

舊(倫敦)東印度會社と我國との交通貿易再論 (二)

ジョン・ブルース著 東印度會社年代記

武 藤 長 藏

第二章

倫敦東印度會社より我國に派遣の最初の艦クロープ號(The "Clove")の艦長セーリス (Captain John Sars) が我幕府家康に提出の通商貿易の請願書 (Sars' Petition) はエリザベス女王とAcheen國王との條約を模型 (Model) としたるものなる事、從て慶長十八年イギリス通商の朱印狀も間接にエリザベス女王とAcheen國王との條約の影響を受け居る事實の立證

第一節

英國對 Acheen 國王條約と Sars' Petition 其他との比較の提唱は予の創意昭和十年五月發行河津教授還曆祝賀記念『經濟學の諸問題』所載拙稿『初期日英交通史の重要文獻——第十七世紀初期日英交通史上の重要人物アダムス、セーリス及びコックス等の書翰航海記及日記等の學術史的社會史的文化史的及び商業史的價值——』結語中に初期日英交通史に於いて研

究を要する一項目は慶長十八年イギリス通商の朱印狀即ち東照宮賜伊祇利須御朱印 (The Original Privileges Granted A. D. 1613) 又元和二年八月廿日臺徳公賜伊祇利須御朱印 (The Modified Privileges Granted A. D. 1616) を商業政策 (Handelspolitik) の立場より研究する事なるを指摘し、私は其の研究に志ある事を述べて置いた。又他方に私は昭和十年三月發行本誌第十五年第二册所載拙稿「日英交通史料(十四)に添へて東照宮賜伊祇利須御朱印即ち慶長十八年イギリス通商の朱印 (The Original Privileges Granted A. D. 1613) (實レ、シ The alleged "Translation of the Emperor of Japan's Privileges" は眞の朱印狀^シな^ク "An Arbitrary and Judiciously Modified Paraphrase of the Original Petition" 即ちゼーリスの請願書なり) 及び臺徳公徳川秀忠賜伊祇利須御朱印 (The Modified Privileges Granted A. D. 1616) の英文寫眞並にそれ等と對照すべき文獻出典等を示して置いた。次いで私は昭和十一年三月發行本誌第十六年第二册所載拙稿『舊倫敦東印度會社と我國との交通貿易再論』ジョンブルース著東印度會社年代記の末文に次の如く書いて置いた。

私はまた慶長イギリス通商の朱印 (The Original Privileges Granted A. D. 1613) の條項とそれより前に Queen Elizabeth が Sunnata of the King of Daehem (Acheen, Achin) との間^ニ締結した條約 (Treaty) 即ち Articles set down by the King of Daehem and delivered to Sir James Lancaster とを比較對照する事が通商條約史研究上重要であると信ずる。未だ西洋及我國の歴史家、商業政策を研究する内外の經濟學者、國際法學者等の此點を指摘したる學者なきを遺憾とし敢て先鞭をつけんとする次第である。云々。

この Acheen 國王が英人に與へた Privileges に就て論じた歴史家はある。私がこれまで紹介し來つたシヨンプールス著東印度會年代記にも夙に書いてある。又 Public Record Office 其他に保存され居る史料を蒐めた故 W. Noel Sainsbury 氏編纂 Calendar of State Papers, Colonial Series, East Indies, China and Japan, 1513—1616 にも略記してある。又第二節に引用する如く Letters received by the East India Company from its servants in the East. Vol. 1602—1613 にも條約の各條項が掲げてある。印度 Allahabad 大學最近史教授 Shafaat Ahmad Khan 氏著書「十七世紀印度貿易」にも Sainsbury, Bruce 等を引用して略述してある。(附註) — フールス氏著東印度會社年代記に曰く

Captain Lancaster, on his arrival, delivered the Queen's letters to the chief, or king, of Acheen, accompanied with presents, agreeably to the usages of the East, and formed a treaty of commerce with this chief, in which the privileges of trade, import and export, were granted to the English merchants, free of all payment of customs or duties:—he also obtained permission to settle a factory, and that the factor and his servants, in their own private concerns, might conform to the laws of England, but, in their transaction with natives, to the usages and laws of the country, and to have the right to dispose of their private property, by will, in the event of death.⁽²⁾

(2) Copy of Treaty with the "Mighty King of Daehin and Samatra," (in the Indian Register Office, volume marked F. 1, unbound, page 1)

(附註) 1) ① King Acheen の Queen Elizabeth の發給した Calendar of State Papers, Colonial Series, East Indies, China and Japan, 1513—1616, Preserved in Her Majesty's Public Record Office, and Elsewhere. Edited by W. Noel Sainsbury. London 1882. 卷三十三頁掲載の No. 314 にも若干の事柄が記載され、Bruce's Annals I, p. 152 にも p. 151

