宣行ニ事ナリ

措ハ成績満足ナルニテ皆揃ニ事急ノ必要トスル限

將来ニ之ヲ維持スルノ覚悟ナリトシテ向陳スル其ノ帝

國政府ハ現行条約其ニ條目ニ規定ノ不必要性ニ

シテ之カ存続ハ却テ誤解ノ因トナリ易キノミナリ殊

ニ國中ノ自負心ノ顧ミ 到底同意スルニ能ハサル旨明

略、告白に猶米國ノ立場ヲ諒シテ其ノ希望トアラハ
 新条約ノ何時ニモ六個月ノ豫告ヲ以テ廢棄ニ得ルニ
 ト、為ニ將來万一ノ難局ノ屬スルノ自由ヲ存スルコトニ異
 議ナキト設述セリ蓋シ短期豫告ヲ以テ締約スル各
 一カヨリ新条約ヲ廢棄スル得ルノ規定ヲ設ケ置キハ
 他の方一米國政府ノ移民問題、為、甚シキ困難ヲ
 感スルニ場合ハ右ノ規定ヲ利用シテ六個月内、條約
 ノ西羈附ヲ脱却シ得ルノ途アリカ故ニ辦法ノ存在、
 外務省
 因リ假令移住事項ノ前降スルニ米國政府ノ國內ニ互
 對論、對シテ辨解ノ緯アリ又元老院、對シ批准ノ
 根拠アリホリニ當リ説明ノ便アリキニハ帝國政府ハ
 右ノ辦法ヲ提供シテ以テ事件ノ解決ヲ期望シタルナリ然
 ルニ米國大統領及國務卿等、於テ、我提案、格別
 ノ意見存ナキニ元老院ヲ以テ新条約ノ批准ニ協賛
 セルルノ見込ナキトキハ折衝談判ヲ行フモ或ハ無
 益ニ終ルニキカ故ニ^{國務卿}政府ハ先同院議員ノ意向向

三月内々見当り付り、必要あり、之カガ長時日ヲ其ノシ
 ルカ、議定中ニ、猶、是、端、者、ア、ル、ヲ、以、テ、米、國、中、務、卿
 ヲ、其、ノ、互、對、シ、豫、防、シ、且、總、ノ、請、ヲ、滿、足、セ、シ、ム、カ、ガ、移、居
 問題、關、シ、テ、外、交、部、長、(diplomatic arrangement
 ニ、依、リ、セ、テ、處、理、ス、ル、キ、ト、告、新、生、行、中、ノ、記、入、セ、テ、イ、テ、
 大、希、望、也、ト、申、シ、カ、サ、シ、至、底、我、ガ、能、ク、日、英、ス、ト、イ、紙
 ハ、カ、ハ、所、ナ、ル、ヲ、以、テ、ヤ、ヲ、拒、絶、セ、ル、然、レ、ニ、國、務、卿、ハ、新、案
 知、中、心、等、カ、本、件、ノ、受、取、規、定、ス、ル、コ、ト、ヲ、サ、シ、ト、至、底、之、先
 院、通、過、ノ、望、ミ、ナ、シ、ト、シ、(海) 米、國、政、府、ノ、考、量、ヲ、ホ、メ、
 其、米、國、政、府、ハ、移、居、條、件、ノ、制、限、ノ、一、部、ニ、文、句、ヲ、添、付、
 中、ノ、挿、入、ス、ル、コ、ト、ニ、断、然、ト、意、見、ス、ル、能、ハ、ラ、ン、ト、本
 件、ノ、受、取、從、業、條、件、未、ラ、シ、ク、方、針、ヲ、毫、毛、モ、變、更、ス、ル
 意、見、ナ、キ、ヲ、以、テ、米、國、政、府、ノ、立、場、ニ、願、シ、其、事、ト、モ、
 或、亦、中、ノ、於、テ、其、ノ、ヒ、ヨ、リ、聲、明、ス、ル、コ、ト、ヲ、望、ム、セ、サ、シ、ト、シ、
 而、モ、セ、リ、是、ノ、於、テ、米、國、政、府、ハ、前、記、外、交、部、長、書、ヲ、討、ス、
 而、シ、ト、シ、テ、同、院、四、十、四、年、一、月、二、十、三、日、一、ノ、公、文、並、附、屬、文、
 外 務 省



書、内田大使、提出セリ該公文ニ依リ、米國政
 府、秘中制限、更ニ規定ヲ新章の中ニ含
 海スルコトニ同意スニ付、但シ日本國政府カ米中
 行爲ノ後統ヲ調ハレカ爲過去二箇年半實
 行ニ來リ、制限及抑制ヲ新章中存續中從
 來ト同様ニ履行シテ自的ノ爲必要ナル場合ニ
 西國政府共ニ協力スルキニ付、並ニ新章中何時ニテ
 六箇月ノ豫告、依リ新章中ノ廢棄ト得ルコトヲ
 高議ノ基礎トシテ新章中締結ノ談判用
 始、至近日米國政府ノ希望、各ニキキ申來リ
 此ノ米國政府ハ新章中調印ノ際右ノ趣旨ヲ正式
 ニ宣言スルキニ付、解シコト並ニ米國政府ニ移
 氏解決ノ基礎トシテ前記ノ提議ヲ承諾スルニ
 片ハ米國政府ニ、其ノ領土内、渡來スル程氏ヲ制限抑
 制スルニ付、更ニ米國政府ニ、其ノ領土内、渡來スル程氏ヲ制限抑
 帝國政府ニ之ニ對シ、米國政府カ我ニ立場、顧、新

外務省

条約中移民ノ関シ何等ノ規定ヲ設ケサルコトニ同
 意シタルニ因リ帝國政府ハ万一ノ誤解ヲ防カケカ
 為新条約調印ノ際自ラ任意ノ口實言ヲ為シ本
 件ニ関スル帝國政府ノ方針ヲ変更スルノ意思ナキコト
 ラ聲明スルヲ辭セサル旨並自國領土ニ渡来スル移
 民ヲ制限スルコトヲ得ル國有ノ主權カ日米各處ニ存
 在スルコトヲ以テハ帝國政府モ亦米國政府ト所見
 シ同フスルモ之ヲ為米國政府ノ聲明セル關係ハ
 外務省
 締約スル一方、他一方ノ移民ヲ本件ニ關シ
 別名氏ヨリ異キル条件ニ服セシムルコト
 有ルベキヲ意味スルモノアリサレド勿論ナリト
 了解スル旨他、諸問題ニ對スル意見ト共
 ニ内田大使ヲシテ事務卿ニ回答セシメテ
 然レヨ事務卿ハ之ヲ以テ内田大使
 シテ訪ハシメ米國政府ニ於テハ本問題ニ關
 シ日本名氏ト對シ差別的待遇ヲ為ス

此ノ意思アルニヤラサレ共ニ各領ノ領民
 制限ニ各ニ固有ノ主權ニ係スルノ條
 ツ以テ元老院ノ及討論ヲ鎮捺シタル
 今差別的結案ニ付、曰ク、悉ク是レ
 於テハ、又ニ再ニ元老院議員ヲ既服
 セザルニ付、サレドモ、其ノ結果、判官職
 今同會中、亦亦、其ノ結案ニ運
 ニ至ルニ付、以テ、實ニ、差別的結案
 外務省
 曰ク、此ノ條及、セザルニ付、切實ニ、旨主
 張セザルニ付、係、内田大使、主權論、
 實ニ、此ノ條、方ニ、於テ、之ヲ、擧げ、然レ、んニ、アラス
 今、四、初、之、米、米、政府、ノ、見、出、中、一、
 言、及、シ、ア、リ、ん、カ、何、レ、條、ニ、於テ、之、亦、之、ニ、對
 スル、言、ハ、ス、同、條、ノ、見、出、中、一、
 今、亦、各、例、ニ、於テ、主、權、ニ、付、
 ツ、割、除、ス、ル、於テ、ハ、條、方、ニ、於テ、モ、亦、之、

こころのちかんとて言つてせらるる氏
 し新なる條に結ぶ事元老改修
 一替り申す得るかあるに語文句の必要
 なる事主知し内田大使に宛て南条君
 政府に於て考へ討案及相成の事
 宜言あり申す事申すに提出し以て
 新なる條に結ぶ事元老改修の事
 しかれども
 外務省

政府に於て考へ討案及相成の事

宜言あり申す事申すに提出し以て

新なる條に結ぶ事元老改修の事

し

661340

Declaration.

In proceeding to the signature this day of the Treaty of Commerce and Navigation between Japan and the United States, the Undersigned, Japanese Ambassador in Washington, desires to assure the Honourable Secretary of State of the United States that he is instructed by His Imperial Japanese Majesty's Government to declare to the Government of the United States that His Majesty's Government will, during the life of the said Treaty, continue to enforce with equal effectiveness the limitation and control which His Majesty's Government have for the past two and a half years employed in regulation of the emigration of labourers to the United States, and which the two Governments have recognized as the proper measure of adjustment under all the circumstances, the two Governments when necessary co-operating to this end.

外務省

In obedience to this instruction, the Undersigned, has the honour formally to declare to the Government of the United States that so long as the Treaty of Commerce and Navigation this day signed between Japan and the United States shall remain in force, the Government of His Imperial Japanese Majesty will continue to enforce with equal effectiveness the limitation and control which that Government is at the present time employing in regulation of the emigration of labourers to the United States, and which the two Governments have recognized as the proper measure of adjustment under all the circumstances, the two Governments when necessary co-operating to this end.

2-1 3 3 6

0038

市名政府に於て、大体如宣言書あり
 討し累年にして、^{城宣言}本條に於てスル市名
 政府一般方針に於て、政府、主権に
 二、領土、金銭、任意、之を行つたるが如き
 均一存続、均一に何れも、關係有せず
 一、又、地を譲渡、宣言書案中、「新条約、
 存続、均一に」之を、向う削除し、又「必要
 一、場合、之を、政府に、協力せしむ」と、^{外務省}文句に
 一、市名政府、軍指、行つ、宣言書中、文
 句、^{一、}不適合、十九、^{一、}之を、^{一、}編、^{一、}民、^{一、}制
 限、^{一、}條、^{一、}一、^{一、}市名政府、向う、軍指、^{一、}三、^{一、}
 之を、^{一、}宣、^{一、}行、^{一、}スル、^{一、}物、^{一、}意、^{一、}ト、^{一、}既、^{一、}セ、^{一、}カ、^{一、}ル、^{一、}如、^{一、}其
 アル、^{一、}リ、^{一、}以、^{一、}テ、^{一、}之、^{一、}リ、^{一、}削、^{一、}除、^{一、}シ、^{一、}又、^{一、}三、^{一、}年、^{一、}ト、^{一、}ス、^{一、}ト、^{一、}ア、^{一、}ル
 事、^{一、}實、^{一、}ニ、^{一、}其、^{一、}基、^{一、}キ、^{一、}三、^{一、}年、^{一、}ト、^{一、}ス、^{一、}政、^{一、}ノ、^{一、}レ、^{一、}ト、^{一、}ト、^{一、}ス、^{一、}事、^{一、}也、^{一、}
 一、^{一、}而、^{一、}シ、^{一、}テ、^{一、}市名政府、^{一、}在、^{一、}軍、^{一、}指、^{一、}見、^{一、}可
 一、^{一、}記、^{一、}林、^{一、}四、^{一、}年、^{一、}廿、^{一、}日、^{一、}三、^{一、}日、^{一、}不、^{一、}明、^{一、}也、^{一、}

In proceeding this day to the signature of
 The Treaty of Commerce and Navigation between
 Japan and the United States, the Undersecretary,
 Japanese Ambassador in Washington, duly authorized
 by his Government, has the honor to declare that
 the Imperial Japanese Government are fully
 prepared to maintain with equal effectiveness
 the limitation and control which they have
 for the past three years exercised in regulation
 of the emigration of laborers to the United States,
 and which they recognize equally with the
 Government of the United States as the proper
 measure of adjusting the question in view
 of all the circumstances of the situation.

外務省

尚米國政府二月廿三日付國務卿公文
 對此書面上之回答ヲ得タキ旨希望

右に立言案に於て

セルラウラ帝國政府ハ、
 提
 答スルニ善支キ旨返答セリ

The Japanese Ambassador has the honour to acknowledge the receipt of the Memorandum of the Department of State dated 31st January 1911, and to state in reply under instructions of the Imperial Government that they are extremely gratified to learn that the United States Government, after examining the drafts of the Treaty of Commerce and Navigation and of the special reciprocal customs convention

外 務 省

presented by the Japanese Embassy with its Memorandum of 18th October 1910, are prepared to enter on negotiations of a new Treaty of Commerce and Navigation to replace on the 17th July, 1911, the treaty now in force. In order to facilitate actual negotiation of the new treaty, the Japanese Ambassador is now instructed to present to the Secretary of State the annexed draft of voluntary declaration of the Imperial Government in regard to the emigration of Japanese labourers to the United States. ~~It does not differ in any essential points from the draft sent by Mr. R. G. Willson of the Department of State on the 21st inst., and it is hoped that it will be acceptable to the United States Government.~~ Baron Tachibana is further instructed to state to the Secretary of State that the Imperial Government have no objection in principle to points 2 and 5 mentioned in the Memorandum of the Department of State dated 31st January last, while remaining three points could in their view be arranged satisfactorily by actual negotiation. Upon learning precise nature of proposal.

concerned, Imperial Government, therefore, desire that the counter draft of the treaty prepared by the Department of State may be handed to the Japanese Ambassador at the earliest opportunity.

