

秘

明治三十六年十二月二日原書抄議

追加日清通商航海條約

大日本國皇帝陛下及

大清國皇帝陛下ハ明治參拾四年九月七日即光緒貳拾七年七月貳拾五日北京ニ於テ調印セラレタル最終議定書第拾壹條ノ規定ニ充分ノ効力ヲ與ヘムカ爲メ日清兩國間ノ通商關係ヲ簡易ニシ且増進セシムルヲ目的トシタル追加通商航海條約ヲ締結スルコトニ決シ之カ爲メニ

大日本國皇帝陛下ハ公使館壹等書記官從五位勳五等日置益總領事正六位勳五等小田切萬壽之助ヲ

大清國皇帝陛下ハ工部尙書呂海寰太子少保前工部左侍郎盛宣懷商部左侍郎伍廷芳ヲ各其ノ全權委員ニ任命セリ因テ各全權委員ハ互ニ其ノ委任狀ヲ示シ其ノ良好妥當ナルヲ認メ以テ左ノ條項ヲ協議決定セリ

第壹條 清國ハ其ノ財政制度ヲ改正スル目的ヲ有シ而シテ釐金制度ノ全廢ニ依リテ生スヘキ缺損ノ一部ヲ填補スル爲メ海關又ハ内地及國境ノ稅關ヲ通過スル各種貨物ニ對シ關稅ノ外ニ附加稅ヲ徵收スルコトヲ提議シタルヲ以テ日本國ハ清國カ各條約國ト協議ノ上決定スルモノト同率ノ附加稅ヲ支拂フコトヲ承諾ス

清國ノ徵收スル生産税消費税機械製造品税又内國産鴉片及鹽ノ税ニ關シ日本國ハ各條約國カ清國ト協議決定スヘキ同一ノ取極ニ依ルコトヲ承諾ス

但シ本條ノ爲メ日本國ノ貿易權利及特權ハ他國ノ貿易權利及ヒ特權ニ比シ何等不利益ノ地位ニ置カルルコトヲナルヘキコト勿論タルヘシ

第貳條 清國政府ハ日本國汽船所有者カ自己ノ費用ヲ以テ揚子江宜昌重慶間ノ急流曳上セノ爲メニ設備ヲ爲スコトヲ承諾ス然レトモ右ハ四川湖南湖北各省人民ノ利害ニ關スル處アルヲ以テ其ノ設置前清國海關ノ認可ヲ得ルコトヲ要ス

右設備ハ汽船及清國形船舶共ニ之ヲ使用スルコトヲ得ヘキモノニシテ水路又ハ清國形船舶ノ自由航行若ハ沿岸道路人民ノ交通ヲ妨クルコトヲ得ス右設備ニ關シテハ清國海關ニ於テ制定スヘキ特別規則ニ從フヘシ

第參條 清國政府ハ内河航行ニ適スル各種ノ日本國汽船カ清國海關ニ届出テノ上内地水路汽船航通規則及同追加規則ニ依リ貿易ノ目的ヲ以テ清國開港場ヨリ其ノ届出テタル内地ニ航行スルコトヲ承諾ス

第四條 清國臣民ニシテ日本國臣民ト共同シテ正當ナル目的ヲ以テ組合又ハ會社ヲ組織

スル場合ニハ契約又ハ覺書竝定款及右ニ基キ作りタル細則ニ據リ右組合及會社ノ各員ト共ニ公平ニ損益ヲ分ツモノトス又右清國臣民ハ自ラ承認シ且日本國裁判所ノ解釋ニ從フヘキ該契約又ハ覺書竝定款及右ニ基キ作りタル細則ニ定メタル義務ヲ履行スヘキモノトス若清國臣民ニシテ斯ク定メタル處ノ義務ヲ履行セサルカ爲メ訴訟ヲ提起セラレタルトキハ清國裁判所ハ直チニ右義務ノ履行ヲ強制スヘシ

日本國臣民ニシテ清國臣民ト共同シテ組合又ハ會社ヲ組織スル場合ニハ契約又ハ覺書竝定款若ハ之ニ基キ作りタル細則ニ據リ公平ニ損益ヲ分ツヘシ若日本國臣民カ契約又ハ覺書竝定款若ハ之ニ基キ作りタル細則ニ定メタル處ノ義務ヲ履行セサルトキハ日本國裁判所モ亦右同様直チニ義務ノ履行ヲ強制スルコト勿論タルヘシ

第五條 清國政府ハ清國臣民カ日本國臣民ノ有スル登録濟商標ヲ侵害スルヲ禁遏スル爲メ必要ナル規則ヲ設ケ且誠實ニ之ヲ執行スヘキコトヲ約ス

清國政府ハ又清國語ヲ以テ編製シ且特ニ清國人ノ使用ニ供スル爲メ作製セラレタル書籍册子地圖及海圖ニ關シ日本國臣民ノ有スル登録濟版權ヲ保護スル爲メニ必要ナル規則ヲ制定スヘキコトヲ約ス

清國政府ハ登録局ヲ設置シ商標及版權保護ノ爲メ今後同國政府ニ於テ制定スヘキ規則ノ定ムル所ニ從ヒ其ノ保護ヲ求ムル外國商標及版權ノ登録ヲ爲スヘシ
日本國法律規則ノ定ムル所ニ從ヒ正當ニ登録セラレタル清國商標及版權ハ日本國ニ於ケル侵害ニ對シ同様ノ保護ヲ受クルコト勿論タルヘシ

本條ハ清國ノ安寧ヲ害セムトスル公刊物ノ著作者所有主若ハ販賣人タル日本國臣民又ハ清國臣民ヲ法律ノ正當ナル進行ニ對シ庇護スルモノト解スヘカラス

第六條 清國政府ハ成ルヘク速ニ自ラ進テ全國一定ノ貨幣制度ヲ創設シ全國一定ノ流通貨幣ヲ設備スヘキコトヲ約ス右流通貨幣ハ清國內ニ於テ日清兩國臣民均シク法貨トシテ自由ニ一切ノ租稅賦課及其ノ他ノ債務ノ辨濟ニ使用スルコトヲ得ヘシ但シ關稅ハ海關兩ヲ基礎トシ計算シテ支拂フコト勿論タルヘシ

第七條 清國各省ニ於テ商業者及一般人民カ普通及商業ノ爲メニ使用スル度量衡ハ區々一定セス且政府ノ定メタル本位ニ違ヒ清國及外國商人ノ貿易ニ障礙アリ是ヲ以テ清國各省ノ總督巡撫ハ其ノ時ノ狀勢ヲ詳查シ會同協議シテ一定ノ本位ヲ商定シ上奏ノ上之ヲ採用シ全國官民ノ一切取引ニ使用セシメ先ツ開市場ヨリ實施シ漸次内地ニ及ホスヘ

キコトヲ約ス若新定ノ度量衡ト現行ノ度量衡トノ間ニ差異アル時ハ其ノ差異ノ額ニ應シ増減ノ上公平ニ算定スヘシ

第八條 光緒貳拾四年五月ノ内地水路汽船航通規則及同年七月ノ追加規則ハ實行上不便ノ箇處アルヲ以テ清國政府ハ之ニ修正ヲ加ヘ本條約ニ右新規則ヲ添付スヘキコトヲ約ス此等ノ規則ハ相互ノ同意ニ依リ變改セララルマテハ其ノ效力ヲ有スルモノトス

第九條 日清兩國間ニ現ニ存在スル凡テノ條約及約定ノ規定ハ本條約ニ依テ改正又ハ廢止セラレサル限り茲ニ其ノ效力ヲ確認ス又日本國ノ政府官吏臣民通商航海運漕工業及一切ノ財產ハ

大清國皇帝陛下又ハ清國政府又ハ清國諸省若ハ地方官衙ヨリ他國ノ政府官吏臣民通商航海運漕工業又ハ財產ニ既ニ附與セラレ又ハ將來附與セララルヘキ一切ノ特權免除及利益ヲ自由且完全ニ享受スヘキコトヲ明ニ茲ニ規定ス

日本國政府ハ日本國ニ在ル清國官吏及臣民ニ對シ帝國法律規則ノ許ス限り成ルヘク優遇ヲ與フルコトヲ努ムヘシ

第拾條 兩締盟國ハ直隸省ニ駐屯スル外國軍隊及公使館護衛兵ノ總テ撤退シタル場合ニ

於テ清國ハ直ニ自ラ進テ外國人ノ居住及貿易ノ爲メ北京市内ノ一地區ヲ開クコト並
 之ニ關スル規則ハ其ノ時ニ於テ雙方協議ノ上決定スヘキコトヲ約ス
 清國政府ハ本條約批准交換ノ日ヨリ六個月以内ニ既ニ外國貿易ニ開カシタル港市ト同
 一ノ條件ヲ以テ湖南省長沙府ヲ外國貿易ノ爲メニ開クヘキコトヲ約ス同開港場在留外
 國人ハ清國居住民ト同シク地方及警察規則ヲ遵守スヘク清國官廳ノ承諾ヲ得ルニ非ツ
 レハ該條約港區域内ニ自己ノ地方役場又ハ警察ヲ設置スルコトヲ得ス
 清國政府ハ本條約批准交換後直ニ各國人ノ居住及貿易ノ爲メ自ラ進テ盛京省奉天府
 及同省大東溝ヲ開クヘキコトヲ約ス外國人ノ使用ニ供スル爲メニ適當ナル地域ノ撰擇
 並外國人ノ居住及貿易ノ爲メ定メラルル場所ノ規則ハ日清兩國政府協議ノ上之ヲ定ム
 ヘシ

