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HER MAJESTY
AND THE
TYCOON OF JAPAN

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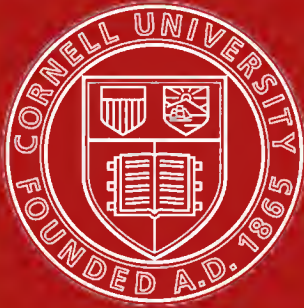
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Treaty of peace, friendship and commerce



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(Victoria).

TREATY

OF

PEACE, FRIENDSHIP, AND COMMERCE,

BETWEEN

HER MAJESTY

AND THE

TYCOON OF JAPAN.

Signed in the English, Japanese, and Dutch languages, at Yedo, August 26, 1858.

Presented to both Houses of Parliament by Command of Her Majesty.
1860.

2589.

LONDON:
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TREATY of Peace, Friendship, and Commerce between Her Majesty and the Tycoon of Japan.

Signed, in the English, Japanese, and Dutch languages, at Yedo, August 26, 1858.

[Ratifications exchanged at Yedo, July 11, 1859.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Tycoon of Japan, being desirous to place the relations between the two countries on a permanent and friendly footing, and to facilitate commercial intercourse between their respective subjects, and having for that purpose resolved to enter into a Treaty of Peace, Amity, and Commerce, have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of Great Britain and Ireland, the Right Honourable the Earl of Elgin and Kincardine, a Peer of the United Kingdom, and Knight of the Most Ancient and Most Noble Order of the Thistle ;

And His Majesty the Tycoon of Japan, Midzuo Tsikfgono Kami ; Nagai Gembano Kami ; Inouwye Sinano no Kami ; Hori Oribeno Kami ; Iwase Higono Kami ; and Isuda Hauzabro ;

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

ARTICLE I.

There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Majesty the Tycoon of Japan and between their respective dominions and subjects.

ARTICLE II.

Her Majesty the Queen of Great Britain and Ireland may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all the ports of Japan, which are opened for British commerce by this Treaty.

The Diplomatic Agent and Consul-General of Great Britain shall have the right to travel freely to any part of the Empire of Japan.

His Majesty the Tycoon of Japan may appoint a Diplomatic Agent to reside in London, and Consuls, or Consular Agents, at any or all the ports of Great Britain.

The Diplomatic Agent and Consul-General of Japan shall have the right to travel freely to any part of Great Britain.

ARTICLE III.

The ports and towns of Hakodadi, Kanagawa, and Nagasaki, shall be opened to British subjects on the first of July, one thousand eight hundred and fifty-nine. In addition

to which, the following ports and towns shall be opened to them at the dates hereinafter specified :

Nee-e-gata, or, if Nee-e-gata be found to be unsuitable as a harbour, another convenient port on the west coast of Nipon, on the first day of January, one thousand eight hundred and sixty.

Hiogo, on the first day of January, one thousand eight hundred and sixty-three.

In all the foregoing ports and towns British subjects may permanently reside. They shall have the right to lease ground, and purchase the buildings thereon, and may erect dwelling and warehouses ; but no fortification, or place of military strength, shall be erected under pretence of building dwelling or warehouses : and to see that this Article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired.

The place which British subjects shall occupy for their buildings, and the harbour regulations, shall be arranged by the British Consul and the Japanese authorities of each place, and, if they cannot agree, the matter shall be referred to and settled by the British Diplomatic Agent and the Japanese Government. No wall, fence, or gate shall be erected by the Japanese around the place where British subjects reside, or anything done which may prevent a free egress or ingress to the same.

British subjects shall be free to go where they please, within the following limits, at the opened ports of Japan :—

At Kanagawa to the river Logo (which empties into the bay of Yedo, between Kawasaki and Sinagowa), and ten *ri* in any other direction.

At Hakodadi ten *ri* in any direction.

At Hiogo ten *ri* in any direction, that of Kioto excepted, which city shall not be approached nearer than ten *ri*. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca.

The distance shall be measured by land from the goyoso, or town hall, of each of the foregoing ports, the *ri* being equal to four thousand two hundred and seventy-five yards English measure.

At Nagasaki, British subjects may go into any part of the Imperial domain in its vicinity.

