

(乙) 支那ニ關スル英國及第三國間ノ條約、協定及公文等

第一回日英同盟協約

明治三十五年一月三十日倫敦ニ於テ調印

第二回日英同盟協約

明治三十八年八月十二日倫敦ニ於テ調印

第三回日英同盟協約

明治四十四年七月十三日倫敦ニ於テ調印

日支關係條約 參照

日英同盟協約ニ關シ日英兩國ノ國際聯盟ニ對スル共同通告

大正九年七月二十三日公表

日英同盟協約ハ大正十年七月十三日ヲ以テ其ノ效力ノ終期トナス旨規定セル結果日英兩國政府ハ最近互ニ意見交換ノ上不取敢左ノ通國際聯盟ニ共同通告ヲ爲スコトニ協議決定シ本月八日附書面ヲ以テ右通告ヲ了セリ

第一、二、三回日英同盟協約、日英同盟協約ニ關シ日英兩國ノ國際聯盟ニ對スル共同通告

三三七

日英兩國ヨリ國際聯盟ニ送致セル共同通告文(譯文)

日本及大不列顛國政府ハ兩國間ニ現存セル千九百十一年七月十三日ノ日英協約ハ其ノ精神ニ於テ國際聯盟規約ト一致スト雖兩國政府ノ熱心ニ尊重セムト欲スル該規約トハ文字ニ於テ全然符合スルモノニ非ストノ結論ニ到達シタリ  
仍テ兩國ハ若シ前顯協約カ千九百二十一年七月以後ニ繼續セラルヘキ場合ニ於テハ該規約ト矛盾セサル形式ニ於テセラレサルヘカラストノ主義ヲ承認スルモノナルコトヲ兩國共同ニテ通告スルノ光榮ヲ有ス

珍 田 捨 己 (署名)  
カーゾン・オウ・ケドルストン (署名)

【右 英文】

JOINT NOTE OF JAPAN AND GREAT BRITAIN  
TO THE LEAGUE OF NATIONS RESPECT-  
ING THE ANGIO-JAPANESE  
AGREEMENT OF  
ALLIANCE.

Published July 23, 1920.

In view of the fact that the terms of ten years for which the Anglo-Japanese Agreement of Alliance is provided to remain in force expires on July 13, 1921, the Governments of Japan and Great Britain, after an exchange of views, addressed the following joint communication to the League of Nations on the 8th of July:

波斯、阿富汗斯坦及西藏ニ關スル  
英露條約

一千九百十七年八月三十一日聖彼得堡ニ於テ署名

全露西亞國皇帝陛下ト大不列顛愛國聯合王國及大不列顛海外領土皇帝印度皇帝陛下ハ亞細亞大陸ニ在ル各自國利益ニ關ス

"The Governments of Japan and Great Britain have come to the conclusion that the Anglo-Japanese Agreement of July 13th, 1911, now existing between their two countries, though in harmony with the spirit of the Covenant of the League of Nations, is not entirely consistent with the letter of that Covenant, which both Governments earnestly desire to respect.  
"They accordingly have the honour jointly to inform the League that they recognise the principle that if the said Agreement be continued after July, 1921, it must be in a form not inconsistent with that Covenant."  
" (Signed) CHINA."  
" (Signed) CHRON OF KURUSTON."

ル各種ノ問題ヲ相互ノ一致ニ依リ協定セムコトヲ切望シ該問題ニ關シ露西亞國ト大不列顛國トノ間ニ於ケル誤解ノ原因ヲ防止スヘキ諸協定ヲ締結スルニ決シ之方爲各左ノ全權委員ヲ任命セリ  
全露西亞國皇帝陛下  
外務大臣 「アレキサンドル、イズヴォルスキー」

大不列顛愛國聯合王國及大不列顛海外領土皇帝印度皇帝陛下

露西亞國駐劄大不列顛國特命全權大使

「サー、アーサー、ニコルソン」  
因テ各全權委員ハ互ニ其ノ全權委任狀ヲ示シ其ノ良好妥當ナルヲ認メタル後左ノ如ク協定セリ  
波斯國ニ關スル協定(省略)

阿富汗斯坦ニ關スル條約(省略)

西藏ニ關スル協定

露西亞及大不列顛兩國政府ハ西藏ニ於ケル清國ノ宗主權ヲ認メ大不列顛國カ其ノ地理上ノ位置ニ由リ西藏ノ對外關係ニ於ケル現狀維持ニ關シ特別利益ヲ有スルノ事實ニ鑑ミ左ノ取極ヲ爲セリ

第一條 兩締約國ハ西藏領土保全ヲ尊重シ其ノ內政ニ對シ一切干渉セサルコトヲ約ス

第二條 露西亞國及大不列顛國ハ西藏ニ於テ清國ノ有スル所トシテ承認セラレタル宗主權ノ原則ニ據リ清國政府ヲ經由スルニ非サレハ西藏ト何等交渉ヲ爲ササルコトヲ約ス尤モ此ノ協定ハ千九百十四年九月七日大不列顛國ト西藏トノ間ニ

締結セラレタル條約第五條ニ規定シ更ニ千九百十六年四月十七日大不列顛國ト清國トノ間ニ締結セラレタル條約ニ依テ確認セラレタル西藏官憲ト英國貿易事務官トノ直接關係ヲ排除スルモノニ非ス又右千九百十六年ノ條約ノ第一條ニ依リ大不列顛國及清國ノ間ニ締結セラレタル諸約定ヲ變更セサルモノトス  
佛教信者ハ其ノ露西亞國臣民タルト大不列顛國臣民タルトヲ間ハス純然タル宗教事項ニ關シテハ遠賴喇嘛其ノ他西藏ニ於ケル佛教代表者ト直接ノ交通ヲ爲スヲ得ヘン但シ露西亞及大不列顛兩國政府ハ其ノ關スル限リ右交通ヲシテ本協定ノ規定ニ牴觸セシメサルコトヲ約ス

第三條 露西亞及大不列顛兩國政府ハ拉薩ニ其ノ代表者ヲ送ラサルコトヲ互ニ約ス  
第四條 兩締約國ハ各自國ノ爲又ハ其ノ臣民ノ爲西藏ニ於テ鐵道、道路、電信及鑛山其ノ他ノ利權ヲ求メ又ハ取得セサルコトヲ約ス

第五條 兩國政府ハ西藏ノ歲入ノ如何ナル部分タリトモ其ノ現品タルト正金タヲ問ハス露西亞國若ハ大不列顛國又ハ右兩國臣民ニ抵當ト爲シ又ハ供託スルヲ得サルコトニ同意ス  
西藏ニ關スル英露協定附屬書

大不列顛國ハ印度總督閣下ニ依リ署名セラレ且千九百十四年九月七日ノ條約ノ批准書ニ附屬セル宣言書即チ大不列顛國軍隊

ノ「チムビ」低地占領ハ二五、〇〇〇、〇〇〇「ルービ  
一」ノ償金カ三箇年賦支拂後ニ至リ止ムヘキ事但シ同條約第  
二條ニ掲クル商埠カ實際三年間開カレ且西藏官憲カ千九百四  
年ノ該協約一切ノ規定ヲ忠實ニ遵守スルコトヲ要スル旨ノ宣  
言書ヲ再ビ茲ニ確認ス若シ大不列顛國軍隊ノ「チムビ」低  
地占領カ如何ナル理由ニ依ルモ右宣言書ヲ以テ定メタル時期  
ニテ終了セザルトキハ露西亞及大不列顛兩國政府ハ本件ニ關  
シ友誼的意見ノ交換ヲ開始スヘキコト勿論ナリトス  
本條約ハ批准ヲ要シ其ノ批准書ハ成ル可ク速ニ聖彼得堡ニ於  
テ之ヲ交換スヘシ

右證據トシテ兩國全權委員ハ本條約ニ署名調印セリ  
千九百七年八月<sup>十八日</sup>聖彼得堡ニ於テ本書ニ通ヲ作ル  
イゾヴォルスキー (印)  
エー、ニコルソン (印)

右西藏協定ニ關スル交換公文

千九百七年八月<sup>十八日</sup>聖彼得堡ニ於テ交換  
(一)駐露英國大使ヨリ露國外務大臣宛公文  
以書翰致啓上候陳者本使ハ本日署名セラレタル西藏ニ關スル  
取極ノ儀ニ付左ノ宣言ヲ爲スノ光榮ヲ有シ候  
大不列顛國皇帝陛下ノ政府ハ露西亞帝國政府ヨリモ同様ナル  
保障ノ與ヘラルルヲ條件トシテ豫メ露西亞帝國政府ト協定ヲ爲

ス場合ヲ除クノ外本公文ノ日附ヨリ三年間ハ自國政府ノ關ス  
ル限り何等學術上ノ派遣員ノ西藏ニ入ルヲ許ササルヲ望マシ  
キコトト存候  
英國皇帝陛下ノ政府ハ又同一ノ期間内同種ノ義務ヲ負擔スル  
コトヲ清國政府ニ勸誘スルノ目的ヲ以テ同政府ニ交渉スルコ  
トヲ致提議候露西亞帝國政府ニ於テモ勿論同様ノ申込ニ及ハル  
ヘキコトト存候  
右三年ノ期間經過ノ後若シ必要アラハ大不列顛國政府ハ露西  
亞國政府ニ對シ西藏ニ派遣スル學術研究團ニ關シ爾後執ルヘ  
キ措置ニ付協議可致候  
本使ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具  
千九百七年八月三十一日聖彼得堡ニ於テ  
エー、ニコルソン

外務大臣閣下

(二)露國外務大臣ヨリ駐露英國大使宛公文  
以書翰致啓上候陳者露西亞國政府ニ於テモ亦豫メ大不列顛國  
政府ト協定ヲ爲ス場合ヲ除クノ外自國政府ノ關スル限り本公  
文ノ日附ヨリ三年間ハ何等學術上ノ派遣員ノ西藏ニ入ルコト  
ヲ許ササルヲ望マシキコトト存候間此段本日附貴翰ノ回答ト  
トシテ申進候  
露西亞國政府モ英國政府同様同一ノ期間内同種ノ義務ヲ負擔  
スルコトヲ清國政府ニ勸誘スルノ目的ヲ以テ同政府ニ交渉ス

ルコトヲ致提議候  
右三年ノ期間經過ノ後若シ必要アラハ兩國政府ノ西藏ニ派遣  
スル學術研究團ニ關シ爾後執ルヘキ措置ニ付互ニ協議スヘキ  
コト勿論ニ有シ候

【右歐文】

CONVENTION BETWEEN GREAT BRITAIN  
AND RUSSIA RELATING TO PERSIA,  
AFGHANISTAN, AND TIBET.

August 31, 1907.

His Majesty the King of the United Kingdom of Great  
Britain and Ireland and of the British Dominions beyond  
the Seas, Emperor of India, and His Majesty the Emperor  
of All the Russias, animated by the sincere desire to settle  
by mutual agreement different questions concerning the  
interests of their States on the Continent of Asia, have  
determined to conclude Agreements destined to prevent  
all cause of misunderstanding between Great Britain and  
Russia in regard to the questions referred to, and have  
nominated for this purpose their respective Plenipo-  
tentiaries, to wit:

本大臣ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具  
千九百七年八月十八日(三十一日)聖彼得堡ニ於テ  
イゾヴォルスキー  
大使閣下

His Majesty the King of the United Kingdom of Great  
Britain and Ireland and of the British Dominions beyond  
the Seas, Emperor of India, the Right Honourable Sir  
Arthur Nicolson, His Majesty's Ambassador Extraordinary  
and Plenipotentiary to His Majesty the Emperor of All  
the Russias;

His Majesty the Emperor of All the Russias, the  
Master of his Court Alexander Iswolsky, for Foreign  
Affairs;

Who, having communicated to each other their full  
powers, found in good and due form, have agreed on  
the following:—

AGREEMENT CONCERNING PERSIA. (omitted)

CONVENTION CONCERNING AFGHANISTAN. (omitted)

AGREEMENT CONCERNING TIBET.

The Governments of Great Britain and Russia reorganizing the suzerain rights of China in Tibet, and considering the fact that Great Britain, by reason of her geographical position, has a special interest in the maintenance of the *status quo* in the external relations of Tibet, have made the following Agreement:

ARTICLE I.—The two High Contracting Parties engage to respect the territorial integrity of Tibet and to abstain from all interference in its internal administration.

ARTICLE II.—In conformity with the admitted principle of the suzerainty of China over Tibet, Great Britain and Russia engage not to enter into negotiations with Tibet except through the intermediary of the Chinese Government. This engagement does not exclude the direct relations between British Commercial Agents and the Tibetan authorities provided for in Article V of the Convention between Great Britain and Tibet of the 7th September, 1904, and confirmed by the Convention between Great Britain and China of the 27th April, 1906; nor does it modify the engagements entered into

by Great Britain and China in Article I of the said Convention of 1906.

It is clearly understood that Buddhists, subjects of Great Britain or of Russia, may enter into direct relations on strictly religious matters with the Dalai Lama and the other representatives of Buddhism in Tibet; the Governments of Great Britain and Russia engage, so far as they are concerned, not to allow those relations to infringe the stipulations of the present Agreement.

ARTICLE III.—The British and Russian Governments respectively engage not to send Representatives to Lhasa.

ARTICLE IV.—The two High Contracting Parties engage neither to seek nor to obtain, whether for themselves or their subjects, and Concessions for railways, roads, telegraphs, and mines, or other rights in Tibet.

ARTICLE V.—The two Governments agree that no part of the revenues of Tibet, whether in kind or in cash, shall be pledged or assigned to Great Britain or Russia or to any of their subjects.

ANNEX TO THE AGREEMENT BETWEEN GREAT BRITAIN AND

RUSSIA CONCERNING TIBET.

Great Britain reaffirms the Declaration, signed by his Excellency the Viceroy and Governor-General of India and appended to the ratification of the Convention of the 7th September, 1904, to the effect that the occupation of the Chumbi Valley by British forces shall cease after the payment of three annual instalments of the indemnity of 2,500,000 rupees, provided that the trade marts mentioned in Article II of that Convention have been effectively opened for three years, and that in the meantime the Tibetan authorities have faithfully complied in all respects with the terms of the said Convention of 1904. It is clearly understood that if the occupation of the Chumbi Valley by the British forces has, for any reason, not been terminated at the time anticipated in the above Declaration, the British and Russian Governments will enter upon a friendly exchange of views on this subject.

The present Convention shall be ratified, and the ratifications exchanged at St. Petersburg as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present Convention and affixed thereto their seals.

Done in duplicate at St. Petersburg, the 18th (31st) August, 1907.

(L. S.) A. NICOLSON.  
(L. S.) ISVORSKY.

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND RUSSIA RESPECTING SCIENTIFIC EXPEDITIONS TO TIBET.

St. Petersburg, 31st, August, 1907.

(1).—Sir N. Nicholson to M. Isvorsky, Saint-Petersburg, le 18 (31) Août, 1907.

M. le Ministre,

ME référant à l'Arrangement au sujet du Tibet signé aujourd'hui, j'ai l'honneur de faire à votre Excellence la déclaration suivante:—

“Le Gouvernement Britannique juge utile, pour autant qu'il dépendra de lui, de ne pas admettre, sauf accord

préalable avec le Gouvernement Russe, pour une durée de trois ans à partir de la date de la présente communication, l'entrée au Thibet d'une mission scientifique quelconque, à condition toutefois qu'une assurance pareille soit donnée de la part du Gouvernement Impérial de Russie.

"Le Gouvernement Britannique se propose, en outre, de s'adresser au Gouvernement Chinois afin de faire agréer à ce dernier une obligation analogue pour une période correspondante; il va de soi que la même démarche sera faite par le Gouvernement Russe.

"A l'expiration du terme de trois ans précité, le Gouvernement Britannique avisera d'un commun accord avec le Gouvernement Russe à l'opportunité, s'il y a lieu, de mesures ultérieures à prendre concernant les expéditions scientifiques au Thibet."

Je saisis, &c.  
A. Nicolson.

(2).—M. Iswolsky to Sir N. Nicolson,  
Saint-Petersbourg, le 18 (31) Août, 1907.  
M. l'Ambassadeur.

EN réponse à la note de votre Excellence en date de ce jour, j'ai l'honneur de déclarer à mon tour que le Gouvernement Impérial de Russie juge utile, pour autant qu'il dépendra de lui, de ne pas admettre, sauf accord préalable avec le Gouvernement Britannique, pour une durée de trois ans, à partir de la date de la présente communication, l'entrée au Thibet d'une mission scientifique quelconque.

De même que le Gouvernement Britannique, le Gouvernement Impérial se propose de s'adresser au Gouvernement Chinois afin de faire agréer à ce dernier une obligation analogue pour une période correspondante.

Il reste entendu qu'à l'expiration du terme de trois ans les deux Gouvernements avisent d'un commun accord à l'opportunité, s'il y a lieu, de mesures ultérieures à prendre concernant les expéditions scientifiques au Thibet.

Veillez agréer, &c.  
Iswolsky.