を參考すべきである。私は其百五十一頁より上記の如く引用して置いた。

(附註) 三 The East India Trade in the XVIIth Century By Shaflat Ahmad Khan, University Professor of Modern Indian History, Allahabad, London 1923, pp. 18-19. Captain Lancaster had settled factories at Acheen and Rantam, and obtained favourable privileges from the King of Acheen for the English merchants.¹

¹ Sainsbury, No. 314. Bruce's Annals, Vol. I, p. 252, October 1602.
とある。

然し其の何れにもエリザベス女王對 Acheen 國王の條約と倫敦東印度會社の Sais の請願書又は徳川家康又は秀忠より得たる朱印狀の條項等との比較に着眼した人は私を除いて未だないと思ふ。

第二節 エリザベス女王とAcheen國王との條約とセーリス請願書(Sais' Petition) 及 Alleged Privileges との比較

私は先づ英國エリザベス女王と Sumatra の Acheen 國王(The King of Acheen)との條約 (the King's treaty with Queen Elizabeth) と云ふべき詳言すべし Articles set down by the King of Dacheen and delivered to Sir James Lancaster A. D. 1602 を左に掲げる。これは Letters received by the East India Company from its Servants in the East. Vol. I. 1602-1613 のはじめに載せる The 'Original Correspondence' Section of the East India Company's Records の I として巻頭に示されたものに據つたのである。

次にそれと對照して、倫敦東印度會社より我國に派遣の最初の船クロープ號 ("The Clove") の艦長

セーリス (Captain John Saris) が我國と通商貿易を求め我徳川幕府(家康)に提出の請願書 (Saris' Petition) を掲げ、Sunatra の Acheen (Dachem) 王が英人に與へたる特許 (Privileges) とも云ふべき前述の エリザベス女王と Acheen 王との條約との類似點を比較對照せしむべきであるから、私は其のセーリスの請願書 (Saris' Petition) を第二に其隣に掲ぐる事として、その次に第三として The Alleged Translation of the Emperor of Japan's Privileges 即ち "An Arbitrary and Judiciously Modified Paraphrase of the Original Petition" を掲げる事とした。

異國叢書の一たる異國往復書翰集増訂異國日記抄に村上直次郎博士は次の如く註釋して居られる。

セーリスの日記には千六百十三年九月九日(日本曆八月五日)十四箇條の請願書を上野介に呈し其命に依りて、之を省略し、習日更に呈せし由見えたれども其箇條を掲げず。アリチン、ミユジウム圖書館寫本部に、セーリスの請願したる箇條と稱する英文の書付あり、……此書付は七箇條より成るものにして前記の省略したる條件の書付なるべし。セーリスの請願書日本譯文の模寫版をパーチエースの廻國記に掲載せり。之を英文と對照するに箇條の順序並に内容に相違の點あれども、大體に於て同じきが故に、其の英文に基づきて作りたる譯文なること疑なし。但しパーチエースに、之を日本の特許狀とせしは誤なり。云々(異國叢書の一たる増訂異國日記抄第 188 頁より第 189 頁迄參照)

Dr. Ludwig Riess 著平戸英商館史 (History of the English Factory at Hirado) (1613—1622) の附録 III (Appendix III. "The Original Privileges") のなごめり曰く

APPENDIX III.

"The Original Privileges."

It has been stated in the foregoing paper (Chapter II) that Captain Saris was requested by Iyeyasu's Secretaries to draft a Petition in which the privileges he desired were precisely enumerated. Of this Petition we still possess the English Original and two facsimile copies of a Japanese translation. The English version is preserved in the British Museum among the Cotton Charters (Press Mark III, 13.) Of the Japanese translation a copy with the name of the petitioner has been published in Parochas his *Pilgrimages* vol. I, P. 376 (London 1624) It is the earliest specimen of Japanese writing ever published in England. Another facsimile copy (without Saris' name) is preserved in the Historiographical Bureau of the Imperial University of Tokyo and is here reproduced. This Petition was, however, found too lengthy by the highest officers of Iyeyasu. An abridged second draft (not preserved) had to be prepared, on which the Charter of Privileges was eventually based. A genuine translation of the Charter is here given for the first time, in juxtaposition with the Japanese Original under No. 3.) What has been brought home by Saris as "The Translation of the Emperor of Japan's Privileges" and has since been repeatedly published and once (in Randall's book) even facsimilised is no Translation at all, but an arbitrary and judiciously modified Paraphrase of the original Petition, as will appear at once from a comparison of the two versions given here side by side under No. 1.) and 2.)