然ルニ
平山平兵衛政府ニ希土政府が協
定制限ニ関し任。協定ノ文字ニ主キン置
クト皇元未だ協定ノ制限ニ日本子政府
ト在東京平山平兵衛大使ト交渉ノ結果
双方ノ協定ニ関スル事ニ立シテハ
四版移、善意味ヲ能ク任事クモノニア
ル

外務省

ト事建シ可記此同答書中
ノ文字ノ削除セムトシ強硬ニ主張シ
目。 now in force and that the Imperial

Government concern in the understanding of the
proposal relating to the question of immigration
set forth in the above mentioned note of the 23rd
January last, and to hope
時ニ希土政府ニ如行ニシテ欲セサルモ平

玉の府ノ決心思考に到る迄勅スハカ
 かん知リ之同意ヲ但し右公文ニ世間
 ニハ偏陳スルニ於テハ諒解ヲ生スルノ虞
 アル以テ之ヲ秘密ニ附スル事トヤリ又公
 文中ノ文句ヲ修正せし結平定言案
 ノ事也 and which they recognize 以下ノ文
 句ハ不致ナリトシテ亦右ノ政府ヨリ
 之ヲ削除リ提議せん事ハ亦不致
 府ノ定案ハ即チ右ノ公文句ヲ好マ
 リトシ依リ直ニ之ニ同意セリ (別添書ニ
 右ノ事ハ新案好結ニ申す至右府
 ノ意ニ之事アリ且ツ右ノ事ノ立場ニ顧
 ミ及ビ田海ヲト認メラシムル相成ハ
 事トシ右ノ事ハ右府百ニ妥協シ又んラ以
 テ四月十四日二月八日以前に答
 書申シ宜シ言案アリ玉の府ノ提出ニ不

661346

。日本郵船株式會社に伴う日本郵船株式會社在東京
考板著子千鶴 — 海航年 (大森氏)

外務省

2-1 3 3 6

0044

本府、同日米子政府、作成条約討議シ
日大使、戻り赴き

第三 関税問題

米子府、関税、米子お記一月廿三
日付公文府、米子中在、米子提議
あり

外務省

關税、米子特別形、締結セリ
ル、米子日本米政府、米子関税
別名、米子許与ナル下、米子許与スル
上、米子好過、米子合衆名、米子許与スル
下、米子保障、米子若し日本米政府、米子於テ
特別条約又、米子関税率、米子改正、米子條
別名、米子討議、米子関税、米子許与スル時
今、米子之、米子匹敵、米子殊、米子合衆、米子是
提議、米子以テ、米子合衆、米子其、米子條税率

ツリ續キ日本と許すべしに對スル報
破ト為スルキニト

然レニ其後ニ至ルニ特別の程ノ締結セ

ルルニ至ル迄ハ日本とヨリ別名ニ許すス

ルニトアルハキヤト實際上一同ニ好例ヲ

求ムル許すべしトノ下ニ單行ニ其最

名付例ノ保護ヲ意味スルモノアリトス

テ實際上一同ニ好例ナルヲ考テ付ケル

外務省

種々議論ノ余地アルハ而シテ若シ条

約又ハ實況等ノ改正ニ由リ別名ニ

對シテ實況上保護ヲ許すべし場合ニ至

正極ニ其例ヲ求ムルニ提供スルニトアル

ハ單行所謂實際上一同ニ好例ヲ

求ムル保護スルニトハ極善ク一増具體

的ニ取可シクモ其如ク之ヲ極端トシテ求

ム所ナク單行ニ其最^{最良}實況等ヲシ

姓名：行方と云々の旨なり

市子政府の所、女キ提議、之を能に
せん明と云々、此由た、女也

市子政府に其、皇統を承継する事、あり
めり、市子ト^相互に、各々条件あり、互に、

西の保護するに、皇統ナリ、証し、姓名
か、多し、又、互に、法ヲ以テ、或、物、事、と、別

あり、より、下、ア、レ、日、統、事、ト、便、登
外務省

ハ、市子、事、と、別、直、に、均、等、法、ヲ、行、ス
へ、其、代、リ、市、知、事、キ、亦、市、事、ト、於、テ

日、標、ノ、坊、等、ト、同、標、均、等、法、ヲ、行、
ス、ハ、シ

(四) 若し市子カ、女、を、承、継、す、事、
歎、ト、基、キ、同、一、物、事、ト、均、等、法、ニ、ア、ル、也

予、特、ニ、或、別、法、ト、市、事、ト、別、法、
ト、事、ノ、輕、減、ヲ、希、望、ス、ル、ト、於、テ、ハ、亦

吾政府の亦ある目的は或本邦品に對
し税率を低減せしめ、輕賦にして
對價下たる下ノ條件付下セザルハカ
ス

（一）本邦に於ては、單一關稅制ヲ採ル
ル故に其定稅率は、一值ニ定メテ、複
稅制品に於て所謂一般又ハ品之に稅
率ト稱スルモノハ、本邦に於てハ、吾國

外務省

品稅を加へて輸入物品ノ價格ト同
額以内と爲テ、勅令ニ定ムル額ヲ合算
シテ、之ノ範圍（即ち定稅率法第
四條）ニ依リ、稅率定稅率ハ、複稅
制品ノ最低稅率ニ據ル

（二）且又品品ノ最低稅率ハ、既ニ定
稅率ノ一ニシテ、今日進出之カハ、適用
ヲ得ルトシテ、物ノ品品ノ爲何來

強固シ他者より獲得せし下ナシ
 予も昨午其後航率ノ多寡
 ノ趣入果ニ適用せしむリ何レモ
 討しむモ今之控衛しんか女中衆
 併リ以てせし下ナシ予も其後航
 率ノ適用ノ功徳トシテ何レモ予
 孫固ヲ獲得せし下ナシ予も其後
 航率ノ適用ノ功徳トシテ何レモ
 予も其後航率ノ適用ノ功徳トシ
 テ何レモ予も其後航率ノ適用
 ノ功徳トシテ何レモ予も其後
 航率ノ適用ノ功徳トシテ何レモ
 予も其後航率ノ適用ノ功徳トシ
 テ何レモ予も其後航率ノ適用
 ノ功徳トシテ何レモ予も其後
 航率ノ適用ノ功徳トシテ何レモ

率ノ適用ヲ条件トシテ税率ノ
 振盪又ハ軽減ヲ行フ下ク約保セム
 カ目ニ全此片條的協定ニ對テス
 何トナシハ税率ノ事モ我々對シテ其ノ
 税率ノ増進モ亦何時ニテモ其ノ
 最低税率ヲ増加スルノ自由ヲ有シ
 何レ税率ノ際ニ來リ決ケサルニ及
 シ我方ハ税率ノ制限ヲ課スル稅
 籍ヲ束縛セザルハナリ又若シ税率ノ
 討シテ新ノ税率ヲ課スルカハ其ノ
 税率ノ制ニ對シテ目標ノ讓歩
 ヲナササルハカクサルニ至ル者ハ其ノ
 存
 税率ノ四複ノ目的ヲ達スル爲メニ
 ミナシテ税率ノ増進上及財政上ノ遠
 大利益ヲ損傷スルノ虞アリ故ニ本

外務省

長河府に別置すに同意せらるる
 既に前河、条約改正に於て予名に
 与り下附等、官税指立権ヲ命是
 認察しナカラス今ニ至リテ爾ニ未
 除官に前例ナキ提議ヲ以テ之ヲ覆
 カレトスル如キハ布衣政府ノ要々
 議を克クせん計ナリ

外務省

(ハ) 如クトモ予名カ好ノ如キ提議ノコトヲ
 了りたり林提議案ノ如ク軍ニ無事
 於て是も提議(条件白あり提議
 リテ居るルに於テハ之ヲ互的におか
 して之を可なり)ノ如ク約するル、
 他日あるに特別の極行と互に其
 事あるに付統率、輕減ヲ決定せむ
 ト然るに於テハ布衣政府ノ要々
 林案、以て取決するに款を充分

ノ好意ヲ以テ之ヲ考量スベシ但シ概
定ニ當リテ双務的ナリトス

以上、政府府部正政府ニ希正政府ニ討
シ内田大使ツキテモ、趣旨ヲ以テ回答セシ
キ

買統ニ付テハ希正政府ニ其國統案
酌案、未カカル日采、未カカル者、是
法、過リテ、保、存、セ、ラ、レ、ト、リ、希、正、政、府、ニ、
外務省

シ、ニ、シ、テ、海、ヲ、希、正、政、府、ニ、別、シ、テ、
或、然、入、邦、ニ、對、シ、案、照、又、ハ、名、法、リ、以、テ、
經、統、リ、海、用、ス、ル、件、ハ、希、正、政、府、ニ、回、答、
ハ、亦、ニ、對、シ、テ、右、ト、回、答、經、統、ノ、海、用、件、
中、ニ、シ、テ、ス、ヘ、リ、之、ト、均、シ、ク、希、正、政、府、ニ、回、答、
ノ、場、合、ニ、ハ、知、ル、ニ、亦、回、答、均、シ、ク、行、務、
有、ス、ル、事、ト、ハ、協、定、モ、カ、キ、ト、リ、概、ス、ル、他、
日、若、シ、希、正、政、府、カ、希、正、政、府、ニ、對、シ、テ、

各款之基本同一物系、均能活、ア、ス、シ
 ラ、特ニ別種ノ系ニ輸入、不、月、稅、稅
 率ノ輕減ヲ希望スルニ、於テ、ニ、系、系
 政府ノ稅率モ亦、互、的、或、種、本、邦
 所、對、シ、系、系、最、低、稅、率、ノ、輕、減、ヲ、行
 フ、ト、シ、テ、條、件、ト、シ、テ、之、ヲ、提、議、ス、ル、ニ、於、テ
 ハ、亦、主、以、政府ノ、提、議、ニ、對、シ、テ、考、量、シ、テ、加
 フ、ル、ヲ、辭、セ、サ、ル、ニ、シ、但、シ、特、定、シ、テ、常、ニ、双
 務、的、ノ、名、ヲ、受、ス、ル、ハ、特、ニ、系、系、政府ノ、
 注意、ヲ、希、望、セ、サ、ル、ニ、カ、リ、其、果、シ、テ、シ、テ
 系、系、政府ノ、何、ト、主、ト、シ、テ、新、條、約、條、件
 判、ト、於、テ、之、ヲ、主、條、上、最、モ、守、リ、カ、リ、主、リ、ハ、
 條、約、條、件、判、ト、シ、テ、空、ニ、カ、ル、ト、ト、別、種
 ト、ニ、對、シ、テ、固、執、シ、テ、及、チ、カ、サ、ル、ト、ト、ニ、條、件
 ニ、テ、リ、若、シ、果、テ、系、系、最、低、稅、率、ノ、適
 用、ヲ、對、價、ト、シ、テ、條、約、條、件、判、ノ、輕、減、ヲ

外務省

行つて下り約倍セムカ更金然片務的
 快きにおナラヌ何トナレハ平素いふも希
 目ニ對シテ其税率ツカはきき大征々何時
 々モ其別府税率ツ増加スルノ由ク有
 之何未稅積ニ對シテ東ヲ更ケサレト及シ希
 名政府一税率ニ制限ス蒙リ稅積ツ
 東河ちんレハナリ又若シ平素ニ對シテ
 斯ノ如ク讓歩クおサレカ他^複稅制ニ
 外^{務省}
 ニ對シテモ同様ノ讓歩ツおサレハカサ
 ルニ至リテ亦至多ノ年ノ存留ニシテ一般
 各府改正ノ主眼ニ稅積四複ノ
 目的ツ成ルニ克ツサレノミナラス^杯經濟
 上ノ財政上ノ利益ヲ擴張スル
 ノ慮アリ都ニ亦名政府別府同意
 スル克ツサレナリト亦名政府ニ可^同
 案好改^正ニ於テ^對何^モハ^實稅^指立

格ヲ希玉ノ認定ニテ良ぬる印象
 シ殊セル事也カ今日再ニ希玉ノ正
 當正ニ証キ之付ッ様スヘキ下リ期
 待ス

然レニ事名政府ニ同カ日本^婦生安^婦統
 出ルル生安^婦乃^婦業^婦ニ対シ是^婦状^婦法^婦通^婦リ与
 一^婦居^婦下^婦系^婦ニ向^婦ル一^婦々^婦年^婦未^婦、^婦業^婦乃^婦存^婦続^婦ク

外務省

即^婦旨^婦ヲ有^婦ス、^婦相^婦ッ^婦ス日^婦采^婦玉^婦未^婦、大^婦良^婦
 ニ願^婦ニ^婦新^婦多^婦乃^婦締^婦結^婦、^婦法^婦條^婦ニ^婦底^婦シ^婦ル^婦コ
 ト^婦ト^婦シ^婦理^婦由^婦ト^婦シ^婦テ、^婦法^婦實^婦態^婦上^婦他^婦者^婦ニ^婦比^婦シ^婦不
 利^婦不^婦公^婦平^婦等^婦ニ^婦対^婦シ^婦テ^婦法^婦條^婦乃^婦支^婦テ^婦サ^婦レ、^婦保^婦障^婦ヲ^婦得
 ヲ^婦下^婦リ^婦支^婦延^婦セ^婦リ、^婦事^婦ヲ^婦希^婦玉^婦乃^婦政府^婦ニ^婦采^婦玉
 ノ^婦支^婦延^婦カ^婦事^婦延^婦延^婦ル^婦事^婦延^婦延^婦ル^婦法^婦條^婦ノ^婦保^婦障^婦ヲ
 支^婦延^婦ス^婦ル^婦メ^婦ウ^婦ニ^婦足^婦ス^婦ル^婦以^婦テ^婦若^婦シ^婦テ、^婦音^婦味^婦ヲ
 以^婦テ^婦於^婦テ、^婦何^婦未^婦異^婦議^婦ナ^婦リ、^婦我^婦カ^婦提^婦案^婦モ^婦亦
 ニ^婦法^婦條^婦旨^婦ニ^婦基^婦キ^婦テ^婦制^婦定^婦セ^婦ラ^婦レ^婦ル^婦ト^婦モ^婦若^婦シ