清國ニ於ケル鐵道利益ニ關スル英露兩國間ノ取極

千八百九十九年四月二十八日聖彼得堡ニ於テ公文交換

(一)「サー、シー、スコット」ヨリ「ムラヴィエフ」伯宛公文  
下名大不列顛國大使ハ正當ノ委任ヲ受ケ露西亞國外務大臣「ムラヴィエフ」伯爵閣下ニ對シ左ノ聲名ヲ爲スノ光榮ヲ有ス  
大不列顛國及露西亞國ハ清國ニ於テ兩國利益ノ相接觸スル問題ニ關シ總テ衝突ノ原因ヲ避ケムコトヲ切望シ且該帝國ノ或方面ニ於ケル經濟上及地理上ノ趨勢ニ鑑ミテ左ノ通約定セリ  
一 大不列顛國ハ自國ノ爲又ハ大不列顛國臣民其ノ他ノ者ノ爲ニ清國長城以北ニ於テ何等ノ鐵道讓與ヲモ索求セサルコト及露西亞國政府ノ贊助ニ係ル該地方ニ於ケル鐵道讓與ノ請願ニ對シテハ直接ト間接トヲ問ハス妨害ヲ加ヘサルヘキコトヲ約ス  
二 露西亞國モ亦自國ノ爲又ハ露西亞國臣民其ノ他ノ者ノ爲ニ楊子江ノ流域ニ於テ何等ノ鐵道讓與ヲモ索求セサルコト及大不列顛國政府ノ贊助ニ係ル該地方ニ於ケル鐵道讓與ノ請願ニ對シテハ直接ト間接トヲ問ハス妨害ヲ加ヘサルヘキコトヲ約ス  
兩締約國ハ清國ノ主權又ハ現存條約ヲ何等侵害スルノ意思ヲ有セサルニ依リ兩國間ニ紛糾ヲ醸スヘキ一切ノ原因ヲ排除シ

以テ極東ニ於ケル平和ヲ鞏固ナラシメ且清國ノ根本的利益ヲ裨益スヘキ性質ヲ有スル本取極ヲ清國政府ヘ通告スルコトヲ意ラサルヘン  
千八百九十九年四月二十八日聖彼得堡ニ於テ

(二)「ムラヴィエフ」伯ヨリ「サー、シー、スコット」宛公文  
下名露西亞國外務大臣ハ正當ノ委任ヲ受ケ大不列顛國大使「サー、チャールズ、スコット」閣下ニ對シ左ノ聲明ヲ爲スノ光榮ヲ有ス  
露西亞國及大不列顛國ハ清國ニ於テ兩國利益ノ相接觸スル問題ニ關シ總テ衝突ノ原因ヲ避ケムコトヲ切望シ且該帝國ノ或方面ニ於ケル經濟上及地理上ノ趨勢ニ鑑ミテ左ノ通約定セリ  
一 露西亞國ハ自國ノ爲又ハ露西亞國臣民其ノ他ノ者ノ爲ニ楊子江ノ流域ニ於テ何等ノ鐵道讓與ヲモ索求セサルコト及大不列顛國政府ノ贊助ニ係ル該地方ニ於ケル鐵道讓與ノ請願ニ對シテハ直接ト間接トヲ問ハス妨害ヲ加ヘサルコトヲ約ス  
二 大不列顛國モ亦自國ノ爲又ハ大不列顛國臣民其ノ他ノ者ノ爲ニ清國長城以北ニ於テ何等ノ鐵道讓與ヲモ索求セサルコト及露西亞國政府ノ贊助ニ係ル該地方ニ於ケル鐵道讓與ノ

請願ニ對シテハ直接ト間接トヲ問ハス妨害ヲ加ヘサルヘキコトヲ約ス

兩締約國ハ清國ノ主權又ハ現存條約ヲ何等侵害スルノ意思ヲ有セサルニ依リ兩國間ニ紛糾ヲ醸スヘキ一切ノ原因ヲ排除シ以テ極東ニ於ケル平和ヲ鞏固ナラシメ且清國ノ根本的

利益ヲ裨益スヘキ性質ヲ有スル本取極ヲ清國政府ヘ通告スルコトヲ意ラサルヘシ

千八百九十九年四月十六日(二十八日)聖彼得堡ニ於テ  
ムラヴィエフ伯爵

### 同上追加公文

(一)「サー、シー、スコット」ヨリ「ムラヴィエフ」伯爵

清國ニ於ケル鐵道ノ敷設及經營上ノ讓與ニ關スル範圍ノ區劃方ニ付本日交換シタル文書ノ補遺トシテ本追加文書中ニ清國政府カ英清會社ノ代理者タル香港上海銀行ヨリ敷設資金借入ノ契約ヲ了シタル山海關牛莊鐵道線ニ關シ曩ニ議定シタル取極ヲ載録スルコトヲ約定セリ

前記文書ニ依リ設定セラレタル一般取極ハ右借款契約ニ基キ取得シタル權利ヲ聊カニテモ侵害スルコトナシ而シテ清國政府ハ該線路ノ敷設及其ノ用ニ充テタル資金ノ支出ヲ監視セシムル爲英國人技師一名、歐洲人會計員一名ヲ任命スルコトヲ

得ヘシ

然レトモ上記ノ事實ハ以テ一箇ノ所有權又ハ外國監督權ヲ構成スルモノト看做スヘカラス右線路ハ依然トシテ清國政府ノ監督ノ下ニアル清國ノ線路ニシテ清國以外ノ會社ニ質入又ハ移轉スルコトヲ得サルモノトス

小黒站ヨリ新民廳ニ至ル枝線ニ關シテハ前記制限ニ加フルニ清國自ラ之ヲ敷設シ數名ノ歐洲人(必シモ英國人ナルヲ要セス)ノ技師ヲシテ定時視察ヲ遂ケシメ且工事ノ其ノ宜シキ得タルヲ證認セシメ得ヘキコトヲ協定セリ

本特別協定ハ露西亞政府カ相當ト認ムル場合ニ於テ滿洲幹線ヨリ起リ南西方ニ向ヒ新民廳及牛莊ヲ終點トスル清國線路ノ敷設セラルヘキ地方ヲ貫通スル鐵道讓與ニ關スル露西亞國臣民又ハ會社ノ請願ヲ同政府ニ於テ贊助スルノ權利ヲ聊カニテモ妨害セムトスルモノニ非サルコト勿論ナリトス

千八百九十九年四月二十八日聖彼得堡ニ於テ  
チヤールス、エス、スコット

(二)「ムラヴィエフ」伯爵ヨリ「サー、シー、スコット」宛  
(一)ト全然同一内容ニ付省略ス)

【右歐文】

### EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND RUSSIA WITH REGARD TO THEIR RESPECTIVE RAILWAY INTERESTS IN CHINA.

St. Petersburg, 28th April, 1899.

(1).—Sir C. Scott to Count Mouravieff.

The Undersigned, British Ambassador, duly authorized to that effect, has the honour to make the following declaration to his Excellency Count Mouravieff, Russian Minister for Foreign Affairs:—

Great Britain and Russia, animated by a sincere desire to avoid in China all cause of conflict on questions where their interests meet, and taking into consideration the economic and geographical gravitation of certain parts of that Empire, have agreed as follows:—

1. Great Britain engages not to seek for her own account, or on behalf of British subjects or of others any railway Concessions to the north of the Great

Wall of China, and not to obstruct, directly or indirectly, applications for railway Concessions in that region supported by the Russian Government.

2. Russia, on her part, engages not to seek for her own account, or on behalf of Russian subjects or of others, any railway Concessions in the basin of the Yang-tze, and not to obstruct, directly or indirectly, applications for railway Concessions in that region supported by the British Government.

The two Contracting Parties, having nowise in view to infringe in any way the sovereign rights of China or existing Treaties, will not fail to communicate to the Chinese Government the present arrangement, which by averting all cause of complications between them, is of a nature to consolidate peace in the Far East, and to serve the primordial interests of China herself.

CHARLES S. SCOTT,

St. Petersburg, April 28, 1899.

(2).—Count Mouravieff to Sir C. Scott.

Le Soussigné, Ministre des Affaires Etrangères, de



Russie, dûment autorisé à cet effet, a l'honneur de faire à son Excellence Sir Charles Scott, Ambassadeur Britannique, la déclaration suivante :—

La Russie et la Grande-Bretagne, animées du sincère désir d'éviter en Chine toute cause de conflits dans les questions où leurs intérêts se rencontrent et prenant en considération la gravitation économique et géographique de certaines parties de cet Empire, sont convenues de ce qui suit :—

1. La Russie s'engage à ne pas réclamer pour son compte et en faveur de sujets Russes ou autres des Concessions quelconques de chemins de fer dans le bassin du Yang-tzé et à ne pas contrearrer directement ou indirectement dans cette région les demandes de Concessions de chemin de fer, appuyées par le Gouvernement Britannique.

2. La Grande-Bretagne, de son côté, s'engage à ne pas réclamer pour son compte et en faveur de sujets Britanniques ou autres des Concessions quelconques de chemins de fer au nord du Grand Mur de Chine et à ne pas contrearrer directement ou indirectement dans

cette région les demandes de Concessions de chemins de fer, appuyées par le Gouvernement Russe.

Les deux Parties Contractantes, n'ayant nullement en vue de porter une atteinte quelconque aux droits souverains de la Chine, ainsi qu'aux Traités existants, ne manqueront pas de faire par au Gouvernement Chinois du présent arrangement qui, en écartant toute cause de complication entre elles, est de nature à consolider la paix dans l'Extrême-Orient et à servir aux intérêts primordiaux de la Chine allemande.

Le Soussigné, &c.

Comte Mouravieff.

*Saint-Petersbourg, le 16 (28) Avril, 1899.*

EXCHANGE OF NOTES ADDITIONAL TO THE ABOVE.

(2).—*Sir C. Scott to Count Mouravieff.*

In order to complete the notes exchanged this day respecting the partition of spheres for concessions for the construction and working of railways in China, it

has been agreed to record in the present additional note the arrangement arrived at with regard to the line Shanghaiuan-Newchwang, for the construction of which a loan has been already contracted by the Chinese Government with the Shanghai-Hong Kong Bank, acting on behalf of the British and Chinese Corporation.

The general arrangement established by the above-mentioned notes is not to infringe in any way the rights acquired under the said Loan Contract, and the Chinese Government may appoint both an English engineer and an European accountant to supervise the construction of the line in question, and the expenditure of the money appropriated to it.

But it remains understood that this fact cannot be taken as constituting a right of property or foreign control, and that the line in question is to remain a Chinese line, under the control of the Chinese Government, and cannot be mortgaged or alienated to a non-Chinese Company.

As regards the branch line from Siaoheichan to

Simming, in addition to the aforesaid restrictions, it has been agreed that it is to be constructed by China herself, who may permit European—not necessarily British—engineers to periodically inspect it, and to verify and certify that the work is being properly executed.

The present special Agreement is naturally not to interfere in any way with the right of the Russian Government to support, if it thinks fit, applications of Russian subjects or establishments for Concessions for railways, which, starting from the main Manchurian line in a south-westerly direction, would traverse the region in which the Chinese line terminating at Simming and Newchwang is to be constructed.

CHARLES S. SCOTT,

*St. Petersburg, April 28, 1899.*

(2).—*Count Mouravieff to Sir C. Scott.*

Pour compléter les notes échangées aujourd'hui concernant la répartition des sphères de Concessions et d'exploitation des chemins de fer en Chine, il a été

convenu de consigner dans la présente note additionnelle l'Accord survenu au sujet de la ligne Shanghai-Kuan-Newchwang, pour la construction de laquelle un emprunt a déjà été contracté par le Gouvernement Chinois à la Banque de Shanghai-Hong Kong, agissant au nom de la "British and Chinese corporation."

L'arrangement général établi par les notes précitées, ne portera aucune atteinte aux droits acquis en vertu du Contrat de l'emprunt susdit, et il sera loisible au Gouvernement Chinois de nommer tant un ingénieur Anglais qu'un comptable Européen pour surveiller la construction de la ligne de chemin de fer en question et la dépense des sommes y affectées. Mais il reste bien entendu que ce fait ne saurait constituer un droit de propriété ou de contrôle étranger et que la ligne en question doit rester Chinoise, soumise au contrôle du Gouvernement Chinois, et ne pourra être engagée ou aliénée à une Compagnie non Chinoise.

Pour ce qui est de l'embranchement, se dirigeant de Siaoichan à Simming ou les restrictions susdites, il a été convenu qu'il sera construit par la Chine elle-

même, qui pourra admettre des ingénieurs Européens—pûs nécessairement Anglais—pour l'inspecter périodiquement, vérifier et certifier que les travaux sont dûment exécutés.

Le présent Accord spécial ne saurait, naturellement, entraver d'aucune façon le droit du Gouvernement Russe d'appuyer, s'il le juge opportun, des demandes de sujets ou établissements Russes, relatives à des Concessions de chemins de fer qui, partant de la ligne principale de Mandchourie et se dirigeant au sud-ouest, traverseraient la région où sera construite la ligne chinoise aboutissant à Simming et Newchwang.

Le Sousigné, &c.

COMTE MOURAVIEFF.

Saint-Petersbourg, le 16 (28) Avril, 1896.

### 東清鐵道地帯内ニ設クヘキ自治行政及課税制度ヲ英國臣民ニ適用スルコトニ關スル英露協定

千九百十四年四月三十日哈爾濱ニ於テ署名

(一) 在支英國公使ヨリ在支露國公使宛書翰

拜啓本官ハ閣下ニ左ノ如ク通報スルノ光榮ヲ有シ候即チ大不列顛國皇帝陛下ノ政府ハ東清鐵道地帯内ニ設クヘキ自治行政及課税制度ヲ英國臣民及其ノ財産ニ適用スルコトニ關シテ哈爾濱駐在英國領事ト露國地方官憲トノ間ニ先般商議セラレ且去ル四月三十日(十七日)英文及露文ヲ以テ署名セラレタル協定案ニ付爾來考量ヲ重ネ候

今ヤ本官ハ大不列顛國皇帝陛下ノ政府ハ該協定ヲ認諾スル旨ヲ陳述セル訓令ヲ「サー、イー、グレー」ヨリ致接受候從テ本官ハ左ノ如ク閣下ニ通報スルノ光榮ヲ有シ候即チ本官ハ露西亞帝國政府ノ側ニ於テ該協定ヲ認諾セラレタルコトヲ知ルヤ直ニ關係英國臣民ニ對シ其ノ規定ヲ來ル一月一日ヨリ施行スルニ必要ナル措置ヲ執ル旨ニ有之候

此ノ機會ニ於テ閣下ニ向テ重ネテ敬意ヲ表シ候 敬具

千九百十四年十二月三日(十一月二十日)

シ、エ、ス、ジョルダン

僚友タル公使閣下

(二) 在支露國公使ヨリ在支英國公使宛書翰

拜啓本日附貴翰ヲ以テ閣下ハ東清鐵道地帯内ニ設クヘキ自治行政及課税制度ノ企畫ヲ英國臣民及其ノ財産ニ適用スルコトニ關シテ露國地方官憲ト哈爾濱駐在英國領事トノ間ニ先般商議セラレ且去ル四月十七日(三十日)哈爾濱ニ於テ英文及露文ヲ以テ署名セラレタル協定案ヲ大不列顛國皇帝陛下ノ政府ニ於テ認諾セラレタル旨御通報相成致候閣下ハ更ニ露西亞帝國政府ノ側ニ於テ前記協定ヲ認諾セルコトヲ本官ヨリ通報スルトキハ直ニ關係英國臣民ニ對シ其ノ規定ヲ來ル一月一日ヨリ施行スルコトヲ確保スルニ必要ナル措置ヲ執ララル旨陳述相成候

右御通報領承旁々本官ハ露西亞帝國政府ニ於テモ亦前記協定案ヲ認諾セル旨ヲ取急閣下ニ御通報申上候 敬具

千九百十四年十一月二十日(十二月三日)

ベ、ト、クルーベンスキー

僚友タル公使閣下

(三) 協定

第一條 露西亞帝國政府ハ哈爾濱鐵道居留地其ノ他東清鐵道地帯内ニ存在スル諸居留地ニ於テ徵收スル租税及手數料ヲ專ラ右諸居留地住民共通ノ利益ノ爲自治行政及公共事業ニ充ツヘキ旨ヲ聲明シタルニ因リ大不列顛國皇帝陛下ノ政府ハ哈爾濱鐵道居留地其ノ他東清鐵道地帯内ニ存在スル諸居



留地ニ居住スル英國臣民カ露國臣民ノ納付スル所ト同一ノ手數料及租税(金錢ヲ以テスルト現品ヲ以テスルトヲ問ハス)ヲ支拂フヘキコトニ同意ス大不列顛國皇陛下ノ政府ハ更ニ右手數料及租税ノ支拂並地方規則及細則ノ遵守ハ前記英國臣民ニ對シ千九百十五年一月一日ヨリ之ヲ強制シ得ヘキコトニ同意シ又右日附以來露國臣民ニ對シ施行セラルヘキ同種ノ追加又ハ修正ノ規則及細則英國臣民ニ對シテモ亦拘束力ヲ有スヘキコトヲ均シク約ス但シ右施行ノ豫告ヲ爲シ且英國臣民ノ治外法權ニ抵觸スヘキ何等ノ規定ヲモ包含セサルコトヲ要ス前記豫告ノ期間ハ新規則又ハ修正規則ノ場合ニ於テハ二箇月トシ新規則又ハ修正規則ノ場合ニ於テハ二週間トス

第二條 前條ノ規定ニ鑑ミ哈爾濱鐵道居留地其ノ他東清鐵道地帯内ニ存在スル諸居留地ニ居住スル英國臣民ハ地方自治行政ノ選舉權及被選舉權(其ノ現存スルモノタルト將來設ケラルモノタルトヲ問ハス)ヲ享有スヘク且地方自治行政規則ノ規定ニ從ヒ露國臣民ト同様ニ右權利ヲ行使スヘシ又哈爾濱ニ於テハ三年ノ任期ヲ有スル合計六名ノ議員ヨリ成ル市參事會中ニ外國人(非露國人)團體ノ代表者一名ヲ加フヘシ右代表者ハ相當ノ地位アル外國人(非露國人)ノ住民タルヘク其ノ選舉方法ハ左ノ如ク之ヲ定ム完全ナル領事裁判權ヲ有スル外國(露西亞ヲ除ク)ノ哈爾濱駐在代表者