かくて故 Dr. Ludwig Riess 氏は No. 1. Saris' Petition, No. 2. The Alleged Privileges とを對照して掲げて居る。

私はかく對照比較する事のヒントを Dr. Riess より得たものではあるが、私は Dr. Riess 其他先人の少しも氣の付かなかつた Sumatra の Acheen 國王とエリザベス女王 (Queen Elizabeth) との條約とセーリスの請願書との類似點セーリスの請願書 (Saris' Petition) は右スマトラの Acheen 國王との條約を標

本 (Model) としたものである事を次の對照表により示し又 Dr. Riess の所謂 The Alleged Privileges も亦相似たる事を示したいと思ふ。順序は

No. I. Articles set down by the King of Dachen and delivered to Sir James Lancaster A. D. 1602.

No. II. Sarris' Petition.

No. III. The Alleged Translation of the Emperor of Japan's Privileges (Dr. Riess の所譯 The Alleged Privileges).

として對照して掲げる事とした。即ち次の如くである。

<p>No. I. Articles set down by the King of Dachen and delivered to Sir James Lancaster A. D. 1602.</p> <p>First we do give and grant free licence, authority, and power to all the people, factors, merchants or subjects of the Queen of England that they may at all times hereafter for ever surely and safely come into any Ports or elsewhere into these our dominions and kingdom of Sumatra with their ships, goods and merchandise without any detriment or hindrance to them or to their goods and there to abide, sojourn, buy and sell, barter and exchange</p>	<p>No. II. Sarris' Petition</p> <p>Imprimis that his Majesty would be pleased to grant free license to all the subjects of the King of England, that they may for ever safely come into any his ports and kingdoms of Japan with their ships and merchandise without any hindrance to them or their goods, and do abide, buy, sell and exchange according to their own manner with all nations whatsoever; and to tarry as long as they will and depart at their pleasure.</p>	<p>No. III. The Alleged Translation of the Emperor of Japan's Privileges</p> <p>Imprimis we give free license to the King of Englands subjects, Sir Thomas Smith, Governor, and Company of the East India Merchants, for ever: safely to come into any our ports or Empire of Japan with their ships and merchandise without any hindrance to them or their goods, and to abide, buy, sell and barter according to their own manner with all nations; and to tarry as long as they will and depart at their pleasure.</p>
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according to their own manner and fashion with all manner of Nations whatsoever as well as with our own natural subjects both in spices and all other merchandises and so they may tarry in our Country so long as they will and go away when they list without any impediment, let, or hindrance, paying all such debts as they shall owe to any of our (subjects) within our said dominions.

Furthermore our will and pleasure is that all such goods and merchandise as any of the subjects of the Queen of England shall bring into this our Kingdom or any the parts thereof shall be free of all custom or payment whatsoever, as well for that which shall be brought into these our dominions as for all manner of merchandise they shall transport out of the same for any foreign part whatsoever.

Item. If any of their ships in tempest of weather shall be in danger to be lost, and perish, and thereupon shall stand in need of our help, we

And that all such merchandize as they have or hereafter shall bring into this kingdom or shall transport to any foreign part to be free of all customs whatsoever; and that the hereafter ships may make present of their commodities without further order or sending up to his Majesty.

Item—We grant unto them free custom of all such merchandize as they have, or hereafter shall bring into our Kingdom or shall transport to any foreign part; and do by these presents authorize the hereafter ships to make present sale of their commodities without further coming, or sending up to our Court.

Item if their ships shall be in danger to be lost and perish and shall stand in need of his subjects' help, that command may be given

Item—if their ships shall be in danger to be lost and perished, we will that ye, our subjects, not only assist them, but what shall be saved,

第一項
諸稅免除

第二項
海難救助
其他

will and command that our vessels with all speed do help and succour them to save the same ships and goods and what may be saved to return to the said merchants or their assigns, they paying reasonable consideration for their travail.

Item. If any Englishman shall make his will and testament to whomsoever by the same will he shall give his goods, the party shall have them accordingly, and if he die intestate he to whom the chief Factor or Governor shall say the goods of the dead to belong he shall possess the same.

Item. That every bargain made by the said Merchants with any manner of person for any kind of merchandise shall be firm and stable and that no man of either party may shrink or go back from the same, and that it shall be lawful for them to go before any of our justices and to register the same in a book according to the tenor thereof, if any controversy shall arise present justice

to assist them. And that he would give a sufficient plat of ground to build upon the same houses to be at the disposing of the Cape Merchant to make sale of at their departure out of the country.

Item if any of them depart this life he to whom the Cape Merchant shall say his goods belong shall possess the same. And for any offence committed by them that the justice of this land take no hold either of their persons nor goods but to be referred to the said Cape Merchant's discretion.

Item that all bargains made by them shall be firm and that no man return their wares, but pay for them according to agreement.

to return it to the captain, merchant, or their assigns; and that ye permit them to build in any part of our Empire where they think fittest; and at departure to make free sale of their house, or houses, at their pleasure.