此他名も、輸入品に付し行はる減税。正
 敷るに殊道ヲ別種ノ米名に付し獲得
 せらば、越前ノ米名に付し、市土政府に
 然之に應るに能はス、斯くも提議。其事
 片は不対米ノ甚しき事ニ付、恰も市土
 政府より彼米地ヲ撫へて、同米、提議
 方、米名に日本に於て是米行はるに
 致す。トシテ、同米カ、玖瑠ニ付し、同米上、
 外務省
 特典ニ正敷るに、殊道ノ米、別種ノ日本
 米に付し、又、今回、調子、七、三、三、
 米加互るに、恰好、用、加、奉、院、米、
 下、ナリ、ん、賦、税、ノ、利、益、と、正、敷、ス、ヘ、キ、特、典、
 別種ノ日本米、自、日本、米、に、提、供、ス、ヘ、
 したる、殊道、米、名、に、付、し、市、土、政府、必、ず、峻、拒、ス、ヘ、
 市、土、同、米、に、付、し、以、て、其、上、付、我、立、地、米、名、に、退、
 讓、餘、地、ナ、キ、旨、内、田、大、使、リ、テ、米、名、

改定府に申込にヨリ結ら平各政府の希
 各政府の主張より諒上し本口取にヨリ
 一切の要求に徹回する代り協定書より以
 于他日同系統の國に特別の利益を結
 ちるに至らば(4)八月廿四日十月廿二日
 ノ条約中に存する同系統の國に規定
 即ち相互の利益を結する保障の経緯を
 以下に要するに希各政府の之に同意せり

外務省

分回 領事録保存の締結

二の国五件

領事録保存の締結の旨を以て明治廿九年申
年五月府より之を締結し希望し其の旨
あつて市に政府に提出し五月廿九日
ノ修ナリシカ市に政府に前記一月廿三日
付公文附屬受中一 市に政府

ニ対し領事録保存の締結の明確に規定
外務省

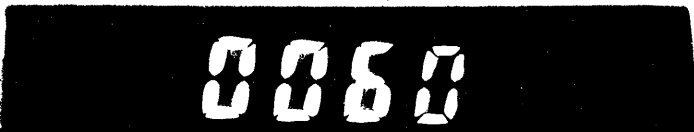
スル領事録保存の締結し市に海に連
ニ開始スル事ト同意せらるト希望あり
市に政府に於ては主務上右提議の旨
議事トシ毎通商航海の旨ト同時ニ之ヲ
締結スル必要ヲ認むルニ至ラス
同時ニ市に海に開港スルに於ては往々通商
航海の旨を以て締結し遷延せしむル
アルヲ以て市に政府に對し市に海に開港スル旨を以て

新通商船海多事、締結ヲ完了スル
 及申シ其ノ方條ノ同好スルニ同意スル
 旨回答アリ其、結果未定政府ハ我々
 亦案中ニ存在スル財産管理^(第四條)ハ船内
 秩序ノ^(第十五條)、脱船人引居及遭
 難船ノ救助^(第十七條)等ニ関スル規定ハ領事條
 務案ヲ^{於テ}考慮スル^ハ趣意ノ以テ同
 政府^{於テ}新通商船^中ニ
 外務省
 シ削除セリ

印五 永代借地権ニ関スル件

前記一月廿三日付米各政府、公文附録
 宛多中、同政府、日本各政府、於て永
 代借地権ノ重現状ヲ確認シ且ツ關係
 各間ニ未^{本件}ニ開スル諸問題ノ満足スル迄決リ
 見ルに至ル迄之ヲ維持セムトソ要求セリ
 米各政府、日本同政府ニ関シテ、今四條五
 トノ条約改修ヲ豫念トシテ之ヲ終局的ニ
 外務省

承認スル方針、同日ニ考案中ナレトモ
 新案が締結シ終、諸利トシ、金銭分離シ
 予別ニ承認スル積ニテ其ノ考案ニ確定
 次、米各政府、提出スル、而シテ之
 加多、終ニ進ハ、現在、永代借地権ヲ
 維持スル旨、回答アリ、然レニ、米各政府ハ
 二月八日提出スル、米各政府、於て十六
 米各政府、提出スル、永代借地権ニ因テ、以テ



所持タル財産等之附帶関連タル權利
 特權及免除カシテ本条ヲ實施シ除規
 存スルハ茲ニ推認セリハシムル得
 領事官ニ於ケル者ハ合意ニ因リ外何
 事ノ變更アリ加フル事不能ハス All rights,
 privileges and immunities incident and
 relating to consular held under the consular
 lease existing at the time the present Treaty
 entered into operation are hereby confirmed,
 and no change shall be made in respect
 thereto except by mutual agreement between
 the interested parties. 本條ニ於テ
 領事官ノ權利ハ本條ニ規定スルニ依リ
 推認セリハシムル得ル事ナリ。本條ニ
 規定スル權利ハ合意ニ因リ外何事ノ
 變更アリ加フル事不能ハス。本條ニ
 於テ領事官ノ權利ハ合意ニ因リ外何
 事ノ變更アリ加フル事不能ハス。

外務省

結實施せしむるに
 地内ノ於テ故ニ未
 持スル現存ル代借
 八千七百五、三
 有る未五人ノ為
 二日ノ為約計十七
 除何未影跡音ツ
 定むるト提議セリ

外務省

1. Existing leases in perpetuity upon which property is now held
 by American citizens in the former foreign settlements in Japan
 shall be duly maintained and respected.
 2. The Treaty of Commerce and Navigation between the two countries
 signed this day shall not in any way prejudice the rights and immuni-
 ties provided for in Article XVII of the Treaty of the 22nd of Novem-
 ber, 1894, in favour of American citizens holding the aforesaid leases
 in perpetuity.

米子政府に本件に関する規定の修正の
 中より割譲の三ツ指の海軍部中、記号
 する下同一回をせしめ我提共海軍部案
 ヲ右ノ通リ修正セリ

外務省

Existing leases in perpetuity under which property is now held by
 American citizens in the former foreign settlements in Japan shall be
 maintained and respected and all rights, privileges and immunities
 incident and relating to such property and existing at the time the
 present Treaty enters into force shall remain unchanged until a
 satisfactory arrangement concerning the final disposition of such
 leases shall have been concluded between the interested parties and
 put into operation.

然るに日米の状況に徴するに 横濱の居留地
 在位外人、如キハ其代償地格ト全ク

關係ナキ諸税例ハ車馬・小蒸氣・
 昔ニ對スル市税ヲモ納付セザルモノ多ク御考
 ハル事政府方ヨリ代價地積回數ノ終局
 爲決トスルヤルニ願ヒ右^申納者ニ對シ
 強制執行リテ完セツ、アルニ至リ終局ニ
 若一即リ課税ヲ免除セラルハキ特典ニ
 有スルカ如ク公言スルモ之ニ固ヨリ市
 政府ノ承認スル能ハザル事^ハ記
 外務省
 希^ニ修正あり依^リハ^ハ終^ル事除^クリ
 保障テスルヤリ^ハ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ
 ヲ以テ市税政府ニ之ニ同意スル事
 能ハス依テ巴奈馬ニ對スル事^ハ修^スル^ル事^ハ
 前文^ニ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ
 林^ニ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ
 修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ
 修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ修^スル^ル事^ハ

All rights, privileges & immunities
 which are secured, by virtue of Article
 XVIII of the Treaty of the 22nd of November,
 1894, to American citizens holding such
 licenses, shall not be affected by the Treaty
 signed this day.

此の条約政府の領土に在りて修業し
 国籍を有する者、本領土に在りて
 外務省

維持の外一歩を譲り、既に在りたる
 第十九条の二、保障の条に不満足たる旨
 を呈するに當り、本領土に在りて修業し
 たる者、一切の市税免除の如きは既に
 行なはるるに當り、之に及らざるは旧約の時
 代に於て既に同様の保障を享受するに在り、以
 て我々の依りては、該免除の如きは既に
 あり、之に及らざるは既に呈す政府に

右ノ如ク主権をシテ之ノ市ニ政府ノ到
 存借地令付シ各籍市税免除ノ特
 権ヲ承認スルコト能ハラズハ除キスレ
 モ他同意ニ得テ其特權ノ範圍ヲ劃定
 セムトスルニアラザルヲ以テ右ノ範圍ニ付
 主権ヲ保留スルコト其ノ市ニ政府ノ於
 テモ亦其ノ主権ヲ保留スルコト正ルキ方式
 ニ依リテ決定スル事アリ作欲ニ以テ市面ノ因
 附ヲ勿得トシ市ニ政府ノ利益ヲ讓
 歩トシテ其利益ヲ享受スル事アリ

外務省

*All rights, privileges and immunities incident
 and relating to such property and existing at
 the time the Treaty signed this day enters into
 operation shall not be affected by the Treaty;
 and in no case shall American citizens be
 placed in this respect in a less favorable*

position from subjects or citizens of any other

country

ト修ムスルモ了スル旨提議セリ

政府ハ何れも代償地積ニ付スル敷金

新島ヲ以テ影御音ヲ受ルル事ナシ

not be affected) ト云フハ

如モ其ノ意成リ

ト云フハ付 ^{skull} operation ノ文字以下ノ shall

外務省

the 22nd of November, 1894

ト改ムル於テハ我輩ノ同意スル旨

答ヤリ之ヲ以テ市ニ政府ニ改メ

借財ニ因リテ影御音ヲ受ルル事ナシト規定

スル於テハ市ノ敷金ニ付テモ政府

ノ代地ニ付テハ未ダノ敷金ノ事ナシ

ト云フハ之ノ外ニ shall not be affected

by the substitution of that Treaty for the Treaty

of the 22nd of November, 1894. 上修り
 の下り 授けられたる 邦文政府の又之の
 not the affected hereby たる文句の改メキ台
 主修り 蓋し 邦文 文字 極メ 曖昧
 たる意味の有るを以テ 固ヨリ 邦文政府
 ノ望に於テ アラスト 本件に 対スル 邦文
 政府 態度 極メ 強固ニシテ 別省 安
 限ノ 又メ 下カリシ 依リ 安省ノ 邦文政府
 授けられたる 曖昧 たる 文字ノ 使用に 致
 張ノ 尤キ 意味を 解 釈スル 下ル 餘地
 リ 存シテ 以テ 本件ノ 解決スルノ 得 弟チ 邦文
 信シ 右 邦文政府ノ 行方ニ 同意アリ 俾
 事 邦文政府ノ 授けられたる 邦文政府
 永 邦文政府ノ 授けられたる 邦文政府
 而シテ 本件ノ 解決 申請ニ 同意スル 下
 止ノ 結果 邦文政府ノ 公文ノ 形式ニ 依ル 下

外務省



ト
ウ
◎

外務省

◎然ルニ 希島政府に 右公文に 対シ 昔々
別紙第九号

回答ヲ 爲ラサズトシ 希島政府の 意

ヲ 伺フ 旨 提議セシメ 以テ 希島政府

ハ 之ヲ 妥協スル 事トシ 議決セリ

661372

而して其の旨は政府に於て其の出来に依り
永く秘密に爲すべしと内約に爲す
併して其の旨は政府に於て其の出来に依り
永く秘密に爲すべしと内約に爲す

外務省

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0070

分六 土地所有權之買入件

お願ひ申す所付公文附屬之買入件一平
各政府に土地所有權之買入之旨を記
載せり

合衆国ノ政府、其ノ法律に遵
びて人ノ土地所有權ヲ許さん
所トシテ日本ニ政府ニ市ニ議會
ノ命令仰テ於テ議定せん法律、
外務省

規定に依ルル外人及外人法人
制限的出地所有權ヲ承認スル
及承認法人ニ付テハ又其
對テ於テハ不承認ニ付テハ其
權利ハ確立無効ナリトスル
併シテ其法律ニ於テ承認スル地
方ニ記録ニ公認セラルル完全ナ
ル效力有ラズトシ又其土地所有

換之るるに法律その他各條に適用
せらるるに基き、各農事人民に別其人
の利益を適用するべし

ト右に對し、市廳政府に内田大伴トシテ
モ、其の回答を以てし

○ 土地所有權に關し、市廳政府

ハ各内情に照準するに依り、^據 應じらるるに才

計あり、海外邦人及外國人等

外務省

テ、法律に定むる條件に具備せんに於

テハ、本邦に於テ土地所有權享有

するに付、而シテ、法律に定むる條

目、種々同之、何れ人種に區別ヲ

設くるに付、勿論、邦人各地方に

於テ、^{屢次} 其の既せん土地所有權に

關する、概日的法律あり、^美 適用せらるる

用^施 せらるるに、至るに、十年限り、^美 存せ



政府を以て新法施行實施ノ曉
 諭之カ迄同止寛大なる親
 善各處所平和人ノ多ク出地所
 有權ノ事有せしムトハシ泉
 解之於テ平和人カ既カ得ル出
 地之カスル權州ハ之ヲ專ニ守ルハク
 又在東洋平和人總領事館ニ
 多ク採ル地所ノ記録公認ノ信
 目ニ在在知平人名大使館ト文據
 中ニ備シ之ヲ公平濫用スルハ
 決リ及ルヲ以テ信ス出地所有
 權ノ事ニ新法施行カ於解
 諭同セラルルニ至ルハ皆今ニ因リ
 各人一般ニ迄同セラルル以テ平
 和人ニ及ラテ濫用スルトナリハシ
 但ニ別名ノ日後法律定ムルカ

外務省

併に送るべき事なき事勿論なり

然るに希名政府の同意を得ざるに於ては日
本人の土地所有権を許さざるべしとの
意見を致す事日本に於ては台湾の
匪賊の擄去に於て外人の土地所有権を
禁ずるに比るべし希名の方針に
便宜の日本に於ては土地所有権を
希名人民一般に土地所有権を

外務省

許さざるべし希名政府の同意を得ざるに於ては日
本人の土地所有権を許さざるべしとの
意見を致す事日本に於ては台湾の
匪賊の擄去に於て外人の土地所有権を
禁ずるに比るべし希名の方針に
便宜の日本に於ては土地所有権を
希名人民一般に土地所有権を
許さざるべし希名政府の同意を得ざるに於ては日
本人の土地所有権を許さざるべしとの
意見を致す事日本に於ては台湾の
匪賊の擄去に於て外人の土地所有権を
禁ずるに比るべし希名の方針に
便宜の日本に於ては土地所有権を
希名人民一般に土地所有権を

張ノ貴徹ノ努力ヲ以テ「民ノ私的合見
 ヲ於テ亦各政府ノ本位ニ置シ又其ノ交際
 ツル節節々々ト甘言ヲ亦各受テ「四答トシ
 テ在ノ如キ公文案ヲ示シ「民ハ私
 人トシテ之ニ同意せんリ以テ同大使ハ直チ
 ニ各政府ノ利益ヲ仰キタリ

外務省

Referring to certain points of the Memorandum of the
 Department of State dated January 23 last, I have the honor,
 under instructions of the Imperial Government, to make the
 following reply :

Tariff.