第拾壹條 清國政府ハ其ノ司法制度ヲ改正シテ日本國及西洋各國ノ制度ニ適合セシムル
 コトヲ熱望スルヲ以テ日本國ハ右改正ニ對シ一切ノ援助ヲ與フヘキコトヲ約シ且清國
 法律ノ狀態其ノ施行ノ設備及其ノ他ノ要件ニシテ日本國カ満足ヲ表スルトキハ其ノ治
 外法權ヲ撤去スルニ躊躇セサルヘシ

第拾貳條 本條約ハ日本文漢文及英文ニテ調印スヘシ然レトモ將來ノ紛議ヲ避クル爲メ
 兩締盟國全權委員ハ日本文本文ト漢文本文トノ間ニ解釋ノ相違アル場合ニハ其ノ相違
 ノ點ハ英文本文ニ照ラシテ之ヲ決定スヘキコトヲ約ス

第拾參條 本條約ハ

大日本國皇帝陛下及

大清國皇帝陛下之ヲ批准セララルヘク而シテ其ノ批准書ハ本日ヨリ六箇月以内ニ成ルヘク速

ニ北京ニ於テ交換スヘシ

右證據トシテ兩國全權委員ハ本條約ニ署名調印スルモノナリ

明治參拾六年拾月八日即

光緒貳拾九年八月拾八日上海ニ於テ之ヲ作ル

大日本國條約改訂委員

公使館壹等書記官從五位勳五等

日

置

益 印

總領事正六位勳五等 小田切萬壽之助 印

大清國條約改訂委員

工部尚書 呂海寰

太子少保前工部左侍郎 盛宣懷

商部左侍郎 伍廷芳

關防

八

附屬第壹號

追加內地水路汽船航通規則

第壹條 日本國汽船所有者ハ水路沿岸ニ於テ貳拾五年ヲ超エサル期間清國臣民ヨリ倉庫及埠頭ヲ賃借スルコト自由ニシテ期限滿了ノ時ハ雙方商定ノ條件ヲ以テ之ヲ繼續スルコト隨意タルヘシ日本國商人ニシテ満足ナル條件ヲ以テ清國臣民ヨリ倉庫及埠頭ヲ賃借スルコト能ハサルトキハ地方官吏ハ總督巡撫又ハ商務大臣ト協議ノ上前記ノ如ク賃借ヲ繼續シ得ルノ條件ヲ以テ公平ナル時價ニテ貸渡スヘキ倉庫及埠頭ヲ設備スルコトヲ取計フヘシ

第貳條 埠頭ハ內地水路ヲ阻碍セス又ハ航行ニ妨ナキ位置ニ限り最近地方ノ海關稅務司ノ認可ヲ得テ之ヲ築造スルコトヲ得但シ右認可ハ故ナク之ヲ拒ムコトヲ得ス

第參條 日本國商人ハ右倉庫及埠頭ニ對シ其ノ附近ニ於テ同様ノ財產ヲ所有スル清國人ト同様ニ諸稅及賦課ヲ納付スヘキモノトス日本國商人ハ內地運漕業ニ從事スル汽船ノ寄港地ニ於テ前記ノ如ク賃借セル倉庫ニ居住シテ業務ニ從事セシムル代理人又ハ雇員ニハ清國人ノミヲ使用スヘキモノトス但シ日本國商人ハ其ノ事務視察ノ爲メ隨時自ラ

九

該地ニ出張スルコトヲ得清國臣民ニ對スル清國ノ現存管轄權ハ本項ノ爲メ何等減損又ハ妨礙セラレサルモノトス

第四條 清國ノ内地水路ヲ航行スル汽船ハ沿岸又ハ其ノ上ニ於ケル建設物ヲ毀損シ因テ以テ沿岸所有主ニ及ホシタル損失並該毀損ノ爲メニ生シタル損失ニ對シ賠償ノ責アルモノトス

若清國ニ於テ小汽船ノ某淺水水路ヲ使用スルコト沿岸ヲ傷害シ接近地ニ損害ヲ及ホスノ虞アル爲メ之ヲ禁止セムト欲スル場合ニ其ノ交渉ヲ受ケタル日本國官吏ハ其ノ故障ノ確實ナルヲ認メタルトキハ日本國小汽船ノ該水路使用ヲ禁止スヘキモノトス但シ清國小汽船モ亦均シク其ノ使用ヲ禁止セラルルコトヲ要ス

外國小汽船及清國小汽船ハ現時内地水路ニ設置セル堰閘ノ工事ヲ傷害シ因テ以テ地方人民ノ用水ニ損害ヲ及ホスヘキ虞アル箇所ニ於テハ之ヲ通過スルコトヲ禁ス

第五條 日本國政府ニ於テ清國ノ内地水路ヲ汽船ノ航行ニ開放セムト欲スル主旨ハ内外商品ヲシテ迅速運輸ノ便宜ヲ得セシメムトスルニアルヲ以テ同政府ハ現今又ハ今後清國ノ内地水路ニ使用セラルル日本國汽船ハ其ノ所有者ニ於テ之ヲ希望スルトキハ右等

汽船ノ清國會社ニ轉賣セラレ同國國旗ノ下ニ移サルルコトニ何等阻碍スル處ナカルヘキコトヲ約ス

清國法律ニ依リ登録セラレタル清國會社ニシテ清國ノ内地水路ニ於テ汽船ノ航行ヲ業トスルモノ設立セラルル場合ニ於テ日本國臣民カ該會社ノ株主タルノ事實ハ其ノ汽船ニ日本國國旗ヲ掲クル權利ヲ附與セサルモノトス

第六條 登録セラレタル汽船及其ノ曳船ハ清國形船舶カ從來常ニ禁止セラレタルト同様禁制品ヲ輸送スルコトヲ禁ス本規定ニ背キタルトキハ此ノ種ノ違犯ニ關シ條約ニ規定セル罰ヲ課シ且該船ノ携帶スル内地水路航行證ヲ取消シ該船ハ爾後内河航行ヲ禁止セラルヘシ

第七條 汽船ノ來航ニ慣レサル内地居住民ヲシテ之カ爲メ成ルヘク騷擾セシメサラムコト望マシキニ因リ從來汽船ノ往復セサル内地水路ハ商人ノ便宜ニ應シ成ルヘク漸次ニ之ヲ開放シ且汽船所有者ニ於テ其ノ業務ニ利潤アルヘキ見込アルトキニ限り開放セラ

ルヘシ
從來汽船ノ往復セシコトヲキ水路ニ其ノ航通ヲ開カムトスル場合ニ於テハ先ツ最近開

港所在稅務司ニ其ノ旨ヲ申出テ該稅務司ハ之ハ商務大臣ニ通牒シ同大臣ハ該地方ノ總督又ハ巡撫ト協同シテ本件ニ關スル總テノ情狀ヲ詳查ノ上直ニ許可ヲ與フヘキモノトス

第八條 登録汽船ハ一港内ニ於テ又ハ開港ヨリ他ノ開港ヘ又ハ開港ヨリ内地ヘ及内地ヨリ右開港ヘ往復スルコトヲ得又該船ハ海關ヘ正式ノ届書ヲ差出シタル上航行ノ途中通過スル場所ニシテ貿易地ト認メラレタル所ニ於テ乗客又ハ荷物ヲ陸揚又ハ搭載スルコトヲ得但シ清國政府ノ承諾ヲ得タル場合ヲ除クノ外專ラ内地間ノミ往復スルコトヲ得ス

第九條 荷船又ハ客船ハ汽船ニテ曳クコトヲ得曳カレ行ク船舶ノ舵手及乗組人ハ清國人ニ限ルヘシ總テ船舶ハ其ノ所有者ノ何人タルヲ問ハス内地ヘ向ケ航行スルニ先テ登録ヲ受クルコトヲ要ス