Item—if any of them shall die in these our dominions, the goods of the deceased shall be at the dispose of the Cape Merchant, and all offences committed by them, shall be at the said merchant's discretion to punish; and our law to take no hold, either of their persons, or goods.

Item.—We will, that ye, our subjects, trading with them for any of their commodities, pay them according to agreement without delay, or return of their wares.

第三項

病死者の
遺產處分
並に海外
法權認容

to be done to both parties, and when they have sold any of their wares to our subjects, or any other, they shall not return the said wares upon the merchant's hands but pay for them or else they shall have present justice.

Item. If any English merchant, factor or servant shall offend the Agent or chief Governor of the Factory it shall be lawful for the said Governor to do justice upon the said party or to send him home into England at his pleasure, and further we grant unto the said Governor power and authority to end any controversy that shall arise between them and to do justice according to their own laws and customs.

Item. We do grant the said merchants and to their successors that if any of them or of their servants shall be wounded or be slain in any part or place of our dominion then information thereof being given we our justices or other officers will execute due correction and

Item to grant for himself and his heirs, that all such merchandizes as are meet for his service that no arrest may be made thereof, but to give present account at such prices as the merchants could sell them for ready money.

Item that in discovery of any other places of trade or return of our own ships that they shall have need of either men or victuals for accomplishing thereof, That Command may be given that they may be furnished thereof as their needs shall require upon reasonable satisfaction without

Item—all such their merchandize which at present, or hereafter shall be brought meet for our service, we will, that no arrest be made thereof; but that present payment be made, and at such prices as the Cape Merchant can at present sell them for.

Item—We will that in discovery of any other places of trade, or return of their ships, they should have need of men or victuals, that ye, our subjects, furnish them for their money as their need shall require.
And that without any further pass, they should set out and go in dis-

punishment without delay according to the cause of the offence so that it shall be an example to all others not to offend in the like. And if it shall happen the factors, servants, or ministers of the said merchants to trespass or offend whereby they or any of them shall incur the danger of death or of punishment that then the goods, wares or merchandises of their Signiors shall not therefore be forfeited, confiscated, seized upon nor spoiled by us our heirs or successors, or by any of our officers, ministers or subjects, but shall remain frank and free as discharged of all punishment and loss.

Item. We do promise the foresaid merchants granting it for ever for us and our heirs, that if any shall bring any manner of goods or merchandise meet for treasury that we will not cause any stay or arrest to be made of their goods or merchandise to us or for our uses without present content to be made by our treasurer at such reasonable prices

any other further trouble. And that his Majesty will grant his free pass for Eadso, an Island neere adjoining his Dominions yet unknown.
Jo Sayres.

covery for Yeadozo, or any other part in or about our Empire.
From our Castle in Sorongo This first day of the 9th month and in the 18th year of our Diary according to our computation. Sealed with our brand seal.

Minna mottono Yeipe

yeas. §

(村上直次郎氏譯註異國日記抄(一)
此式の數字)

as the merchants could sell them for ready money and that no price or valuation shall be set upon their goods or merchandises by us or any officers of ours.

Item. We of our goodness have granted to the said English merchants, their successors, servants and deputies that do or shall remain in any part of this our Kingdom of Sumatra whether it be in Dachen or any other part of our dominions freely to keep their own laws and in anywise none of ours to force them to our laws or faith against their wills.

Item. If any man shall say that these being Christians have spoken anything to the derogation of our holy faith and religion and have slandered the same: in this matter as well as in all others there shall no false witness in any case be admitted.

Last of all to the intent that this league with her Majesty and the aforesaid grants and privileges with her subjects may the better be ob-

served and inviolably be performed, we, by the grace of God, great king of Dachen and Samatra for us and our heirs and successors do promise by our princely word instead of an oath inviolably to maintain and preserve and will cause to be inviolably kept, preserved and maintained from time to time and at all times hereafter, and for the more ratification we command all our Captains, Judges, Customers, Governors and Serivants wheresoever these letters or privileges shall be sent throughout all our dominions that they be obeyed in all points accordingly as long as the Queen of England of her part shall duly keep and observe this league and holy peace expressed in this privilege with us and our subjects we also of our royal part do charge and command the same so long to be straightly kept and observed and the contrary to this divine league and privilege let no man presume to do or say anything.