(本協定ノ規定ニ從ヒ各自國ノ國民ヲシテ租税ヲ納付セシメ且地方規則及細則ヲ遵守セシメタル代表者)ハ多數決ヲ以テ相互間ニ協議ヲ遂ケタル上相當ノ時期ニ三名以上五名以下ノ候補者名簿ヲ作成シテ東清鐵道理事ニ提出シ之ヲ市參事會ニ回付セシムヘシ市會ハ右名簿中ヨリ通常ノ多數決(同數ノ場合ハ抽籤ニ依ル)ヲ以テ市參事會ニ於ケル外國人(非露國人)團體ノ代表者ヲ選出スヘシ右參事會員ノ選舉ハ他ノ參事會員ト同時ニ之ヲ行フヘク其ノ任期モ亦他ノ參事會員ト同一ナルヘシ右參事會員カ任期滿了前ニ辭任シ又ハ解任セラレタルトキハ市會ハ前記領事官代表者ノ新名簿ヲ作成セル後最初ノ通常議會ニ於テ前掲ノ方法ニ依リ殘餘ノ任期ニ在職スヘク補缺ノ參事會員ヲ選出スヘシ前掲ノ方法ニ依リ選出セラレタル參事會員ヲ其ノ任期滿了前ニ解任スルコトハ前記領事官代表者ノ過半数ノ同意ヲ以テスルニ非サレハ之ヲ行フコトヲ得ス

當期ノ三年任期ノ爲就職スヘキ外國人團體ノ參事會員ハ領事官代表者カ其ノ作成セル名簿ヲ東清鐵道理事ニ提出セル後二週間内ニ補缺選舉ヲ以テ前掲ノ方法ニ依リ之ヲ選出スヘシ

第三條 哈爾濱鐵道居留地其ノ他東清鐵道地帯内ニ存スル諸居留地ニ居住スル英國臣民ハ露國臣民ト同一ノ權利及特權(經濟的性質ノ一切ノ事項就中商工業及地區ノ賃借ニ關シ

テ)ヲ享有スヘシ右ノ平等權ハ將來何時タリトモ現在ノ制限セラレタル土地權カ擴張セラレタルトキ又ハ地區賃貸者若ハ家屋所有者カ東清鐵道會社賃借期限ノ經過若ハ滿了ノ際何等カノ補償ヲ受クヘキトキニモ亦之ヲ適用ス

第四條 英國臣民ニシテ其ノ經營スル商工業ニ對スル課税制當額ニ關シ不服ヲ申立ツルトキハ本人カ英國領事官代表者ノ面前ニ於テ自己ノ營業ノ規模及性質ニ關シテ作成セル口供書ハ確定的證據力アルモノト看做サルヘシ

又英國臣民ハ英國領事館ヨリ當該目的ノ爲發給セル許可書ヲ提出セサル限リ旅館、下宿屋、食堂、興業場又ハ酒店ヲ開業、設立又ハ維持スルコトヲ許サレサルモノトス

第五條 哈爾濱其ノ他東清鐵道地帯内ニ存在スル諸居留地ニ於ケル警察官憲ハ英國臣民ニ對スル強制手段執行ノ爲英國領事官代表者ヨリ爲ス請求ヲ敏速ニ實行スルノ措置ヲ執ルモノトス但シ警察官吏ハ治安ノ紊亂ニ關スル場合ヲ除クノ外右ノ請求ナクシテ自己ノ發意ヲ以テ英國臣民ニ對シ強制手段ヲ執ルコトヲ得サルヘシ

第六條 英國臣民ハ露西亞帝國政府カ哈爾濱鐵道居留地其ノ他東清鐵道地帯内ニ存在スル諸居留地ニ居住スル他ノ外國ノ臣民又ハ人民ニ許與スルコトアルヘキ一切ノ特惠待遇ノ利益ニ均霑スルノ權利ヲ有ス

第七條 露西亞帝國政府ハ本協定ニ附屬セシメタル規則及細

則ヲ第一條所掲ノ日附迄ニ本協定ノ規定ニ適應セシムヘキコトヲ約ス

下名ノ本員等ハ右ニ掲ケタル所カ東清鐵道地帯内ニ設クヘキ自治行政及課税制度ヲ英國臣民ニ適用スルコトニ關シ本員等ノ間ニ締結セラレタル協定案ナルコトヲ茲ニ認證ス

千九百十四年四月三十日(十七日) 哈爾濱ニ於テ

露西亞帝國總領事

ダブリュー、トラウチナルド

東清鐵道當局代表員

イー、ダニエル

大不列顛國領事

エッチ、イー、スライ

【右 歐 文】

AGREEMENT BETWEEN GREAT BRITAIN AND  
RUSSIA RESPECTING THE INCLUSION OF  
BRITISH SUBJECTS WITHIN THE SCHEME  
OF MUNICIPAL ADMINISTRATION  
AND TAXATION ESTABLISHED IN  
THE AREA OF THE CHINESE  
EASTERN RAILWAY.

Signed at Harbin, December 3, 1914.

NOTE OF THE BRITISH MINISTER AT PEKING TO THE RUSSIAN  
MINISTER THERE, NOVEMBER 20/DECEMBER 3, 1914.

Sir and dear Colleague,

I have the honor to inform Your Excellency that His Britannic Majesty's Government have had under consideration the draft Agreement recently negotiated and signed in English and Russian on the 17/30 of April last by the British Consul at Harbin and the local Russian Authorities respecting the inclusion of British subjects and their property within the scheme of Municipal Administration and Taxation established in

the area of the Chinese Eastern Railway.

I now received instructions from Sir E. Grey stating that His Majesty's Government approve this Agreement.

I therefore have the honor to inform you that as soon as I learn that the Imperial Russian Government on their side have approved the Agreement I will take the necessary steps to enforce its provisions upon the British subjects concerned from January 1st next.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) J. N. JORDAN.

NOTE OF THE RUSSIAN MINISTER AT PEKING TO THE BRITISH  
MINISTER THERE, NOVEMBER 20/DECEMBER 3, 1914.

[TRANSLATION.]

Mr. Minister and dear Colleague :

I have the honor to acknowledge the receipt of the note of to-day's date by which your Excellency was so good as to inform me that the Government of His Britannic Majesty has approved the draft agreement recently negotiated and signed at Harbin on April 17/30 last, in English and Russian, between the local Russian

authorities and the Consul of His Britannic Majesty in that city, in regard to the application to British subjects, and to their property, of the scheme of municipal administration and taxation established in the area of the Chinese Eastern Railway. Your Excellency further stated that you would take the necessary steps to insure the application of these provisions to the British subjects concerned from January 1 next, as soon as I should have made known to you that the Imperial Russian Government had on their side approved the agreement referred to.

In taking note of this communication, I hasten to advise you that I am instructed by the Imperial Government to bring to your Excellency's knowledge the fact that it has likewise approved the above-mentioned draft agreement.

Pray accept, etc.

(Signed) B. KRUPENSKY.

AGREEMENT

Between the Russian and British Governments respecting the Inclusion of British Subjects within the Scheme

of Municipal Administration and Taxation established in the Area of the Chinese Eastern Railway.

ARTICLE I.—The Imperial Russian Government having declared that all taxes and dues collected in the Railway Settlement at Harbin and in other Settlements situated in the area of the Chinese Eastern Railway shall be exclusively devoted to municipal and public purposes for the common benefit of the inhabitants of these places; His Britannic Majesty's Government agrees to the payment by British Subjects residing in the Railway Settlement at Harbin and in other Settlements situated in the area of the Chinese Eastern Railway of the same dues and taxes, whether levied in money or in kind, which are paid by Russian Subjects. His Britannic Majesty's Government further agrees that the payment of the said dues and taxes and the observance of the local Regulations and Byelaws, of which a list is hereunto annexed, shall be made obligatory upon the aforesaid British Subjects from 1 January 1915, and, in like manner, undertakes to make binding upon British Subjects from the day upon which they take effect for



established in the Area of the Chinese Eastern Railway.  
Harbin, April 17/30, 1914.

(Signed):

W. TRAPSHOLD,

Imperial Russian Consul General.

H. DANIEL,

Delegate of the Chinese Eastern Railway

Administration

H. E. SIX,

His Britannic Majesty's Consul.

Representative for the adoption of coercive measures against British Subjects; but Officers of the force shall not, on their own initiative and in the absence of such requests, take any coercive action against British Subjects except in cases involving a breach of the peace  
Article VI.—British Subjects shall be entitled to the benefit of any more favored treatment which may be accorded by the Imperial Russian Government to the Subjects or Citizens of other Foreign Powers resident in the Railway Settlement at Harbin or in other Settlements situated in the area of the Chinese Eastern Railway.

Article VII.—The Imperial Russian Government undertakes that the Regulations and Bylaws, of which a list is herunto annexed, shall be brought into accord with the stipulations of this Agreement by the date mentioned in Article I.

We, the undersigned, hereby certify that the foregoing is the Draft Agreement concluded between us regarding the inclusion of British Subjects within the Scheme of Municipal Administration and Taxation

### 支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及露西亞國間ノ交換公文

千九百十六年十月廿九日—三十日北京ニ於テ交換

(一) 北京駐露西亞國公使ヨリ英國公使宛書翰

露西亞帝國政府ハ支那國內ニ於ケル商標ノ相互的保護ニ關シ大不列顛國政府ト取極ヲ締結セムト欲スルニ因リ茲ニ本官ハ露西亞國政府ニ於テハ露西亞國ニ適法ニ登録アリタル英國臣民ノ商標ヲ露西亞國臣民カ侵害セル場合ニ關スル一切ノ要償ハ其ノ在支那國領事裁判所ニ由リ之ヲ解決スルノ意思アル旨閣下ニ聲明スルコトヲ弊國外務大臣ヨリ許容セラレタルコトヲ閣下ニ通報スルノ光榮ヲ有シ候  
本官ハ閣下ヨリ露西亞國臣民ニ屬シ且英國ニ適法ニ登録セラレタル商標カ英國臣民ヨリ侵害ヲ受ケタル場合在支那國大不列顛國領事裁判所ニ於テ之ニ對シ右同様ノ保護ヲ與フヘキ旨御通報ヲ辱ウスルヲ得ハ幸甚ニ存候 敬具  
千九百十六年十月十六日(二十九日)北京露西亞帝國公使館ニ於テ

同僚タル公使閣下

(二) 英國公使ヨリ露西亞國公使宛書翰

デ、ボコティロフ

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及露西亞國間ノ交換公文

拜啓陳者十月二十九日附ヲ以テ閣下ハ貴國政府ニ於テハ露西亞國ニ適法ニ登録アリタル英國商標カ露西亞國臣民ニ依リ侵害ヲ受ケタル際之ニ關スル一切ノ請求ヲ其ノ在支那國領事裁判所ニ於テ解決スルノ意思アルコトヲ聲明スルヲ貴國外務大臣ヨリ許容セラレタル旨御通報相成御好意致敬承候  
右回答トシテ本官ハ左ノ通報スルノ光榮ヲ有シ候  
即チ千八百九十九年二月二日ノ英國勅令(註)ニ依レハ大不列顛國ニ適法ニ登録アリタル商標ヲ支那國內ニ於テ英國臣民ニ依リ侵害セラレタル露西亞國臣民ハ次ノ條件ノ下ニ侵害者ヲ英國裁判所ニ訴追シ得ルモノニ有之候

(イ) 當該訴追ニ付英國公使又ハ代理公使ヨリ書面ヲ以テ承諾ヲ得ルコト

(ロ) 右承諾ハ英國公使又ハ代理公使カ露西亞國領事裁判所ニ於テ英國商標ヲ侵害セル露西亞國臣民ヲ處罰スヘキ有效ナル規定ノ存在スルコトヲ確メタル場合ニ非サレハ之ヲ與フヘカラサルコト

貴翰ニ於テ與ヘラレタル御保障ニ鑑ミ本官ハ實際ニ於テ英國公使ノ承諾ハ露西亞國ニ依リ充分ナル互恵ノ許與セラレ得ヘキカ又ハ既ニ許與セラレタル一切ノ事件ニ付與ヘラルヘキコト疑ヲ容レサル旨閣下ニ通報スルコトヲ本國政府ヨリ許容セラレ候

本官ハ相違ナク本公文交換ヲ本國政府ニ通報スルト共ニ支那國ニ駐在スル英國領事ニ對シ必要ナル訓令ヲ發スヘク候

千九百六年十月三十日北京ニ於テ

シノー、エヌ、シヨルダン

撤具

公使閣下

【右 英文】

EXCHANGE OF NOTES CONCERNING THE  
RECIPROCAL PROTECTION OF TRADE-  
MARKS IN CHINA.

October : 9, 1906.

(1).—NOTE OF RUSSIAN MINISTER AT PEKING TO  
BRITISH MINISTER.

Imperial Russian Legation,  
Peking, October 16/29, 1906.

Mr. MINISTER AND DEAR COLLEAGUE,

The Imperial Government being desirous of arriving at an agreement with the Government of Great Britain in regard to the reciprocal protection, in China, of trademarks (i.e., *marques de fabrique et de commerce*) duly registered in Russia and in England, I have the honor to advise you that I am authorized by the

Minister for Foreign Affairs of Russia to declare to you that the Government of Russia is ready to enforce, through its consular tribunals in China, all claims relating to the infringement of trademarks (i.e., *marques de fabrique et de commerce*), duly registered in Russia, committed by Russian subjects against English nationals (i.e., *ressortissants anglais*).

I should be obliged if you would be so good as to advise me if the same protection would be accorded, in the consular tribunals of Great Britain in China, to trademarks belonging to Russian subjects and regularly registered in England, which might be infringed by English subjects.

(Sgd.) D. POKOTILOW.

(2).—NOTE OF BRITISH MINISTER TO RUSSIAN MINISTER.

Sir, Peking October 30, 1906.

I have the honour to acknowledge the receipt of your note of the 29th October, in which you are good enough to inform me that you have been authorized by the Russian Minister of Foreign Affairs to declare that the Russian Government are ready, through their Consular Tribunals in China, to enforce any request relative to infringements of British trade-marks duly registered in Russia, which may be committed by Russian subjects.

In reply, I have the honour to inform you that under the Order in Council of February 2nd, 1899, it is open to a Russian whose trade-mark duly registered in Great Britain, has been infringed by a British subject in China, to take proceedings against the latter in the British Court, provided.—

(1) That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution, but (2) such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in

the Russian Consular Courts of Russian subjects infringing British trade-marks.

In view of the assurances given by your Excellency in the note under reply, I am authorized by His Majesty's Government to inform you that it is not open to doubt that, in practice, the consent of the British Minister or Chargé d'Affaires would be given in any and every case where full reciprocity could be and was granted by Russia.

I shall not fail to inform His Majesty's Government of this exchange of notes nor to issue the necessary instructions to His Majesty's Consular Officers in China.

I have, &c.,  
J. N. JORDAN.

雲南四川兩省ニ於ケル特權及利益ノ共通ニ關スル英佛宣言書(英佛勢圍協商ノ一部)

千八百九十六年一月十五日倫敦ニ於テ署名

各自國政府ヨリ正當ニ權限ヲ附與セラレタル下名ハ左ノ宣言書ニ署名セリ

- 第一條 (暹羅國關係)
- 第二條 (暹羅國關係)
- 第三條 (暹羅國關係)
- 第四條 兩國政府ハ千八百九十四年三月一日及千八百九十五年六月二日各自國カ清國ト締結セル條約ニ依リ大不列顛國

【右歐文】

DECLARATION BETWEEN GREAT BRITAIN AND FRANCE RESPECTING PRIVILEGES IN YUNNAN AND SZECHUEN, &c.

Signed at London, 15th January, 1896.

(Signed also in French)

The Undersigned, duly authorized by their respective Governments, have signed the following Declaration:—

又ハ佛蘭西國ニ對シ清國雲南及四川兩省ニ於テ許容セラレタル通商上其ノ他ノ一切ノ特權及利益並將來大不列顛國又ハ佛蘭西國ニ對シ前記清國省ニ於テ許容セラレヘキ各種ノ特權及利益ハ兩國ニ關係ヲ有スル限り兩國ノ國民及所屬民ヲシテ共通ニ之ヲ許容均霑セシムヘキコトニ同意ス且兩國政府ハ之カ爲清國政府ニ對シ斡旋ノ勞ヲ執ルヘキコトヲ約ス

第五條 (「ニジニール」河關係)

第六條 (「チニニス」關係)

千八百九十六年一月十五日倫敦ニ於テ之ヲ作ル

ソールスベリ  
アルフ、ド、クールセル

ARTICLE I.

(Relates to Siam.)

ARTICLE II.

(Relates to Siam.)

ARTICLE III.

(Relates to Siam.)

ARTICLE IV.

Privileges in Yunnan and Szechuen.

The two Governments agree that all commercial and

other privileges and advantages conceded in the two Chinese provinces of Yunnan and Szechuen either to Great Britain or France, in virtue of their respective Conventions with China of the 1st March, 1894, and the 20th June, 1895 and all privileges and advantages of any nature which may in the future be conceded in these two Chinese provinces, either to Great Britain or France, shall, as far as rests with them, be extended and rendered common to both Powers and to their nationals and dependents, and they engage to

use their influence and good offices with the Chinese Government for this purpose.

ARTICLE V.

(Relates to the Niger.)

ARTICLE VI.

(Relates to Tunis.)

Done at London, the 15th January, 1896.

(L. S.) SALISBURY.

(L. S.) ALPH. DE COURCEL.