The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the British Diplomatic Agent and the Government of Japan:

From the first day of January, one thousand eight hundred and sixty-two, British subjects shall be allowed to reside in the city of Yedo, and from the first day of January, one thousand eight hundred and sixty-three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place, within which they may hire houses, and the distance they may go, shall be arranged by the British Diplomatic Agent and the Government of Japan.

ARTICLE IV.

All questions in regard to rights, whether of property or person, arising between British subjects in the dominions of His Majesty the Tycoon of Japan, shall be subject to the jurisdiction of the British authorities.

ARTICLE V.

Japanese subjects, who may be guilty of any criminal act towards British subjects, shall be arrested and punished by the Japanese authorities according to the laws of Japan.

British subjects who may commit any crime against Japanese subjects, or the subjects or citizens of any other country, shall be tried and punished by the Consul, or other public functionary authorized thereto, according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides.

ARTICLE VI.

A British subject having reason to complain of a Japanese must proceed to the Consulate and state his grievance.

The Consul will inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Japanese have reason to complain of a British subject, the

Consul shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Japanese authorities, that they may together examine into the merits of the case, and decide it equitably.

ARTICLE VII.

Should any Japanese subject fail to discharge debts incurred to a British subject, or should he fraudulently abscond, the Japanese authorities will do their utmost to bring him to justice, and to enforce recovery of the debts; and should any British subject fraudulently abscond or fail to discharge debts incurred by him to a Japanese subject, the British authorities will, in like manner, do their utmost to bring him to justice, and to enforce recovery of the debts.

Neither the British or Japanese Governments are to be held responsible for the payment of any debts contracted by British or Japanese subjects.

ARTICLE VIII.

The Japanese Government will place no restrictions whatever upon the employment, by British subjects, of Japanese in any lawful capacity.

ARTICLE IX.

British subjects in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship.

ARTICLE X.

All foreign coin shall be current in Japan, and shall pass for its corresponding weight in Japanese coin of the same description.

British and Japanese subjects may freely use foreign or Japanese coin, in making payments to each other.

As some time will elapse before the Japanese will become acquainted with the value of foreign coin, the Japanese Government will, for the period of one year after the opening of each port, furnish British subjects with Japanese coin in exchange for theirs, equal weights being given, and no discount taken for re-coinage.

Coins of all description (with the exception of Japanese copper coin), as well as foreign gold and silver uncoined, may be exported from Japan.

ARTICLE XI.

Supplies for the use of the British navy may be landed at Kanagawa, Hakodadi, and Nagasaki, and stored in warehouses, in the custody of an officer of the British Government, without the payment of any duty; but if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

ARTICLE XII.

If any British vessel be at any time wrecked or stranded on the coasts of Japan, or be compelled to take refuge in any port within the dominions of the Tycoon of Japan, the Japanese authorities, on being apprized of the fact, shall immediately render all the assistance in their power; the persons on board shall receive friendly treatment, and be furnished, if necessary, with the means of conveyance to the nearest Consular station.

ARTICLE XIII.

Any British merchant vessel arriving off one of the open ports of Japan, shall be at liberty to hire a pilot to take her into port. In like manner, after she has discharged all

legal dues and duties, and is ready to take her departure, she shall be allowed to hire a pilot to conduct her out of port.

ARTICLE XIV.

At each of the ports open to trade, British subjects shall be at full liberty to import from their own or any other ports, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandize, not contraband, paying the duties thereon, as laid down in the tariff annexed to the present Treaty, and no other charges whatsoever.

With the exception of munitions of war, which shall only be sold to the Japanese Government and foreigners, they may freely buy from Japanese, and sell to them, any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by British subjects.

ARTICLE XV.

If the Japanese Custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

ARTICLE XVI.

All goods imported into Japan by British subjects, and which have paid the duty fixed by this Treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever.

ARTICLE XVII.

British merchants who may have imported merchandize into any open port in Japan, and paid duty thereon, shall be entitled, on obtaining from the Japanese Custom-house authorities a certificate stating that such payment has been made, to re-export the same, and land it in any other of the open ports without the payment of any additional duty whatever.

ARTICLE XVIII.

The Japanese authorities at each port will adopt the means that they may judge most proper for the prevention of fraud or smuggling.

ARTICLE XIX.