第十條 本規則ハ光緒貳拾四年五月及七月發布ノ内地水路汽船航通規則ノ追加ニシテ右

五月及七月ノ規則ニシテ今回協定ノ規則ニ依リ改メラレサル條項ハ全然有效トス
本規則竝光緒貳拾四年五月及七月ノ各規則ハ今後必要ニ應シ雙方ノ同意ヲ以テ改正ス

ルコトヲ得ヘシ

明治參拾六年拾月八日即

光緒貳拾九年八月拾八日上海ニ於テ之ヲ作ル

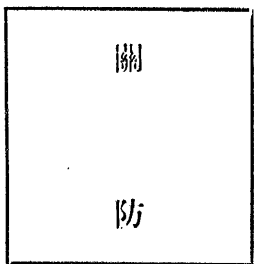
日 置 益 印

小田切萬壽之助 印

呂 海 實

盛 宣 懷 關 防

伍 延 芳



附屬第貳號

以書翰致啓上候陳者本條約第參條ニ於テ清國政府ハ内河航行ニ適スル各種ノ日本國汽船カ
 清國海關ニ届出テ上内地水路汽船航通規則及同追加規則ニ依リ貿易ノ目的ヲ以テ清國開
 港場ヨリ其ノ届ケ出テタル内地ニ航行スルコトヲ承諾セラレ候該條ハ日本國各種汽船ハ其
 ノ大小ヲ論セス總テ内地水路ヲ航行シ得ルモノナレハ該規則ニ從ヒ必要ナル證書ヲ受ケタ
 ル上内地諸港ニ往復スルコトヲ得ヘク清國政府ハ如何ナル場合ト雖モ此等汽船ノ内地航行
 ナ阻礙禁止スルヲ得ストノ意義タルハ勿論ノ儀ニ有之候就テハ將來誤解ヲ避ケムカ爲メ總
 稅務司ニ對シ上記ノ主旨ニ基ツキ諸事取扱フヘキ様御訓令相成度尙ホ何分ノ儀貴答ヲ煩ハ
 シ度此段御照會得貴意候敬具

明治參拾六年拾月八日

大日本國條約改訂委員

小田切萬壽之助 印

日 置 益 印

大清國條約改訂委員

呂海寰閣下
 盛宣懷閣下
 伍廷芳閣下

附屬第參號

以書翰致啓上候陳者本日附貴翰ヲ以テ本條約第參條ニ據レハ内河航行ニ適スル日本國各種汽船ハ其ノ大小ヲ論セス總テ該規則ニ從ヒ必要ナル證書ヲ受ケタル上内地諸港ニ往復スルコトヲ得ヘク清國政府ハ如何ナル場合ト雖モ此等汽船ノ内地航行ヲ阻礙禁止スルヲ得サル旨將來ノ誤解ヲ避クル目的ヲ以テ御申越ノ趣致了承候本委員等曾テ貴委員等ト本條ヲ商議スルニ際シ貴委員等ヨリ御手交相成タル日本國汽船目錄ニ據レハ山陽丸瀨田川丸日向丸浦戸丸寧靜丸平安丸太閤丸吉野丸明光丸福壽丸肱川丸永田丸共同丸蓬萊丸貫效丸瓊港丸錦龍丸全勝丸康平丸等ハ其ノ載量百貳拾噸乃至四百拾噸ニシテ内地水路汽船航通規則ニ依リ必要ノ證書ヲ得テ以テ從來芝罘及滿州ノ内地諸港ニ往復スルコトヲ許可セラレ其ノ形狀載量ノ故ヲ以テ航行ヲ禁止セラレタルコトナカリシ趣ニ有之候ニ付副總稅務司ヲシテ各關ニ於ケル記錄ヲ取調ヘシメ候處事實御申越ノ通り相違スル所無之旨回報致候

今茲ニ本件ニ付御照會ニ接シ候ニ付外務部ニ對シ前陳ノ事情ヲ考量ノ上可然取扱フヘキ様總稅務司ニ訓示方請求可致候此段拜答得貴意候敬具

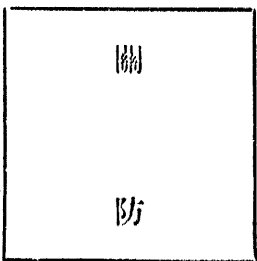
光緒貳拾九年八月拾八日

大清國條約改訂委員

伍 廷 芳

盛 宣 懷

呂 海 寰



大日本國條約改訂委員

日 置 益 閣 下

小田切萬壽之助閣下

附屬第四號

以書翰致啓上候陳者光緒貳拾四年七月發布ノ内地水路汽船航通追加規則第九條ノ税金及釐金徵收ノ爲メ吏員任命ニ關スル規定ハ未タ盡ク實行セラレサル所有之右ハ緊要ノ事項ニ付貴國政府ヨリ各省ニ對シ右規定ヲ嚴正ニ施行スル様重キテ御訓達相成候様致度因テ貴委員等ニ於テ右請求ニ御同意相成且貴答相煩シ度此段御照會得貴意候敬具

明治參拾六年拾月八日

大日本國條約改訂委員

小田切萬壽之助 印

日 置 益 印

大清國條約改訂委員

呂海寰 閣下

盛宣懷 閣下

伍廷芳 閣下

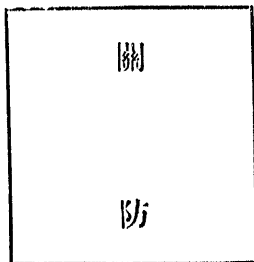
附屬第五號

以書翰致啓上候陳者本日付貴翰ヲ以テ光緒貳拾四年七月發布ノ内地水路汽船航通追加規則第九條ノ税金及釐金徴收ノ爲メ吏員任命ニ關スル規定ハ未タ盡ク實行セラレサル所有之右ハ緊要ノ事項ニ付貴國政府ヨリ各省ニ對シ右規定ヲ嚴正ニ施行スル様重ホテ御訓達相成候様致度旨御照會ノ趣致領悉候右ニ關シテハ本委員等ヨリ當該官廳ニ對シ相當ノ處置ヲナス様照會致置候間右様御承知相成度此段拜答得貴意候敬具

光緒貳拾九年八月拾八日

大清國條約改訂委員

伍 廷 芳
盛 宣 懷
呂 海 寰



大日本國條約改訂委員

日 置 益 閣 下
小田切萬壽之助閣下

附屬第六號

以書翰致啓上候陳者北京ニ各國人民ノ居住及營業ノ場所ヲ設置スルコトニ關スル本條約第拾條ノ規定ニ據レハ各國公使館護衛兵及通路護衛兵ニシテ全然撤回セラレタル場合ニ於テハ北京ニ在テ内城ノ外ニ於テ貴我双方ニ都合好ク且故障ナキ場所ヲ擇ヒ各國商人居住營業ノ場處ニ充ツヘキ旨定メラレ候而シテ其ノ境界内ニ於テハ各國商民ノ土地ヲ租借シ家屋倉庫ヲ建造シ營業ノ場處ヲ開設スルヲ許スヘク候尤モ清國人民ノ私有ニ屬スル家屋及土地ノ租借ニ關シテハ其ノ所有者ニ於テ賃貸ノ希望ヲ有スルヲ要シ且其ノ契約ハ抑制強迫ヲ用フルコトナク公平ニ協定セラレヘキモノニ有之候右場處内ノ道路橋梁ハ清國官廳ニ於テ之ヲ管轄經理シ該處ニ居住スル外國人ハ清國住民ト同シク其ノ地方及警察規則ヲ遵守スヘク清國官廳ノ承諾ヲ得ルニ非サレハ自ラ地方役場及警察ヲ設クルコトヲ得サル儀ニ有之右各國人民居住及營業ノ場處開カレ且其ノ境界劃定セラレタル上ハ從來城内城外ニ散在セル外國人ハ都テ該場處内ニ移居スルコトヲ要シ處々ニ散住シテ以テ清國官廳ノ必要ナル取締ニ便ナラシムルヲ得サル次第ニ有之候右外國人所屬ノ土地家屋ハ公平ニ其ノ價格ヲ協定シ之ニ對シ相當ノ賠償ヲ支拂ヒ又其ノ移轉期限ハ其ノ時ニ於テ決定セラレヘシ而シテ其ノ期限

内ニ移轉セサル者ハ何等賠償ヲ要求スルノ權ナカルヘク候本委員等ハ將來不必要ナル交渉ヲ避ケムカ爲メ前記ノ如ク協定シ置クコトノ双方ニ利益アルヲ認メ茲ニ貴委員等ノ考量ヲ煩ハシ且御同意アラムコトヲ希望シ併セテ何分ノ貴答ヲ煩ハシ度此段御照會得貴意候敬具