漢口ニ於ケル英吉利國又ハ佛蘭西國居留地ヲ將來擴張スヘキ場合ニ適用スヘキ規則ニ關スル英佛兩國間ノ交換公文

千八百九十九年十二月二十二日—千九百年一月十五日

倫敦ニ於テ交換

(一)「カムボン」氏ニ通告シタル口上書

英國政府ノ側ニ於テハ本口上書ノ日附以後漢口ニ於ケル佛蘭西國居留地ニ擴張ヲ來スヘキ場合英國財產ニ關シテ左ノ諸條件ヲ嚴守スヘキモノト了解致候

- 一、英國財產ニ關スル一切ノ證書ハ之ヲ英國領事館ニ登録スヘキコト
  - 二、一切ノ公共團體規則ハ英國國民ニ對シ施行スルニ先チ之ヲ北京駐劄英國公使ニ提出スヘキコト
  - 三、英國總領事カ適法ナリト認メタル一切ノ英國財產權原證書ハ佛國官憲ニ於テモ亦之ヲ認ムヘキコト
- 現在ノ佛國居留地ニ存在スル土地ニ對スル英國要求(其ノ案件數四件ノ管ニシテ總テ在漢口「グリーヴ」氏ノ代表スルモノ)ニ關シテハ權原證書ノ效力ニ付佛國官憲ニ於テ疑ヲ披ミ居ラルル趣ナル處英國政府ハ該問題ヲ在上海英國及佛國總領事ニ委託シ兩國總領事ノ協定成ラサルトキハ仲裁者ニ委託シ

漢口ニ於ケル英吉利國又ハ佛蘭西國居留地ヲ將來擴張スヘキ場合ニ適用スヘキ規則ニ關スル英佛兩國間ノ交換公文 三六三



先例及地方慣習ニ遵ヒ懸案ヲ解決スヘキコトニ同意致候  
千八百九十九年十二月二十二日倫敦外務省ニ於テ

(一)「カムボン」氏ヨリ「ソールスバリー」侯爵宛書翰  
以書翰致啓上候陳者去十二月二十二日附漢口ニ於ケル佛國居留地擴張ノ場合ニ適用スヘキ規則ニ關スル口上書受領致候  
右ノ件本國政府ニ移牒致候處該文書記載ノ四點ニ付同意ナル旨通告スノミトノ回訓ニ接シ候尙兩國政府ニ於テ今後英國居留地ヲ擴張スヘキ場合佛國人ニ屬スル土地カ英國居留地ニ包含セラルヘキ地域内ニ入ルトキハ次ノ諸條件ヲ適用スヘキモ

【右駁文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND FRANCE RESPECTING  
REGULATIONS TO BE APPLIED IN  
ANY FUTURE EXTENSION OF  
THE BRITISH OR FRENCH  
CONCESSION AT  
HANKOW.

London, 22nd December, 1899 and 15th January, 1900

(1).—Note Verbal communicated to M. Cambon.

in order by the British Consul-General are to be so considered by the French authorities.

With respect to the British claims to land situated in the present French Concession, which are believed to be four in number, and all of which are represented by Mr. Greaves, of Hankow, as it is understood that the validity of the titles is questioned by the French authorities. Her Majesty's Government consent to the question being referred to the British and French Consuls-General at Shanghai, and failing an agreement being arrived at by them, to an Arbitrator, by whom the matter would be decided in accordance with precedent and local usage.

Foreign Office, London, December 22, 1899.

(2).—M. Cambon to the Marquess of Salisbury.

Ambassade de France, Londres  
le 15 Janvier, 1900.

M. de Mareous,

J'ai l'honneur d'acuser réception à votre Seigneurie du Mémoire que'elle a bien voulu me faire parvenir.

漢口ニ於ケル英吉利 又ハ佛蘭西國居留地ヲ將來擴張スヘキ場合ニ適用スヘキ規則ニ關スル英佛兩國間ノ交換公文 三六五

ノ下了解致候  
一、佛國財産ニ關スル一切ノ證書ハ之ヲ佛國領事館ニ登録スヘキコト  
二、一切ノ公共團體規則ハ佛蘭西國民ニ適用スルニ先チ之ヲ北京駐劄佛國公使ニ提出スヘキコト  
三、佛國領事カ有效ナリト認メタル一切ノ佛國人所屬財産權原證書ハ英國官憲ニ於テモ亦之ヲ認ムヘキコト  
右申進旁々以下略  
千九百年一月十五日倫敦佛蘭西國大使館  
ボール、カムボン

ソールスバリー侯爵閣下

It is understood on the part of Her Majesty's Government that, in the event of any extension of the French Concession at Hankow being obtained subsequently to this date, the following conditions as regards British property therein will be strictly observed:—  
1. All deeds applying to British property to be registered in the British Consulate.  
2. All Municipal Regulations to be submitted to Her Majesty's Minister at Peking before they can be enforced on British subjects.  
3. All titles to British property which are declared

le 22 Décembre dernier, au sujet du Règlement à appliquer dans la Concession Française de Hankow, dans le cas où elle viendrait à subir des accroissements.

Mon Gouvernement, à qui je n'avais pas manqué de l'adresser, me charge de vous faire savoir qu'il donne son adhésion aux quatre points résumés dans ce document. Il demeure, du reste, bien entendu entre les deux Gouvernements que, dans le cas où la Concession Britannique recevrait un agrandissement par la suite, les conditions ci-après énoncées seraient appliquées en ce qui concerne les terrains appartenant à des Français et se trouvant situés dans la zone qui serait englobée dans la Concession Anglaise:—

1. Tous actes s'appliquant à des propriétés Françaises seraient enregistrés au Consulat de France.
2. Tous les Règlements Municipaux seraient soumis au Ministre de France à Pékin, avant de pouvoir être appliqués à des citoyens Français.
3. Tous les titres des propriétés appartenant à des Français reconnus valables par le Consul de France

seraient acceptés comme tels par les autorités Britanniques.

Veuillez, etc.,  
Paul Cambon.

支那國內ニ於ケル商標ノ相互の保護ニ關スル英國及佛蘭西國間ノ交換公文

千八百九十八年四月二十日—八月二十九日倫敦ニ於テ交換

(一)「ジョフレイ」氏ヨリ「ソールスベリー」侯爵ニ宛テタル書簡

千八百九十五年佛國政府ト英國政府トノ間ニ英吉利國ニ於テ正規ニ登録シタル佛國商標及佛蘭西國ニ於テ正規ニ登録シタル英國商標ノ「モロッコ」ニ於ケル相互保護ヲ保障スル目的ヲ以テ實施シタル協定カ「モロッコ」王國ノ各州ニ於ケル偽造禁遏ニ關シ最モ良好ナル結果ヲ齎シタルコトハ閣下ニ於テ御諒承ノ事ト存候  
本國政府ハ此ノ良好ナル結果ニ鑑ミ千八百九十四年「タンジエー」ニ於テ佛蘭西國及英吉利國間ニ交換シタル公文中ニ記載セル相互保護ノ原則ヲ新ニ適用スルコトヲ有利ナリト思料セルヲ以テ茲ニ閣下ニ對シ貴國政府カ「モロッコ」ニ關シテ締結シタル協定ト同一ノ諸條件ヲ以テ今回支那ニ於ケル相互

保護ヲ保障スルカ爲新協定ヲ締結セムトスルノ意圖アルヤ否ヤヲ照會セシムルモノニ有之候若シ貴國政府カ右ノ如キ意圖ヲ有セララルニ於テハ「アノトー」氏ノ意見ニ依リ英國政府ト在倫敦佛國大使トノ公文交換ノ形式ニ依リ協定ヲ遂ケ得ルモノト思考セラレ候且同氏ハ商標保護ヲ保障スヘキ法令ヲ欠缺セル支那ニシテ他日歐洲産業ノ生産品ニ對シ其ノ市場ヲ擴張スルニ至ルトキ該協定ノ有用ナルコトヲ認證セララルヘキコトト信シ居候右ノ次第ニ就キ閣下ニ於テハ當該公文ニ關シ如何ナル方法ヲ以テ可能ナリトセラルルヤニ就キ御來示有之ラハ幸甚ト存候  
尙此ノ機ニ際シ佛國大使カ千八百九十六年五月十四日土耳其帝國ニ關シ同様ノ協定ヲ遂ケル目的ヲ以テ貴國政府ト交渉ヲ開始セルコトヲ再言致度候  
以上申進旁々以下略  
千八百九十八年四月二十日  
倫敦ニ於テ

ソールスベリー侯爵閣下  
署名  
「バルフォア」氏ヨリ「ジョフレイ」氏ニ宛テタル書簡

去四月二十日附覺書ヲ以テ御申越ノ次第ニ依リ貴國政府カ本國政府トノ間ニ千八百九十五年「モロッコ」ニ於テ締結セル協定ト同様ニ支那ニ於ケル商標相互保護ニ關シ協定ヲ遂ケムトスルノ希望ヲ有スルコト諒承致候  
右ニ關スル確答ヲ發スルニ先テ商務省及最高法律顧問官ノ審議ヲ經ルノ必要有之候ニ若干ノ遲延ヲ免レサリシコトヲ御承知相成度候  
貴國御提議ノ支那ニ於ケル貴我兩國ノ商標保護ニ關シ本國政府ニ於テハ佛國國民ヲシテ其ノ支那ニ於テ英國法ニ依リ正當ニ登録シタル商標ニ關シ英國領事裁判所ニ就キ其ノ保護ヲ享

ケシムルト同時ニ佛國ニ於テ其ノ商標ヲ登録シタル英國國民ヲシテ佛國領事裁判所ノ保護ヲ享ケシムルカ爲一定ノ協定ヲ遂ケムトスルモノナルコトヲ茲ニ通告致候  
尙該協定ヲ有效ナラシムル勅令發布ニ關シ必要ナル手續ヲ爲シツツアルモノナルコトヲ附言致候  
右申進旁々以下略  
千八百九十八年八月二十九日  
外務省ニテ  
「ジョフレイ」閣下

【右 歐 文】

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND FRANCE RESPECTING THE RECIPROCAL PROTECTION OF TRADE MARKS IN CHINA.

London, 20th April and 29th August, 1898.

(1) — M. Geffroy to the Marquess of Salisbury.

Londres, le 20 Avril, 1898.

M. le Marquis,

Voire Seigneurie n'est pas sans savoir que l'Arrangement intervenu en 1895 entre les Gouvernements Français et Anglais, en vue d'assurer la protection réciproque au Maroc des marques of fabrique Françaises régulièrement enregistrées en Angleterre, et des marques Anglaises régulièrement enregistrées en France, a produit les résultats les plus satisfaisants au point de vue de la répression de la contrefaçon dans les Etats de Sa Majesté Charifienne.  
En présence de cet heureux résultat, mon Gouvernement estimant qu'il y aurait utilité à faire une applica-

支那國內ニ於ケル商標ノ相互の保護ニ關スル英國及佛蘭西國間ノ交換公文

tion nouvelle du principe d'assurance mutuelle ainsi consacré dans les notes échangées en 1894 entre la France et l'Angleterre à Tanger, m'a chargé de demander à votre Seigneurie si le Gouvernement de Sa Majesté Britannique ne serait pas disposé à conclure un nouvel Arrangement qui aurait cette fois pour objet d'assurer la protection réciproque en Chine des marques Françaises et Anglaises dans les conditions dans lesquelles est intervenu l'accord concernant le Maroc. M. Hanotaux estime que, le cas échéant, l'Arrangement à intervenir pourrait revêtir la forme d'un échange de notes entre le Cabinet Britannique et l'Ambassadeur de la République à Londres; il se plaît à penser que votre Seigneurie se montrera sensible à l'utilité que présenterait un semblable accord au moment où la Chine, dont la législation rassure aucune protection sérieuse aux marques de fabrique, ouvre plus largement ses marchés aux produits de l'industrie Européenne.

Je me permets de saisir cette occasion pour rappeler à votre Seigneurie les ouvertures que l'Ambassadeur de France a faites au Cabinet Britannique à la date du 14 Mai, 1896, à l'effet d'arriver à un Arrangement de même nature en ce qui concerne l'Empire Ottoman.

Venillez, &c.,  
GERRAY.

(2)—*Mr. Balfour to M. Geffroy.*  
*Foreign Office, August 29, 1898.*

Sir,  
In your note of the 20th of April last you conveyed to the Marquess of Salisbury the wish of the French Government to enter into an arrangement with this country for the mutual protection of trade-marks in China similar to that concluded in Morocco between Great Britain and France in the year 1895.

Je serais très obligé à votre Seigneurie de vouloir bien me faire connaître la suite dont la présente communication lui aura paru susceptible.

I have the honour to inform you that it has been necessary, before a definite answer could be sent to you, to consult the Board of Trade, and the Law Officers of the Crown, which has led to some delay.

I have now, however, the pleasure of stating that Her Majesty's Government are prepared to enter into an arrangement such as you propose for the protection of the trade-marks of the two countries in China, which will enable French nationals to obtain protection in the British Consular Courts by registering their marks in this country in cases in which they can be properly registered under English law, and at the

same time obtain for British nationals who register their marks in France the protection of the French Consular Courts.

The necessary steps are being taken for the issue of an Order in Council to give effect to such an arrangement.

I have, &c.,  
A. J. Balfour.

英國威海衛占領ニ關スル英獨交換公文

千八百九十八年四月二十日伯林ニ於テ交換

(一)駐獨英國大使ヨリ獨逸國外務大臣宛書翰  
拜啓本官ハ本國政府ヨリ接受セル訓令ニ基キ閣下ニ對シ左ノ如ク聲明スルノ光榮ヲ有シ候即チ  
英國ハ其ノ威海衛ニ占據スルニ際シ山東省ニ於ケル獨逸國ノ利益ヲ侵害若ハ排斥シ又ハ同省ニ於テ獨逸國ニ果シ及ホサムトスルカ如キ意圖ヲ有セサルコトヲ正式ニ聲明ス殊ニ英國ハ威海衛及其ノ附屬租借地ヨリ同省内地ニ對シ鐵道線路ヲ敷設スルカ如キコトナキモノトス  
右申進旁々本官ハ重テ閣下ニ向テ敬意ヲ表シ候 敬具

千八百九十八年四月二十日伯林ニ於テ  
外務大臣閣下  
フランク、シー、ラッセルス

(二)獨逸國外務大臣ヨリ駐獨英國大使宛書翰  
拜啓陳者閣下ハ本日附貴翰ヲ以テ英國女皇陛下ノ政府ノ名ニ於テ左ノ通御聲明相成候  
英國ハ其ノ威海衛ニ占據スルニ際シ山東省ニ於ケル獨逸國ノ利益ヲ侵害若ハ排斥シ又ハ同省ニ於テ獨逸國ニ果シ及ホサムトスルカ如キ意圖ヲ有セサルコトヲ正式ニ聲明ス殊ニ英國ハ威海衛及其ノ附屬租借地ヨリ同省内地ニ對シ鐵道線路ヲ敷設スルカ如キコトナキモノトス  
本官ハ帝國政府ノ名ニ於テ右聲明ヲ茲ニ領承スルモノニ有之候

右申進旁々本官ノ閣下ニ向テ重テ敬意ヲ表シ候 敬具  
千八百九十八年四月二十日伯林外務省ニ於テ

シー・ン・ン・ン・ン

【右 歐 文】

大 使 閣 下

Weihaiwei, and the district leased therewith, into the interior of the province.

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND GERMANY RESPECTING THE BRITISH OCCUPATION OF WEIHAIWEI.

I avail, &c.,  
FRANK C. LASCELLES.

WEIHAIWEI.

Berlin, 20th April, 1898.

(2).—Herr von Bülow to Sir F. Lascelles. (Translation.)

M. L'AMBASSADEUR, Foreign Office, Berlin, April 20, 1898.

(1).—Sir F. Lascelles to Herr von Bülow.

Your Excellency,

Berlin, April 20, 1898.