第三節 海難救助の條項

右比較對照條項中第二の海難救助に關するものは海法史上研究の一史料であると思ふ。

法學博士加藤正治氏著海法研究第一卷(五)海難救助法の沿革には第一項古代、第二項中世、第三項近世、第四項結論等に分ちて細論されて居るがスマトラの Achéen (Achih, Dachein) 國王と英國のヘリザベス女王との條約詳言すれば、Articles set down by the King of Dachein and delivered to Sir James Lancaster A. D. 1602 中「If any of their ships in tempest of weather shall be in danger to be lost, and perish and thereupon shall stand in need of our help,

Saris' Petition にもこれと類似する If their ship shall be in danger to be lost and perish and shall stand in need of his subjects' help, that command may be given to assist them ……………云々とある事等には注意してない。

商學士生島廣治郎氏稿『徳川時代に於ける海難救助の研究』(大正十二年五月發行國民經濟雜誌第三十四卷第五號及大正十二年七月發行同誌第三十五卷第一號所載)其他、中田薫博士稿『徳川時代の海法』(法學協會雜誌第三十二卷第三號及第四號所載)竹越氏著『日本經濟史』等皆此の點に注意した人はないから私は茲に一言して置く。

關稅を免じ、通商の自由治外法權を與へる様な條項等に就いては既に日英交通史の研究に従事し、又は其種の著作を讀む人々に既に知られたる事柄であるが、其等の條項が既にエリザベス女王時代の英國とスマトラの Achéen 國王との間に締結された條約、特許狀等の條項として存し、日英通商の

朱印狀はそれに倣はんとせしものなる事を立證せんとするものは私が最初である。他の法律學者、法制史家、商業政策の歴史研究者、經濟史家、商業史家等の未だ着目せざりし點である。これこの稿ある所以である。

第四節 日英通商の朱印口英兩文の對照

村上及村川兩氏編纂日本在留英人書翰集 (Letters written by the English Residents in Japan 1611—1623 Edited by N. Murakami and K. Murakawa) の附録に Appendix F. Original Privileges として次の如く書いてある。

We give the exact transcript of the Original Privileges granted by Iyeyasu to the English merchants, together with a correct English translation. The alleged "Translation of the Emperor of Japan's Privileges" published and facsimilized in Rundall's book, is no translation at all, but "an arbitrary and judiciously modified paraphrase of the original both (See Cooks Diary, Vol. II pp. 340—342 and pp. 103—105 of this work). The Japanese original is given in *Ikoku-Nikki* (英國日記), and has been repeatedly printed in Japanese works.

と前置して次の如く日英通商の朱印原文 (Original Privileges) を日英兩文にて示してある。

村上博士譯註増訂異國日記抄には日本文の方は「御右筆庄與三書て御朱印被遣也案左ニアリとして一、いきりすよりの日本へ………」と以下掲載し英文は「The Alleged "Translation of the Emperor of Japan's Privileges" を載せてある。

私は既に前節の對照表に The Alleged "Translation of the Emperor of Japan's Privileges" を載せたから茲には日本文の直譯である英文を掲げ先に載せた Sais' Petition 及び The Alleged Privileges との差異を示し對照の便に供したいと思ふ。

さて東照宮賜伊祇利須御朱印の條項(明治三十四年十一月發行史籍集覽第廿一册新加通記第十七外番通書第二十七第二百六十頁にも之を載す)と英譯文(前述の村上及村川兩氏編在留英人書簡集參照)とを左に對照して示したい。

一、いぎりすより日本へ、今度初而渡海之船、萬商賣方之儀、無相違可仕候渡海仕付而へ、諸役可令免許事

1. The ship that has now for the first time come from England over the sea to Japan may carry on trade of all kinds without hindrance. With regard to future visits (of English ships) no duty whatever will be exacted.

一、船中の荷物の義は用次第に目錄にて可召寄事

2. With regard to the cargoes of ships, demand will be made by list according to the requirement of the Shogunate.

一、日本の内、何の湊へ成共、着岸不可有相違、難風に逢、帆船絶、何の浦々へ寄候共異儀有之間敷事

3. (English ships) are free to visit any port in Japan. If disabled by storms, they may put into any harbour.

一、江戸に於て望の所に、屋敷可遣間、家を立、致居住、商賣可仕候、歸國之儀は何時にも、いぎりす人可爲儘事

4. Ground in the place in Yedo which they may desire shall be given to the English and they may erect houses and reside and trade there. They shall be at liberty to return to their country whenever they wish to do so, and to dispose as they like of the houses they have erected.

即ち江戸住居の自由を英人に許可し又貿易も許した。

一、日本の内に而、いぎりす人病死など仕候者、其者の荷物無相違可遣之事

5. If an Englishman die in Japan of diseases, or of any other cause, his effects shall be handed over without fail.

一、荷物おしがい狼籍仕間敷事

6. Forced bargain of cargoes and violence shall not take place.

一、いきりす人の内徒者有之者依罪輕重いきりす人の大將次第可申付事

右如件

慶長十八年八月二十八日

朱印 いんきらていん

7. If one of the English should commit an offence, he shall be sentenced by the English General (Taishō) according to the gravity of the offence.