 Land ownership. This will be regulated by the law of
 the country, and foreigners and foreign corporations who will
 comply with the terms of the provisions of the law will ac-
 quire the right of ownership on land. The Imperial Govern-
 ment will, by liberal interpretation of the law, be ready to

Grant the ownership to American citizens from all States, Japan reserving for the future the right of maintaining the condition of reciprocity with respect to the separate States. The rights on land acquired by Americans in Korea will be respected. As to the recognition of the title-deeds registered in the American Consulate-general in Seoul, the Imperial Government are now considering the question with the American Embassy in Tokio, and believe that it will be solved satisfactorily to both parties. In case of the extension of the law of land ownership to Korea, it will be applied to foreigners in general, including American citizens, upon their fulfillment of the provisions of the law on the subject.

外務省

帝皇政府に在出地所有權を以てする部分
 の是總して美領に於ては部分に之を割除
 せしむべき事にして帝皇政府に之を同意
 せしむるに多代傳地積を以てする件を巴拿
 馬運河地帯に於ては(後略)に於
 て之を以て(ハシ)を各指して文書下ナせん
 以て出地に於てする件を帝皇政府に呈上
 するに因りてあるに依りて一略せしむるに

付市長政府の本件を亦之ヲ指立公
 文に依リ規定を以テテ指陳シテ其多政府
 公之同主なり其ノ結果不承者ノ免
 事ヲ照スルテトシテ同者同答アリル形
 式ニ復文シテ同答中其名の府ヲ
 指陳スルニ係リ指入シ結末申出スル
 事トシ之ノ旨ニ 別紙ニテ其ノ通案ニテ指入
 シ而シテ其ノ旨ニイロハレリ

外務省

Sir:

In reply to your inquiry about land ownership in
 Japan and Korea I have the honor under instructions of the
 Imperial Government to state that land ownership in Japan
 will be regulated by the law of the country, and foreigners
 and foreign corporations who comply with the terms of the
 provisions of the law will acquire the right of ownership
 of land. In return for the rights of land ownership which
 are granted Japanese by laws of the various states of the
 United States the Imperial Government will by liberal in-
 terpretation of the law be prepared to grant land ownership
 to American citizens from all the states, reserving for the
 future, however, the right of maintaining the condition of
 reciprocity with respect to the separate states.

The rights in real property acquired by Americans
 in Korea will be respected. As to the recognition of the
 title deeds registered in the American Consulate General in



661388

Seoul, the Imperial Government are now considering the ques-
tion with the American Embassy at Tokio and believe that it
will be solved satisfactorily to both parties. In case of
the extension of the law of land ownership to Korea it will
be applied to all foreigners in general including American
citizens upon their fulfillment of the provisions of the law
on the subject.

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

(Signed) Y. Uchida.

外務省

而して其の政府に本文書より代償地積
及巴拿馬運河地帯に關する公文
ト其の出来得ん限り永く秘案に附スルコ
トトありし旨に本句長にお便り致し

リ

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8878

七

第七 工業所有権及著作権

二箇スル件

署名政府二月廿三日付公文附屬三令五
 中 亦既請回款、お高ニ業所有権
 乃著作權ニつスル^{イ政府}希望^{イ政府}ヲ記セザリ
 即々特許、意匠、上為標、上お字及著
 作権、相互的保護ハ多力加盟^イセシ^キ上
 業所有権及著作権ニつスル^イ名際
 外務省

条約、一般規定ニ付、目的、有る名
 可^イ締^イ結^イセ^イル、^イ下^イア^イル^イキ^イ特別^イ条^イ約^イ
 三條^イ引^イ續^イ保^イ護^イセ^イル^イキ^イ合^イ記^イセ^イザ^イ
 リ抑^イ々^イ日^イ平^イ亦^イ与^イ至^イト^イモ^イニ^イ署名^イニ^イ業^イ所^イ
 有^イ権^イ保^イ護^イ回^イ盟^イ条^イ約^イニ^イ加^イ入^イシ^イタ^イト^イモ
 署名^イニ^イ著^イ他^イ權^イ保^イ護^イ回^イ盟^イ条^イ約^イニ^イ加^イ盟^イ
 之^イ旨^イス^イ著^イ他^イ權^イ之^イ既^イ子^イ日^イ平^イ亦^イ有^イニ^イ特別^イ
 一^イ条^イ約^イ存^イ在^イス^イ上^イ亦^イ不^イ政^イ府^イニ^イ署名^イ有^イル^イ



多事納め各各加盟ノ事多納ノ存續
 たるに因リ以テ日米各島之工業計有精及
 著作權ノ保護ヲ行フ下ニ異議ナキ下
 言リ後多ス定率ニ米米政府カ何処之
 ヲ回ルトミテ主務上決意シテあるニコトト
 おせしヤリテおそれ苦しみト云或ハ新
 通ル般海条約ノ存續期日日本リ
 之ヲ多事ニ工業計有精保護同盟条
 約ヲ腹退セシメス又日米著作權保
 護条約ヲ廢棄セシメサレトハ御意
 ニ出テらんやを志しス何レセ日ニ亦米政
 府ノ於テ主務上如何なる事米政
 府ノ提議ニ同意海条約以テ内田大使ヲ
 以テ其ノ趣ヲ米米政府ニ回答せしヤリ

外務省



八

巴拿馬運河地事

ごうぶつ件

市と河府の新多の、適用は城、居、与
併り知事、領土、属地及其、及治せん地域

と云ふ及員州に下り、希望を其、余の案を
十九と未、於多、於、抑言の懸定せんを、予多の

府、其、對案を於、前代、却生、予多の

ノ多頭、巴拿馬運河地事、適用せん
外務省

南記、北記
ノ下、又、ノ一、句、の、運、加、り、然、る、希、多、の、府

ノ形、其、相、傍、地、ヲ、本、多、の、と、適、用、ノ、は、域、内、に

入、ル、下、り、招、接、せ、ん、ノ、以、テ、采、玉、側、に、於、テ

ニ、年、巴、拿、馬、ノ、運、河、地、事、ヲ、考、へ、ん、と、適、用

已、城、科、内、二、五、カ、ル、下、り、希、望、を、其、と、思、ひ、先

方、と、於、テ、列、強、と、同、意、を、持、つ、形、ヲ、以、テ、該

地、加、え、句、ノ、割、讓、を、行、つ、同、時、に、本、多、の、一、年、の、案、を、考、へ、ん、と、思、ひ、先

administrated by ... 三、ノ、割、讓、を、以、テ、相、借、ハ



地ヲ多ク南滿州ノ範圍外ニ至ルニ付
 担持シテ各該政府ニ付シ日本各該政府
 其租借地内ニ於テ他名ニ許スル便
 登リテ各該政府ニ付シテ之ノ許トモ付ルノ地
 分ルカバヤクハシク Or administered by 三三三
 夫レ之ニ付テ各該政府ニ付シテ之ノ許トモ付ル
 於テ之ニ付テ各該政府ニ付シテ之ノ許トモ付ル
 馬運通ニ付テ之ノ許トモ付ルニ至ル迄
 外務省
 地帯ヲ多ク南滿州ノ範圍外ニ至ルニ付
 定メテ各該政府ニ付シテ之ノ許トモ付ル
 於テ之ニ付テ各該政府ニ付シテ之ノ許トモ付ル
 ハ其ノ中各該政府ノ全部割譲シテ各該政府
 之ノ許トモ付ルニ至ル迄
 代借地格ニ付テ之ノ許トモ付ルニ至ル迄
 代借地格ニ付テ之ノ許トモ付ルニ至ル迄
 代借地格ニ付テ之ノ許トモ付ルニ至ル迄
 代借地格ニ付テ之ノ許トモ付ルニ至ル迄

下ノ

1. 第ニ

2. Nothing in the provisions of the Treaty of Commerce & Navigation signed this day shall be taken to apply to measures which may be adopted for the administration and control of the Panama Canal zone.

外務省

Handwritten Japanese text in vertical columns, likely a translation or commentary on the English text above. It discusses the Panama Canal zone and administrative measures.

標之五年の台外、本條は日本名ノミヲ除
 外スルノ意ヲ思フ、アノカキリ以テ亦此文句、
 未^レ條^ハ provided that such measures are equally
 applicable to all nations、^一文句^ヲ附加^シ以
 テ本條^ヲ修改セリトテ希^シ望^セシ^コ修^リ
 希^シ政府^ニ漢文句^ヲ追加^ス以上^ニ條^密
 文句^ノ未^レ標^ヲ行^フト^シ異^存チ^テ台^外回^答
 セ^リ然^ル其^レ收^入者^ト法^律亦
 中^ニ漢文句^ノ追加^ス及^テ對^スル^者起^ルク^リ
 ト^テ希^シ政府^ニ又^ニ追加^ス文句^ノ割^除
 ヲ求^ムル^ル以^テ内^閣使^ハ希^シ法律^ヲ
 アンチ^ソレ^民ト^シ會^見シ^テ寧^ロ本^條全^部ヲ
 廢^止ス^ル譯^セシ^マル^トテ^モ主^張シ^テアレ^バチ^ソレ^民
 何^レト^シキ^ハ之^レ同^ク思^フセ^シモ^モ若^シ玉^條者
 希^シ者^ノ意^見ヲ^纏ム^ルト^モ能^ハカ^ルト^モ於^テ
 在^リル^中條^密文^句未^レ標^ヲ行^フト^シ

外務省

各日其、政府、訓令、御、下、り、す

Sir,

(國務長官ヨリ内田大使ノ書翰案)

I have the honor, in order to avoid any possible misunderstanding in future, to declare that it is understood that nothing in the provisions of the Treaty of Commerce and Navigation signed this day shall be taken to apply to Panama Canal Zone. It is, however, the intention of the United States that the measures which may be adopted

for the administration & control of the Panama Canal shall be equally applicable to all nations.

外務省

Sir, (内田大使ヨリ國務長官ノ返答案)

In reply to your note of this date, I have the honor to state that the Japanese Government entirely concurs in the understanding herein set forth with reference to Panama Canal Zone.

邦政府之於テ、^{本件}全部ノ廣事ニ^關スルコトニ
希望セシモ、若シ先方ニ於テ強ク之ニ及テ

スルに於ては右文章未接。同言スル旨内
田大使ヨリテ年々政府ニ申込ニシテ其
事名取存テ於テハ秘密文章未接ノ
主張シ且ツ該公文申

of the Louvre

以下ノ追加文句ニ對シテハ到省同言スル
下能ク更サレ其旨主張シ唯將來事名
カ何レトモト案納リ締結スル場合ニ於テモ
今更ニ同務巴拿馬運河地帯ニ適用

外務省

セザルヤキ下ノ言明スル下、各省解決
定めん旨申込シ到省後主張シ其概
略ノ旨ヲカキテ之後、上布告政府ニ該文

句ノ別添同言中リニ法外別紙等ナリテ、

通米國ニ該務ニヨリ秘密公文ヲ内田大使、覽シ

四重トシテ

曰尤快ハ別紙等ナリテ、又又テ國務ハ宛テスルニ

也)

光
案の字は「英」に誤

前記、わが邦政府は二月八日、修正案の
討ての旨を政府に提出せしむるに付
爾來、邦内政府は、邦内閣大使リ
の案、自邦内閣全權は、邦内閣に在り
有難く、^{而して}邦内閣全權は、邦内閣に在り
至り、^{而して}邦内閣全權は、邦内閣に在り
一行、しるしに、邦内閣全權は、邦内閣に在り

外務省

(邦内閣全權は、邦内閣に在り)
邦内閣全權は、邦内閣に在り

前文、 前文中「邦内閣全權は」 *Kait Puipua*

前文、 前文中「邦内閣全權は」 *Kait Puipua*
トリ、邦内閣全權は、邦内閣に在り、
邦内閣全權は、邦内閣に在り、

邦内閣全權は、邦内閣に在り、

事項ヲ明瞭ニ分テモテ規定スルノ方
 針ニ依テ他名トシテ名付ル事モ以テ
 ノ形式ヲ採ルル所ニテ政府ハ本條
 ノ條文ヲ一變セリ其ノ理由ハ廿六日七
 十二年ノ采伊條約ノ初ナトシテ采伊カ
 現ニ諸名ト締結スルハ三十五何條
 の中ニ十六何條ハ采伊條約ニ依テ
 大田小田等ノ規定ノ有ルルヲ以テ元老院
 外務省
 通過リ容易ナラシムルカ爲メ之ヲ修正
 セリト云フコトナリ采伊政府ハ今回締
 結スルルハ他ノ諸名トシテ採伊條約ニ成
 ヘル條文ヲ採セシムルカ爲メ採伊條
 ノ條文ヲ一變セシメ元老院ハ今
 初條ヲ切迫せんコトナリ采伊條約
 改正スルルハ采伊條約ニ依テ採伊
 事トシテ採伊政府提議ノ形式