In accordance with instructions which I have received from my Government, I have the honour to make the following declaration to your Excellency:—

England formally declares that, in establishing herself at Weihaiwei, she has no intention of injuring or contesting the interests of Germany in the Province of Shantung, or of creating difficulties for her in that province. It is especially understood that England will not construct any railroad communication from

I have the honour to acknowledge the receipt of your Excellency's note of this day's date, in which you textually made the following declaration in the name of the Government of Her Majesty the Queen of England:—  
England formally declares that, in establishing herself at Weihaiwei, she has no intention of injuring or contesting the rights and interests of Germany in the Province of Shantung, or of creating difficulties for her in that province. It is especially understood that

England will not construct any railroad communication from Weihaiwei, and the district leased therewith, into the interior of the province.  
I hereby take note of this declaration in the name

of the Imperial Government  
At the same time I avail, &c.,

B. VON BÜLOW.

清國ニ於ケル政策ニ關スル英獨兩國間ノ取極

千九百年十月十六日倫敦ニ於テ公文交換

(一)「ソールスベリー」侯ヨリ「ハッツフェルト」伯宛書翰  
以書翰致啓上候陳者清國ニ於ケル英獨兩國ノ政策ノ基準タルヘキ原則ニ關シ閣下及本官ノ協商シタル左記取極ヲ本國政府ニ於テ承認スルコトヲ貴官ニ通告スルノ光榮ヲ有シ候 敬具  
千九百年十月十六日外務省ニ於テ

伯爵ハッツフェルト閣下

ソールスベリー

(右書翰添附物)

千九百年十月十六日署名ノ取極

英國政府及獨逸國政府ハ清國ニ於ケル兩國ノ利益及現行條約上ノ權利ヲ保持セムコトヲ希望シ同國ニ於ケル兩國ノ政策ニ關シ左ノ原則ヲ遵守スヘキコトヲ約ス

一、清國ノ河川及沿岸ノ諸港ヲ何國ノ差別ナク一切ノ國ノ國民ノ貿易及正當ノ經濟活動ノ爲ニ自由ニ解放シ置クハ列國

ニ共通スル永久ノ利益ナリ從テ兩國政府ハ其ノ勢力ヲ及ホシ得ル限り清國領土ニ對シ此主義ヲ支持スヘキコトヲ約ス  
二、英帝國政府及獨逸帝國政府ハ現下ノ紛擾ヲ利用シテ自國ノ爲清國領土内ニ於テ何等領土ノ利益ヲ得ルコトナカルヘク且清國ノ領土状態ヲ保全スルノ方針ヲ執ルヘシ  
三、他國カ清國ノ紛擾ヲ利用シテ何等カノ形式ノ下ニ領土ノ利益ヲ得ムトスル場合ニハ兩締約國ハ清國ニ於ケル各自國ノ利益ヲ保證スル爲執ルヘキ手段ニ付豫メ協商ヲ遂クヘキコトヲ保留ス  
四、兩國政府ハ他ノ關係諸國殊ニ埃洪國、佛蘭西國、伊太利國、日本國、露西亞國及亞米利加合衆國ニ本取極ヲ通知シ且之ニ記載セル原則ヲ承認セムコトヲ勸誘スヘシ  
(二)「ハッツフェルト」伯ヨリ「ソールスベリー」侯宛書翰  
以書翰致啓上候陳者閣下及本官ノ協商シタル左記諸項目ヲ本國政府ニ於テ同意シタル旨ヲ貴官ニ通告スルノ光榮ヲ有シ候  
(前掲「ソールスベリー」侯ヨリ「ハッツフェルト」伯宛書翰添附物ト同一内容ノ取極全文挿入) (省略)

清國ニ於ケル政策ニ關スル英獨兩國間ノ取極

本官ハ貴官ニ向テ敬意ヲ表シ候 敬具

千九百年十月十六日

倫敦獨逸國大使館ニ於テ

ツールスベリ候爵閣下

ハッツフェルト

千九百年十月十六日ノ英獨取極記載ノ

主義ニ關スル塊洪國、佛蘭西國、伊太

利國、日本國、露西亞國及亞米利加合

衆國各政府ノ回答書

塊洪國

「サト、エフ、ブランケット」ヨリ「ツールスベリ」

侯宛書翰

陳者本月二十日附御訓電ニ接スルヤ本官ハ直ニ本月十六日倫  
敦ニ於テ貴大臣及獨逸國全權大使間ニ署名セラレタル清國ニ  
關スル取極ヲ塊洪國政府ニ通告スルコトニ付商議スル爲獨逸  
國全權大使ヲ致訪問候

「オイレンブルヒ」公ハ貴大臣カ本取極ノ通告ニ付公ト協議  
セムコトヲ本官ニ希望セラレタルニ對シ大ニ満足ノ意ヲ表セ  
ラレ候而シテ本月二十一日竝二十三日本官電報ニテ御領承

ノ通「ゴルーホフスキー」伯ハ目下維也納ニ在ラス且「オイ  
レンブルヒ」公ハ風邪ノ爲引籠中ナルカ故ニ大使館書記官ヲ  
通シテ「セツチエン」伯ニ該取極ヲ通告スルコトニ致決定候  
故ニ「ミルバンク」氏及「ロムベルヒ」男ハ翌朝外務省ニ至  
リ夫々該取極ヲ致通告候

千九百年十月二十五日

維也納ニ於テ

「セツチエン」伯ハ一昨日本大使館及獨逸國大使館ニ來リ同  
伯カ皇帝及「ゴルーホフスキー」伯ニ該通告ヲ傳達シタル所  
塊洪國政府ハ英國カ獨逸ト該協商ヲ遂ケタルコトヲ喜ヒ且貴  
大臣及倫敦駐劄獨逸國大使ノ署名シタル取極ニ記載セル原則  
ヲ悅ヒテ承認スル旨ヲ陳述スルノ許可ヲ得タルコトヲ申述ヘ  
候 敬具

千九百年十月二十二日

羅馬外務省ニ於テ

佛蘭西國

千九百年十月三十一日「カムボン」氏ヨリ通知ノ覺書

共和國政府ハ在巴里獨逸國及英國全權大使ニ依リ通告セラレ  
タル十月十六日附英獨兩國間ノ取極ヲ致了承候

共和國政府ハ全世界ノ經濟活動ノ爲清國カ解放セララルルニ至

ラムコトヲ希フコト既ニ久シク候是ヲ以テ本政府ハ同一ノ志  
望ヨリ出テタル合衆國政府ノ昨年十二月ノ提議ニ對シ贊同ヲ  
表シ候爾來本件ニ關スル本政府ノ意見ハ變更無之候  
清國ノ保全ニ關シテハ共和國政府ニ於テハ豫テ列國共同ノ努  
力ニ依リ満足ナル解決ヲ見ムトシツツアル事件ニ於ケル其ノ  
政策ノ基礎ト爲スコトヲ原則ト爲シ來リ且其ノ旨ヲ屢々明言  
シタル所ニモ有之候ヒテ該原則ヲ確認セムトスルモノニ候  
共和國政府ノ見ル所ニ依レハ該原則カ一般ニ認諾セララルハ  
其ノ尊重セララルヘキ確實ナル保證ニ有之若シ一切ノ希望ニ反  
シ該原則ノ侵害セララルコトアラハ佛蘭西國ハ事情ニ應ジテ  
其ノ條約ニ基キテ有スル利益及權利ヲ防衛スル爲適宜ノ措置  
ヲ執ルヘク候

(千九百年十月三十一日附)

伊太利國

「ヴィスコンティ、ヴェノスタ」氏ヨリ「カリ」卿

宛書翰

以書翰致啓上候陳者昨日附貴翰ニ於テ本月十六日「ツールス  
ベリ」卿及「ハッツフェルト」伯ノ間ニ締結セラレタル  
清國ニ關スル取極ヲ貴國政府ノ訓令ニ依リ御通報相成致敬承  
候

清國ニ於ケル政策ニ關スル英獨兩國間ノ取極

兩締約國ハ該取極ヲ各關係諸國殊ニ佛蘭西國、伊太利國、日  
本國、塊洪國、露西亞國及亞米利加合衆國ニ通告シ同時ニ其  
ノ中ニ宣言セラレタル原則ノ承認ヲ勸誘スルコトヲ誓約シタ  
ルニ因リ閣下ハ本官ニ問フニ該原則ハ伊太利國政府ノ承認セ  
ル所ナルヤ否ヤヲ以テセラレ候

日本國

加藤外務大臣ヨリ「ジェー、ビー、ホワイトヘッド」氏

宛書翰

以書翰致啓上候陳者本月二十四日附貴翰ヲ以テ英吉利國外務  
大臣「ツールスベリ」侯爵ノ訓令ニ從ヒ「ツールスベリ」  
侯爵及獨逸國全權大使ノ間ニ本月十六日署名セラレタル左記

取極ヲ御通牒相成致敬承候

又「ソールスベリー」卿ノ訓令ニ從ヒ貴官ハ本官ニ求ムルニ日本帝國政府ハ該取極ニ記載セラレタル原則ヲ承認スルノ意アリヤ否ヤヲ以テセラレ候

帝國政府ハ若シ該取極ヲ承認スルトキハ帝國政府カ右取極ニ關シ單ニ加入國タルニ止ラスシテ署名國タリシ場合ニ於ケルト同一ノ地位ニ置カルヘキ旨ノ保證ヲ兩締約國ヨリ得タルニ鑑ミ右取極ニ加入シ其ノ記載スル原則ヲ承認スルコトヲ正式ニ聲明スルニ躊躇セサルモノニ有之候 敬具

千九百年十月二十九日 東京外務省ニ於テ

加藤 高明

シニ、ビー、ホフトヘイッ下閣下

露西亞國 覺書

本政府ノ見解ニ依レハ獨逸國及英國間ノ取極ハ清國現在ノ地位ニ何等感知スヘキ變化ヲ及ホスコト無之候

該取極第一項ハ兩國政府カ其ノ勢力ヲ及ホシ得ル清國各地ニ於テ河川及沿岸ノ諸港ヲ貿易ニ自由解放スルコトヲ規定スルモノニ有之現存條約ニ基キ清國ニ成立セル現狀ヲ如何ナル形式ニ於テモ變動セシムルカ如キ規定ヲ包含セサルモノナルニ

因リ露西亞國ニ於テハ好意ヲ以テ之ヲ迎フル次第ニ候 第二條ハ露國ノ企圖ニ照應致候何トナレハ現下ノ紛擾生スルヤ清國ノ保全ヲ以テ其ノ清國ニ於ケル政策ノ根本原則トスヘキコトヲ卒先提唱シタルハ露西亞國ナリシカ故ニ候 該根本原則ニ違背スルモノアリタル場合ニ備フル第三項ニ關シテハ露西亞國ハ八月十二日(二十五日)ノ通牒ヲ援用シテ右ノ如キ違背ハ露西亞國ヲシテ其ノ態度ヲ事情ニ應シ變更スルノ餘儀ナカラシムヘキコトヲ茲ニ再ヒ宣言スル次第ニ候 第四項ニ關シテハ評議ヲ要セス候

千九百年十月十五日(二十八日) 聖彼得堡ニ於テ

亞米利加合衆國

「ヘイ」氏ヨリ「ボーンズファート」卿宛書翰

以書翰致啓上候陳者十月二十三日附貴翰ヲ以テ本月十六日倫敦ニ於テ「ソールスベリー」侯及獨逸國全權大使カ各其ノ政府ニ代リ署名シタル大不列顛國及獨逸國間ノ清國ニ關スル取極ヲ御送付相成且合衆國ニ於テ該取極記載ノ原則ヲ承認セムコトヲ御勸誘相成致敬承候該原則ハ即チ左ノ如クニ有之候 一、清國ノ河川及沿岸ノ諸港ヲ何國ノ差別ナク一切ノ國ノ國民ノ貿易及正當ノ經濟活動ノ爲ニ自由ニ解放シ置クハ列國ニ共通スル永久ノ利益ナリ從テ兩國政府ハ其ノ勢力ヲ及ホ

シ得ル限リ清國領土ニ對シ此ノ主義ヲ支持スヘキコトヲ約ス

二、英帝國政府及獨逸帝國政府ハ現下ノ紛擾ヲ利用シテ自國ノ爲清國領土内ニ於テ何等領土的利益ヲ得ルコトナカルヘク且清國ノ領土狀態ヲ保全スルノ方針ヲ執ルヘシ

亞米利加合衆國ハ今日以前ニ於テ此等兩原則ヲ採用スルコトヲ致公表候昨年中本政府ハ清國ニ利害ノ關係ヲ有スル列國ニ向テ同國ト公平ニ通商スルノ方向ニ出ツルノ意見及企圖ノ表示ニ參加セムコトヲ勸誘シ一切ノ國ヨリ其ノ意味ニ於テノ満足ナル保證ヲ得候今般ノ紛擾甚シキニ達スルヤ本政府ハ七月三日重ネテ清帝國ノ公平通商及領土保全ニ關スル政策ヲ聲明シ各國モ亦同一ノ意見ヲ有スルコトヲ承知シテ致満足候爾來關係各國ノ間ニ其ノ違セムトスル目的ニ關シテ最喜フヘキ調和存續シ且其ノ執ルヘキ方針ノ細目ニ付テモ殆ト意見ノ相違ヲ見サル次第ニ候

【右 歐文】 AGREEMENT RELATIVE TO CHINA BETWEEN GREAT BRITAIN AND GERMANY.

October 16, 1900. (1.)—The Marquess of Salisbury to Count Hatzfeldt. Your Excellency, Foreign Office, October 16, 1900.

清國ニ於ケル政策ニ關スル英獨兩國間ノ取極

故ニ大統領カ本官ニ命シテ我カ政府カ右ニ引用シタル取極ノ條項ニ記載シタル原則ニ關シテ大不列顛國女皇及獨逸國皇帝ノ政府ト全ク同感ナルコトヲ閣下ニ通報セシムルハ本官ノ大ニ満足スル所ニ候 三、他國カ清國ノ紛擾ヲ利用シテ何等カノ形式ノ下ニ領土的利益ヲ得ムトスル場合ニハ兩締約國ハ清國ニ於ケル各自國ノ利益ヲ保護スル爲執ルヘキ手段ニ付豫メ協商ヲ遂クヘキコトヲ保留ス 本項ハ兩締約國間ノ相互取極ニ關スルモノニシテ合衆國政府ハ之ニ關シ何等意見ヲ表白スルノ必要アルヲ認メス候 敬具 千九百年十月二十九日

華盛頓國務省ニ於テ

シニ、ビー、ホフトヘイ

ボーンズファート卿閣下

I have the honour to inform you that Her Majesty's Government approve the Agreement, annexed hereto, which has been negotiated between your Excellency and myself with regard to the principles on which the mutual policy of Great Britain and Germany in China should be based.

三七五



Count Hatzefeldt I have, &c.,

Salisbury.

Her Britannic Majesty's Government and the Imperial German Government, being desirous to maintain their interests in China and their rights under existing Treaties, have agreed to observe the following principles in regard to their mutual policy in China:—

1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

2. Her Britannic Majesty's Government and the Imperial German Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire.

3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.

4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it.

(2).—Count Hatzefeldt to the Marquess of Salisbury.

(TRANSLATION.)

German Embassy, London,

Mr Lord,

October 16, 1900.

I have the honour to inform your Excellency that my Government have concurred in the following points agreed to between your Excellency and myself:—

“The Imperial German Government and Her Britannic Majesty's Government, being desirous to maintain their interests in China and their rights under existing

Treaties, have agreed to observe the following principles in regard to their mutual policy in China:—

“1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

“2. The Imperial German Government and Her Britannic Majesty's Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire.

“3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages, the two Contracting Parties reserve to themselves to come to a

preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.

“4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it.”

With the highest respect, &c., &c.,

HATZFELDT.

REPLIES OF THE GOVERNMENTS OF AUSTRIA-HUNGARY, FRANCE, ITALY, JAPAN, RUSSIA, AND THE UNITED STATES OF AMERICA,

RESPECTING THE PRINCIPLES RECORDED IN THE ANGLO-GERMAN AGREEMENT OF 16th OCTOBER, 1900.

AUSTRIA-HUNGARY.

Sir F. Plunkett to the Marquess of Salisbury.

Vienna, October 25, 1900.

On receipt of your Lordship's telegram of the 20th instant, I at once called upon the German Ambassador in order to concert with his Excellency for communicat-

ing to the Austro-Hungarian Government the Agreement respecting China which your Lordship had signed with the German Ambassador in London on the 16th instant. Prince Eulenberg expressed much satisfaction at your Lordship having desired me to concert with him for the communication of this Agreement, and my telegrams of the 21st and 23rd instant will have shown that, in view of the absence from Vienna of Count Goluchowski, and in view of the fact of Prince Eulenburg being confined to his house with a cold, we decided to communicate the Agreement to Count Szeesen through our respective Secretaries of Embassy.

Mr. Milbanke and Baron Romberg therefore, went to the Foreign Department next morning and made communication separately of the Agreement.

Count Szeesen called at this Embassy and at the German Embassy the day before yesterday to say that he had informed the Emperor and Count Goluchowski of this communication, and was authorized to state that the Austro-Hungarian Government had heard with pleasure that Great Britain had come to this understand-

ing with Germany, and accepted willingly the principles recorded in the Agreement which had been signed by your Lordship and the German Ambassador in London.  
I have, &c.

F. R. PLUNKETT.

FRANCE.

*Memorandum communicated by M. Cambon,*

*October 31, 1900.*

Le Gouvernement de la République a pris connaissance de l'arrangement du 16 Octobre entre les Gouvernements Allemand et Anglais qui lui a été communiqué par les Ambassadeurs d'Allemagne et d'Angleterre à Paris.

Le Gouvernement de la République a dès longtemps manifesté son désir de voir la Chine s'ouvrir à l'activité économique du monde entier. De là l'adhésion empressée qu'il a donnée au mois de Décembre dernier à une proposition du Gouvernement des Etats-Unis dictée par la même préoccupation. Son sentiment à cet égard ne s'est pas modifié.

Quant à l'intégrité de la Chine, le Gouvernement de la République en affirme d'autant plus volontiers le principe qu'il en a fait, et qu'il l'a dit à plusieurs reprises, la base de sa politique dans la crise à laquelle les communs efforts des Puissances tendent à trouver une solution satisfaisante.

L'assentiment, universel à ce principe parait au Gouvernement de la République une sûre garantie de son respect; et si contre toute attente, il devait subir une atteinte, la France s'inspirerait des circonstances pour la sauvegarde de ses intérêts et des droits qu'elle tient des Traités.

*Ce 31 Octobre, 1900.*

ITALY.

*M. Visconti-Venosta to Lord Currie.*

(TRANSLATOR.)

*Ministry of Foreign Affairs,*

*M. L'AMBASSADEUR.*

*Rome, October 22, 1900.*

In your note of yesterday your Excellency communicated to me, in accordance with instructions received from your Government, the Agreement arrived at on the 16th instant between Lord Salisbury and Count Hat-

feldt with regard to China.

The two Contracting Governments having pledged themselves to give notice of their Agreement to the Powers interested, especially to France, Italy, Japan, Austria-Hungary, Russia, and the United States with an invitation to agree to the principles enunciated therein, your Excellency asked me whether these principles were accepted by the Italian Government.

Having taken His Majesty's orders, I am to-day in a position to inform your Excellency that the Italian Government, recognizing in the Anglo-German Agreement those same principles which rule their own policy in China, do not hesitate to give their adhesion thereto.

I beg your Excellency to be so good as to bring the above to the knowledge of Her Majesty's Government.