All penalties enforced, or confiscations made under this Treaty, shall belong to, and be appropriated by the Government of His Majesty the Tycoon of Japan.

ARTICLE XX.

The Articles for the regulation of trade which are appended to this Treaty, shall be considered as forming a part of the same, and shall be equally binding on both the Contracting Parties to this Treaty, and on their subjects.

The Diplomatic Agent of Great Britain in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules as may be required to carry into full and complete effect the provisions of this Treaty, and the provisions of the Articles regulating trade appended thereto.

ARTICLE XXI.

This Treaty being written in the English, Japanese, and Dutch languages, and all the versions having the same meaning and intention, the Dutch version shall be considered the original ; but it is understood that all official communications addressed by the Diplomatic and Consular Agents of Her Majesty the Queen of Great Britain to the Japanese authorities, shall henceforward be written in English. In order, however, to facilitate the transaction of business, they will, for a period of five years from the signature of this Treaty, be accompanied by a Dutch or Japanese version.

ARTICLE XXII.

It is agreed that either of the High Contracting Parties to this Treaty, on giving one year's previous notice to the other, may demand a revision thereof, on or after the first of July, one thousand eight hundred and seventy-two, with a view to the insertion therein of such amendments as experience shall prove to be desirable.

ARTICLE XXIII.

It is hereby expressly stipulated that the British Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages, that may have been, or may be hereafter, granted by His Majesty the Tycoon of Japan to the Government or subjects of any other nation.

ARTICLE XXIV.

The ratification of this Treaty, under the hand of Her Majesty the Queen of Great Britain and Ireland, and under the name and seal of His Majesty the Tycoon of Japan, respectively, shall be exchanged at Yedo, within a year from this day of signature.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Yedo, this twenty-sixth day of August, one thousand eight hundred and fifty-eight, corresponding to the Japanese date the eighteenth day of the seventh month of the fifth year of Ansei Tsut sinonye mma.

(Signed)

ELGIN AND KINCARDINE.
 MIDZUO TSIKFOGONO KAMI.
 NAGAI GEMBANO KAMI.
 INOUWYE SINANO NO KAMI.
 HORI ORIBENO KAMI.
 IWASE HIGONO KAMI.
 ISUDA HAUZABRO.

Regulations under which British Trade is to be conducted in Japan.

REGULATION I.

WITHIN forty-eight hours (Sundays excepted) after the arrival of a British ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the British Consul, showing that he has deposited all the ship's papers, the ship's bills of lading, &c., at the British Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers (if any), and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall, at the same time, deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same.

If any error is discovered in the manifest, it may be corrected within twenty-four hours (Sundays excepted) without the payment of any fee, but for any alteration or post entry to the manifest made after that time, a fee of fifteen dollars shall be paid.

All goods not entered on the manifest shall pay double duties on being landed.

Any captain or commander that shall neglect to enter his vessel at the Japanese Custom-house within the time prescribed by this regulation, shall pay a penalty of sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION II.

The Japanese Government shall have the right to place Custom-house officers on board of any ship in their ports (men-of-war excepted). All Custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords.

No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the Custom-house authorities; and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers between the hours of sunset and sunrise, by fixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese Custom-house officers, every person so offending shall pay a fine of sixty dollars for each offence.

Any goods that shall be discharged, or attempted to be discharged, from any ship, without having been duly entered at the Japanese Custom-house as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an intent to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

If any British ship shall smuggle, or attempt to smuggle, goods in any of the non-opened harbours of Japan, all such goods shall be forfeited to the Japanese Government, and the ship shall pay a fine of one thousand dollars for each offence.

Vessels needing repairs may land their cargo for that purpose, without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labour, and supervision, shall be paid thereon. But if any

portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of.

Cargo may be transshipped to another vessel in the same harbour without payment of duty, but all transshipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the Custom-house authorities of the *bond fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities.

The importation of opium being prohibited, any British vessel coming to Japan for the purposes of trade, and having more than three cattie weight of opium on board, the surplus quantity may be seized and destroyed by the Japanese authorities ; and any person or persons smuggling, or attempting to smuggle opium, shall be liable to pay a fine of fifteen dollars for each catty of opium so smuggled or attempted to be smuggled.

REGULATION III.