光緒貳拾九年八月拾八日

大清國條約改訂委員

伍廷芳

盛宣懷

呂海寰

關防

大日本國條約改訂委員

目 置 益 閣 下

小田切萬壽之助閣下

附屬第七號

以書翰致啓上候陳者本口付貴翰接收北京ニ各國人民ノ居住及營業ノ場所ヲ設置スルコトニ
關スル本條約第拾條ノ規定ニ據レハ各國公使館護衛兵及通路護衛兵ニシテ全然撤回セラレ
タル場合ニ於テハ北京ニ在テ内城ノ外ニ於テ貴我双方ニ都合好ク且故障ナキ場所ヲ擇ヒ各
國商人居住營業ノ場處ニ充ツヘキ旨定メラレ候而シテ其ノ境界内ニ於テハ各國商民ノ土地
ヲ租借シ家屋倉庫ヲ建造シ營業ノ場處ヲ開設スルヲ許スヘク候尤モ清國人民ノ私有ニ屬ス
ル家屋及土地ノ租借ニ關シテハ其ノ所有者ニ於テ賃貸ノ希望ヲ有スルヲ要シ且其ノ契約ハ
抑制強迫ヲ用フルコトナク公平ニ協定セラレヘキモノニ有之候右場處内ノ道路橋梁ハ清國
官廳ニ於テ之ヲ管轄經理シ該處ニ居住スル外國人ハ清國住民ト同シク其ノ地方及警察規則
ヲ遵守スヘク清國官廳ノ承諾ヲ得ルニ非サレハ自ラ地方役場及警察ヲ設クルコトヲ得サル
儀ニ有之右各國人民居住及營業ノ場處開カレ且其ノ境界劃定セラレタル上ハ從來城内城外
ニ散在セル外國人ハ都テ該場處内ニ移居スルコトヲ要シ處々ニ散住シテ以テ清國官廳ノ必
要ナル取締ニ不便ナラシムルヲ得サル次第ニ有之候右外國人所屬ノ土地家屋ハ公平ニ其ノ
價格ヲ協定シ之ニ對シ相當ノ賠償ヲ支拂ヒ又其ノ移轉期限ハ其ノ時ニ於テ決定セラレヘシ

而シテ其ノ期限内ニ移轉セサル者ハ何等賠償ヲ要求スルノ權ナカルヘク候本委員等ハ將來
 不必要ナル交渉ヲ避ケムカ爲メ前記ノ如ク協定シ置クコトノ双方ニ利益アルヲ認メ茲ニ貴
 委員等ノ考量ヲ煩ハシ且御同意アラムコトヲ希望スル旨御照會ノ趣致閱悉候右貴翰ニ記載
 セラレタル各項ハ大體ニ於テ御同意致シ差支無之候得共之ニ關スル詳細ノ規則ハ其ノ時ニ
 於テ本條約第拾條ノ規定ニ從ヒ協議ノ上満足ニ取極可申候尤モ右諸規則ト清國及各外國間
 ニ協定セララルヘキ諸規則トノ間ニ本邦ノ不利ニ歸スルカ如キ差別ナカルヘキハ勿論ノ儀ニ
 有之候此段拜答得貴意候敬具

明治參拾六年拾月八日

大日本國條約改訂委員

小田切萬壽之助 印

日 置 益 印

大清國條約改訂委員

呂海寰 閣下

盛宣懷 閣下

伍廷芳 閣下

明治三十六年十二月二日御名調印

御批准案

天佑ヲ保有シ萬世一系ノ帝祚ヲ踐ミタル大
日本國皇帝(御名)此書ヲ見ル有衆ニ宣示ス
朕明治三十四年九月七日清國北京ニ於テ帝國
外十箇國全權委員ト清國全權委員トノ間ニ
記名調印シタル議定書第十一條ノ規定ニ基キ
明治三十六年十月八日上海ニ於テ帝國全權委
員ト清國全權委員トノ間ニ記名調印シタル
追加日清通商航海條約ノ各條目ヲ親シク閱覽
點檢シタルニ善ク朕ノ意ニ適シ間然スル所ナ

秘

中日通商行船條約續約

キヲ以テ右條約ヲ嘉納批准ス
神武天皇即位紀元二千五百六十三年明治三十
六年 月 日東京宮城ニ於テ親カラ名ヲ署
シ璽ヲ鈐セシム

御名 國璽

外務大臣男爵小村壽太郎

大清國

大皇帝陛下

大日本國

大皇帝陛下為將光緒二十七年七月二十五日即明治三十四年九月初七日在北京簽定議定

條款第十一條所定之事實辦見效起見商定通商行船條約續約以期中日兩國通商事宜

緣此簡易振興是以

大清國

大皇帝陛下

欽差辦理商約事務大臣太子少保前工部左侍郎 盛 宣 懷

特派 欽差辦理商約事務大臣工部尙書 呂 海 寰

欽差辦理商約事務大臣商部左侍郎 伍 廷 芳

大日本國

大皇帝陛下

特派 欽差全權辦理商約事務大臣公使館頭等參贊官從五位勳五等 日 置 益

欽差全權辦理商約事務大臣總領事正六位勳五等 小田切萬壽之助

爲全權大臣各將所奉全權文憑較閱俱屬妥善會同議定各條開列於左

二

第一款

中國現因釐革財政擬欲照征海陸各關所過百貨之正稅外另添加稅以酌補因全行裁釐所細之款日本國政府允認按照中國與有約各國共同商定加稅之率一律照輪無異所有中國征收出產銷場出廠以及土葯鹽斤等稅亦悉照各國與中國商定辦法無稍歧異並不因此日本之商務暨利權較他國商務暨利權致有軒輊之處

第二款

中國國家允日本輪船業主自行出資在長江宜昌至重慶一帶水道施設扯上湍瀨之件因關係四川兩湖地方百姓應聽候海關核准後始行安設無論民船輪船均可任便聽用但所設之件不得阻礙水道或阻礙民船暢行或阻礙江邊陸路行人所有一切辦法仍須遵照海關議定專章辦理

第三款

中國國家允能走內港之日本各項輪船在海關報明由通商口岸往來報明之內港地方貿易應悉照所定正續各章程辦理

第四款

中國人民與日本臣民爲辦正經事業合股經營或合辦公司應照其合同章程損益公任並須照其自認合同章程辦理並願按日本公堂解釋該合同章程之辦法倘不照辦致被控告中國公堂應即飭令中國人民將其分內當爲之事照合同章程辦理
日本臣民與中國人民合股經營或合辦公司亦應照其合同章程損益公任倘有不守合同章程分內當爲之事日本公堂亦須飭令一律辦理

第五款

中國國家允定一章程以防中國人民冒用日本臣民所執掛號商牌有礙利益所有章程必須切實照行
日本臣民特爲中國人備用起見以中國語文著作書籍以及地圖海圖執有印書之權亦允由中國國家定一章程一律保護以免利益受虧
中國國家允設立註冊局所凡外國商牌並印書之權請由中國國家保護者須遵照將來中國所定之保護商牌及印書之權各章程在該局所註冊
日本國國家亦允保護中國人民按照日本律例註冊之商牌及印書之權以免在日本冒用之弊

凡日本臣民或中國人民爲書籍報紙等件之主筆或業主或發售之人如各該件有礙中國

三

治安者不得以此款邀免應各按律例懲辦

第六款

中國國家允願自行從速改定一律通用之國幣將全國貨幣俱歸畫一即以此爲合例之國幣將來中日兩國人民即在中國境內遵用以完納各項稅課及別項往來用款毫無窒礙惟彼此商明凡納關稅仍以關平核計爲準

第七款

中國因各省市肆商民所用度量權衡參差不一並不遵照部定程式於中外商民貿易不無窒礙應由各省督撫自行體察時勢情形會同商定畫一程式各省官民出入一律無異奏明辦理先從通商口岸辦起以漸推廣內地惟將來新定之度量權衡與現行之度量權衡有所參差或補或減應照數核算以昭平允

第八款

光緒二十四年五月七月先後所訂內港行輪章程間有未便是以中國允將此章程從新修補附載此約惟此章程應按照遵行直至日後彼此允願更改爲止

第九款

中日兩國現存各條約及兩國約定事項未經因立本條約更改或廢除者仍舊照行不違茲

特聲明且大日本國政府官員臣民通商行船轉運工藝以及所有一切財產應享

大清國

大皇帝陛下及政府各省或地方各官府允與別國政府官員臣民通商行船轉運工藝以及財產之一切優例豁除及利益無論其現已允與或將來允與一體均享完全無缺

中國官員工商人民之在日本者日本國政府亦必按照律法章程極力通融優待

第十款

現在兩國議定如駐紮直隸省之各國兵隊暨各國護館兵隊一律撤退後中國即當在北京自開通商場其詳細章程臨時商酌訂定

中國允願俟本日所訂畫押之中日通商行船條約續約批准互換後六箇月以內將湖南省之長沙府開作通商口岸與已開各通商口岸無異各國人民在該通商口岸居住者須遵守該處工部局及巡捕章程與居住各該處之華民無異非得華官允准不能在該通商口岸之界內自設工部局及巡捕