I have, &c.

VISCONTI-VENOSTA.

JAPAN.

*Mr. Kato to Mr. Whitehead.*

(TRANSLATOR.)

*Department of Foreign Affairs,*

Sir, Tokio, October 29, 1900.

Accept, &c,

KARO TAKAKI.

I have the honour to acknowledge the receipt of your note of the 24th instant, in which, in obedience to instructions from the Marquess of Salisbury, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, you communicated to me the text of an Agreement, signed on the 16th instant by his Lordship and the German Ambassador, which reads as follows:—  
At the same time, in further compliance with Lord Salisbury's instructions, you requested me to inform you whether the Imperial Japanese Government are inclined to accept the principles recorded in said Agreement.

The Imperial Government, having received assurances from the contracting Powers to the effect that, in adhering to the Agreement in question, they will be placed in relation to such Agreement in the same position they would have occupied if they had been a signatory instead of an adhering State, do not hesitate to formally declare that they adhere to the said Agreement, and accept the principles embodied therein.

Memorandum.

RUSSIA.

L'arrangement conclu entre l'Allemagne et l'Angleterre ne modifie pas sensiblement, à notre point de vue, la situation en Chine.

Le point 1<sup>er</sup> de cet accord, stipulant que les ports situés sur les fleuves et sur le littoral de la Chine par tout où les deux Gouvernements exercent leur influence restent libres et ouverts au commerce, peut être accueilli favorablement par la Russie, cette stipulation ne portant aucune atteinte au *status quo* établi en Chine par les Traités existants.

Le point 2 répond d'autant plus aux intentions de la Russie que, dès le début des complications actuelles, elle a été la première à poser le maintien de l'intégrité du Céleste Empire comme principe fondamental de sa politique en Chine.

Quant au point 3, relatif à l'éventualité d'une atteinte qui serait portée à ce principe fondamental, le Gouverne-

ment Impérial, en se référant à sa Circulaire du 12 (25) Août, ne peut que renouveler la déclaration qu'une pareille atteinte obligerait la Russie de modifier son attitude selon les circonstances.

Le point 4 n'exige aucun commentaire.

Saint-Petersbourg, le 15. (28) Octobre, 1900.

UNITED STATES.

Mr. Hay to Lord Pauncefote.

Department of State, Washington,

EXCELLENCY, October 29, 1900.

I have the honour to acknowledge the receipt of your note of the 23rd October, inclosing the text of an Agreement between Great Britain and Germany relating to affairs in China, which was signed in London on the 16th instant by the Marquess of Salisbury and the German Ambassador, on behalf of their respective Governments, and inviting the acceptance by the United States of the principles recorded in that Agreement.

These principles are—

"1. It is a matter of joint and permanent international

interest that the ports on the rivers and littoral of China should remain free and open to trade, and to every other legitimate form of economic activity for the nationals of all countries without distinction, and the two Governments agree on their part to uphold the same for all Chinese territory so far as they can exercise influence.

"2. Her Britannic Majesty's Government and the Imperial German Government will not on their part make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire."

The United States have heretofore made known their adoption of both these principles. During the last year this Government invited the Powers interested in China to join in an expression of views and purposes in the direction of impartial trade with that country, and received satisfactory assurances to that effect from all of them. When the recent troubles were at their height this Government, on the 3rd July, once more made an

announcement of its policy regarding impartial trade and the integrity of the Chinese Empire, and had the gratification of learning that all the Powers held similar views. And since that time the most gratifying harmony has existed among all the nations concerned as to the ends to be pursued, and there has been little divergence of opinion as to the details of the course to be followed.

It is therefore with much satisfaction that the President directs me to inform you of the full sympathy of this Government with those of Her Britannic Majesty and the German Emperor in the principles set forth in the clauses of the Agreement above cited.

The third clause of the Agreement provides—

“3. In case of another Power making use of the emblems in China in order to obtain, under any form whatever, such territorial advantages, the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.”

I have, &c.,

JOHN HAY.

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及獨逸國間ノ交換公文

千九百零六年三月二十三日—二十六日倫敦ニ於テ交換

(一)「サー、エドワード、グレイ」ヨリ「メッテルニヒ」伯宛書翰  
支那國內ニ於ケル英獨逸兩國商標ノ相互的保護ニ關スル過般ノ貴我會議ニ付本大臣ハ千八百九十九年二月二日ノ勅令(註)

ニ基キ支那國內ニ在ル英國臣民ニ依リ商標ノ侵害ヲ受ケタル獨逸人ハ左ノ條件ニ從ヒ右侵害者ヲ英國裁判所ニ訴追スルノ手續ヲ執リ得ルコトヲ陳述スルノ光榮ヲ有シ候  
一 當該訴追ニ對シ英國公使又ハ代理公使ヨリ書面ヲ以テ承諾ヲ得ルコト  
二 右ノ承諾ハ英國公使又ハ代理公使カ英國商標ヲ侵害セラル獨逸國臣民ヲ獨逸國領事裁判所ニ於テ處罰スヘキ有效ナル規定ノ存在スルコトヲ確メタル場合ニ非サレハ之ヲ

與フヘカラサルコト

本大臣ハ實際ニ於テ英國公使ノ承諾ハ獨逸國ニ依リ充分ナル互惠ノ許與セラレ得キヘカ又ハ既ニ許與セラレタル一切ノ事件ニ付與ヘラルヘキコト疑ヲ容レサル旨閣下ニ通報スルノ光榮ヲ有シ候

右ニ依リ英國政府ハ獨逸國政府ヨリ英國臣民カ獨逸國ニ於テ適法ニ登録アリタル商標ヲ侵害セル獨逸國領事裁判管轄從屬者ヲ在支那國獨逸國領事裁判所ニ訴追スルノ手續ヲ執リ得ル旨及在支那國獨逸國領事カ右趣意ノ訓令ヲ受ケタル旨ノ通報接受次第在北京英國代表者ニ必要ナル訓令ヲ與フル旨ニ有之候 敬具

千九百零六年三月二十三日外務省ニ於テ

エドワード、グレイ

大使閣下

(註) 本勅令ハ其後廢棄セラレタルモ千九百零七年二月二十一日ノ勅令第三條ニ於テ同一事項ヲ規定セリ

(二)「メッテルニヒ」伯ヨリ「サー、エドワード、グレイ」宛書翰  
拜啓陳者本月二十三日附貴翰ヲ以テ支那國內ニ在ル獨逸國臣民ハ在北京英國外交代表者カ當該承諾書ヲ與フルニ於テハ其ノ商標ヲ侵害セル英帝國臣民ヲ管轄英國領事裁判所ニ訴追シ得ル旨御開陳相成致候承候貴翰ニ依レハ右承諾書ハ互惠ノ與ヘラルル限リ一切ノ事件ニ於テ付與セララルヘキコト疑ヲ容

レサル由ニ候

右貴翰ニ對スル回答トシテ本官ハ本國政府ノ命ニ依リ千八百九十四年五月十二日商標保護ニ關スル獨逸帝國法律(帝國法令彙報第四百四十一頁參照)ハ獨逸國領事裁判所(千九百年四月七日ノ領事裁判ニ關スル獨逸國法律第十九條、帝國法令彙報第二百三十三頁參照)ノ存在スル地域ニ其ノ適用アル旨及在支那國獨逸國領事裁判官ハ英帝國臣民ノ爲獨逸國ニ於テ適法ニ登録アリタル商標ヲ不正ニ使用セル其ノ裁判管轄從屬者ニ對シ法律上ノ手續ヲ執ルノ權能ヲ有スル旨閣下ニ致陳述候在支那國獨逸國領事ハ右ニ基キ所要訓令ヲ受ケタル旨ニ有之候 敬具

千九百零六年三月二十六日倫敦獨逸國大使館ニ於テ

ペー、メッテルニヒ

外務大臣閣下

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及獨逸國間ノ交換公文

【右 歐 文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND GERMANY RESPECTING  
THE RECIPROCAL PROTECTION OF  
TRADE MARKS IN CHINA.

London, 23rd/29th March, 1903.

(1)—*Sir Edward Grey to Count Mellenich.*

Foreign Office, March 23, 1906.

Your Excellency,

With reference to our recent conversations respecting the mutual protection of British and German trade-marks in China, I have the honour to state that under the Order in Council of the 2nd February, 1899, it is open to a German whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Court, provided—

1. That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but
2. Such consent may be withheld unless His Majesty's

Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in the German Consular Court of German subjects infringing British trade-marks.

I have the honour to inform your Excellency that it is not open to doubt that in practice the consent of the British Minister would be given in any and every case where full reciprocity could be and was granted by Germany.

His Majesty's Representative at Peking will be instructed accordingly, as soon as the German Government inform His Majesty's Government that it is open to British subjects to take proceedings before the German Consular Courts in China against persons subject to German Consular jurisdiction who infringe trade-marks duly registered in Germany, and that the German Consuls in China have received instructions in that sense.

I have, &c.,

Edward Grey.

(2)—*Count Mellenich to Sir Edward Grey.*

(Translation)

*German Embassy, London, March 26, 1906.*

Your Excellency,

I have the honour to acknowledge the receipt of your Excellency's note of the 23rd instant, in which you state that it is open to a German subject in China to take proceedings in the competent British Consular Court against a British subject for infringement of his trade-marks, provided that the British diplomatic Representative in Peking gives his consent thereto in writing. This consent will, according to the contents of your Excellency's note above mentioned, be accorded without doubt in every case, provided that reciprocity is given.

In reply to your Excellency's note I am directed by

澳門及香港ニ於ケル阿片專賣規則  
ニ關スル英葡協定

千九百十三年六月十四日倫敦ニ於テ署名

國際阿片會議ノ決議ニ從ヒ且澳門及香港兩殖民地ノ地理上ノ位置力阿片製品ノ消費、販賣及輸入制限並密貿易ノ禁遏ニ關

my Government to state that the Imperial German Law for the protection of trade-marks of the 12th May, 1894 ("Reichsgesetzblatt," p. 441), is in force in the districts where there are German Consular Courts (§ 19 of the German Law on Consular Jurisdiction of the 7th April, 1900—"Reichsgesetzblatt," p. 213), and that, moreover, the German Consular Judges in China are authorized to take legal proceedings against persons subject to their jurisdiction who make unauthorized use of a trade-mark duly registered in Germany in favour of a British subject.

The German Consuls in China will be furnished with instructions in accordance with the foregoing.

I have, &c.,

P. Mellenich.

スル一切ノ事項ニ付右兩殖民地ニ於ケル阿片專賣ヲ同様ノ方法ヲ以テ取締ルコトヲ必要ナラシムルヲ考慮シ

各自國政府ヨリ正當ノ委任ヲ受ケタル下名ノ左ノ諸條ヲ協定セリ

第一條 葡萄牙共和國政府ハ澳門ニ於テ生阿片ノ加工及阿片製品ノ販賣ヲ經營及監督スルノ權利ヲ保留スルト同時ニ該

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及獨逸國間ノ交換公文

殖民地ノ阿片規則中ニ阿片製品ノ不正取引禁遏ニ關シ香港ノ規則中ニ存スルト同様ノ規定ヲ包含セシムヘキコトヲ約ス

第二條 澳門ノ阿片仲買人ハ專ラ澳門ノ定住及來往人民ノ消費ニ供スル爲毎年阿片二百六十箱(一箱ハ生阿片四十球トス)ヲ超エテ輸入スルコトヲ許サレサルヘシ

第三條 香港ノ阿片仲買人ハ毎年五百四十箱ヲ超エテ輸入スルコトヲ許サレサルヘシ右輸入ハ專ラ香港ノ定住及來往人民ノ消費ニ供スヘキモノトス該數量ハ糞ニ香港仲買人ト締結セル契約中ニ之ヲ包含セシム

第四條 澳門及香港ノ仲買人ハ阿片ノ輸入ヲ現在禁止セス又ハ將來解禁スヘキ諸國ニ對シ專ラ輸出スル爲毎年夫々生阿片二百四十箱及百二十箱ヲ輸入スルコトヲ許サルヘシ

第五條 香港ニ對スル前條ノ制限量ハ確定的ニシテ變更シ得サルモノト看做サル但シ澳門ニ於テハ輸入増加カ適法ナル貿易上ノ需要ニ合致スルノ確證ヲ舉クルトキハ毎年ノ生阿片輸入箱數ヲ増加スルノ權能ヲ保留ス右目的ノ爲仲買人ハ阿片輸入國ヨリ第四條所掲ノ二百四十箱ヲ超ユル數量カ適法ナル用途ノ爲必要ナル旨ヲ示ス許可證ノ下附ヲ受ケ之ヲ澳門總督ニ提出スヘシ

第六條 澳門總督ハ第四條ニ定ムル制限量ヲ超ユル生阿片ノ輸入ニ付前條ニ依リ免狀ヲ交付スルノ權能ヲ有スヘシ

第七條 本協定第二條、第四條及第五條ニ於テ毎年澳門ニ輸入シ得ヘキ生阿片箱數ノ制限ヲ定メタルニ因リ印度政府ハ香港ニ於ケル阿片仲買人カ印度各地ヨリノ阿片供給ヲ受クルコトヲ許サルル限リ「カルカッタ」、孟買其ノ他印度各地ノ公開市場ニ於テ澳門ニ輸出スル爲制限量ニ達スル迄且所定條件ニ從ヒ阿片ヲ購入スルコトヲ許可スヘシ

第八條 印度ヨリ來リ且澳門ノ仲買人ニ仕向ケラルル生阿片ハ前記制限量及條件ノ範圍内ニ於テ香港ニテ何等ノ税金又ハ料金ヲ賦課セララルコトナクシテ之カ積換ヲ爲スコトヲ許サルヘシ

第九條 五年ノ期間(仲買人ノ契約期間)後澳門ニ於ケル地方の消費ノ爲ノ協定箱數又ハ澳門ヨリ輸出スル爲ノ協定箱數カ夫々過大ナルコト判明スルトキハ葡荷牙國政府ハ當該制限量ヲ改正スルノ妥當ナリヤ否ヤヲ考量スヘシ  
本協定ハ十年間有效ナルモノトス但シ各政府ハ何時ニテモ十二箇月ノ豫告ヲ與ヘテ之ヲ廢棄スルコトヲ得右十年ノ期間滿了後ハ各政府ヨリ同様ノ廢棄豫告ヲ與ヘサル限リ引續キ有效トス  
千九百十三年六月十四日倫敦ニ於テ本書ニ通ヲ作ル

イー、グレイ  
ハ、デ、ト、ヴァ、ル

【右 譯 文】  
ANGLO-PORTUGUESE AGREEMENT FOR REGULATION OF OPIUM MONOPOLIES IN MACAO AND HONGKONG, JUNE 14, 1913.  
Signed at London, June 14, 1913.

In pursuance of the conclusions of the International Opium Conference, and in consideration of the fact that the geographical situation of the colonies of Macao and Hong Kong makes it necessary to regulate in a similar way the opium monopolies in the said colonies in all matters concerning the restriction of the consumption, sale, and exportation of prepared opium and repression of smuggling;

"The undersigned, duly authorized thereto by their respective governments, have agreed to the following articles:

Article 1.—The Government of the Portuguese Republic, whilst reserving the right of managing and controlling the manipulation of raw opium and the sale of prepared opium in the colony of Macao, engage to introduce in the opium regulations of that colony

clauses and provisions similar to those contained in the regulations of Hong Kong relative to the repression of the illicit trade in prepared opium.

Article 2.—The Macao opium farmer will not be permitted to import more than 260 chests of opium (a chest means 40 balls of raw opium) per annum exclusively destined for the consumption of the fixed and floating population of Macao.

Article 3.—The Hong Kong opium farmer will not be permitted to import more than 540 chests per annum. These imports shall be exclusively destined for the consumption of the fixed and floating population of Hong Kong. These figures are embodied in the contract recently concluded with the Hong Kong farmer.

Article 4.—The farmers of Macao and Hong Kong will be permitted to import, per annum, respectively, 240 and 120 chests of raw opium exclusively destined for exportation to countries which have not prohibited at present or which shall not prohibit hereafter such imports of opium.

Article 5.—The limit fixed in the preceding article



for Hong Kong must be considered a definite one and not subject to alteration; however, it is understood that in Macao power will be retained to increase the number of chests of raw opium imported each year and destined for exportation, provided that proof is given that the said imports are destined to meet the requirements of lawful trade. For this purpose the farmer shall produce to the Governor of Macao customs certificates passed by the authorities of countries importing the opium showing that the quantities authorized are required for legitimate purposes, over and above the 240 chests referred to in Article 4.

ARTICLE 6.—The Governor of Macao will have power to grant licenses under the preceding article for the importation of the quantities of raw opium exceeding the limit fixed in Article 4.

ARTICLE 7.—Whereas the limit of chests of raw opium that can be imported annually into Macao has been fixed in Articles 2, 4, and 5 of this agreement, the Government of India will permit the purchase of opium in open market at the sales at Calcutta or Bombay or

any places in India, for export to Macao, up to and not exceeding the limits and conditions so fixed, so long as the opium farmer at Hong Kong is permitted to obtain his supplies from this source.

ARTICLE 8.—Raw opium coming from India, consigned to the farmer of Macao, within the limits and conditions above indicated, will be allowed transshipment at Hong Kong free of duty or taxation.

ARTICLE 9.—It is understood that if after periods of five years (the duration of the contracts of the farmer) the numbers of chests agreed upon for local consumption at or export from Macao should respectively prove to be excessive, the Portuguese Government will consider the desirability of revising the amount in question.

The present agreement shall remain in force for a period of ten years, but may be terminated by either government at any time on giving to the other twelve months' notice of its intention to do so. On the expiration of the said period of ten years it shall continue in force, unless and until a similar notice of termination is given by either government.

