

## TREATY SERIES. 1911.

## No. 15.

TREATY  
OF  
COMMERCE AND NAVIGATION  
BETWEEN THE  
UNITED KINGDOM AND JAPAN.

Signed at London, April 3, 1911.

[*Ratifications exchanged at Tokio, May 5, 1911.*]

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TOGETHER WITH EXCHANGE OF NOTES TERMINATING THE  
AGREEMENT OF DECEMBER 4/5, 1878, RESPECTING  
EXPENSES INCURRED FOR SHIPWRECKED SUBJECTS.

London, April 3, 1911.

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*Presented to both Houses of Parliament by Command of His Majesty.  
June 1911.*

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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 Japan, being desirous to strengthen the relations of amity and good understanding which happily exist between them and between their subjects, and to facilitate and extend the commercial relations between their two countries, have resolved to conclude a Treaty of Commerce and Navigation for that purpose, and have named as their Plenipotentiaries, that is to say:

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 Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs;

And His Majesty the Emperor of Japan, His Excellency Monsieur Takaaki Kato, Jussami, First Class of the Order of the Sacred Treasure, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of St. James;

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

ARTICLE 1.

The subjects of each of the High Contracting Parties shall have full liberty to enter, travel, and reside in the territories of the other, and, conforming themselves to the laws of the country—

1. Shall, in all that relates to travel and residence, be placed in all respects on the same footing as native subjects.
2. They shall have the right, equally with native subjects, to carry on their commerce and manufacture, and to trade in all kinds

of merchandise of lawful commerce, either in person or by agents, singly or in partnerships with foreigners or native subjects.

3. They shall in all that relates to the pursuit of their industries, callings, professions, and educational studies be placed in all respects on the same footing as the subjects or citizens of the most favoured nation.

4. They shall be permitted to own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them, and to lease land for residential, commercial, industrial, and other lawful purposes, in the same manner as native subjects.

5. They shall, on condition of reciprocity, be at full liberty to acquire and possess every description of property, movable or immovable, which the laws of the country permit or shall permit the subjects or citizens of any other foreign country to acquire and possess, subject always to the conditions and limitations prescribed in such laws. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, under the same conditions which are or shall be established with regard to native subjects. They shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects of the country would be liable under similar circumstances.

6. They shall enjoy constant and complete protection and security for their persons and property; shall have free and easy access to the Courts of Justice and other tribunals in pursuit and defence of their claims and rights; and shall have full liberty, equally with native subjects, to choose and employ lawyers and advocates to represent them before such Courts and tribunals; and generally shall have the same rights and privileges as native subjects in all that concerns the administration of justice.

7. They shall not be compelled to pay taxes, fees, charges, or contributions of any kind whatever, other or higher than those which are or may be paid by native subjects or the subjects or citizens of the most favoured nation.

8. And they shall enjoy a perfect equality of treatment with native subjects in all that relates to facilities for warehousing under bond, bounties, and drawbacks.

## ARTICLE 2.

The subjects of each of the High Contracting Parties in the territories of the other shall be exempted from all compulsory military services, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans and military requisitions or contributions unless imposed on them equally with native subjects as owners, lessees, or occupiers of immovable property.

In the above respects the subjects of each of the High Contracting Parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured nation.

## ARTICLE 3.

The dwellings, warehouses, manufactories, and shops of the subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for lawful purposes, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for native subjects.

## ARTICLE 4.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognise such officers. This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to all other Powers.

Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, having received exequaturs or other sufficient authorisations from the Government of the country to which they are appointed, shall have the right to exercise their functions, and to enjoy the privileges, exemptions, and immunities which are or may be granted to the Consular officers of the most favoured nation. The Government issuing exequaturs or other authorisations has the right in its discretion to cancel the same on explaining the reasons for which it thought proper to do so.

## ARTICLE 5.

In case of the death of a subject of one of the High Contracting Parties in the territories of the other, without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent Consular officer of the State to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

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

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour, or immunity which either of the High Contracting Parties has actually granted, or may hereafter grant, to the Consular officers of any other foreign State shall be extended immediately and unconditionally to the Consular officers of the other High Contracting Party.

## ARTICLE 6.

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce and navigation. The

subjects of each of the High Contracting Parties shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other which are or may be opened to foreign commerce, and, conforming themselves to the laws of the country to which they thus come, shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects.