The owner, or consignee of any goods who desires to land them, shall make an entry of the same at the Japanese Custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry, the owner or consignee shall certify in writing that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the Customs of Japan would be defrauded, and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the Custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the Custom-house ; but such examination shall be without expense to the importer or injury to the goods ; and, after examination, the Japanese shall restore the goods to their original condition in the packages (so far as may be practicable), and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation before such goods have been delivered to him, he may notify the Custom-house authorities of such damage, and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate, setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificate shall be signed by the appraisers, in presence of the Custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the Custom-house authorities from appraising the goods in the manner provided in Article XV of the Treaty to which these Regulations are appended.

After the duties have been paid, the owner shall receive a permit, authorising the delivery to him of the goods, whether the same are at the Custom-house or on shipboard.

All goods intended to be exported shall be entered at the Japanese Custom-house before they are placed on shipboard. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto.

Any goods that are put on board of a ship for exportation before they have been entered at the Custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the Custom-house shall be required for supplies for the use of ships, their crews and passengers, nor for the clothing, &c., of passengers.

REGULATION IV.

Ships wishing to clear shall give twenty-four hours' notice at the Custom-house, and at the end of that time they shall be entitled to their clearance, but if it be refused, the Custom-house authorities shall immediately inform the captain or consignee of the ship of

the reasons why the clearance is refused; and they shall also give the same notice to the British Consul.

British ships of war shall not be required to enter or clear at the Custom-house, nor shall they be visited by Japanese Custom-house or police officers.

Steamers conveying the mails of Great Britain may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the Custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in Regulation I.

The word "ship," wherever it occurs in these Regulations, or in the Treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION V.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of one hundred and twenty-five dollars for each offence.

REGULATION VI.

No tonnage duties shall be levied on British ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities:

- For the entry of a ship, fifteen dollars;
- For the clearance of a ship, seven dollars;
- For each permit, one dollar and a-half;
- For each bill of health, one dollar and a-half;
- For any other document, one dollar and a-half.

REGULATION VII.

Duties shall be paid to the Japanese Government, on all goods landed in the country, according to the following Tariff.

CLASS I.

All articles in this class shall be free of duty:—

- Gold and silver, coined or uncoined.
- Wearing apparel, in actual use.
- Household furniture and printed books, not intended for sale, but the property of persons who come to reside in Japan.

CLASS II.

A duty of five per cent. shall be paid on the following articles:—

- All articles used for the purpose of building, rigging, repairing, or fitting out of ships.
- Whaling gear of all kinds.
- Salted provisions of all kinds.
- Bread and bread stuffs.
- Living animals of all kinds.
- Coals.
- Timber for building houses.
- Rice.
- Paddy.
- Steam machinery.
- Zinc.
- Lead.
- Tin.
- Raw silk.
- Cotton and woollen manufactured goods.

CLASS III.

A duty of thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

CLASS IV.

All goods not included in any of the preceding classes shall pay a duty of twenty per cent.

All articles of Japanese production, which are exported as cargo, shall pay a duty of five per cent., with the exception of gold and silver coin, and copper in bars.

Rice and wheat, the produce of Japan, shall not be exported from Japan as cargo, but all British subjects resident in Japan, and British ships for their crews and passengers, shall be furnished with sufficient supplies of the same.

Foreign grain, brought into any open port of Japan in a British ship, if no part thereof has been landed, may be re-exported without hindrance.

The Japanese Government will sell, from time to time, at public auction, any surplus quantity of copper that may be produced.

Five years after the opening of Kanagawa, the import and export duties shall be subject to revision, if either the British or Japanese Government desires it.

(Signed) ELGIN AND KINCARDINE.
 MIDZUO TSIKFOGONO KAMI.
 NAGAI GEMBANO KAMI.
 INOUWYE SINANO NO KAMI.
 HORI ORIBENO KAMI.
 IWASE HIGONO KAMI.
 ISUDA HAUZABRO.

JAPAN.

TREATY of Peace, Friendship, and Commerce, between Her Majesty and the Tycoon of Japan.

Signed, in the English, Japanese, and Dutch languages, at Yedo, August 26, 1858.

Presented to both Houses of Parliament by Command of Her Majesty. 1860.

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