Done in duplicate at London, the 14th June, 1913.

E. GREY.

P. DE TOVAR.

### 支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及葡萄牙國間ノ交換公文

千九百四年八月四日—八日里斯本ニ於テ交換

(一)「カートライイト」ヨリ「セニール、デ、リマ」宛書翰

千八百九十九年二月二日ノ勅令(註)ニ依リ支那國內ニ於テ英國臣民ニ依リ商標ヲ侵害セラレタル外國人ハ左ノ條件ニ從ヒ右侵害者ヲ英國領事裁判所ニ訴追シ得ルモノニ有之候

一 當該訴追ニ對シ英國公使又ハ代表公使ヨリ書面ヲ以テ承諾ヲ得ルコト

二 右承諾ハ英國公使又ハ代理公使カ當該訴追者ノ屬スル國ノ臣民ノ犯シタル同様ノ行爲ニ付支那國內ノ領事其ノ他ノ裁判所ニ於テ處罰スヘキ有效ナル規定ノ存在スルコトヲ確メタル場合ニ非サレハ之ヲ與フヘカラサルコト  
倫敦ニ駐劄スル佛蘭西國、獨逸國及伊太利國代表者トノ書信往復ニ依リ佛蘭西國、獨逸國、及伊太利國ノ臣民カ英國商標ヲ侵害シタルトキハ支那國ニ在ル前記三國ノ領事裁判所ハ夫々當該侵害者ヲ處罰スヘキ規定存在スルコト明確ト相成且北

京ニ駐劄スル英國代表者及同地ニ在ル前記三國ノ代表者ニ對シ各自國政府ノ商標相互保護ヲ欲スル取極ヲ實施シ得ル様必要ナル訓令ヲ發シ置カレ候

本官ハ右閣下ニ通報旁々葡萄牙國政府ニ於テモ英國政府ト右同様ノ取極ヲ締結スルノ御希望アリヤヲ照會スル様「ランスダウン」侯ヨリ訓令ヲ受ケタル旨閣下ニ開陳スルノ光榮ヲ有シ候 敬具

千九百四年八月四日里斯本ニ於テ

フェリアフタタス、エル、カートライイト

外務大臣閣下

(註) 本勅令ハ爾後廢棄セラレ千九百七年二月十一日ノ勅令第三條ノ規定之ニ代レリ

(二)「セニール、デ、リマ」ヨリ「カートライイト」宛書翰  
葡萄牙國政府ハ支那國內ニ於ケル葡英兩國商標ノ相互保護ヲ確保セムトスル趣旨ニテ英國政府ト取極ヲ締結スルノ希望アリヤ否ヤヲ承知セラレ度旨「ランスダウン」侯ノ希望ヲ本官ニ御通報アリタル貴翰領承仕候

右回答トシテ本官ハ葡萄牙國政府ニ於テハ左ノ方式ニテ該取極ヲ締結スルニ異存ナキ旨閣下ニ通報スルノ光榮ヲ有シ候

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及葡萄牙國間ノ交換公文

御チ千八百八十三年三月二十日ノ國際條約ニ從ヒ葡萄牙國ニ  
適法ニ登録アリタル英國商標ヲ侵害セル葡萄牙國臣民ノ犯罪  
ヲ葡萄牙國領事裁判所ニ於テ審理スルヲ得シメ又反對ニ聯合  
王國ニ適法ニ登録アリタル葡萄牙國商標ヲ侵害セル英國臣民  
ノ犯罪ヲ英國領事裁判所ニ於テ審理スルヲ得シムル爲兩國政  
府ノ書信交換ニ依リ決メヘキ一定ノ時日ヲ以テ北京駐劄ノ各

自外交代表者ニ對シ夫々訓令ヲ發スヘキモノニ有之候 敬具  
千九百四年八月八日里斯本ニ於テ  
ウニヤニスラウニビノリア  
公使閣下  
(註) 該日附ノ千九百四年十月一日ニ決定セラレタリ

【右 譯 文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND PORTUGAL RESPECTING  
THE RECIPROCAL PROTECTION OF  
TRADE MARKS IN CHINA.

*Lisbon, 8th August, 1904.*

(1).—*Mr. Cartwright to Senhor de Lima.*  
Your Excellency, *Lisbon, August 4, 1904.*

Under an Order in Council of the 2nd February, 1899, it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—

1. That the consent, in writing, of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but  
2. Such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the State or Power of which such prosecutor is a subject.  
By correspondence with the French, German, and Italian Representatives in London, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of subjects of those countries, should they infringe British trade-marks, and the necessary informa-

tion has been given to His Majesty's Representative at Peking, and to the Representatives there of the three countries mentioned, to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

I have the honour to inform your Excellency that, in communicating the above to you, I have been instructed by the Marquess of Lansdowne to inquire whether the Portuguese Government would be disposed to conclude a similar arrangement with His Majesty's Government.

I avail, &c.,

FARFAX L. CARTWRIGHT.

(2).—*Senhor de Lima to Mr. Cartwright.*

(Translation.) *Lisbon, August 8, 1904.*

I am in receipt of the note by which you communicate to me the desire of the Marquess of Lansdowne to know whether the Portuguese Government would be disposed to conclude an arrangement with His Britannic Majesty's Government in the sense of assu-

ing mutual protection for Portuguese and British trade-marks in China.  
In reply, I have the honour to inform you that the Portuguese Government have no objection in concluding the proposed arrangement in such a manner that, on the date which may be fixed by exchange of notes, both Governments shall transmit instructions to their Diplomatic Representatives at Peking, for the purpose of bringing into effect, before the Portuguese Consular Courts, offences for infringement by Portuguese subjects of British trade-marks duly registered in Portugal, and, reciprocally, before the British Consular Courts, offences for infringement by British subjects of Portuguese trade-marks, duly registered in the United Kingdom, in conformity with the International Convention of 20 th March 1883.

I avail, &c.,

WENCESLAU DE LIMA

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及伊太利國間ノ交換公文

千九百三年七月三十日、八月七日倫敦ニ於テ交換

(一)「カリニア」ヨリ「ランスダウ」侯宛書翰
本官ノ君主タル伊太利國皇帝陛下ノ政府ハ支那國內ニ於ケル商標ノ相互的保護ヲ確保セムカ爲他ノ諸國政府ト取極ヲ締結セムコトヲ希ヒ今般本官ニ命スルニ左ノ事項ヲ閣下ニ通告スルコトヲ以テ致候
一 伊太利國皇帝陛下ノ領事及領事裁判所ニ委任セラレ其ノ支那國ニ於テ行使シツアル民刑事裁判管轄權ニ基キ右領事及領事裁判所ハ伊太利國臣民ノ商標偽造ニ關シ提起セラレタル一切ノ訴ヲ受理スルノ權能ヲ有ス
二 從テ英國製造者カ伊太利王國ニ於テ適法ニ登録アリタル商標ノ保護ヲ受ケムカ爲伊太利國臣民ニ對シテ提起シタル訴ハ爾今第一審トシテ領事裁判所、終審トシテ「アンコーナ」控訴院之カ審理ヲ爲スヘシ
三 商標所有權ハ伊太利國ニ於テハ千八百六十八年八月三十日ノ法律ヲ以テ之ヲ規定ス
本官ハ閣下カ本聲明ヲ御領承相成且伊太利國臣民モ適法ニ英國ニ於テ登録セル商標所有權全般ニ關シ支那國內ニ於テ同様

ノ法律上ノ保護ヲ英國領事官憲ニ向テ求メ得ヘキヤ否ヤニ付御通報アラムコトヲ御依頼スルノ光榮ヲ有シ候 敬具
千九百三年七月三十日倫敦伊太利國大使館ニ於テ

カリニアニ

外務大臣閣下

(二)「ランスダウ」侯ヨリ「カリニア」宛書翰
拜啓陳者客月三十日附貴翰ヲ以テ伊太利國政府ハ支那國內ニ於ケル英伊兩國商標ノ相互的保護ニ關シ弊國政府ト取極ヲ締結セムト欲セラレル旨御通報相成且英國製造業者カ伊太利王國ニ於テ適法ニ登録アリタル商標ノ保護ヲ受ケムカ爲伊太利國臣民ニ對シテ提起シタル訴ハ爾今第一審トシテ領事裁判所、終審トシテ「アンコーナ」控訴院之カ審理ヲ爲スヘキ旨御陳述相成致敬承候
本官ハ伊太利國臣民モ適法ニ英國ニ於テ登録セル商標所有權全般ニ關シ支那國內ニ於テ同様ノ法律上ノ保護ヲ英國領事官憲ニ向テ求メ得ヘキヤ否ヤニ付テノ御照會ニ對スル回答トシテ左ノ如ク陳述スルノ光榮ヲ有シ候即チ千八百九十九年二月二日ノ勅令(註)ニ基キ支那國內ニ在ル英國臣民ニ依リ商標ノ侵害ヲ受ケタル伊太利人ハ當該訴道ニ對シ英國公使又ハ代理公使ヨリ書面ヲ以テ承諾ヲ得タルトキハ右侵害者ヲ英國裁判所ニ訴追スルノ手續ヲ執リ得ルモノニ有之候尤モ右承諾書ハ英國公使又ハ代理公使カ英國商標ヲ侵害セル伊太利國臣民

千九百三年八月七日外務省ニ於テ

ランスダウ

大使閣下

(註) 本勅令ハ爾後廢棄セラレ千九百七年二月十一日ノ勅令第三條ノ規定ニ代ヘリ

ヲ伊太利國領事裁判所ニ於テ處罰スヘキ有效ナル規定ノ存在スルコトヲ確メタル場合ニ非サレハ之ヲ與フハカラサルモノニ有之候
貴翰ノ寫ハ在北京英國代理公使ニ送付セラルヘク本件ニ對スル伊太利國領事裁判所ノ權能ニ關シ貴翰寫中ニ包含スル陳述ニ付「タウシ」氏ノ注意ヲ喚起可致候 敬具

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND ITALY RESPECTING THE RECIPROCAL PROTECTION OF TRADE MARKS IN CHINA.

London, 30th July, 1903.

London, 7th August, 1903.

(1)—M. Carignani to the Marquess of Lansdowne. (Translation.)

Italian Embassy, London, July 30, 1903.

My Lord,

The Government of His Majesty the King, my august Sovereign, being desirous of coming to an arrangement with the other Governments, with a view to secure the reciprocal protection of trade-marks in China, have now

Instructed me to bring the following to the knowledge of your Lordship:—

1. In virtue of the civil and penal jurisdiction which is intrusted to the Consuls and Consular Tribunals of His Majesty the King of Italy, and which they exercise in China, they are competent to take cognizance of all claims which may be presented to them respecting the counterfeiting of trade-marks by Italian subjects.

2. So any claim which English manufacturers may have to present to them in order to obtain protection for trade-marks, duly registered in the Kingdom of Italy, as against Italian subjects, shall henceforward be adjudicated, in the first instance, by the Consular Tribunal, and, in the last instance by the Court of

Appeal at Ancona.

3. The right of property in trade-marks is regulated in Italy by the Law of the 30th August, 1868.

I have the honour to request your Lordship to be good enough to take note of this declaration, and to inform me whether Italian subjects will be able to invoke the same legal protection in China, on the part of the English Consular authorities, in all that concerns their property in trade-marks duly registered in Great Britain.

I have, &c.,

CHARNAM.

(2).—The Marquess of Lansdowne to M. Carrigani.

Foreign Office, August 7, 1903.

Sir,

I have the honour to acknowledge the receipt of your note of the 30th ultimo, informing me of the desire of the Italian Government to come to an arrangement with His Majesty's Government for the mutual protection of British and Italian trade-marks in China,

and stating that any claim which English manufacturers may have to present to His Italian Majesty's Consuls and Consular Tribunals in China, in order to obtain protection for trade-marks, duly registered in the Kingdom of Italy, as against Italian subjects, will henceforward be adjudicated, in the first instance, by the Consular Tribunals, and, in the last instance, by the Court of Appeal at Ancona.

In reply to your inquiry whether Italian subjects will be able to invoke the same legal protection in China, of the part of the English Consular authorities, in all that concerns their property in trade-marks duly registered in Great Britain, I have the honour to state that under the Order in Council of the 2nd February 1899, it is open to an Italian whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Court, provided that the consent in writing of His Majesty's Minister or the Chargé d'Affaires be obtained to the prosecution. Such consent, however, may be withheld if His Majesty's Minister or Chargé d'Affaires is not

satisfied that effectual provision exists for the punishment in the Italian Consular Court of Italian subjects infringing British trade-marks.

A copy of your note will be sent to His Majesty's Chargé d'Affaires at Peking, and Mr. Townley's atten-

tion will be called to the statements contained in it as to the competence in such matters of the Italian Consular Courts.

I have, &c.,

LANSDOWNE.

### 支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及和蘭國間ノ交換公文

千九百四年八月十五日—九月七日海牙ニ於テ交換

(一)「サー、エッチ、ハワード」ヨリ「ド、リンデン」男宛書翰  
千八百九十九年二月二日ノ勅令(註)ニ依リ支那國內ニ於テ英國臣民ニ依リ商標權ヲ侵害セラレタル外國人ハ左ノ條件ニ從ヒ右侵害者ヲ英國領事裁判所ニ訴追シ得ルモノニ有之候  
一 當該訴追ニ對シ英國公使又ハ代理公使ヨリ書面ヲ以テ承諾ヲ得ルコト

二 右承諾ハ英國公使又ハ代理公使カ當該訴追者ノ屬スル國ノ臣民ノ犯シタル同様ノ行為ニ付支那國內ノ領事其ノ他ノ裁判所ニ於テ處罰スヘキ有效ナル規定ノ存在スルトヲ確メタル場合ニ非サレハ之ヲ與フヘカラサルコト  
倫敦ニ駐劄スル佛蘭西國、獨逸國及伊太利國代表者トノ書信

往復ニ依リ佛蘭西國、獨逸國及伊太利國ノ臣民カ英國商標ヲ侵害シタルトキハ之ヲ支那國ニ在ル前記三國ノ領事裁判所ハ夫々當該侵害者ヲ處罰スヘキ規定存在スルコト明確ト相成且北京ニ駐劄スル英國代表者及同地ニ在ル前記三國ノ代表者ニ對シ各自國政府ノ商標相互保護ヲ欲スル取極ヲ實施シ得ル様必要ナル訓令ヲ發シ置カレ候

右等ノ取極ニ關シ本官ハ和蘭國政府ニ於テモ英國政府ト右同様ノ取極ヲ締結スルノ御希望アリヤヲ閣下ニ御照會スル様「ランズグウン」侯ヨリ命セラレ候  
本官ハ本件ニ關シ御承諾ノ旨御回答ニ接ヤムコトヲ希望スルト同時ニ千八百九十九年二月二日ノ勅令及本件ニ關シ昨年在倫敦伊太利國代表者トノ間ニ行ハレタル書信往復ノ寫添附致置候 敬具

千九百四年八月十五日海牙ニ於テ

ヘンリー、ハワード

大臣閣下

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及和蘭國間ノ交換公文

(註) 本勅令ハ爾後廢棄セラレ千九百七年二月十一日ノ勅令第三條ノ規定之ニ代レリ

(二) 「ド、リンデン」勇ヨリ「サー、エッチ、ハワード」宛書翰閣下ハ去ル八月十五日附貴翰ヲ以テ支那國內ニ於ケル商標ノ相互的保護ニ關スル取極ヲ締結セムコトヲ本官ニ御提議相成致敬承候

右回答ヲシテ本官ハ閣下ニ和蘭國法律ハ國內ニ於テ適法ニ登録セラレタル商標ハ其ノ所有者ノ國籍如何ヲ問ハズ且其ノ侵害行為ハ國內ノミナラス支那國ノ如キ治外法權制度ノ下ニ在ル國ニ於テ爲サレタル場合ニ在リテモ之ヲ保護スルモノナルコトヲ通報スルノ光榮ヲ有シ候

英國政府ニ於テモ其ノ支那國駐劄代表者ニ對シ同様ノ訓令ヲ發セラレムトスルニ鑑ミ本官ハ北京駐劄和蘭國公使ニ對シ英國臣民又ハ保護民ニ屬シ且和蘭國ニ適法ニ登録アリタル商標カ和蘭國臣民ニ依リ偽造セラレタルトキハ右和蘭國法律ニ對スル違反行為ハ管轄領事裁判所ニ之ヲ訴追スルキモノナルコトヲ訓令致置候  
本官ハ本件ニ關スル其ノ後ノ貴國政府ノ處置ニ付御通報アラムコトヲ閣下ニ御依頼申上候 敬具  
千九百四年九月七日海牙ニ於テ  
男爵 メルヴィル、ド、リンデン  
公使 閣下

【右 歐 文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND THE NETHERLANDS  
RESPECTING THE RECIPROCAL  
PROTECTION OF TRADE  
MARKS IN CHINA.

The Hague, 15th August, 1904.  
7th September,

(1).—*Sir H. Howard to Baron de Lynden.*

2. Such consent may be withheld unless the British Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the *Sché* or Power of which such prosecutor is a subject.

By correspondence with the French, German and Italian Representatives at the Court of St. James, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of subjects of those countries, should they infringe British trade-marks, and the necessary information has been given to His Majesty's Representatives in Peking, and to the Representatives there of the above-mentioned countries to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

In view of these arrangements I am desired by the Marquess of Lansdowne to enquire of your Excellency whether the Netherland Government would be disposed to conclude a similar arrangement with His Majesty's

*M. le Ministre,*  
*The Hague, August 15, 1904.*  
Under a British Order in Council of the 2nd of February, 1899, it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—  
1. That the consent in writing of the British Minister or Chargé d'Affaires be obtained to the prosecution; but

Government.