二同意之之ヲ基礎トシテ廿条ヲ討
 議スルヲトセリ而シテ亦各對案ニ
 依リ入テ權利ノ規定ハ大軍ノ旅
 行ノ渾在ノ自由ヲ保障せんカ希キ
 政府ハ入テ各ノ案ニ對シテハ逐々ノ歴
 史ニ顧ミ特ニ之ニ對スル權利ヲ明確
 ニ規定スルノ必要ヲ認メルニ依リ Mand
 ナル文字ノ前ニ Mand ナル文字ヲ挿
 入セリトノ主張シ右ニ改メ日英條
 約ニ勿論廿六ノ年ノ條塞條約
 廿六ノ年ノ條ノ米公果條約等ニ存
 スル文字亦皆同流述シテ亦各政府ニ之
 同意あり又亦各案ニ依リ States and
 Territories ナル文字ヲ使用セリトモ亦如
 斯ク米英各條中ニ用ヒラレテ文字ニ
 對シテ其例ナキニテ亦各國法

外務省

三ノ已別スル州及領地（判文）ノ姓名ノ存セ
 カル所ナラカト市名及府名ニテツ流シ
 故圖ノ意味スルニ *territories* ノ文字ニ
 改メテトク希里ニテ市名及府名ニテ同
 意ナリ又市名及府名ニテ *to rise and*
occupy houses + warehouses トナセモ我方ニ於テ
 ハ現行日本書物ト同ク之 *to own or*
line + occupy houses, manufactories, warehouses + shops
 外務省
 ノ之句ニ改ムトク提議スルニ市名及
 府ノ *manufactories* 及 *shops* ノ文字
 リ附ルルトク同界地ナリ *or town* ノ文
 字リ挿入スルトク自ラニ市名及府名ノ
 法印カ概テ出テ下家名トナシ離ラ
 行ナラシムルノ趣ニ之ト同ク之ルルトク好ニス
 トク我々ニテテ 拒絶ヤルニ由ニテ改
 ノ修案ニテテ我々ニテテ 拒絶ヤルニ由ニテ改

ツ附加スル予トシツク fine ノ文字ハニシツ

lease ノ文字ハ改ムル予トセリ又系玉

案ニ於テハ土地賃借ノ目的ツ居住

ノ上ホ専ラニ限リシツ以テホ市若クハ府

ハ其他ノ用途ノ目的ノ使用ニモ用テ

ル也(合セテ予トシ) and commercial purposes

ツ Commercial and other lawful purposes

改ムル予トシ for residential + commercial purposes
外 務 省

ツ for lawful purposes = 改ムル予トシ 提

議院ニテホ政府ハ其案ヲ改メテ

ノ投票ヲ行フ所ニ改ムル予トシ 中央政府

権限外ニ属スル所ニテ投票同義ニ

限リテ投票ニ於テ投票ノ費徴スル

又此ノカクシク以テ法ニテ案案ノ同意

アリ又其一項未ダ、 submitting 以下

ノ文句ハ其案ノ旨ニ沿フ所ニテ之ヲ conforming

Remuneration to the labor of the country 〇

改メク下ノノ 授給金ニ対シ 予子政府ハ
予子政府主席ノ 授給金ニ基キ 又

ニシテ Submitting Remuneration to the labor and

regulations have established 〇 改メ予子政府

府ニシテ 同書ナリ

予子政府ノ 予子政府ノ 一ノ 改メ

一ノ 府ノ 授給金ナリ

外務省

They shall be pleased in regard to the

exercise of callings, professions and all industries,

on the same footing as the subjects or citizens

of the most favored nation 然レ其ノ事

然レ予子政府ノ 予子政府ノ 本

項ニシテ 予子政府ノ 極力ニカ 追加ノ 主

張金ニ 納メス 強固 硬ニ 及 討シ 味

利 政府ノ 直ニシテ 協定 至メス 蓋シ

邦名政府に本規定、如きに邦名カ
 係り下條結先政府の条約中其ノ
 例ヲ見せしむる右に政府日邦條
 約條約ヲ加阿其他、地方に於テ日
 邦人ノ該業事ニ関シ起リ見聞既
 ニ欲ニ對シ日本邦政府に於テ追加シ
 希仰シヤんモノナリト付、邦名港ニテト
 此等ノ於テ邦日法案ノ條出スル旨
 外務省

日列各元老院ノ承認シ、此ノ
 ト並條之條方に於テ、邦名、政府の条約
 中比較的形シキ方ニ信スル自拜
 我、塞耳此更、コトガカスカル、公果、
 西班牙等トノ条約ト、條、に、係、事、即
 々 industry 又ニ business ニ、係、ス、保
 障、條、ト、コト、カ、ス、カ、ル、條、約、即、三、條、ト、ハ

commerce or other business, callings or profession

三つあるは前者は法律、且つアムニチ
 ース法に當るは民、後者は信託の認
 り以上一切の疎業及び學業の二つに
 前者は法律通り認めらるゝ然る事
 有りしは極力撤去せし追加りし
 張りの然る事と云ふは政府の初
 りし我々希望の如く遂に成るゝ
 不承之歸外、外十年に至りてん
 外務省
 以上が市市政府に遺憾なき、提
 議の撤回
 草案が三項中 the most constant
 protection + security + amnity
 政府: amnity + complete protection +
 security = 政府の二つに保護せしむ
 草案政府: most 文字の割に
 不承の同意あり complete

東亞印字ノ規定ハ明治六年
 第百七十五号府令ニ依リ
 種別ノ様目セリ下ノ主任セシキ
 印字ノ服後ノ代トシテ其ノ
 活字ノ下トシテ同ノ主任
 以下ノ文句ニ依リ進出スル
 活字ヲ以テ同ノ主任ノ
 活字ヲ以テ同ノ主任ノ主任
 ニ付テ其ノ主任ノ主任

外務省

第ニ条 本条ニ依リテ本条中ニ

印字ノ活字ノ主任ノ主任
 residence or commence 本条中ニ
 本条ニ依リテ本条中ニ

文字ノ進出スルニ依リテ本
 条中ニ依リテ本条中ニ

第ニ条 本条ニ依リテ本条中ニ
 本条中ニ依リテ本条中ニ

四、各省、市、縣政府：之、同意を

其他 many、文字、次、however

其文字多挿入、 has the right in its

discussion to a many in its discussion、又

explaining、 communicating、 改訂、トソ

提議を依り、市、縣政府、之、同意

ヤ)

第五條、 各省、市、縣政府、之、同意を、

外務省

事、條、條、條、條、條、條、條、條、

之、別、條、條、條、條、條、條、條、條、

條、條、條、條、條、條、條、條、

、條、條、條、條、條、條、條、條、

事項、之、同意を、市、縣政府、之、

同意を、市、縣政府、之、同意を、

同意を、市、縣政府、之、同意を、

第五條、 各省、市、縣政府、之、同意を、

何号ノ修正ノ提議セズ (米案第四條)
 第六條 米案案ノ依リテ第一項ノ於テ
 one of ノ文字外ニシテ其ノ internal
 前ノ於テナル文字ノ割除ハ^標第二項トシテ
 三項トシテ合併シテ第三項中ノ restriction
 the maintained or ノ文字ノ割除^{米案案ノ修正}ハ^{米案案ノ修正}
 一 米案政府ノ依リテ one of
 二 九文字ノ複合リテ合併シテ又ハ
 外務省
 二項トシテ第三項ノ米案案^{米案案ノ修正}ヲ^{米案案ノ修正}行ニセシ
 たり restriction ノ文字ニテ亦米案政府
 三 於テ之ヲ保存スルベトシテ亦米案案^{米案案ノ修正}
 米案案政府ノ依リテ日本米案案^{米案案ノ修正}中ニ存
 在スル文字ナリトシテ^{米案案ノ修正}割除^{米案案ノ修正}ノ主眼ニ在
 米案政府ニテ之ニ同意ナリ (米案案第六條)
 新規定 米案政府ノ依リテ米案案第六條
 一 次ニ依リ日本米案案第六條即チ



通商航路之陸路の出入者に
 其の陸路の出入者に
 挿入せしむべきことありしを改
 府に之を回意せり（本条第六條）
 第七條 本条の府に本条の規定その他
 日特別の運送の程を定むるは地方官の考
 量に依りて之を定むるべきことありしを改
 り別條せしむべきことありしを改
 外務省
 本条の回意せり
 第八條 本条の府に 本年の年終
 第九條 本条の規定に依りて本条の二
 項に之を適用し得べきことありしを改
 第十條 本条の規定に依りて本条の二
 項に之を適用し得べきことありしを改
 第十一條 本条の規定に依りて本条の二
 項に之を適用し得べきことありしを改

The foregoing agreement for a land...

各政府に於ては直接上議院に異
 議を提出せず、未だ、平手各府各領
 地及各属地ノ法規に付ては規定し日
 本各地方法規に付ては法律及これ
 ナリ以下 including 以下ノ文句ヲ削除し
 テ or in any part thereof ナル文句ヲ改
 以テ彼我各領地ノ所或トナシ我各府各領
 地各地方法規及これ内ニ包含
 外務省
 せしむル 概規定せしむルヲ直接上議院に
 政府に之ヲ付し元老院ノ承認ヲ以テ
 ナリトシ 法律に付ては修正あり難
 スル事ト、如クナル事ニ由テ之ヲ改テ、法律
 及これ各府各領地ノ所或トナシ我各府各領
 地各地方法規及これ内ニ包含
 他種法律ニ由テ or agreement ノ文字
 ヲ削除せん事トナシ (平手各府各領地ニ
 於テ)



軍に字句の補足と修正ヲ施さん
此等之類は、於て之向來者多ク、
ナカリシ以テ、市是政府ニ、
修正之旨を曰き、
(第百九条)

第十條 邦邦對等之儀ニ、
邦邦對等

中 territorial waters ノ文字ノ parts of the

territories 海軍ニ、邦邦對等ノ條文

字ノ同義語ニ、
(第百九条)

外務省

ports means 其他、
(第百九条)

字句ノ類、
(第百九条)

り以テ之ニ代ヘんモノナルヲ、
(第百九条)

り以テ之ニ代ヘんモノナルヲ、
(第百九条)

り以テ之ニ代ヘんモノナルヲ、
(第百九条)

or facilities ノ文字ヲ、
(第百九条)

り以テ之ニ代ヘんモノナルヲ、
(第百九条)

り以テ之ニ代ヘんモノナルヲ、
(第百九条)

第十一條 本条に於ては、各邦の領土に於て、
 領土の修正に關するは、各邦の領土に於て、
 邦土の領土に關するは、邦土の領土に關するは、
 national たる文字に不致あるは、邦土の領土に關するは、
 別條を以て、邦土の領土に關するは、邦土の領土に關するは、
 邦土の領土に關するは、邦土の領土に關するは、邦土の領土に關するは、
 邦土の領土に關するは、邦土の領土に關するは、邦土の領土に關するは、
 (邦土の領土に關するは、邦土の領土に關するは、邦土の領土に關するは、)
 外務省

其に已なる運河の自由なる新に
後ケルん文字ナリト信ぬせしに因ん市
各該府に本軍中 右軍各修正案
ニ對し異議ヲ唱ふるは其ノ誤ナリシ
ン以テ全部之に同意ヤリ (第百九
一ノ条)

第百九十一條、本軍の兵士も軍中各軍に

territorial waters of parts of the territories :
外務省

改ノと亦各該府之に同意ヤリ (第百九
十一ノ条)

第百九十二條、沿岸の島嶼に關するに亦各
該府に全此之條約を各日、其内
法、規定に一任スルヲ提議せん所平
各該府に於ては、現行の條約、有教訓
百に於ては、他各と平先之に新條約
ヲ締結スルに於てナリ、以テ其際、本條

ニテモシカウモガモ至テ海ノ保障ノミ
 ハ之ヲ獲ル^{セリ}トナリテ告^ス希^シ望^シ我^ル事^業
 外^ノ一^項ノ規^定モ^トガモ至テ海^ノ通^互行^ハ
 規^定モ^ト追^加セ^ラレ^トテ^テ海^ヲ一^部
 各^政府^ニ將^来何^レノ^外各^ニ對^シテモ
 海^岸貿易^ノ權^ノ他^國等^ニ對^シテ^モ針
 ツ^指ス^ル以^テ後^令ヲ^出ス^ル對^シテ^モ是^レモ
 海^岸貿易^ノ權^ノ實^際上^ノ回^名對^シテ^モ

外務省

岸^{貿易}權^ヲ許^スル^ハ、^權令^ナカ^ルハ
 却^テ我^ニ對^シテ^モ保^障ヲ
 獲^ルル^ニテ^モ我^ノ權^ノ利^益ヲ^損ハ^ス
 自^己各^政府^ノ權^限ニ^同意^シ只^レ我^等
 中^ノ一^部ノ^簡明^ナル^ニテ^モ It is however
 understood that the subjects or citizens of
 either Contracting Party shall enjoy in this respect
 most-favored-nation treatment in the Territory of the other

ノ文句ニ改メテ下ノ措法ニテ至ニ政府ニ

之ニ同意アリ(予案即十三条)