即ち治外法權を與へる様な文句を以て終り慶長十八年八月二十八日御朱印いんきらていらとある。これはポルトガル語にて英國を *Inglatterra* と云ふからである。

The above is as stated. 18 Keicho, 8 Month 28 day (Oct. 13th, 1613) (Red Seal) *Ingratterra* (England)

第五節 通商の自由寄港の自由等の條項の比較

通商の自由、日本國內寄港の自由 (*free to visit any port in Japan*) は慶長十八年(西曆千六百十三年)イギリス通商の朱印 (*Original Privileges*) 東照宮賜伊祇利須御朱印の條項中に明記されて居るが、此の種の條項は英國エリザベス女王とスマトラの *Achin* (*Acheen*) 王との條約中に第一條項中にも、*First we do give and grant free licence;.....come into any ports or elsewhere into these our dominions and Kingdom of Sumatra with their ships;.....*とあり、又日英通商朱印狀(5) If an Englishman dies in Japan of disease, or any

other cause, his effects shall be handed over without fail とあるに對し、それと照應する Articles set down by the King of Dachein and delivered to Sir James Lancaster A. D. 1692 中の條項は第三項 Item. If any Englishman shall make his will and testament……and if he die……の條項である。

又日英通商の Original Privileges の第七項 7) if one of the English should commit an offence……は英國と Achin との條約第六項 Item. If any English merchant, factor or servant shall offend……と照應する。かくの如く日英通商の Original Privileges は「サリスの請願書 (Saris' Original Petition)」に比し又 The Alleged Privileges (The alleged "Translation of the Emperor of Japan's Privileges") に比し簡略ではあるが間接的に英國と Achin 國との條約文の影響を受けて居る。セーリスの請願書は直接的の影響を受けて居り、英國と Achin との條約が模範標本 (Model) であると私は断定したい。これ英國其他外國側の學者又我國側の學者の未だ何人も論破せざりし處であるが、私はこの史的事實を立證せんとする次第である。これ此の稿ある所以である。

第六節 徳川秀忠の英人に與へし朱印狀の條項と英國對 Achéen 國條約の條項

臺徳公賜伊祇利須御朱印 (the Modified Privileges Granted by Hidetada) は極めて簡單である。

一、自伊祇利須至日本國渡海商船於平戸可賣買他所不許之縱令雖遭風波之難到本邦之地不可有異議並諸役免除之事

1. The trading ships coming from England over the sea to Japan may carry on trade at Hirado. All other places are

prohibited. If, by contrary wind, they arrive in any place of this country, they shall be without hindrance. Also no duties whatever will be exacted.

即ち諸税免除の條項がある。

Letters received by the East India Company from its servant in the East: Vol. IV. p. p. 140—141 所載 379^A Copy of the Articles or Privileges Granted to the English nation by Shongo Samme, Emperor of Japan, 1616 (こは右と異りたる英譯文を載す。Memorials of the Empire of Japan By Thomas Rundall. Notes 2. 村上直次郎博士譯註増訂異國日記抄も同様である。

私が右に掲げた英譯文は村上村川兩氏編日本在留英人書簡集附録Hに載する所謂 a faithful translation である。

一、船中資財隨所思以目錄可召寄事

この條項は Original Privileges と同様である。

一、不可有押買狼藉事

この項亦 Original Privileges と同様である。

一、彼國人若有病死之輩者其荷物不可有相違事

この項は Original Privileges にもあるが、King of Daechan (Achin) and Sumatra と英國エリザベス女王との條約にもある。

一、船中商客於有罪科者任其國法可隨船主心事

この治外法權を興へる如き文句は、家康の興へた朱印狀、又セーリスの請願書にも現はれ居るが、そのセーリスの請願書の模範標本 (Model) とは、たゞ私の信ずる Articles set down by the King of Dachein and delivered to Sir James Lancaster A. D. 1602. I. Most Mighty King of Dachein (Achin) and Sumatra to all persons that shall read this present writing, Greeting に初まり其第八項に(或は數へ方に依りては第九項に)

Item We of our goodness have grant to the said English merchants, their successors, servants and deputies that do or shall remain in any part of this our Kingdom of Sumatra whether it be in Dachein or any other part of our dominions freely to keep their own laws and in anywise none of ours to force them to our laws or faith against their wills. とある。

かくの如く觀じ來らば、徳川秀忠の英人に與へた朱印狀も間接には南洋の Acheen (The State and town at the N. W. angle of Sumatra) 國王が英人に與へた特許狀(條約)の影響を認める事が出来る。

第七節 結 語

然らば Acheen (葡萄牙人は Achem 又は Dachein と呼ぶ國が英人と締結した條約の標本 (Model) は如何。こは文化の程度高き英人側より條約文の條項を示したものと私は察する。日英間の場合にも英人側より文案を示した事はセーリスの請願書により明である。されば十七世紀初葉歐洲人が南洋又は東洋の諸國と締結したる條約の先例があると思ふ。これ更に研究を要する問題である。