中國政府應允俟此約批准互換後將盛京省之奉天府又盛京省之大東溝兩處地方由中國自行開埠通商此兩處通商場訂定外國人公共居住合宜地界並一切章程將來由中日兩國政府會同商定

第十一款

中國深欲整頓本國律例以期與東西各國律例改同一律日本國允願盡力協助以成此舉一俟查悉中國律例情形及其審斷辦法及一切相關事宜皆臻妥善日本國即允棄其治外法權

法權

第十二款

本條約繕就漢文日本文英文署名為定惟為防以後有所辯論起見兩國全權大臣訂明如將來漢文與日本文有參差不符均以英文為準

第十三款

本條約應奉

大清國

大皇帝陛下

大日本國

大皇帝陛下批准既經批准後在北京迅速互換其互換日期由本日署名起至遲不逾六個月為此兩國全權大臣署名蓋印以昭信守

欽差辦理商約事務大臣太子少保前工部左侍郎 盛 宣 懷 花押

大清國 欽差辦理商約事務大臣工部尚書 呂 海 寰 花押

欽差辦理商約事務大臣商部左侍郎 伍 廷 芳 花押

大日本國 欽差全權辦理商約事務大臣公使館頭等參贊官從五位勳五等 日 置 益 花押

欽差全權辦理商約事務大臣總領事正六位勳五等 小田切萬壽之助 花押

光緒二十九年八月十八日 訂於上海

明治三十六年十月初八日

附件第一

續議內港行輪修補章程

- 一 日本國輪船東可向中國人民在河道兩岸租棧房及碼頭不逾二十五年租期如彼此兩願續租亦可從新再議倘日商不能向華民妥租棧房及碼頭須由地方官經總督巡撫商務大臣商妥後照公道時值預備棧房碼頭租給租滿之後亦可接租
- 二 靠船碼頭不得有阻水道亦不礙船隻通行並須由最近海關先行查明允准但海關亦不得無故駁阻
- 三 日本國商人所租棧房及小碼頭須納稅捐如同中國人民左近相類之房產一樣日本國商人只能用中國代理人及辦事等人在該內河行輪處所租棧房之內居住貿易惟日商亦可隨時前往察視其生意情形不得因此於中國向來管轄華民之權稍有減損或有所防礙
- 四 凡在中國內港行駛之輪船如有損傷隄岸或各項工程應責成該輪船將該隄岸工程查係損傷以及他項因傷受虧一切賠償業主如有淺水河道恐因行輪致傷隄岸以及相連之田地中國欲禁小輪行駛者知會日本國官員查明實有防礙即行禁止日輪行駛該河但華輪亦應一律禁止至華洋輪船並不得駛過內河向有壩閘之處防有損傷該處壩閘有礙水利日本國政府欲將中國內地水道開通行駛輪船大意實為中外貨物運動迅速起見如現在
- 五

- 或日後有行駛內地水道之日輪而該船業主允願將輪船轉賣與華人公司及掛中國旗號日本國政府應許不加禁阻
- 如有華人按照中國律例註冊設立內港行輪公司而有日本人附股者不得因該公司有日本商股在內遂以為該公司輪船即准掛日本國旗號
- 六 民船向不准裝運違禁貨物凡行駛內港輪船及該輪施帶之船亦均一律不准裝運如有不遵即照約載違禁章程辦理註銷所給關牌不准行駛內港
- 七 內港行輪風氣未開內地居民宜令其少受驚擾故凡內港其向未經輪船行駛者須審察商人之便並輪船東實見生意有利可圖方可漸次開駛如有商人有意於商船未經到之內港設輪行駛須先向最近口岸之稅務司報明以便轉稟商務大臣會同該省督撫體察情形迅速批准
- 八 此項輪船准在口岸內行駛或由通商此口至通商彼口或由口岸至內地並由該內地處駛回口岸並准報明海關在沿途此次所經貿易各埠上下客貨但非奉中國政府允准不得由此不通商口岸之內地至彼不通商口岸之內地專行往來
- 九 無論客船或貨船均准輪船拖帶凡被拖之船隻其船戶水手人等均應歸華民充當並不拘船東為何人均須掛號方准由口岸行駛內港

十 以上章程係補續光緒二十四年五月七月前後所訂內港行輪之章程其未經此次所訂更改者則仍舊照行

此次之章程及光緒二十四年前後所訂之章程嗣後倘有應行修改之處即可彼此酌情商定

大清國光緒二十九年八月十八日

盛 宣 懷 花押
呂 海 寰 花押
伍 廷 芳 花押

日 置 益 花押

大日本國明治三十六年十月初八日

小田切萬壽之助 花押

附件第二係附第三款之一

大 日 本 欽 差 辦 辦 理 理 商 商 約 約 大 大 臣 臣 小 小 田 田 切 切 置 置

爲

照會事照得此次議定條約第三款載中國

國家允能走內港之日本各項輪船在海關報明由通商口岸往來報明之內港地方貿易應悉照所定正續章程辦理等語日本各項輪船無論大小只以能走內港爲準此項能走內港之日本各輪船均可照章領牌往來內港中國不得籍詞禁止此等輪船來往內港本大臣爲預防將來議論起見照會

貴大臣查照即請轉飭總稅務司遵辦並請照復可也須至照會者

右 照 會

大 清 欽 差 辦 辦 理 理 商 商 約 約 大 大 臣 臣 伍 伍 盛 盛 呂 呂 盛 盛

明治三十六年十月初八日

附件第三係附第三款之二

大

清 欽 差

辦辦辦

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商商商

約約約

大大大

臣臣臣

伍呂盛

爲

照覆事照得光緒二十九年八月十八日准

貴大臣照會聲明此次議定條約第三款內載能走內港之日本各輪船無論大小只以能走內港爲準均可照章領牌往來內港中國不得籍詞禁止爲預防將來議論起見等因查本大臣前與

貴大臣會議此款時曾准

貴大臣開送清單有

貴國輪船名曰山陽丸瀨田丸日向丸浦戶丸甯靜丸平安丸太閤丸吉野丸明光丸福壽丸肱川丸永田丸共同丸蓬萊丸貫效丸瓊港丸錦龍丸全勝丸康平丸載重一百二十一噸至四百一十噸向往來烟臺東三省各內港領有牌號遵照內港章程辦理不在禁止之列即經飭據副總稅務司行查各關與成案相符茲復准照會前因應即咨請外務部轉行總稅務司查酌辦理可也相應照覆貴大臣查照存案須至照覆者

右

照

覆

大日本欽差辦理商約大臣小田切

光緒二十九年八月十八日

附件第四係附第八款之一

大日本欽差辦理商約大臣小田切

照會事查得光緒二十四年七月所定補續章程第九款派員統收稅釐各辦法現在尙有未盡照辦之處應請由

貴國政府再行通飭各省一體照章辦理實爲切要爲此備文照請

貴大臣核允並即見覆爲盼須至照會者

大清欽差辦理商約大臣盛

明治三十六年十月初八日

附件第五係附第八款之二

大清欽差辦理商約大臣盛

照覆事接准明治三十六年十月初八日

貴大臣照會內開查得光緒二十四年七月所定補續章程第九款派員統收稅釐各辦法現在尙有未盡照辦之處應請由貴國政府再行通飭各省一體照章辦理實爲切要等因准此

本大臣均已閱悉除咨行辦理外相應照覆

貴大臣查照可也須至照覆者

大日本欽差辦理商約大臣小田切

光緒二十九年八月十八日

附件第六係附第十款之一

大清欽差辦理商約大臣盛
照會事所有在北京開設通商場一事按照通商行船條約續約第十款所訂如各國護館護
路兵隊一律全行撤退後於北京內城之外擇彼此相宜並無窒礙之地劃定界址開作各國商
人居住貿易之所界內地方准各國商人租地造屋開設行棧店舖惟民房民地必須業主情
願出租者公平商議租價不得抑勒強迫所有道路橋梁均由中國自行管轄經理各國商民
在北京通商場內居住者須遵守該處工部局及巡捕章程與居住該處之華民無異非得華
官允准不能在界內自設工部局及巡捕自定界開辦以後凡從前各國商民之散居城內外
者均須遷入界內不得仍前散居各處以致漫無稽考所有外國商民房地公同酌定給予公
平價值其遷移入界限期臨時酌定若逾限不遷即不給價似此預定辦法則庶免臨時籌議
周折實屬兩便之舉為此備文照請
貴大臣核允並希見覆可也須至照會者
照
右
會

大日本欽差辦理商約大臣小田切

光緒二十九年八月十八日

附件第七係附第十款之二

大 日本 欽 差 辦 辦 理 理 商 商 約 約 大 大 臣 臣 小 小 田 田 切 切 置 置

爲

照覆事接准光緒二十九年八月十八日

貴大臣照會內開所有北京開設通商場一事按照通商行船條約續約第十款所訂如各國護館護路兵隊一律全行撤退後於北京內城之外擇彼此相宜並無窒礙之地劃定界址開作各國商人居住貿易之所界內地方准各國商人租地造屋開設行棧店舖惟民房地必須業主情願出租者公平商議租價不得抑勒強迫所有道路橋梁均由中國自行管轄經理各國商民在北京通商場內居住者須遵守該處工部局及巡捕章程與居住該處之華民無異非得華官允准不能在界內自設工部局及巡捕自定界開辦以後凡從前各國商民之散居城內外者均須遷入界內不得仍前散居各處以致漫無稽考所有外國商民房地公同酌定給與公平價值其遷移入界限期臨時酌定若逾限不遷即不給價似此預定辦法則庶免臨時籌議周折實屬兩便之舉爲此備文照請