即十五條、飲事、疎解ニ関スル規定等々

以テ予案ニ對シテ本多府ヨリ母割除セ

レ下ノ措法ニテ亦ニ政府ニ之ニ同意ス

即十六條、同上

即十七條

本条ニ對シテ、飲事ニ關スル規定等々、予案ニ對シテ、母割除セ

即十八條、予案ニ對シテ、飲事ニ關スル規定等々

外務省

存スル and industry ノ文字ノ割除ニ上其案ニ

對シテ、飲事ニ關スル規定等々、予案ニ對シテ、母割除セ

下トヤリ其理由ニ據テ、飲事ニ關スル規定等々

の中ニ先例ナク、予案ニ對シテ、飲事ニ關スル規定等々

予案ニ對シテ、飲事ニ關スル規定等々、予案ニ對シテ、母割除セ

之ヲ付シテ、予案ニ對シテ、飲事ニ關スル規定等々

一案ニ對シテ、飲事ニ關スル規定等々、予案ニ對シテ、母割除セ

後、予案ニ對シテ、飲事ニ關スル規定等々、予案ニ對シテ、母割除セ

政府に對して拒絶し得ざる
 陸ノ事なくんも 別府林を張ノ貫激ス
 ルノ又ハナカリシラ以テ市ニ政府一遺物
 ナル漢文字ノ別除スル事ト同意あり又
 事多あり依シテ The same or ノ文字ヲ
 別除せんを市ニ政府に於テハ之を理
 由ニ以テスルニト能ハス改リ来リ得ル
 於テハ用ヒテん文字ナリ以テ之カ專
 外務省
 事ノ主成シ若シ市ニ政府に於テ確テ
 漢文字ノ別除ノ主成スルニ於テハ其ノ
 知事ヲ承知シテ市ニ旨申込リん事ニ
 市ニ政府一本多カク其規ニモ適用セリ
 事ト信認シテ之ニ由テ之カ漢字ニ
 同意あり(市ニ事古事)
 別規定 市ニ政府ニ對シテ其ノ事
 結ル由テ其ニ規定ノ次ニ其ノ事ニ對シ



昔之在るに改訂の日平条が可なり其
 ノ終極立、一多トシテ追加セラントノ提
 議あり亦不評存一本條に於て其に對する
 所ニ一日亦あるト多加盟に於て之を以テ
 其方より其内情に於て之を以テ其ノ規程
 等に於て其本條に於て其ノ必要に於て其
 毛條に於て其條に於て其ノ理由に於て其
 以上亦不評存提議に同意せり其案
 外務省

十五條)

形取是 平本条に於て其ノ有する事
 事

可なり条 本条に於て其ノ前記に於て
 其ノ地帯に於て其ノ件、部に於て其ノ
 其ノ有する政府に於て其ノ結果に於て其ノ利益を
 其ノ以て其ノ事、再議す

可なり条 其ノ有するに依り、本条に於て
 其ノ事、其ノ有する権限に於て其ノ規定、

項に主り種別を定中より 陸軍和費用債限
 三項より定中より 割除し其句に修正を加へん
 上之ヲ第一項トナシ別々代債地積に定めん
 規定より二項トシテ追加せり 陸軍和費用
 債限に定めん定中より 割除し
 ルトトて市名政府に於て同種債ナレトモ永
 代債地積に定めん 陸軍和費用債限
 債と主り上之を債限に定めん 又此等意思
 外務省
 ナリトて市名政府に於て同種債ナレトモ永
 代債地積に定めん 陸軍和費用債限
 債と主り上之を債限に定めん 又此等意思
 外務省
 ナリトて市名政府に於て同種債ナレトモ永
 代債地積に定めん 陸軍和費用債限
 債と主り上之を債限に定めん 又此等意思
 外務省

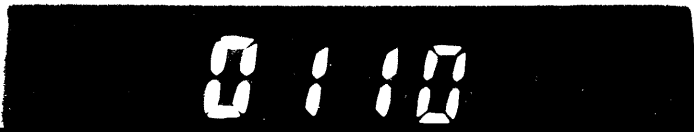


一方、他一方に對し本条は廢棄ノ意思
 ソ直告らん日ヨリ六月ノ満るに至ル迄
 叙カリ有ストノ文句ヲ附加す然レモ其修
 正ニ依リ十二箇年経過後ハ後令有餘
 節其の本条は廢棄スルノ意思ヲ有セ
 ストスルモ尚此本条はハハ矣叙元下ノ
 たり以テ市土政府ヨリ之ヲ注意ランモ
 果テ是政府ニ及ニ其修正ノ改メ實施
 外務省

in which a cipher of 1100 is during or after

The said period of twelve years

ノ句ヲ挿入セテトノ措法ナリ此レ右ノ文句
 ハ多ク喜我ノ明瞭ヲ欠クテ廢棄ランノミナラス
 本条ノ存続ノ期限未定ノ旨ハ既ニ
 本条ニ自給事ヲ生ラン計アルニ
 最モ明瞭ニ規定スルハ必要アリ認メテ市土
 政府ハ右ノ文句ヲ挿入シ代フルニ本条ハ二



以下に於て我邦と英邦と二項に於て修むべき
採用を了すべし

Success notification of the Contracting Parties shall have given
notice to the other six months before the expiration of the said period
of twelve years of its intention to terminate the Treaty, it shall
continue operative until the expiration of six months from
the date on which either Party shall have demanded

外務省

邦政府に於て我邦と英邦と二項に於て修むべき

と文句に改むる事とす

の文句に改むる事とす

の文句に改むる事とす

の文句に改むる事とす

即ち以下に於て一千九百一十七年七月十七日とす

邦政府に於て我邦と英邦と二項に於て修むべき

twelve years 十九文句中 for 文字

ン割厚あり(本案第十八条)

分三十三条 邦名政府に批准せしむ

地々華盛頓ト定。批准期限ヲ三ヶ月

ト為リトテッ 批准しうらふと邦名政府ハ

若し批准せしむ地々華盛頓ト為ス

トキハ多量に止む、本案に列連スル

條ヲ定む。邦名政府に批准せしむ華盛頓ト

定ム。スルトナリニ定ム。時日

外務省

費ス。トトナルノ以テ本案に於テ批准セ

ルニ付セリトテッ 批准し邦名政府ニ之

同意あり 批准期限ヲ三ヶ月ト為ス

ニ付シテハ邦名政府に於テ同意あり

第十 条約、領事及批准書
ノ交換

右ノ如ク折々、條文并ニ之ニ關連セル諸
口號ニ對シテ各々政府ノ間ニ妥協スル
ルヲ以テ布告政府内田大使ニ對スル全
權委任狀御下附ノ多讀ヲ據リ二月
二十日御裁可アリ直ニ電報ヲ以テ其
概ヲ内田大使ニ通知シ候御委任狀ニ直
ニ郵送セラルルニ際ニ於テ明治四年

外務省

二月二十日華盛頓ニ於テ全權委任
先内田大使下布告全權委任書ニ
御ハックス氏ト旨ニ本條約及條約定書
ノ領事ヲシテ口號ニ全前號移氏同
號ヲ好シ其地ノ路ニ號ニテ云々公文書
ノ未據ヲ了セリ各々元老院ハ三月四日
閣令ヲ布ケリ以テ各々政府ニ直ニ本



条約及議定書ノ元老院ニ回付シ向
 院外交渉委員會ニ全會一隊ヲ以テ之
 ヲ可成シ直ニ全院ノ議ニ付シテ然レニ
 回院ニ形テ「ハール」氏一派ノ加奉院互
 至乘機有、及付ト作業者ニ本条約也
 五条并ニ議定書中ニ Special arrangement
 ノ文字アルヲ以テ是極省ニ限リニテ今回
 加奉院ト締結シヨク力以キ互至機約リ
 外務省
 又ニ日本ニ締結セラズトテ慮シ本条約
 ノ回院ニ及付シ同時ニ加州方面ヨリニ續
 々本条約ニ對スル抗議ヲ大統領上下
 支院書誦員等ノ手許ニ提出シ形勢
 面白カラサリレリ以テ是條約ニ極力本
 条約ノ回院ニ努力ヲ遂ニ四月二十四日ニ
 至リ元老院ニ本条約并五条及議定
 書中ニ存スル Special arrangementノ文字ヲ



Treatyノ文字ニ修正シ且フ本条約カ廿九
 年七年二月二十日付可ノ外吾人合衆
 邦來住ノ法律ト號スル法律ノ何レ
 本項ノモ廣業シ又ハ之ニ影響有スルモト
 認メラレサレハトノ及ムヲ批准書中ニ
 記載スルヤキトク条件トシテ本条約及
 批准書ノ批准ニ同意セリ 國務卿ニ三
 月二十日付書翰ヲ以テテ 州内田大
 使ニ通達シ 邦土政府ノ同意ヲ求ムル
 上同時ニ廿九年七月七日付一切ノ外
 務省令衆ニ來住スル外人ノ法律用
 スルモノニシテ何レノモ之ニ差別ヲ設ケル
 事トナシニ依リ日本土政府ノ於テ 州内田大
 使ニ批准書中ニ記載スル事トニ付シ田大
 使ニ答テキキトシ 案第スル旨申越セリ 邦
 土政府ニ該修正ニ付シテ 前記ノ文

外務省

為力大統領ノ批復書中ニ記入せらる
 下ニ付し其ノ異議ナキ旨内田大使ノレ
 テ回答せしナリテ茲ニ於テ多量ノ政府
 ニ今ノ喜恩ノ令降リ又ハ以テ明治四年
 四月四日官東ニ於テ批復書ノ未
 據ッ行ク下トヤリ然レニ亦多政府カ
 在本邦ニ亦名大使ヲオーブライエシ氏
 為シクハ列會ニ任セシメ可記批復書中
 外務省
 ニ於テ批ナルハ又ハ單ニ大統領ノ
 批復書ノミナラズ其批復書中ニ之ヲ記
 載セラルルキ下トテ相結せん旨記載シ
 下リ然レトモ亦各政府ノ意趣ニ依
 又ハ又ハ大統領ノ批復書中ニ記入せらる
 ナラズヤカハ其ノ旨ニ依テ其回答書中ニモ
 其ノ大統領ノ批復書中ニ記入せらる
 下トニ付し其旨記せんノミナ



了る斯、手申、手紙方、手於、手可、手何、手ナキ、手以、
 既、手御、手批、手准、手滿、手之、手ん、手後、手之、手於、手更、手之、手平、
 玉、手政、手府、手希、手望、手セ、手ん、手ぬ、手也、手之、手御、手紙、手御、
 批、手准、手中、手之、手取、手入、手ス、手下、手之、手批、手准、手承、手決、手ス、
 下、手能、手ニ、手サ、手ル、手旨、手内、手何、手大、手使、手リ、手シ、手平、手名、手取、
 府、手申、手下、手ニ、手ヨ、手回、手付、手之、手希、手玉、手政、手府、手ニ、手付、手ハ、
 万、手七、手十、手一、手年、手平、手名、手取、手領、手事、手殊、手殊、手条、手約、
 批、手准、手會、手未、手批、手准、手也、手何、手之、手基、手キ、手批、手准、
外務省

外務省



決
り

The undersigned met together for the purpose of effecting the exchange of the ratifications of the Treaty of Commerce and Navigation and Protocol between the United States of America and Japan concluded and signed at Washington, on the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

Before proceeding to such exchange, the undersigned, Ambassador Extraordinary and Plenipotentiary of the United States of America, declared:

I. That the advice and consent of the Senate of the United States to the ratification of the Treaty aforesaid was given with the understanding that such Treaty shall not be deemed to repeal or affect any of the provisions of the Act of the congress of the United States entitled an Act to regulate the immigration of aliens into the United States,

approved February 20th, 1907.

2. That the said Treaty was ratified and confirmed by the President of the United States subject to the said understanding of the Senate of the United States.

The undersigned, His Imperial Majesty's Minister of State for Foreign Affairs, duly authorised by the Japanese Government took note of the above declaration and expressed the concurrence of his Government with the understanding above mentioned. Thereupon the exchange of ratifications of the said Treaty and Protocol took place in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seal thereto.

Done at Tokyo this 4th day of April, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 4th day of the 4th month of the 44th year of Meiji.

(Signed) Thomas J. O'Brien (L.S.) (Signed) Jutarō Komura (L.S.)

外務省

茲に於て四月四日午後三時^{外務省に於て}於て外務大
 臣及びオーブライエック大使トノ旨ニ本条
 約及議定書ヲ示シ、其修正ニ對スル批准
 書ヲ未據^{トシテ}前記文據證書ニ納
 入スル^事トシ、同日直ニ友邦辭外ノ
 以テ本条約及議定書外ニ其修正ヲ
 公^布スル^時、移住ニ對スル宣言^書ヲ
 亦及議定書外ニ修正ニ對スル條
 件^書ニ公文ヲ發表セリ
 是より先キ、折条約及議定書ノ元老
 院外交委員會ニ於テ、全會ニ於テ以
 テ可決セラルヤ内田大使ハ大統領
 が本条約ノ元老院通過ニ對シ大ニ
 心神ヲ當^とル^と信^じ、本條約ノ元老院ノ

外務省



通達するに 天皇陛下より大統領
 に対し祝電を賜はし賜給つたに
 承り上望しし旨奉申ありんを榮
 耀御批返に付し 樞密院に御塔詢
 の要せんおのり候よしお直に御
 親電の御くはしお返りしに御
 批返の旨に付し御祝意を表
 せらるゝにトトシ 四月廿二日
 外務省
 外務省の御年賀長に召せし其
 の旨に於て 同大使に在りし御
 大統領に傳つた御批返に
 付し

To the President
of the United States.

Attaching the highest importance to
 the perpetuation of the relations of friendship and
 good understanding which have so long united our
 two Countries, and believing that the Treaty just
 ratified will serve to strengthen and render still more
 enduring those relations and knowing the important



part you took in bringing about the fortunate result,
I desire to express to you the sense of my high ap-
preciation of your successful efforts and an assurance
of my continued friendship.