私は商業政策、商業史、國際法條約の歴史等より、この問題を解決せんと欲するものであるが、そは他

日を期する事とする。

茲には日英通商の朱印の條項とそれに先立ち締結された Acheen 國と英國との條約(特許條項)との比較に筆をとゞめる事となる。

第三章 ジョンブルースの著述と其主著東印度會社年代記の史料

的價值

第一節 再びブルース氏の全著述に就て

私は昭和十年十月發行本誌第十六年第一冊特輯長崎高商創立三十周年記念論文集掲載拙稿『舊倫敦東印度會社と我國との交通貿易——ジョンブルース著東印度會社年代記』第二章ジョンブルース著東印度會社年代記第一節、ジョンブルースの生涯及其著述概要と題して彼の全著述に就て主として Dictionary of National Biography を参考して各著述を列擧して置いた。又昭和十一年三月發行本誌第十六年第二冊掲載拙稿『舊倫敦東印度會社と我國との交通貿易再論』(一)ジョンブルース著東印度會社年代記第一章緒論第二節東印度會社 (East India Company) 即ち The East India House) 又は India Office 關係中の歴史家中 (4) John Bruce (1745—1826) の部に次の如く書いて置いた。

John Bruce の事は次の第二章に於て述べる事とする。九州帝國大學附屬圖書館所藏エヂンバラ大學圖書目錄により彼

の著述の比較的正確なる題名を知り得たから前項第二章中彼の著述目次を改訂し云々。

それで其豫約を果すが爲めに今この第三章に於てエヂンバラ大學圖書目錄中 (Catalogue of the Printed Books in the Library of the University of Edinburgh) 第一卷 (Volume I) (エヂンバラ大學出版部千九百十八年刊行) 中よりブルースの著述のエヂンバラ大學藏書目錄を九大の田中司書に依頼しタイプライターに打ちたるものを其儘に引用列擧して置く。それ等と Dictionary of National Biography に載する處と書名又は出版年代等に多少の差異がある。即ち次の如くである。

CATALOGUE OF THE PRINTED BOOKS IN THE LIBRARY OF THE UNIVERSITY OF EDINBURGH.

Vol. 1 : A-F. p. 563.

- Bruce (John) M. P., F. R. S. Annals of the Hon. East-India company, from their establishment. . . 1600, to the union of the London and English East-India Companies, 1707-8. 3 vols. 4° Lond., 1810. Q* 19. 9-11.
- Elements of the science of ethics, on the principles of natural philosophy. 8° Lond., 1786. N* 21. 64.
- Another copy. N. 11. 7.
- First principles of philosophy, etc. 12° Edin., 1780. *EE. 10. 59.
- [] Historical view of plans for the government of British India and regulation of trade to the East Indies, etc. Anon. 4° Lond., 1793. Q* 19. 3.

[—] Report on the arrangements . . . made for the internal defence of these kingdoms, when Spain . . . projected the invasion and conquest of England, etc. Anon. 8° [Lond., 1798 ?] EE. 11/1. 91.

— Another copy.

Hg. 6. 2.

[—] Report on the events and circumstances which produced the Union of . . . England and Scotland, on the effects of this . . . event ; and on the political & commercial influence of Great Britain in the balance of power in Europe.

(And Appendix.) Anon. 2 vols.

Mackay Beq. 8° [Lond., 1799.] Hg. 6. 31-2.

— Another copy.

Q. 12. 51—52.

— Report on the negotiation, between the Hon. East-India Company and the public, respecting the renewal of the Company's exclusive privileges of trade, for twenty years from March, 1794. 4° Lond., 1811. *Y, 26. 10/2.

[—] Review of the events and treaties which established the balance of power in Europe, and the balance of trade in favor of Great Britain. Anon. Map. Priv. pr. 8° [Lond. ?] 1796. EE. 11/1. 46.

— Substance of the speech of J. B. M. P. in the Committee of the House of Commons on the resolutions respecting India affairs, May 31, 1813. 8° Lond., 1813. P. 30/1.

尚ブルース氏とエヂンバラ大學に就て一つの疑問を序に述べて置きたり。それは

Life and Correspondence of David Hume By John Hill Burton. Vol. II. p. 192. 〇 興替 〇 In consequence of a

bargain made with J. Russel, Bruce, the Professor of the Law of Nature and Nations, goes out,
とある Bruce は何人なる乎。John Bruce は Professor of Logic であつたから別人なるべし。それとも誤
りして Professor of the Law of Nature and Nations とも書かれしのである乎。私が近頃ヘチンバラの
Thin 書店より我校園書館に購入した書物 Records of the Tercentenary Festival of the University of Edinburgh
Celebrated in April 1884 には John Bruce の名は書してなからず。又この書に収録された University of St.
Petersburg. への書かれたる To the Members of the University of Edinburgh 宛のヘチンバラ大學三百年の
祝辭中に Its doors have ever been open to the thousands who have flocked from all quarters of Europe to inscribe
themselves as pupils of its Professors and Teachers. And in its past history, we find many a name illustrious in Theology,
in Philosophy, in Natural History, and above all, the name of the author of 'The Wealth of Nations', the founder of
the new science of our days—Political Economy:.....