貴大臣核允等因准此本大臣查所有來文內所開各節大致均可照辦至其詳細章程自應按照兩國通商行船條約續約第十款所訂臨時商酌安定惟不得與別國歧異致有向隅相

應照復

貴大臣查照須至照復者

右 照 復

大 清 欽 差 辦 辦 理 理 商 商 約 約 大 大 臣 臣 伍 伍 盛 盛 復 復

明治三十六年十月初八日

秘

SUPPLEMENTARY TREATY
OF
COMMERCE AND NAVIGATION
BETWEEN
JAPAN AND CHINA.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, in order to give full effect to the provisions of Article XI of the Final Protocol signed at Peking on the seventh day of the ninth month of the thirty-fourth year of MEIJI, corresponding to the twenty-fifth day of the seventh moon of the twenty-seventh year of KUANG-HSÜ, have resolved to conclude a Supplementary Treaty of Commerce and Navigation, designed to facilitate and promote the commercial relations between Japan and China, and have for that purpose named as Their Plenipotentiaries, that is to say :

His Majesty the Emperor of Japan, HIOKI EKI, Jugoi, Fifth Class of the Imperial Order of the Rising Sun, First Secretary of Legation, and ODAGIRI MASOSKE, Shorokui, Fifth Class of the Imperial Order of the Rising Sun, Consul-General ;

And His Majesty the Emperor of China, LÜ HAI-HUAN, President of the Board of Public Works, SHÈNG HSÜAN-HUAI, Junior Guardian of the Heir Apparent, formerly Senior Vice-President of the Board of Public Works, and WU T'ING-FANG, Senior Vice-President of the Board of Commerce :

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

ARTICLE I.

WHEREAS China, with the object of reforming its fiscal system, proposes to levy a surtax in excess of the tariff rates on all goods passing through the Custom Houses, whether maritime or inland and frontier, in order to compensate in a measure for the loss incurred by the complete abolition of *likin*, Japan consents to pay the same surtax as is agreed upon between China and all the Treaty Powers. With regard to the production tax, consumption tax and excise, and the taxes on native opium and salt, leviable by China, Japan also consents to accept the same arrangements as are agreed upon between all the Treaty Powers and China. It is understood however that the commerce, rights and privileges of Japan shall not, on account of the above, be placed at any disadvantage as compared with the commerce, rights and privileges of other Powers.

ARTICLE II.

The Chinese Government agree to permit Japanese steamship-owners to erect, at their own expense, appliances for hauling through the rapids of that part of the Yang-tze-kiang between Ichang and Chungking. But as the interests of the population of the provinces of Szechuen, Hunan and Hupeh are involved, it is therefore necessary that the approval of the Imperial Maritime Customs be obtained before such appliances may be so erected.

These appliances, which shall be at the disposal of the vessels both steamers and junks, shall not obstruct the waterway nor interfere with the free passage of junks or of persons on the banks of the river. Such appliances shall be subject to special regulations to be drawn up by the Imperial Maritime Customs.

ARTICLE III.

The Chinese Government agree that any Japanese steamer capable of navigating the inland waterways, upon reporting at the Imperial Maritime Customs, may proceed for the purpose of trade from a treaty port to places inland, so reported, on complying with the Original and Supplementary Regulations for Steam Navigation Inland.

ARTICLE IV.

In case Chinese subjects conjointly with Japanese subjects organise a partnership or company for a legitimate purpose, they shall equitably share the profits and losses with all the members according to the terms of the agreement or memorandum and articles of association and the regulations framed thereunder, and they shall be liable to the fulfilment of the obligations imposed by the said agreement or memorandum and articles of association and the regulations framed thereunder as accepted by them and as interpreted by Japanese Courts. Should they fail to fulfil the obligations so imposed and legal action be taken against them in consequence, Chinese Courts shall at once enforce fulfilment of such obligations.

It is understood that in case Japanese subjects conjointly with Chinese subjects organise a partnership or company, they shall also equitably share the profits and losses with all the members according to the terms of the agreement or memorandum and articles of association and the regulations framed thereunder. Should such Japanese subjects fail to fulfil any of the obligations imposed by the said agreement or memorandum and articles of association or by the regulations framed thereunder, Japanese Courts shall in like manner at once enforce fulfilment of such obligations by them.

ARTICLE V.

The Chinese Government agree to make and faithfully enforce such regulations as are necessary for preventing Chinese subjects from infringing registered trade-marks held by Japanese subjects.

The Chinese Government likewise agree to make such regulations as are necessary for affording protection to registered copyrights held by Japanese subjects in the books, pamphlets, maps and charts written in the Chinese language and specially prepared for the use of Chinese people.

It is further agreed that the Chinese Government shall establish registration offices where foreign trade-marks and copyrights, upon application for the protection of the Chinese Government, shall be registered in accordance with the provisions of the regulations to be hereafter framed by the Chinese Government for the purpose of protecting trade-marks and copyrights.

It is understood that Chinese trade-marks and copyrights properly registered according to the provisions of the laws and regulations of Japan will receive similar protection against infringement in Japan.

This Article shall not be held to protect against due process of law any Japanese or Chinese subject who may be the author, proprietor or seller of any publication calculated to injure the well-being of China.

ARTICLE VI.

China agrees to establish itself, as soon as possible, a system of uniform national coinage and provide for a uniform national currency which shall be freely used as legal tender in payment of all duties, taxes and other obligations by Japanese subjects as well as by Chinese subjects in the Chinese Empire. It is understood, however, that all Customs duties shall continue to be calculated and paid on the basis of the Haikwan tael.

ARTICLE VII.

As the weights and measures used by the mercantile and other classes for general and commercial purposes in the different provinces of China vary and do not accord with the standards fixed by the Imperial Government Boards, thus resulting in detriment to the trade of Chinese and foreigners, the Governors General and Governors of all the provinces, after careful inquiry into existing conditions, shall consult together and fix upon uniform standards which, after a Memorial to the Throne for sanction, shall be adopted and used in all transactions by officials and people throughout all the Empire. These standards shall be first used in the places opened to foreign trade and gradually extended to inland places. Any differences resulting from divergence between the new weights and measures and those now in vogue shall be equitably settled, whether by way of increase or decrease, according to the amount of such difference.

ARTICLE VIII.

The Regulations for Steam Navigation Inland of the fifth moon of the twenty-fourth year of KUANG-HSÜ and the Supplementary Rules of the seventh moon of the same year

having been found in some respects inconvenient in working, the Chinese Government hereby agree to amend them and to annex such new Rules to this Treaty.

These Rules shall remain in force until altered by mutual consent.

ARTICLE IX.

The provisions of all treaties and engagements now subsisting between Japan and China, in so far as they are not modified or repealed by this Act, are hereby confirmed; and it is hereby expressly stipulated in addition that the Japanese Government, Officers, Subjects, Commerce, Navigation, Shipping, Industries and Property of all kinds shall be allowed free and full participation in all privileges, immunities and advantages which have been or may hereafter be granted by His Majesty the Emperor of China or by the Chinese Government or by the Provincial or Local Administrations of China to the Government, Officers, Subjects, Commerce, Navigation, Shipping, Industries or Property of any other nation.

The Japanese Government will do its utmost to secure to Chinese Officers and Subjects resident in Japan the most favourable treatment compatible with the laws and regulations of the Empire.

ARTICLE X.

The High Contracting Parties hereto agree that, in case of and after the complete withdrawal of the foreign troops stationed in the province of Chibli and of the Legation guards, a place of international residence and trade in Peking will be forthwith opened by China itself. The detailed regulations relating thereto shall be settled in due time after consultation.

The Chinese Government agree to open to foreign trade, within six months from the exchange of the Ratifications of this Treaty, Ch'angsha-fu in the province of Hunan on the same footing as the ports already opened to foreign trade. Foreigners residing in this open port are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish a Municipality and Police of their own within the limits of this treaty port, except with the consent of the Chinese authorities.

The Chinese Government agree that, upon the exchange of the Ratifications of this Treaty, Mukden and Tatungkow, both in the province of Shengking, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of Japan and China after consultation together.

ARTICLE XI.

The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of Japan and Western nations, Japan agrees to give every assistance to such reform, and will also be prepared to relinquish its extra-territorial rights when

satisfied that the state of the Chinese laws, the arrangements for their administration and other considerations warrant it in so doing.