While expressing the hope that I may receive a favourable reply in this regard, and inclosing copies of the Order in Council of the 2nd February, 1899, as also of the correspondence which took place last year with the Italian Representative in London on the subject, I avail myself, &c.,

HENRY HOWARD.

(2).—*Baron de Lynden to Sir H. Howard.*

*M. le Ministre,*

*La Haye, le 7 Septembre, 1904.*

Per son office du 15 Août dernier votre Excellence a bien voulu me proposer d'arriver à une entente concernant la protection réciproque des marques de fabrique et de commerce en Chine.

En réponse j'ai l'honneur de porter à la connaissance de votre Excellence que la Loi Néerlandaise protégée les marques de fabrique et de commerce dûment enregistrées dans le pays, quelle que soit la nationalité de leur propriétaire, et cela non seulement lorsque les infractions ont été commises dans le pays même, mais aussi

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及和蘭國間ノ交換公文

三九六

lorsqu'elles ont été commises dans un pay soumis au régime de l'exterritorialité, tel que la Chine.

Le Gouvernement Britannique étant disposé de donner des instructions analogues à son Représentant en Chine, j'ai informé le Ministre des Pays-Bas à Pékin que, dans le cas où une marque de fabrique ou de commerce appartenant à un sujet ou protégé Britannique, et d'âment enregistrée aux Pays-Bas, serait contrefaite par

lui de ses ressortissants, cette infraction à la Loi Néerlandaise devra être poursuivie devant la Tribunal Consulaire compétent.

En priant votre Excellence de bien vouloir me faire savoir la suite que son Gouvernement aura donnée à cette affaire, je saisis, &c.

Baron MEUVI DE LINDEN.

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及白耳義國間ノ交換公文

千九百四年九月十五日「ブリッセル」ニ於テ交換

(一)「サー、シー、フュプス」ヨリ「フヴロー」男宛書翰 客月三十一日附貴翰ヲ以テ白耳義國政府ハ支那國內ニ於ケル商標相互保護ノ件ニ關シ英國政府ト取極ヲ締結スルニ吝ナラサル旨御通報相成候處本官ハ右ノ趣ヲ本國政府ニ相違ナク傳達致置候

本官ハ「ランズダウン」侯ノ命ニ依リ閣下ニ左ノ通報スルノ光榮ヲ有シ候即チ北京駐劄英國公使ハ白耳義國政府ニ於テ

支那國內ニ於ケル英國及白耳義國商標ノ相互保護ニ關シ白耳義國ト他ノ歐洲列國トノ間ノ取極ト同様ノ取極ヲ英國政府ト締結スルニ吝ナラサル旨通報ヲ受ケ且「サー、イー、サトウ」ハ白耳義國商標方英國臣民ニ依リ侵害セラレタル場合英國領事裁判所ニ於テ保護ヲ與フル爲英國領事官ニ對シ必要ナル訓令ヲ發スル様命セラレ居候 敬具

千九百四年九月十五日「ブリッセル」ニ於テ

コンスタンティン、フュプス

大臣閣下

(二)「ド、フヴロー」男ヨリ「サー、シト、フュプス」宛書翰 支那國內ニ於ケル白耳義國及英國商標ノ相互的保護ニ關スル本月十五日附貴翰拜誦仕候

右ニ依リハ英國政府ニ於テハ英國領事裁判所ヲシテ白耳義國

民ニ屬スル商標ニシテ英國民ノ偽造ヲ被リタルモノニ對シ法律上ノ保護ヲ確保セシムル爲必要ナル訓令ヲ發セラレタル趣ニ有之候

右御通報ヲ領承スルト同時ニ本官ハ白耳義國政府ニ於テモ適法ニ白耳義國ニ登録セラレタル商標ニシテ白耳義人又ハ白耳義保護民ニ依リ偽造セラレタルモノノ保護ヲ支那國內ニ確保スルハキ旨ヲ閣下ニ通報スルノ光榮ヲ有シ候

有スルモノニ有之候 本官ハ在北京駐劄英國公使館及支那國內ニ於ケル英國領事事務官ニ對シ英國公使館ト當省トノ書信交換ニ基ク取極ヲ白英兩國間ニ實施スルコトニ關シ訓令方取計置候 敬具

千九百四年九月二十日「ブリッセル」ニ於テ

ド、フヴロー男ニ代リテ

内務大臣文部大臣 シ、ド、トロース

公使閣下

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND BELGIUM RESPECTING THE RECIPROCAL PROTECTION OF TRADE MARKS IN CHINA.

Brussels, 15th September, 1904.

(1).—Sir C. Phipps to Baron de Faverau.

M. le Ministre,

Brussels, September 15, 1904.

I did not fail to communicate to His Majesty's

Government your Excellency's note of the 31st ultimo in which you notified to me the willingness of the Belgian Government to come to an agreement with His Majesty's Government upon the subject of mutual protection of trade-marks in China.

三九七

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及白耳義國間ノ交換公文



European Powers, and that Sir E. Satow has been requested to issue the necessary instructions to His Majesty's Consular officers in order that protection may be afforded in the British Consular Courts to Belgian trade-marks should they be infringed by British subjects.

I avail, &c.

CONSTANTINE PHIPPS.

(2).—Baron de Favereau to Sir C. Phipps.

M. le Ministre.

Bruxelles, le 30, Septembre, 1904.

J'ai sous les yeux la lettre que votre Excellence a bien voulu m'adresser le 15 septembre courant au sujet de la protection réciproque des marques de fabrication Belges et Anglaises en Chine.

Cette communication constate que le Gouvernement de Sa Majesté Britannique a donné les instructions nécessaires pour que les Tribunaux Consulaires de la Grande-Bretagne assurent la protection légale des marques de fabrication appartenant à des ressortissants Belges et qui seraient l'objet de contrefaçons de la part de nationaux Anglais.

En donnant acte à votre Excellence de cette communication, j'ai l'honneur de lui faire savoir que le Gouvernement du Roi assurera, de son côté, dans l'Empire Chinois, la protection des marques de fabrication ou de commerce Anglaises régulièrement déposées en Belgique, et qui seraient contrefaites par des Belges ou des protégés Belges.

La Légation de Belgique à Pékin, ainsi que les Consuls, Vice Consuls, et Agences Consulaires Belges en Chine, sont compétents pour connaître des réclamations dont ils seraient saisis en la matière.

J'ai en soin d'informer notre Ministère à Pékin de même que nos Agents Consulaires en Chine de la réalisation entre la Belgique et la Grande-Bretagne de l'accord que constate l'échange de correspondances intervenu entre la Légation Britannique et mon Département.

Je saisis, &c.

J. De Trooz, (pour Baron de Favereau)

Ministre de l'Intérieur et de l'Instruction Publique.

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及丁抹國間ノ交換公文

千九百五年十一月十一日「ロベンハーゲン」ニ於テ交換

(一)「ラーベン、レヴヰツァウ」伯ヨリ「ジョンストン」宛書翰拜啓陳者去ル八月二十三日附貴翰ヲ以テ支那國內ニ於ケル丁抹國裁判所ハ支那國內ニ於テ英國商標ヲ侵害セル丁抹國臣民ヲ處罰スルノ權能ヲ有スルヤ否ヤニ關シ御照會相成且貴國政府ニ於テハ本問題ニ對スル肯定的回答ノ受領ヲ同時ニ丁抹國商標ヲ侵害セル英國臣民ヲ英國領事裁判所ニ訴追シ得ル爲必要ナル措置ヲ執ラムトスル旨御通報相成敬承致候  
右御中越ニ關シ本大臣ハ商標ノ保護ヲ規定スル丁抹國法律ハ支那國內ニ在ル丁抹國臣民ニ對シ一般ニ適用セラルルモノナルコト竝支那全國ニ亘ル丁抹國領事裁判官タル在上海丁抹國領事ニ對シ丁抹國ニ於テ適法ニ登録セラレタル英國商標ヲ同種ノ丁抹國標識ト同様ニ支那國內ニ在ル丁抹國臣民ノ侵害ヨリ防護スルノ權能ヲ附與スルノ訓令ヲ發シ置キタル旨御通報致スノ光榮ヲ有シ候  
本大臣ハ實下ニ右ノ件ヲ貴國政府ニ御報告方依頼致スト同時

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及丁抹國間ノ交換公文

ニ五惠主義ヲ確保シ且支那國ニ在ル英國裁判所カ丁抹國商標ヲ侵害セル英國臣民ヲ處罰シ得ルニ必要ナル訓令ヲ支那國駐劄英國公使ニ對シ與ヘラレタル旨ノ御通報ヲ成ルヘク速ニ接受セムコトヲ期待致居候 敬具  
千九百五年十一月十一日「ロベンハーゲン」外務省ニ於テ

ラーベン、レヴヰツァウ

公使閣下

(二)「チルトン」ヨリ「ラーベン、レヴヰツァウ」伯宛書翰丁抹國ニ於テ適法ニ登録セラレタル英國商標ヲ在支那國丁抹國臣民ニ對シ保護スルコトニ關スル客月十一日附「サー、エー、ジョンストン」宛貴翰ニ付本官ハ支那國駐劄英國公使カ丁抹國商標ニシテ英國臣民ニ依リ侵害セラレタルトキハ同様ノ保護ヲ與フル爲在支那國英國領事ニ對シ必要ナル訓令ヲ發スル様請求ヲ受ケタル旨閣下ニ通報スルノ光榮ヲ有シ候 敬具  
千九百五年十二月十一日「コペンハーゲン」ニ於テ  
エッチ、ジー、チルトン  
外務大臣伯爵 ラーベン、レヴヰツァウ閣下

【法 文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND DENMARK RESPECTING  
THE RECIPROCAL PROTECTION OF  
TRADE MARKS IN CHINA.

Copenhagen, 11th November and 11th December, 1905.

(1) — Count Raben-Ledetrau to Mr. Johnstone.

Ministère des Affaires Étrangères,

M. le Ministre, Copenhagen, le 11 Novembre, 1905.

En me demandant, par votre note du 23 Août dernier, si les Tribunaux Danois en Chine sont autorisés à punir les sujets Danois qui auraient violé en Chine des marques de fabrique et de commerce Britanniques, vous m'avez informé que votre Gouvernement, aussitôt qu'il aura reçu une réponse affirmative à cette question, prendra les mesures nécessaires pour permettre la poursuite devant les Cours Consulaires Britanniques de sujets Britanniques ayant violé des marques de fabriques et de commerce Danoises.

Je suis, &c.,  
RABEN-LEDETZAU.

Considérant ce qui précède, j'ai l'honneur de vous

informer que les lois Danoises visant la protection des marques de fabrique et de commerce s'appliquent en général aux sujets Danois en Chine, et que des instructions viennent d'être expédiées au Consul de Danemark à Shanghai, Juge Consulaire Danois pour toute la Chine, à l'effet de l'autoriser à protéger les marques de fabrique et de commerce Britanniques dûment enregistrées en Danemark contre les infractions de sujets Danois en Chine dans la même mesure que les marques Danoises de la même nature.

En vous priant de rapporter ce qui précède à votre Gouvernement, je me permets d'exprimer l'attente de recevoir bientôt une note m'informant de l'envoi au Ministre Britannique à Pékin des instructions nécessaires pour assurer la réciprocité et permettant la punition par les Tribunaux Britanniques en Chine de sujets Britanniques ayant violé des marques de fabrique et de commerce Danoises.

(2) — Mr. Chilton to Count Raben-Ledetrau.

Copenhagen, December 11, 1905.

Monsieur le Ministre,

With reference to your Excellency's note to Sir A. Johnstone of the 11th ultimo, respecting the protection of British trade-marks, duly registered in Denmark, against infraction by Danish subjects in China, I have

the honour to inform your Excellency that His Majesty's Minister at Peking has been requested to issue the necessary instructions to His Majesty's Consular Officers in China in order that similar protection may be extended to Danish trade-marks should they be infringed by British subjects.

I avail, &c.,  
H. G. CHILTON.

支那國內ニ於ケル商標ノ相互的保  
護ニ關スル英國及ノ採開ノ交換公文

千九百五年六月二十八日北京ニ於テ交換

(一)「ロッキヒル」ヨリ「サー、イー、サトウ」宛書翰

合衆國國務卿事務取扱ハ千九百五年四月十七日附本官宛訓令ニ依リ本官ニ通報スルニ貴下ニ於テハ合衆國及英國ニ登録セラレタル商標ヲ兩國各自ノ人民又ハ臣民ニ依ル支那國內ノ侵害ニ對シ保護スヘキ互惠的協定ヲ本官ト締結スルノ権能ヲ有セララル旨ヲ以テシ且米英兩國商標ノ相互的保護ニ關スル協定ヲ公文交換ニ依リ貴下ト締結スヘキ権能ヲ本官ニ致附與候

本件ニ關スル貴我兩國間ノ一般協定ニ從ヒ合衆國政府ニ代リ左ノ事項ニ同意スルハ本官ノ欣幸トスル所ニ有之候即チ爾今合衆國ニ適法ニ登録アリタル英國臣民ノ商標ハ在支那國合衆國領事裁判所ノ管轄ニ屬スル者ニ依ル侵害ニ對シ保護セララルヘキモノニ有之且右ニ於テハ米國人ノ斯ル侵害行為ヲ處罰スヘキ有效ナル規定存在致居候 敬具

千九百五年六月二十八日支那國北京米國公使館ニ於テ

僚友タル公使閣下  
ダンリ、ダンリ、ロッキヒル  
拜啓陳者本日附貴翰ヲ以テ貴下ニ於テハ米英國兩國商標ノ相互的保護ニ關スル協定ヲ公文交換ニ依リ本官ト締結スヘキ権

能ヲ受ケラレタル趣御通報相成致敬承候

本官ハ右御通報ニ付貴下ニ謝意ヲ表スルト共ニ右ニ依リ該五  
惠的協定ヲ締結シ得ルコトヲ欣幸トスルモノニ有之候即チ爾  
今「千八百八十三年乃至千八百八十八年制定ノ特許、意匠及  
商標法」ニ從ヒ適法ニ英國ニ登録セラレタル合衆國人民ノ商  
標ハ支那國內ニ於テ支那國及朝鮮國管轄英國最高法院及地方  
法院ノ保護ヲ受ケルキモノニ有之候

同時ニ本官ハ左ノ通附言スルノ必要アリト存候即チ各事件ニ  
付英國公使又ハ代理公使ノ承諾書ヲ得ヘキモノニ有之且右承

諾書ハ御回答越ノ貴翰中ニ於テ亞米利加合衆國ニ適法ニ登録  
アリタル英國臣民ノ商標ヲ支那國內ノ米國領事裁判所管轄ニ  
屬スル者カ侵害シタル場合同裁判所ニ於テ之ヲ處罰スヘキ有  
效ナル規定存在スル旨確保セラレタルニ鑑ミ當然付與セラル  
ヘキモノニ有之候 敬具  
千九百五年六月二十八日北京ニ於テ  
アーネスト、サトウ  
僚友タル公使閣下

【右 歐 文】

EXCHANGE OF NOTES BETWEEN GREAT  
BRITAIN AND THE UNITED STATES  
RESPECTING THE RECIPROCAL PRO-  
TECTION OF TRADE MARKS  
IN CHINA.

Peking, 28th June, 1905.

(1).—*Mr. Rockhill to Sir E. Satow.*

*American Legation, Peking, China,*

June 28, 1905.

Mr. Minister and dear Colleague,

The Acting Secretary of State of the United States  
has informed me in an instruction dated April 17,  
1905, that you have been authorized by your Govern-  
ment to enter into a reciprocal agreement with me for  
the mutual protection of trade-marks registered in the  
United States and Great Britain against infringement  
in China by the citizens or subjects of our respective  
nations, and he has given me authority to effect with  
you by an exchange of notes an agreement for the  
reciprocal protection of American and British trade-  
marks in China.  
In pursuance of the general agreement reached

between our respective Governments on the subject, it  
affords me much satisfaction to agree, on behalf of the  
Government of the United States, that henceforth trade-  
marks of British subjects, having been duly registered  
in the United States of America, will be protected  
against infringement by such persons as come under  
the jurisdiction of the United States Consular Courts  
in China, in which effectual provision exists for the  
punishment of such infringements by American citi-  
zens.

I have, &c.,

W. W. ROCKHILL.

(2).—*Sir E. Satow to Mr. Rockhill.*

Peking, June 28, 1905.

Mr. Minister and dear Colleague,

I have the honour to acknowledge the receipt of  
your letter of this date, informing me that you have  
been authorized by your Government to effect with me  
by an exchange of notes an agreement for the reciprocal  
protection of American and British trade-marks.  
I beg to thank you for this communication and to

assure you that it affords me much satisfaction to  
enter into this reciprocal agreement, and henceforth  
protection will be afforded in China by His Britannic  
Majesty's Supreme Court for China and Corea and the  
Provincial Courts to trade-marks of citizens of the  
United States which have been duly registered in  
Great Britain in conformity with "The Patents, Designs,  
and Trade-marks Acts, 1863 to 1888."  
At the same time it appears necessary to mention  
that the consent in writing of His Majesty's Minister  
or Chargé d'Affaires must be obtained on each occasion,  
which consent will be given as a matter of course in  
consequence of the assurance contained in your note  
under reply that effectual provision exists for the  
punishment in the United States Consular Courts in  
China of infringement, by such persons as come under  
the jurisdiction of these Courts, of the trade-marks of  
British subjects which shall have been duly registered  
in the United States of America.

I have, &c.,

ERNEST SATOW.

支那國內ニ於ケル商標ノ相互的保護ニ關スル英國及北米合衆國間ノ交換公文

四〇四