May the Edinburgh University for centuries continue to be the favoured home of knowledge and learning! と結
んで居る。但しアダムスミス(Adam Smith)はヘチンバラ大學出身でなく又其教授(Professor)でもなか
つた。たゞヘチンバラ大學の講師(Lecturer at Edinburgh) (1748—1750)であり又ヘチンバラは彼が大著
出版後西曆千七百八十年に入りて後 Commissioner of Customs in Scotland となり又彼の永眠の地であつた。

(彼は千七百九十年七月十六日永眠)

(附註) 長崎高商研究館年報第四年第二冊所載拙稿アダム、スミスの生涯及其著作(一)及第五年第二冊掲載の同(其三)等参照。

第二節 ブルース氏著東印度會社年代記の史料的价值

私は昭和十一年三月發行本誌第十六年第二冊所載拙稿舊倫敦東印度會社と我國との交通貿易再論(一)——ジョンブルース著東印度會社年代記の終りに

次に又 John Bruce 著東印度會社年代記を史學研究法に所謂史料の等級と云ふ立場より後章に於て論じたいと思ふと結んで置いた。依而茲に簡單に述べる事とする。

このブルースの著書は其序文(Preface)の終りに記する如く The Indian Register Office, the State Paper Office 等役員の助けを得て其報告に接し又それ等の役所に保存され居る古文書(Ancient Manuscript)を讀み且筆寫し各種の根本史料(the Numerous Documents)を檢しそれ等を基礎として書いたものである。さればこのブルース氏(John Bruce)著舊倫敦東印度會社年代記(Annals of the Honourable East India Company)の史料としての價值は其序文(Preface)の終りに記する如く根本史料の保存され居る諸役所より材料を得て起草したるものである。それ故其著述其物は編纂物であつて所謂一等史料其物ではない。しかし一等史料を参考して著述されたものであるから史料として價值高きものである。しかし編纂物である。

故文學博士坪井九馬三先生著史學研究法に論ぜられたる史料の等級より論じてブルースの著述

は一等史料ではない又二等、三等、四等の史料でもなく所謂五等史料である。

かく坪井博士の所謂史料の等級よりすれば史料として等級は低くなるが彼は元來哲學、論理學等を最初に研究しエヂンバラ大學の教授であつた程の學者であるから其歴史的著述も秩序整然たる大著である。

九州帝國大學教授文學博士長壽吉氏著新修史學概論第三章史料の解釋第二節史料の種別に論ぜられ居る所謂編纂物にブルースの著述は屬する。尙ヘルンハイム、(E. Pernheim) ドロイセン (J. G. Droysen) 若くは Ch. Seignobos 等を引用して論じたいが今は其の暇がない。

何れにするもブルースの東印度會社年代記は彼の名著であり彼の著述中永久に後世に傳へらるべきものである。彼は最初哲學を學び論理學の教授であつたが彼の名は歴史的著述東印度會社年代記により不朽である。

昭和十一年三月發行長崎高商研究館年報第十六年第二冊に掲載の日英交通史料(十五)の(266)中に論述して置いた如く「The Cambridge History of The British Empire. Vol. IV. British India の第四章に東印度會社(The East India Company 1600, 1740)と題し Sir William Foster がその卷末に参考文献目録(Bibliography)を掲げ史料を夫々其史料の等級を設け分類して居る。それによれば、

A 根本史料 (Original Materials)

第一、當時の書翰覺書等の古文書 (Manuscript)

第二、それ等の書翰覺書等の古文書を印刷出版したるもの (Published Documents).

第三、當時の旅行記並に其時代の出版物或は後年の複製本 (Travels and Other Contemporary Publications)

B 第二次的著述 (B. Secondary Works)
となる。

而して日英交通史料十五所載 (270) Bruce, John, Annals of the East India Company 3 vols. 1810 の部を説明して置いた如く William Foster 氏はこのブルース氏著書を第二次的の参考文献として居る。

The principal non-official materials are the Annals of the Honourable East India Company by John Bruce, a valuable original work compiled in his capacity of Historiographer to the Company.

右の如く William Foster 氏の所謂 (A) 根本史料 (Original Materials) (B) 第二次的著述 (B. Secondary Works) の二大區分法は History and Historical Research By C. G. Crump, Author of the Logic of History, etc. London 1928, p. 67 に All material may be divided into two classes, primary sources and secondary sources と云ふの如く照應すべきである。