ARTICLE XII.

The present Treaty is signed in the Japanese, Chinese and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed that in case of any divergence in the interpretation between the Japanese and Chinese Texts of the Treaty, the difference shall be settled by reference to the English Text.

ARTICLE XIII.

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the Ratifications thereof shall be exchanged at Peking as soon as possible and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Shanghai this eighth day of the tenth month of the thirty-sixth year of MEIJI, corresponding to the eighteenth day of the eighth moon of the twenty-ninth year of KUANG-HSU.

[L.S.] HIOKI EKI.

[L.S.] ODAGIRI MASNOSKE.

Signature of
His Excellency
WU TUNG-FANG.

Signature of
His Excellency
SHENG HSIAN-SHICAI.

Signature of
His Excellency
LI HSI-CAN.

ANNEX 1.

INLAND WATERS STEAM NAVIGATION.

ADDITIONAL RULES.

1.—Japanese steamship-owners are at liberty to lease warehouses and jetties on the banks of waterways from Chinese subjects for a term not exceeding twenty-five years, with option of renewal on terms to be mutually arranged. In cases where Japanese merchants are unable to secure warehouses and jetties from Chinese subjects on satisfactory terms, the local officials, after consultation with the Governor or Governor General or Minister of Commerce, shall arrange to provide these on renewable lease, as above mentioned, at current equitable rates.

2.—Jetties shall only be erected in such positions that they will not obstruct the inland waterway or interfere with navigation, and with the sanction of the nearest Commissioner of Customs; such sanction, however, shall not be arbitrarily withheld.

3.—Japanese merchants shall pay taxes and contributions on these warehouses and jetties on the same footing as Chinese proprietors of similar properties in the neighbourhood. Japanese merchants may only employ Chinese agents and staff to reside in warehouses so leased at places touched at by steamers engaged in inland traffic to carry on their business; but Japanese merchants may visit these places from time to time to look after their affairs. The existing rights of Chinese jurisdiction over Chinese subjects shall not by reason of this clause be diminished or interfered with in any way.

4.—Steam vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them, and for the loss which may be caused by such damage.

In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the Japanese authorities, when appealed to, shall, if satisfied of the validity of the objection, prohibit the use of that waterway by Japanese launches, provided that Chinese launches are also prohibited from using it.

Both Foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people.

5.—The main object of the Japanese Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese company and the Chinese flag of any Japanese steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer.

In the event of a Chinese company registered under Chinese law being formed to run steamers on the inland waters of China, the fact of Japanese subjects holding shares in such a company shall not entitle the steamers to fly the Japanese flag.

6.—Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the treaties for such an offence, and cancellation of the Inland Waters Navigation Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters.

7.—As it is desirable that the people living inland should be disturbed as little as possible by the advent of steam vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade.

In cases where it is intended to run steam vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port, who shall report the matter to the Ministers of Commerce. The latter, in conjunction with the Governor General or Governor of the province, after careful consideration of all the circumstances of the case, shall at once give their approval.

8.—A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognised places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government.

9.—Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland.

10.—The above Rules are supplementary to the Regulations published in the fifth and seventh moons of the twenty-fourth year of Kuang-sü, which remain in full force and effect in so far as they are not modified by the Rules now agreed upon.

The present Rules and the Regulations of the fifth and seventh moons of the twenty-fourth years of KUANG-HSÜ may hereafter be modified, as circumstances require, by mutual consent.

Done at Shanghai this eighth day of the tenth month of the thirty-sixth year of MEIJI, corresponding to the eighteenth day of the eighth moon of the twenty-ninth year of KUANG-HSÜ.

[L.S.] HIOKI EKI.

[L.S.] ODAGIRI MASNOSKE.

Signature of
His Excellency
WU T'ING-FANG.

Signature of
His Excellency
SHENG H-SUAN-HUAL.

Signature of
His Excellency
LÜ HAI-HUAN.

ANNEX 2.

IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI the 8th Day of the 10th Month of the
36th Year of MEIJI.*

GENTLEMEN,

ACCORDING to Article III of the present Treaty the Chinese Government agree that any Japanese steamer capable of navigating the Inland Waterways, upon reporting at the Imperial Maritime Customs, may proceed for the purpose of trade from a treaty port to places inland, so reported, on complying with the Original and Supplementary Regulations for Steam Navigation Inland.

It is understood that all classes of Japanese steamers, whatever their size, provided they are capable of navigating the Inland Waterways, may on complying with the Regulations receive an Inland Waters Certificate and carry on trade with inland places, and the Chinese Government will in no case raise difficulties and stop such steamers from plying to and from inland places.

We have the honour, in order to prevent future misunderstandings, to address this despatch to Your Excellencies and to request that instructions be sent to the Inspector General of Maritime Customs to act in accordance with this understanding. We have further the honour to request a reply from Your Excellencies.

We have the honour to be,

Gentlemen,

Your obedient Servants,

(Signed) HIOKI EKI.

(Signed) ODAGIRI MASNOSKE.

Their Excellencies

LÜ HAI-HUAN,
SHENG H-SUAN-HUAL,
WU T'ING-FANG,

His Imperial Chinese Majesty's Commissioners for Treaty Revision.

ANNEX 3.

IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI, the 18th Day of the 8th Moon of the
29th Year of KUANG-HSÜ.*

GENTLEMEN,

We have the honour to acknowledge the receipt of Your Excellencies' despatch of this date, written with a view of preventing future misunderstandings, to the effect that, in accordance with the provisions of Article III of the present Treaty, all classes of Japanese steamers, whatever their size, provided they are capable of navigating the Inland Waterways, may on complying with the Regulations receive an Inland Waters Certificate and ply to and from inland places, and that the Chinese Government will in no case raise difficulties and stop them.

During the negotiations of this Article, we received a list from Your Excellencies of the Japanese steamers—viz.: Sanyo Maru, Setagawa Maru, Hinga Maru, Urato Maru, Neisei Maru, Heian Maru, Taiko Maru, Yoshino Maru, Meiko Maru, Fukuju Maru, Hijikawa Maru, Nagata Maru, Kyodo Maru, Horai Maru, Kwanko Maru, Koiko Maru, Kinrin Maru, Zensho Maru and Kohei Maru, ranging from one hundred and twenty-one tons to four hundred and ten tons register—plying from Chefoo to inland places in Manchuria, under Inland Waters Certificate and in accordance with the Regulations for Steam Navigation Inland, which vessels have not been prevented from doing so on account of their class.

At that time we instructed the Deputy Inspector General of Customs to make inquiries into the records of the Custom Houses, and he reported that the circumstances were in accordance with Your Excellencies' statement.

In consequence of the receipt of Your Excellencies' despatch we shall communicate with the Wai-wu Pu and request that instructions be sent to the Inspector General of Customs to take these circumstances into consideration and to act accordingly, and we have the honour to write this despatch for purposes of record.

We have the honour to be,
Gentlemen,
Your obedient Servants,

Signature of His Excellency WU T'ING-FANG.	Signature of His Excellency SHENG HÜAN-HUAL.	Signature of His Excellency LÜ HUA-HUAN.
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Their Excellencies

HIOKI EKI,

ODAGIRI MASNOSKE,

His Imperial Japanese Majesty's Commissioners for Treaty Revision.

ANNEX 4.

IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI, the 8th Day of the 10th Month of the
36th Year of MEIJI.*

GENTLEMEN,

The provision contained in No. 9 of the Supplementary Rules governing steam navigation on Inland Waters published in the seventh moon of the twenty-fourth year of KUANG-HSÜ, regarding the appointment of an officer to collect dues and duties, not having in all cases been given effect to, we have the honour to request that Your Excellencies' Government will again issue instructions to all provinces to give strict effect to this provision, as it is a matter of importance.

We trust that Your Excellencies will comply with the request contained in this despatch and that you will favour us with a reply.

We have the honour to be,

Gentlemen,

Your obedient Servants,

(Signed) HIOKI EKI.

(Signed) ODAGIRI MASNOSKE.

Their Excellencies

LÜ HUA-HUAN,

SHENG HÜAN-HUAL,

WU T'ING-FANG,

His Imperial Chinese Majesty's Commissioners for Treaty Revision.

ANNEX 5.

IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI the 18th Day of the 8th Moon of the
29th Year of KUANG-HSÜ.*

GENTLEMEN,

We have the honour to acknowledge the receipt of Your Excellencies' despatch of this date to the effect that, the provision contained in No. 9 of the Supplementary Rules governing steam navigation on Inland Waters published in the seventh moon of the twenty-fourth year of KUANG-HSÜ, regarding the appointment of an officer to collect dues and duties, not having in all cases been given effect to, you request that instructions be again issued to all provinces to give strict effect to this provision, as it is a matter of importance.

We have noted the above and have communicated with proper authorities in order that action may be taken, and have now the honour to write this reply for Your Excellencies' information.