#### ARTICLE 7.

Articles, the produce or manufacture of the territories of one High Contracting Party, upon importation into the territories of the other, from whatever place arriving, shall enjoy the lowest rates of customs duty applicable to similar articles of any other foreign origin.

No prohibition or restriction shall be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other foreign country. This provision is not applicable to the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or of cattle, or of plants useful to agriculture.

#### ARTICLE 8.

The articles, the produce or manufacture of the United Kingdom, enumerated in Part I of the Schedule annexed to this Treaty, shall not, on importation into Japan, be subjected to higher customs duties than those specified in the Schedule.

The articles, the produce or manufacture of Japan, enumerated in Part II of the Schedule annexed to this Treaty, shall be free of duty on importation into the United Kingdom.

Provided that if at any time after the expiration of one year from the date this Treaty takes effect either of the High Contracting Parties desires to make a modification in the Schedule it may notify its desire to the other High Contracting Party, and thereupon negotiations for the purpose shall be entered into forthwith. If the negotiations are not brought to a satisfactory conclusion within six months from the date of notification, the High Contracting Party which gave the notification may, within one month, give six months' notice to abrogate the present Article, and on the expiration of such notice the present Article shall cease to have effect, without prejudice to the other stipulations of this Treaty.

#### ARTICLE 9.

Articles, the produce or manufacture of the territories of one of the High Contracting Parties, exported to the territories of the other, shall not be subjected on export to other or higher charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exporta-

tion of any article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other foreign country.

#### ARTICLE 10.

Articles, the produce or manufacture of the territories of one of the High Contracting Parties, passing in transit through the territories of the other, in conformity with the laws of the country, shall be reciprocally free from all transit duties, whether they pass direct, or whether during transit they are unloaded, warehoused, and re-loaded.

#### ARTICLE 11.

No internal duties levied for the benefit of the State, local authorities, or corporations which affect, or may affect, the production, manufacture, or consumption of any article in the territories of either of the High Contracting Parties shall for any reason be a higher or more burdensome charge on articles, the produce or manufacture of the territories of the other, than on similar articles of native origin.

The produce or manufacture of the territories of either of the High Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

#### ARTICLE 12.

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

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

#### ARTICLE 13.

The marks, stamps, or seals placed upon the samples mentioned in the preceding Article by the Customs authorities of one country at the time of exportation, and the officially attested list of such

samples containing a full description thereof issued by them, shall be reciprocally accepted by the Customs officials of the other as establishing their character as samples and exempting them from inspection, except so far as may be necessary to establish that the samples produced are those enumerated in the list. The Customs authorities of either country may, however, affix a supplementary mark to such samples in special cases where they may think this precaution necessary.

#### ARTICLE 14.

The Chambers of Commerce, as well as such other Trade Associations and other recognised Commercial Associations in the territories of the High Contracting Parties as may be authorised in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

#### ARTICLE 15.

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

#### ARTICLE 16.

Each of the High Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers.

#### ARTICLE 17.

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

#### ARTICLE 18.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Japanese law are to be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed British and Japanese vessels respectively.

## ARTICLE 19.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other analogous duties or charges of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of either country upon the vessels of the other which shall not equally, under the same conditions, be imposed in like cases on national vessels in general, or vessels of the most favoured nation. Such equality of treatment shall apply to the vessels of either country from whatever place they may arrive and whatever may be their destination.

## ARTICLE 20.

Vessels charged with performance of regular scheduled postal service of one of the High Contracting Parties shall enjoy in the territorial waters of the other the same special facilities, privileges, and immunities as are granted to like vessels of the most favoured nation.

## ARTICLE 21.

The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws of the United Kingdom and Japan respectively. It is, however, understood that the subjects and vessels of either High Contracting Party shall enjoy in this respect most-favoured-nation treatment in the territories of the other.

British and Japanese vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination.

It is also understood that, in the event of the coasting trade of either country being exclusively reserved to national vessels, the vessels of the other country, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former country of passengers holding through tickets, or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their cargoes shall enjoy the full privileges of this Treaty.

## ARTICLE 22.

If any seaman should desert from any ship belonging to either of the High Contracting Parties in the territorial waters of the other, the local authorities shall, within the limits of law, be bound to give every assistance in their power for the recovery of such deserter, on application to that effect being made to them by the competent Consular officer of the country to which the ship of the deserter may belong, accompanied by an assurance that all expenses connected therewith will be repaid.