右の如く御意を自筆を大使の大流領より
回電の格に於り下りた、其格にカ村大
臣、御意を承る

Your Excellency:

I have the honor to inform Your Excellency that
I have this moment received a telegram from my Government
instructing me to convey to His Majesty the Emperor the

外務省

following reply of the President to His Majesty's gracious
message of yesterday:

"I beg to assure Your Majesty of my deep appre-
ciation of the friendly message sent through the American
Ambassador on the occasion of the consummation of the new
Treaty between our respective Countries. I am happy to
join with Your Majesty in the confident expectation that
the Treaty will result in binding still closer the ties
that have so long united the peoples of the United States
and of Japan in amity and peace. I also beg to assure
Your Majesty of my hearty reciprocation of the sentiments
of cordial friendship."

I take this occasion to renew to Your Excellency
the assurances of my high consideration.

(Signed) T. J. O'Brien.

His Excellency Count Komura,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.



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be applicable to all the territories and possessions belonging to or administered by

either of the High Contracting Parties, provided however that nothing in this provision shall be taken to apply to the Panama Canal Zone.

ARTICLE XX.

~~The present Treaty shall, from the date on which it comes into force, be substituted in place of the Treaty of Commerce and Navigation dated the 22nd day of the 11th month of the 27th year of Meiji (1894), and the Convention relative to the reimbursement of shipwreck expenses dated the 17th day of the 5th month of the 18th year of Meiji (1880); and from the same date the last named Treaty and Convention shall cease to be binding.~~

ARTICLE XXI.

~~The present Treaty shall enter into operation on the and remain in force until~~

~~In case neither of the High Contracting Parties shall have given notice to the other before the expiration of the said period, of its intention to terminate the Treaty, it shall continue operative until the expiration of from the date on which either of the Contracting Parties shall have denounced it.~~

~~XXIX.~~
ARTICLE ~~XXXI.~~

~~The present Treaty shall be ratified and the ratifications thereof shall be exchanged at as soon as possible and not later than months from the present date.~~
In witness whereof &c. &c. &c.

Done at &c. &c. &c.

Article XVIII
The present Treaty shall enter into operation on the, and shall remain in force for twelve years or until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice to the other of its intention to terminate the Treaty.

②

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officer of the country to which the ship of the deserter may belong, accompanied by an assurance that all expenses connected therewith will be repaid.

It is understood that this stipulation shall not apply to the subjects or citizens of the country where the desertion takes place.

ARTICLE XVII.

In cases of shipwreck, damages at sea, or forced putting in, each High Contracting Party shall, as far as the obligations of neutrality permit, afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities as are in like cases granted to the national vessels. Articles saved from such wrecked or damaged vessels shall be exempt from customs duties unless cleared for consumption, in which case they shall pay the prescribed duties.

ARTICLE XVIII.

Except as otherwise expressly provided in this Treaty, the High Contracting Parties agree that, in all that concerns commerce, navigation and industry, any privilege, favour or immunity which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State shall be extended to the subjects or citizens of the other Contracting Party gratuitously, if the concession in favour of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional.

ARTICLE XIX.

The stipulations of the present Treaty shall

① Article XV
(Article XV of the existing Treaty of Commerce and Navigation)
The subject or citizens of each of the High Contracting Parties shall enjoy in the territory of the other the same protection as native subjects or citizens in regard to patents, trade-marks and designs, upon fulfillment of the formalities prescribed by law.

Article XVI

The present Treaty shall from the date on which it enters into operation supersede the Treaty dated the 9th day of November 1894, and from the same date the last-named Treaty shall cease to be binding. All rights, privileges and immunities incident and relating to property held under the perpetual lease and existing at the time the present Treaty enters into operation are hereby confirmed, and no change shall be made in respect thereto except by mutual agreement between the interested parties.

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customs regulations of the country of destination and in like manner and under the same reservation, the vessels of one of the Contracting Parties shall be permitted to load at several ports of the other, for the same outward voyages.

ARTICLE XV.

The competent Consular officers of each of the High Contracting Parties in the territories of the other shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences, which may arise, either at sea or in the territorial waters of the other Party, between the captains, officers and crews, and particularly in reference to the adjustment of wages and execution of contracts. But in the event of any disturbance or disorder on board a merchant vessel of either Contracting Party in the territorial waters of the other, of a nature to cause or to be likely to cause, in the opinion of the competent authorities of the place where the disturbance or disorder occurs, a breach of the peace or trouble in such waters or on shore, the territorial authorities shall, in such case, have jurisdiction.

ARTICLE XVI.

If any seaman should desert from any merchant ship belonging to either of the High Contracting Parties in the territorial waters of the other, the local authorities shall, within the limits of law, be bound to give every assistance in their power for the apprehension and handing over of such deserter, on application to that effect being made to them by the competent Consular

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other similar or corresponding duties or charges of 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 ~~territorial waters~~ ^{ports of the vessels} of either country upon the vessels of the other which shall not equally, under the same conditions, be imposed on national vessels in general, or ^{of} vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels from whatever place they may arrive and whatever may be their place of destination.

①

ARTICLE ~~XIII~~ ^{XVII}

Vessels charged with performance of regular scheduled postal service of one of the High Contracting Parties, whether belonging to the State or subsidized by it for the purpose, shall enjoy in the ~~territorial waters~~ ^{ports of the vessels} of the other, the same facilities, privileges and immunities as are granted to like vessels of the most favoured nation.

ARTICLE ~~XIV~~ ^{XVIII}

The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty and shall be regulated according to the laws of Japan and the United States respectively. ~~It is however,~~

A vessel of one of the Contracting Parties laden in a foreign country with cargo destined for two or more ports of entry in the territories of the other, may discharge a portion of her cargo at one of the said ports, and continuing her voyage to the other port or ports of destination, there discharge the remainder of her cargo, subject always to the laws, tariffs and

understood that the citizens of the United States in the territories of His Majesty the Emperor of Japan and Japanese subjects in the territories of the United States shall enjoy in this respect the favours which are or may be granted under such laws to the citizens or subjects of the most favoured nation.

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effect without distinction, whether such articles come directly from the place of origin or from any other foreign 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 each of the Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in United States vessels, and whatever may be the place of destination, whether a port of the other Party or of any third Power.

ARTICLE X

In all that regards the stationing, loading and unloading of vessels in the territorial waters of the High Contracting Parties, no privileges or facilities shall be granted by either Party to national vessels which are not equally, in like cases, granted to the vessels of the other country; the intention of the Contracting Parties being that in these respects the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI

Merchant vessels navigating under the flag of the U. S. or that of Japan, United States and Japanese flags and carrying the papers required by their national laws to prove their nationality, shall in Japan and the United States be deemed to be United States and Japanese vessels respectively.

ARTICLE XII

No duties of tonnage, transit or anchorage, harbour, pilotage, lighthouse, quarantine, or

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Articles imported as samples for the purposes above mentioned, shall in each country be temporarily admitted free of duty on compliance with the customs regulations and formalities established to assure their re-exportation or the payment of the prescribed customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation. The determination of the question of the qualification of samples for duty free admission, rests in all cases, exclusively with the competent authorities of the place where the importation is effected.

~~Article VIII~~
Article VIII

Limited liability and other companies and associations, commercial, industrial and financial, already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such Party, are authorized, in the territories of the other, to exercise their rights and appear in the Courts either as plaintiffs or defendants, subject to the laws of such other Party.

The foregoing stipulation or

~~Article IX, Article VIII~~
Article VIII

All articles which are or may be legally imported into the ports of either High Contracting Party, ^{from foreign countries} in national vessels may likewise be imported into those ports in vessels of the other Contracting Party, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in national vessels. Such reciprocal equality of treatment shall take

payment has no bearing upon the question whether a company or association organized in one of the two countries will or will not be permitted to transact its business or industry in the other, then, permission so-meaning always subject to the laws and regulations enacted or established in the respective countries including on the part of the United States the laws and regulations established by and under the authority of the several States, Territories or possessions of the United States.

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ARTICLE V.
V

② Article VI

(Article VI of the existing Treaty of Commerce and Navigation.)

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all taxes or duties, and a perfect equality of treatment with native subjects or citizens in all that relates to warehousing, bounties, facilities and drawbacks.

The import duties on articles, the produce or manufacture of the territories of ^{one of the} High Contracting Parties, upon importation into the territories of the other, shall henceforth be regulated either by special arrangements between the two countries or by the internal legislation of each.

Neither Contracting Party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other, than are or may be payable on the exportation of the like article to any other foreign country.

Nor shall any prohibition ~~or restriction~~ ^{be} maintained or imposed by either country on the importation or exportation of any article from or to the territories of the other, which shall not equally extend to the like article imported from or exported to any other country. The last provision is not, however, applicable to prohibitions or restrictions maintained or imposed as sanitary measures or for purposes of protecting animals and useful plants.

ARTICLE VII.

Merchants and manufacturers, subjects or citizens of one of the High Contracting Parties, as well as merchants and manufacturers domiciled and exercising their commerce and industries in the territories of such Party, may, in the territories of the other, either personally or by means of commercial travellers make purchases or collect orders, with or without samples, and such merchants, manufacturers and their commercial travellers while so making purchases and collecting orders, shall, in the matter of taxation and facilities, enjoy the most favoured nation treatment.

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ARTICLE IV.

In case of the death of a subject or citizen of one of the High Contracting Parties in the territories of the other, without leaving at the place of his decease any person entitled by the laws of the decedent's country to take charge of and administer the estate, the competent Consular officer of the State to which the deceased belonged, shall have the right, either personally or by delegate, to represent and act for such absent person during his absence, and to take all measures and to perform all acts necessary to the due administration and winding up of the estate. But nothing contained in this Article shall be held to deprive the Courts of the country where the property is situated of jurisdiction in cases in which they would otherwise be competent.

The foregoing provisions shall also apply in case of a subject or citizen of one of the Contracting Parties, dying outside of the territories of the other, but possessing property therein without leaving any person there, entitled to take charge of and administer the estate.

ARTICLE V. IV

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects or citizens of each of the Contracting Parties, equally with the subjects or citizens of the most favoured nation, 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, subject always to the laws of the country to which they thus come.

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than those which are or may be paid by nationals or the subjects or citizens of the most favoured nation.

②

ARTICLE II.

The dwellings, warehouses, manufactories 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 used for ^{business of commerce} ~~lawful~~ purposes, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises or to examine or inspect books, papers or accounts, except under the conditions and with ^{the formalities and regulations} ~~the~~ forms prescribed by the laws for nationals.

ARTICLE III.

Each of the High Contracting Parties may ^{appoint} ~~appoint~~ Consuls General, Consuls, Vice-Consuls and Consular Agents in all the ports, cities and places of the other, except in those where it may not be convenient to recognize such officers. This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to all other Powers. ^{to all other Powers.} ~~to all other Powers.~~ <sup>Special Consuls General, Consuls, Vice-Consuls and Consular Agents, having received ex-
quats or other sufficient authorizations from the Government of the country to which they are appointed, shall, on condition of reciprocity, have the right to exercise the functions and to enjoy the ^{honours} ~~privileges~~, exemptions and immunities which are or may be granted to the Consular officers of the same rank of the most favoured nation. The Government issuing exequats or other authorizations has ^{the right in its discretion to cancel the same on explaining the reasons for which it thought proper to do so.} ~~the right in its discretion to cancel the same on explaining the reasons for which it thought proper to do so.~~</sup>

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1. Shall, in all that relates to travel and residence; to the pursuit of their studies and investigations; to the exercise of their callings and professions, and to the prosecution of their industrial and manufacturing undertakings, be placed, in all respects, on the same footing as the subjects or citizens of the most favoured nation;

For trade, upon the same terms as native citizens or subjects, submitting themselves to the laws and the police, customs and other regulations now established.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.
2. They shall have the right, equally with nationals, to carry on their commerce and trade in all kinds of merchandise of lawful commerce;

The citizens or subjects of each of the High Contracting Parties shall have reciprocity in the state protection and security for their persons and property, and shall enjoy, in the respect pertaining, and shall enjoy, as are or shall be granted to the native citizens or subjects, or their submitting themselves to the conditions imposed upon the native citizens or subjects.
3. They shall be permitted to own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them and to lease land for residential, commercial, industrial, manufacturing and other lawful purposes;

They shall, however, be exempted in the conditions of the state from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia, and from all forced loans or military operations or contributions
4. They shall enjoy constant and complete protection and security for their persons and property; shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; and shall also be allowed to prosecute their claims against the State and its organs before the tribunals or other authorities having jurisdiction in such matters;

They shall be exempted from all compulsory military services, whether in the army, navy, national guard or militia; from all contributions imposed in lieu of personal service; and from all forced loans and military requisitions or contributions unless imposed on them equally with nationals as owners, lessees or occupiers of immovable property;
5. They shall be exempted from all property taxes, fees, charges or contributions of any kind whatever, other or higher

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◎ 小倉定

*Draft Treaty of Commerce and Navigation
between Japan and the United
States of America.*

◎ His Majesty the Emperor of Japan and the President of the United States of America, being desirous to strengthen the relations of amity and good understanding which happily exist between the two nations, and believing that the fixation in a manner clear and positive of the rules which are hereafter to govern the commercial intercourse between their respective countries, will contribute to the realization of this most desirable result, have resolved to conclude a Treaty of Commerce and Navigation for that purpose, and have named their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan,

.....
And the President of the United States of America,.....

.....
Who, after having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The citizens or subjects of each of the High Contracting Parties shall have liberty to travel and sojourn in the States and territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary

The subjects or citizens of each of the High Contracting Parties shall have full liberty, with their families, to enter and sojourn in all parts of the territories of the other and conforming themselves to the laws of the country —

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DRAFT
TREATY OF COMMERCE AND NAVIGATION
BETWEEN
JAPAN AND THE UNITED STATES OF AMERICA.

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Confidential.

February 21, 1911.

Sir:

In reply to your note of this date I have the honor to state that my Government entirely concur in the understanding therein set forth with reference to the Panama Canal Zone.

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

(Signed) Y. Uchida.

Honorable Philander Chase Knox,
Secretary of State.