We have the honour to be,

Gentlemen,

Your obedient Servants,

Signature of
His Excellency
WU T'ING-FANG.

Signature of
His Excellency
SHENG HSIAN-HUAL.

Signature of
His Excellency
LI HAI-HUAN.

Their Excellencies

HIOKI EKI,
ODAGIRI MASNOSKE,

His Imperial Japanese Majesty's Commissioners for Treaty Revision.

ANNEX 6.

IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI the 18th Day of the 8th Moon of the
29th Year of KUANG-SHÜ.*

GENTLEMEN,

According to the provision of Article X of this Treaty, regarding the establishment in Peking of a place of international residence and trade, it is agreed that in case of and after the complete withdrawal of the foreign troops, now guarding the Legations and Communications, a place in Peking outside the Inner City, convenient to both parties and free from objections, shall be selected and set apart as a place where merchants of all nationalities may reside and carry on trade. Within the limits of this place merchants of all nationalities shall be at liberty to lease land, build houses and warehouses, and establish places of business; but as to the leasing of houses and land belonging to Chinese private individuals, there must be willingness on the part of the owners and the terms thereof must be equitably arranged without any force or compulsion. All roads and bridges in this place will be under the jurisdiction and control of China. Foreigners residing in this place are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish a Municipality and Police of their own within its limits except with the consent of the Chinese authorities. When such place of international residence and trade shall have been opened and its limits properly defined, the foreigners who have been residing scattered both within and without the city walls, shall all be required to remove their residence thereto and they shall not be allowed to remain in separate places and thereby cause inconvenience in the necessary supervision by the Chinese authorities. The value of the land and buildings held by such foreigners shall be agreed upon equitably and due compensation therefor shall be paid. The period for such removal shall be determined in due time, and those who do not remove before the expiry of this period shall not be entitled to compensation.

We have considered it to be to our mutual advantage to come to the present basis of understanding in order to avoid future unnecessary negotiations, and we beg that Your Excellencies will consider and agree to it and will favour us with a reply.

We have the honour to be,

Gentlemen,

Your obedient Servants,

Signature of
His Excellency
WU T'ING-FANG.

Signature of
His Excellency
SHENG HSIAN-HUAL.

Signature of
His Excellency
LI HAI-HUAN.

Their Excellencies

HIOKI EKI,
ODAGIRI MASNOSKE,

His Imperial Japanese Majesty's Commissioners for Treaty Revision.

ANNEX 7.

IMPERIAL JAPANESE COMMISSIONERS FOR TREATY REVISION
to
IMPERIAL CHINESE COMMISSIONERS FOR TREATY REVISION.

*SHANGHAI the 8th Day of the 10th Month of the
36th Year of MEIJI.*

GENTLEMEN,

We have the honour to acknowledge the receipt of Your Excellencies' despatch of this date in which you state that—

“According to the provision of Article X of this Treaty, regarding the establishment in Peking of a place of international residence and trade, it is agreed that in case of and after the complete withdrawal of the foreign troops, now guarding the Legations and Communications, a place in Peking outside the Inner City, convenient to both parties and free from objections, shall be selected and set apart as a place where merchants of all nationalities may reside and carry on trade. Within the limits of this place merchants of all nationalities shall be at liberty to lease land, build houses and warehouses, and establish places of business; but as to the leasing of houses and land belonging to Chinese private individuals, there must be willingness on the part of the owners and the terms thereof must be equitably arranged without any force or compulsion. All roads and bridges in this place will be under the jurisdiction and control of China. Foreigners residing in this place are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish a Municipality and Police of their own within its limits except with the consent of the Chinese authorities. When such place of international residence and trade shall have been opened and its limits properly defined, the foreigners who have been residing scattered both within and without the city walls, shall all be required to remove their residence thereto and they shall not be allowed to remain in separate places and thereby cause inconvenience in the necessary supervision by the Chinese authorities. The value of the land and buildings held by such foreigners shall be agreed upon equitably and due compensation therefor shall be paid. The period for such removal shall be determined in due time, and those who do not remove before the expiry of this period shall not be entitled to compensation.

We have considered it to be to our mutual advantage to come to the present basis of understanding in order to avoid future unnecessary negotiations, and we beg that Your Excellencies will consider and agree to it and will favour us with a reply.”

In reply we beg to inform you that we agree generally to all the terms contained in the despatch under acknowledgment. As to the detailed regulations, these shall in due time be considered and satisfactorily settled in accordance with Article X of this Treaty; but it is understood that such regulations shall not differ in any respect to our prejudice from those which may be agreed upon between China and other Powers. We have the honour to send Your Excellencies this communication in reply and for your information.

We have the honour to be,

Gentlemen,

Your obedient Servants,

(Signed) IIIOKI EKI.

(Signed) ODAGIRI MASNOSKE.

Their Excellencies

LÜ HAI-HUAN,
SHENG HSÜAN-HUAI,
WU T'ING-FANG,

His Imperial Chinese Majesty's Commissioners for Treaty Revision.

秘

参照

○清國義和團事變ニ關スル北京最終

議定書第十一條 明治三十四年九月七日

清國政府ハ外國政府カ有用ト認ムル通商及航海條約ノ修正並ニ通商上ノ關係ヲ便利ナラシムル為其ノ他ノ通商事項ニ關シ商議スヘキコトヲ約諾シタリ

清國政府ハ償金ニ關スル第六條中ノ規定ニ基キ今ヨリ左記ノ如ク白河及黃浦江水路ノ改良ニ協力スルコトヲ約諾シタリ

甲千八百九十八年清國政府ノ協同ヲ以テ創
始セラレタル白河航路ノ改良工事ハ各國委
員ノ管理ノ下ニ再興セラレタリ天津ニ於ケ
ル行政ノ清國政府ニ返還セラレタル上ハ清
國政府ハ直ニ自己ノ代表者ヲ該委員ニ加フ
ルコトヲ得ヘク且工事ノ維持費トシテ毎年
六萬兩ヲ支出スヘシ

(乙)黃浦江更正及其水路改良工事ノ指揮監督
ヲ掌ルヘキ水路局ヲ設置ス

該局ハ上海ノ海路貿易ニ於ケル清國政府ノ
利益ト外國人ノ利益トヲ代表スル委員ヲ以
テ組織ス經營ノ事業及一般ノ事務ニ必要ナ
ル費用ハ最初二十箇年間ハ毎年四十六萬兩
ト見積リ清國政府ト關係者タル外國人トニ
於テ各其ノ半額ヲ支出スヘシ水路局ノ組織
職權及收入等ニ関スル細則ハ附属書中ニ之
ヲ記載ス附属書第
十七号

審査報告

謹テ今回御諮詢ノ追加日清通商航海條約御批准ノ件ヲ審査スルニ本條約ハ去三十四年九月七日北京ニ於テ調印セラレタル最終議定書第十一條ニ基キ兩國間通商上ノ關係ヲ便利ナラシムル為現行ノ通商航海條約ニ若干ノ條項ヲ追加セムトスルモノニシテ其ノ規定中ニハ或ハ釐金制度廢止ニ關スルモノノ如キ果シテ清國政府カ各締盟國ノ同意ヲ經テ之ヲ實行スルニ至ルヤ否ヤ豫メ疑ヲ挾ムヘキ條項モ

アリ又條文ノ意義不明ニシテ解釋ニ苦ミ若クハ將來疑義ヲ生スヘキモノ及ヒ彼我ノ間既ニ解釋ノ一致セサルモノ等モアリト雖モ該條約案ノ如キハ最惠國條款ノ應用ニ依リ今回締結セラレタル米清間及英清間ノ追加條約等ニ對照シテ解釋スルノ便宜モ之アリ且又多少ノ疑義ノ如キハ外交政策上故ラニ將來ノ外交談判ニ讓リテ以テ此際可成速カニ實際ノ利益ヲ收ムルニ勉ムルノ形跡モ見ヘ且ツ其大體ニ於テ兩國間ノ通商關係ノ便宜ヲ増進スルモノト

認メラルルニ依リ原案ノ通り可決セラレ可然ト思考ス

右謹テ審査ノ結果ヲ報告ス

明治三十六年十一月二十八日

樞密院書記官長都筑馨六

樞密院議長侯爵伊藤博文殿

秘

明治三十二年三月一日原書影写

日本帝國及亞米利加合衆國
間小包郵便條約

日本帝國及亞米利加合衆國間、郵便上ノ
關係ヲ一層良好トシ、目的ヲ以テ
下ニ署名スル亞米利加合衆國駐劄日本帝
國特命全權公使、
合衆國郵政長官、
當ノ權限ヲ與ヘラレ兩國間ニ小包郵便物
ノ交換ヲ開設セムカ爲左ノ諸條款ヲ協定
ス

第一條

本條約ノ諸條款ハ茲ニ規定スル方法ニ依
リ交換セラハキ小包郵便物ニ、三關係