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

#### ARTICLE 23.

Any vessel of either of the High Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in the like case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Japanese Consular officer in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the country, and such Consular officer, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The High Contracting Parties agree, moreover, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow-countrymen.

#### ARTICLE 24.

The High Contracting Parties agree that, in all that concerns commerce, navigation, and industry, any favour, privilege, or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the ships, subjects, or citizens of any other foreign State shall be extended immediately and unconditionally to the ships or subjects of the other High Contracting Party, it being their intention that the commerce, navigation, and industry of each country shall be placed in all respects on the footing of the most favoured nation.

#### ARTICLE 25.

The stipulations of this Treaty do not apply to tariff concessions granted by either of the High Contracting Parties to contiguous

States solely to facilitate frontier traffic within a limited zone on each side of the frontier, or to the treatment accorded to the produce of the national fisheries of the High Contracting Parties, or to special tariff favours granted by Japan in regard to fish and other aquatic products taken in the foreign waters in the vicinity of Japan.

ARTICLE 26.

The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's Dominions, Colonies, Possessions, or Protectorates beyond the Seas, unless notice of adhesion shall have been given on behalf of any such Dominion, Colony, Possession, or Protectorate by His Britannic Majesty's Representative at Tokio before the expiration of two years from the date of the exchange of the ratifications of the present Treaty.

ARTICLE 27.

The present Treaty shall be ratified, and the ratifications exchanged at Tokio as soon as possible. It shall enter into operation on the 17th July, 1911, and remain in force until the 16th July, 1923. In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period, of its intention to terminate the Treaty, it shall continue operative until the expiration of one year from the date on which either of the High Contracting Parties shall have denounced it.

As regards the British Dominions, Colonies, Possessions, and Protectorates to which the present Treaty may have been made applicable in virtue of Article 26, however, either of the High Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

It is understood that the stipulations of the present and of the preceding Article referring to British Dominions, Colonies, Possessions, and Protectorates apply also to the island of Cyprus.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto the seal of their arms.

Done at London, in duplicate, this 3rd day of April, 1911.

(L.S.)

E. GREY.

(L.S.)

TAKAAKI KATO.

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No. in Japanese Statutory Tariff.	Description of Article.	Unit of Weight.	Rate of Duty in Yen.
	TISSUES OF COTTON (continued):		
	7. Plain tissues, &c. (continued):		
	A. Gray (continued):		
	A-4. Weighing not more than 30 kilog. per 100 sq. metres, and having in a square of 5 millim. side in warp and woof:		
	(a.) 19 threads or less	... 100 kin	6.00
	(b.) 27 " "	... 100 "	6.70
	(c.) 35 " "	... 100 "	8.00
	(d.) 43 " "	... 100 "	10.70
	(e.) More than 43 threads	... 100 "	13.30
	A-5. Other	... 100 "	9.30
	B. Bleached simply	... ..	The above duties on gray tissues plus 3 yen per 100 kin.
	C. Other	... ..	The above duties on gray tissues plus 7 yen per 100 kin.
	9. Other:		
	A. Gray:		
	A-1. Weighing not more than 5 kilog. per 100 sq. metres, and having in a square of 5 millim. side in warp and woof:		
	(a.) 19 threads or less	... 100 kin	16.00
	(b.) 27 " "	... 100 "	21.30
	(c.) 35 " "	... 100 "	29.30
	(d.) 43 " "	... 100 "	39.30
	(e.) More than 43 threads	... 100 "	53.30
	A-2. Weighing not more than 10 kilog. per 100 sq. metres, and having in a square of 5 millim. side in warp and woof:		
	(a.) 19 threads or less	... 100 "	8.00
	(b.) 27 " "	... 100 "	10.00
	(c.) 35 " "	... 100 "	14.30
	(d.) 43 " "	... 100 "	18.00
	(e.) More than 43 threads	... 100 "	20.00
	A-3. Weighing not more than 20 kilog. per 100 sq. metres, and having in a square of 5 millim. side in warp and woof:		
	(a.) 27 threads or less	... 100 "	8.00
	(b.) 35 " "	... 100 "	11.30
	(c.) 43 " "	... 100 "	15.00
	(d.) More than 43 threads	... 100 "	18.80
	A-4. Weighing not more than 30 kilog. per 100 sq. metres, and having in a square of 5 millim. side in warp and woof:		
	(a.) 27 threads or less	... 100 "	7.30
	(b.) 35 " "	... 100 "	8.70