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DEPARTMENT OF STATE
Washington.

Confidential.

February 21, 1911.

Excellency:

I have the honor, in order to avoid any possible misunderstanding in future, to declare that it is understood that nothing in the provisions of the Treaty of Commerce and Navigation, signed this day, shall be taken to apply to the Panama Canal Zone.

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

(Signed) P. C. Knox.

His Excellency

Baron Yasuya Uchida,

Japanese Ambassador.

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DEPARTMENT OF STATE
Washington.

February 21, 1911.

Excellency:

I have the honor to acknowledge the receipt
of Your Excellency's note of this date on the subject
of land ownership in Japan and Korea.

Accept, Excellency, the renewed assurances
of my highest consideration.

(Signed) P. C. Knox.

His Excellency

Baron Yasuya Uchida,

Japanese Ambassador.

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IMPERIAL JAPANESE EMBASSY
Washington

February 21, 1911.

Sir:

In reply to your inquiry about land ownership in Japan and Korea I have the honor under instructions of the Imperial Government to state that land ownership in Japan will be regulated by the law of the country, and foreigners and foreign corporations who comply with the terms of the provisions of the law will acquire the right of ownership of land. In return for the rights of land ownership which are granted Japanese by laws of the various states of the United States the Imperial Government will by liberal interpretation of the law be prepared to grant land ownership to American citizens from all the states, reserving for the future, however, the right of maintaining the condition of reciprocity with respect to the separate states.

The rights in real property acquired by Americans in Korea will be respected. As to the recognition of the title deeds registered in the American Consulate General in Seoul,

Honorable Philander Chase Knox,
Secretary of State.

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Seoul, the Imperial Government are now considering the question with the American Embassy at Tokio and believe that it will be solved satisfactorily to both parties. In case of the extension of the law of land ownership to Korea it will be applied to all foreigners in general including American citizens upon their fulfilment of the provisions of the law on the subject.

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

(Signed) Y. Uchida.

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DEPARTMENT OF STATE
Washington.

February 21, 1911.

Excellency:

In acknowledging the receipt of your note of this date on the subject of the property which is now held under leases in perpetuity by American citizens in the former foreign settlements in Japan, I have the honor to make all necessary reservations as to the nature and extent of the rights relating to such property.

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

(Signed) P. C. Knox.

His Excellency

Baron Yasuya Uchida,

Japanese Ambassador.

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IMPERIAL JAPANESE EMBASSY
Washington

February 21, 1911.

Sir:

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States I have the honor under instructions of the Imperial Government to state that, pending the conclusion of an arrangement between the two Governments for the final disposition of existing leases in perpetuity under which property is now held by American citizens in the former foreign Settlements in Japan, such leases shall be maintained and respected and all rights, privileges and immunities incident and relating to such property and existing at the time the Treaty signed this day enters into operation shall not be affected thereby, and in no case shall American citizens be placed in this respect in a less favorable position than subjects or citizens of any other country.

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

(Signed) Y. Uchida.

Honorable Philander Chase Knox,
Secretary of State.

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IMPERIAL JAPANESE EMBASSY
Washington

DECLARATION.

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States the undersigned, Japanese Ambassador in Washington, duly authorized by his Government has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

(Signed) Y. Uchida.

February 21, 1911.

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P R O T O C O L.

The Government of Japan and the Government of the United States of America have, through their respective Plenipotentiaries, agreed upon the following stipulation in regard to Article V of the Treaty of Commerce and Navigation between Japan and the United States signed this day to replace on the 17th of July, 1911, the Treaty of the 22nd of November, 1894:

Pending the conclusion of a special arrangement relating to tariff, the provisions relating to tariff in the Treaty of the 22nd of November, 1894, shall be maintained.

In witness whereof, the respective Plenipotentiaries have signed this Protocol in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of the 2nd month of the 44th year of Meiji, corresponding to the 21st day of February, in the nineteen hundred and eleventh year of the Christian era.

(Signed) Y. Uchida (L.S.)

(Signed) Philander C. Knox (L.S.)

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corporations in return for corresponding rights which are granted foreigners by laws of the various states.

Existing rights with respect to real property in Korea will be confirmed and maintained and the records of the title deeds registered in the American Consulate General in Seoul will be recognized and given full validity. Should the law of land-ownership referred to in the preceding paragraph eventually be extended to Korea, such extension of privilege shall apply to citizens of the United States equally with those of any other country.

5. PROTECTION OF INDUSTRIAL AND LITERARY PROPERTY.

The reciprocal protection of patents, designs, trademarks, tradenames and copyrights shall continue to be protected under the general provisions of the international agreements for the protection of industrial and literary property to which both countries are signatories, as well as under any special agreement which the two countries may have or may make to that end.

Department of State,

Washington, January 23, 1911.

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The Japanese Ambassador has the honor to acknowledge the receipt of the Note of the Department of State dated January 23, 1911, and to state in reply under instructions of the Imperial Government that they are extremely gratified to learn that the United States Government, after examining the drafts of the Treaty of Commerce and Navigation and of the Special Reciprocal Customs Convention presented by the Japanese Embassy with its memorandum of October 19, 1910, are prepared to enter upon negotiations of a new treaty of Commerce and Navigation to replace on July 17, 1911, the treaty now in force, and that the Imperial Government concur in the understanding of the proposal relating to the question of immigration set forth in the above mentioned note of January 23 last.

In order to facilitate the actual negotiations of the new treaty the Japanese Ambassador is now instructed to present to the Secretary of State the annexed draft of the declaration of the Imperial Government in regard to the emigration of Japanese laborers to the United States. Baron Uchida is further instructed to state to the Secretary of State that the Imperial Government have no objection in principle to points 2 and 5 mentioned in the memorandum of the department of state dated January 23 last, while the remaining three points could in their view be arranged satisfactorily by actual negotiations upon learning the precise nature of the proposals concerned. The Imperial Government therefore desire that the counter draft of the treaty prepared by the Department of State may be handed to the Japanese Ambassador at the earliest opportunity.

February 9, 1911.

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MEMORANDUM.

1. TARIFF. Pending the conclusion of a special arrangement relating to tariff, the Japanese Government will guarantee to the United States as favorable terms in fact in the matter of tariff as may be accorded to any other country, and if that Government shall grant any special tariff concession to any other country, either by separate convention or by revision of the tariff schedule, it shall offer an equivalent concession to the United States in return for a continuance of the latter's minimum tariff rate granted to Japan.

2. DUTIES OF CONSULAR OFFICERS.

The Japanese Government will agree to enter upon the early negotiation of a Consular Convention covering fully and precisely the duties of consular officers.

3. PROPERTIES HELD UNDER PERPETUAL LEASE.

The present status of the perpetual lease-hold property in the former foreign settlements, which have now acquired an established character, will be confirmed and maintained until a mutually satisfactory settlement of the various questions involved be arranged by the parties concerned.

4. LAND OWNERSHIP.

The limited right of ownership of land by foreigners and foreign corporations provided for by a recent session of the Imperial Japanese Diet will be granted to American citizens and

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The Department of State having examined with interest the drafts of the Treaty of Commerce and Navigation and of the Special Reciprocal Customs Convention presented by the Japanese Embassy with its memorandum of October 19, 1910, is happy to state that, for its part, it is prepared to meet the wishes of the Imperial Japanese Government to enter now upon negotiations for a new treaty of Commerce and Navigation to be substituted on July 17, 1911, for the treaty now in force, on the following bases:

The Department of State understands, and proceeds upon the understanding, that the proposal of the Japanese Government made in the above-mentioned memorandum, is that the clause relating to immigration in the existing treaty be omitted for the reason that the limitation and control which the Imperial Japanese Government has enforced for the past two and a half years in regulation of emigration of laborers to the United States, and which the two Governments have recognized as a proper measure of adjustment under all the circumstances, are to be continued with equal effectiveness during the life of the new treaty, the two Governments when necessary co-operating to this end; the treaty to be made terminable upon six months' notice.

It is further understood that the Japanese Government will at the time of signature of the treaty make a formal declaration to the above effect, which may in the discretion of the Government of the United States be made public.

In accepting the proposal as a basis for the settlement of the question of immigration between the two countries, the Government of the United States does so with all necessary reserves and without prejudice to the inherent sovereign right of either country to limit and control immigration to its own domains or possessions.

There are certain other matters of prime importance which in the opinion of the Department of State should likewise be considered and settled in principle at the outset of the negotiations. The most important of these are noted in the accompanying memorandum.

With a view to facilitating the actual negotiation of the new treaty, the Department of State will, upon learning that the above-mentioned bases of negotiation are acceptable to the Imperial Japanese Government, be prepared to present a revised and simplified draft of the treaty, together with a form of concurrent declaration, upon which it is hoped the two Governments may be able to reach an early agreement.

Department of State,
January 23, 1911.

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a reservation in the sense suggested, deeming such a stipulation wholly unnecessary and undesirable and in yielding finally they were anxious that the clause might be made as unobjectionable as possible. Accordingly they proposed as an alternative, that the words "immigration of laborers", be inserted between the words "trade" and "police" in the final paragraph of Article II of the treaty project, and upon their agreeing to the suppression of the last seven words of that paragraph - "and applicable to all foreigners in general" - the reservation in its present form was adopted.

It is not essential to consider whether the reservation in question was intended to give to the Contracting States the right to prohibit absolutely trade and the immigration of laborers between the two Countries, or merely to reserve to each the faculty to regulate such trade and immigration. In any case no attempt has been made by either Party to interpose such a prohibition nor is it likely that either Power will attempt under that reservation, to establish such a prohibition. The measures which the Imperial Government have enforced for the past two and half years in regulation of the question of emigration of laborers to the United States, have, it is believed, proved entirely satisfactory and far more effective than any prohibition of immigration would have been. Those measures of restraint were undertaken voluntarily, in order to prevent any dispute or issue between the two Countries on the subject of labor immigration, and will be continued, it may be added so long as the condition of things calls for such continuation.

Accordingly, having in view the actual situation, the Imperial Government are convinced that the reservation in question is not only not necessary, but that it is an engagement which, if continued, is more liable to give rise to misunderstandings than to remove difficulties. In any case it is a stipulation which, not unnaturally, is distasteful to national sensibilities. In these circumstances the Imperial Government desire in the new treaty to suppress entirely the reservation above mentioned, and to leave, in word as well as in fact, ^{the questions to which it relates} for friendly adjustment between the two Governments independently of any conventional stipulations on the subject. In expressing that desire they are not unmindful of the difficulties under which the United States labor in the matter of immigration and they will accordingly, if so desired, be willing to make the proposed treaty terminable at any time upon six months' notice.

The Japanese Embassy is satisfied that in the presence of such a termination clause the Contracting States would actually enjoy greater liberty of action so far as immigration is concerned, than under the existing reservation on the subject, however liberally construed. The hope is therefore, entertained that the United States may find it possible to consent to enter at this time, upon negotiations on the basis of the accompanying drafts, with a view to the conclusion of a new commercial arrangement to replace next year the existing Treaty of Commerce and Navigation.

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Nevertheless, by agreement they were abrogated and entirely new Treaties were substituted in their place. In that work the United States took a leading and sympathetic part. The Treaty of 1894 with the United States expressly annulled the pre-existing treaties and Conventions, and, so far as America was concerned, it was made effective by ratification by the President with the advice and consent of the Senate but without any Congressional action. In precisely the same way the Imperial Government desire to replace the existing Treaty of 1894, before its expiration by a new Treaty. They do not wish to amend the existing Treaty, but to substitute in its place a new and complete Treaty. It will be necessary if this course is adopted to insert in the new Treaty a clause replacing the existing Treaty in the same way that Article 18 was inserted in the existing Treaty and Article 13 in the Treaty of 1846 with Hanover and Article 11 in the Extradition Convention of 1882 with Belgium.

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The Japanese Embassy, consistently with the intimation contained in its Memorandum of the 2nd June last, has the honor to present to the Department of State for confidential consideration, drafts of a Treaty of Commerce and Navigation and of a Special Reciprocal Customs Convention, which the Imperial Government hope the United States will be disposed to accept as the basis for a new and improved Commercial Arrangement between the two countries in substitution of the existing Engagements on the same subject.

It is unnecessary at this time to enter upon a detailed examination of the various modifications of the existing Treaty which are recommended by the present project. The suggested amendments are largely self-explanatory and may, generally speaking, very properly be reserved for consideration in connection with actual negotiations. But there is one important point to which it seems necessary to refer prior to any general discussion of the various provisions of the drafts.

That point relates to the question of the immigration of laborers.

When the present Treaty was in course of negotiation, the United States proposed the insertion in the first paragraph of Article I after the word "Parties" a reservation to the following effect :

subject to any laws now in force or which may hereafter be enacted in reference to the immigration of laborers.

The Imperial Government were reluctant to admit into the Treaty

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MEMORANDUM.

The Imperial Government, in their memoranda presented before, have already fully stated the reasons for which they desire to see the existing Treaty with the United States expire in July 1911, and have no new or additional ones to adduce in further support of their desire. They are anxious, as the U. S. Government may well understand, to terminate their more important commercial Treaties at the same time and simultaneously to bring new Treaties into force, pursuing in this respect the same course they did when their present Treaties replaced the old unilateral Engagements. The existing Treaties are generally terminable by notice next year and it is the desire of the Imperial Government to replace them by new and more complete instruments on the 17th July, 1911. Accordingly the Imperial Government would be glad to be informed if it will be convenient and agreeable to the United States, while construing the termination clause of the existing Treaty with Japan in the way the State Department does, to enter into negotiations with Japan in the near future with a view to the conclusion of a new Treaty of Commerce and Navigation to replace the existing Treaty from the 17th July, 1911, assuming it to be possible before that date to conclude and ratify such new Treaty. There are many precedents for such action. Japan's ancient Treaties had no ~~fixed~~ term of duration. They were merely open to revision.

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