No. in Japanese Statutory Tariff.	Description of Article.	Unit of Weight.	Rate of Duty in Yen.
	<b>TISSUES OF COTTON (continued):</b>		
	9. Other (continued):		
	A. Gray (continued):		
	A-4 (continued):		
	(c.) 43 threads or less ...	100 kin	11.30
	(d.) More than 43 threads ...	100 "	14.70
	A-5. Other ...	100 "	10.00
	B. Bleached simply ...	The above duties on gray tissues plus 3 yen per 100 kin.	
	C. Other ...	The above duties on gray tissues plus 7 yen per 100 kin.	
301	<b>TISSUES OF WOOL, AND MIXED TISSUES OF WOOL AND COTTON, OF WOOL AND SILK, OR OF WOOL, COTTON, AND SILK:</b>		
	2. Other:		
	A. Of wool:		
	(b.) Weighing not more than 200 grammes per sq. metre	100 kin	57.50
	(c.) Weighing not more than 500 grammes per sq. metre	100 "	45.00
	(d.) Other ...	100 "	40.00
	B. Of wool and cotton:		
	(c.) Weighing not more than 500 grammes per sq. metre	100 "	30.00
	(d.) Other ...	100 "	18.00
402	<b>IRON:</b>		
	1. In lumps, ingots, blooms, billets, and slabs:		
	A. Pig iron ...		
	4. Plates and sheets:		
	A. Not coated with metals:		
	A-3. Other:		
	(a.) Not exceeding 0.7 millim. in thickness	100 "	0.30
	B. Coated with base metals:		
	B-1. Tinned (tinned iron sheets and tinned steel sheets):		
	(a.) Ordinary ...	100 "	0.70
	B-2. Galvanised (corrugated or not)	100 "	1.20

## PART II.

1. HABUTAE OF PURE SILK, NOT DYED OR PRINTED.
2. HANDKERCHIEFS OF HABUTAE OF PURE SILK, NOT DYED OR PRINTED.
3. COPPER, UNWROUGHT, IN INGOTS AND SLABS.
4. PLAINTING OF STRAW AND OTHER MATERIALS.
5. CAMPHOR AND CAMPHOR OIL.
6. BASKETS (INCLUDING TRUNKS) AND BASKETWARE OF BAMBOO.
7. MATS AND MATTING OF RUSH.
8. LACQUERED WARES, COATED WITH JAPANESE LACQUER (URUSHI).
9. RAPE-SEED OIL.
10. CLOISSONÉ WARES.

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*Exchange of Notes terminating as from July 17, 1911, the Agreement of December 4/5, 1878, between the United Kingdom and Japan respecting Expenses incurred for Shipwrecked Subjects.*

(1.)

*The Japanese Ambassador to Sir E. Grey.*

*Japanese Embassy, London,  
April 3, 1911.*

Sir,

I HAVE the honour to inform you that the Imperial Japanese Government are desirous of terminating, from the 17th July, 1911, the Agreement between Japan and the United Kingdom respecting the Expenses incurred for Shipwrecked Subjects, which was concluded between the Imperial Japanese Minister for Foreign Affairs and His Britannic Majesty's Minister at Tokio by an Exchange of Notes dated Tokio, the 4th and 5th December, 1878.

Should you agree to the proposed termination, the present Note and your reply will be regarded by the Imperial Japanese Government as placing upon record the understanding arrived at between our respective Governments in this matter.

I have, &c.

TAKAAKI KATO.

The Right Honourable Sir E. Grey, Bart.

&c.,                      &c.,                      &c.

(2.)

*Sir E. Grey to the Japanese Ambassador.*

Your Excellency,

*Foreign Office, April 3, 1911.*

I HAVE the honour to acknowledge the receipt of your Excellency's Note of to-day's date, informing me that the Imperial Japanese

Government are desirous of terminating the Agreement between the United Kingdom and Japan respecting the Expenses incurred for Shipwrecked Subjects, which was concluded at Tokio by an Exchange of Notes dated the 4th and 5th December, 1878.

I have the honour to accept, on behalf of His Majesty's Government, the proposal of the Imperial Japanese Government to terminate the Agreement in question from the 17th July, 1911, and the present Exchange of Notes between your Excellency and myself is accordingly regarded by them as placing upon record the understanding arrived at between our respective Governments.

I have, &c.

E. GREY.

His Excellency Monsieur Takaaki Kato,  
&c., &c., &c.