

事項一 米國加州ノ外國人土地法及土地問題ニ關スル

日米協約締結交渉關係

- 一 牧野外務大臣ノ議會演說
- 二 米國法律家「マクケネー」氏意見
- 三 土地問題ニ關スル日米協約締結交渉ノ經過
- 四 土地問題ニ關スル日米協約締結交渉ノ打切通告及米國政府ノ回答並往復文書ノ公表問題
- 五 日本政府ノ第四回抗議
- 六 米國ノ排日行動予防ノ為メ協約締結問題

一 牧野外務大臣ノ議會演說

一 一月二十一日 牧野外務大臣ヨリ
在米國珍田大使宛(電報)

加州問題ニ關スル議會演說通報ノ件

別電 同日牧野外務大臣發珍田大使宛電報第八三號

右演說ノ英訳文

附記 一 右演說ノ和文

二 加州問題ニ關シ一月十八日彼我打合濟ノ公表案

三 一月二十五日附清水代議士報告書

日米議員會並日米問題

第二二號

本大臣本二十一日衆議院ニ於テ加州問題ニ關シ別電第二三號ノ趣意ヲ演說セリ右御含迄ニ申進ス

右演說筆記ハ当地ニ於テ内外ノ新聞記者ニ頒布セリ尚ホ予テ米國政府ト打合濟ニカ、ル公表案ノ全文ハ本大臣ノ貴族院ニ於ケル演說後等シク内外ノ記者ニ配布ノ答
右沼野領事ヘ転電アレ

(別電)

一月二十一日牧野外務大臣發珍田大使宛電報第二三號

加州問題ニ關スル外務大臣ノ議會演說英訳文

No. 23

In the State Legislature of California, bills of an anti-Japanese character have regularly been introduced at its sessions for more than ten years past. Thanks to the good offices earnestly exercised by the United States Government and thanks also to the proper steps opportunely taken by the Government and people of Japan, nothing of serious moment did not fortunately occur. But, at the fortieth session of the Legislature, which assembled last year, a bill, known as Webb Bill, aiming at the prohibition of ownership or real property by Japanese, was passed by an overwhelming majority. It was signed by the Governor on May 19 and became operative on August 10. The new Act places Japanese on a different footing from other aliens and the main point in dispute between the two countries has been the discriminative treatment resulting from this Act.

In view of the situation which prevailed in the State of California, the Imperial Government thought it necessary to call the special attention of the new Administration to the matter and instructed our Am-

freely expressed in the press. Meantime, no small number of Americans, who hold due regard for justice and international good relations, volunteered their hearty co-operation with the Japanese in the use of all means to bring the question to a satisfactory conclusion. However, the situation changed very rapidly and the passage of the anti-Japanese bill seemed to be more assured.

Then, Viscount Chinda, under instructions from the Imperial Government, had an interview with the Secretary of State on April 12 and one with the President on April 15. In both interviews, the Ambassador reiterated that the Imperial Government, having in view the name of the nation, could not but attach great importance to the question and asked the President and the Secretary of State that more efforts be taken to prevent the passage of the bill then pending. To this, both the President and the Secretary of State responded that they fully appreciated the wish of the Japanese Government and that, although the fact that the right to grant land ownership lay entirely within the jurisdiction of the State, combined with the peculiar

passador to seek an interview, which was given by the new President on March 5, the first opportunity presented immediately after his inauguration. In the interview, the Ambassador earnestly requested, under the instructions of his Government, that the new Executive would, considering the friendly relations of the two nations, take proper steps and make best efforts to stop the threatened legislation of the alien land ownership bill. The President thanked the Ambassador for the representation thus made and stated that, although the Federal Government could not interfere with the rights reserved to the States of the Union, he would not hesitate to use the best possible efforts so as to realize the wish of the Imperial Government. On March 13, the same assurance was elicited by the Ambassador from Mr. Bryan, Secretary of State.

In California also, our consul used his best efforts in accordance with our instructions. The San Francisco Exposition as well as quite a number of chambers of commerce and other influential bodies opposed such anti-Japanese legislation. Similar views were also

circumstance that the Federal Administration did not belong to the same political party as the authorities of California, would make the solution of the situation difficult, the United States Government were determined to use all means that they could command to bring about a solution. Both officials requested the Ambassador to make the attitude of their Government well understood by his Government.

On April 18, the President directed the Secretary of State to send a telegraph to the Governor of California, advising him to change the terms of the bill and not to use the formula of eligibility to citizenship for the purpose of drawing a distinction in the matter of the enjoyment of rights. More telegrams followed this from the President on April 22 and May 1 and from the Secretary of State on May 11 to the Governor. Meantime, the Ambassador held several interviews with the Secretary of State and, explaining repeatedly that the bill was contrary to the principle and spirit of the Treaty, endeavored to cause the contention of the Imperial Government to be fully appreciated by the United States Government and urged

that no such enactment having a discriminatory effect against Japanese should be passed. The President, then, decided to send the Secretary of State to California and the latter reached the State capital on April 28. He appeared in the joint sessions of the two houses of the Legislature to explain personally the request of the Federal Government and to present their suggestions. Despite all available efforts used by the Secretary of State to make the legislation less objectionable, the Governor and the members of the Legislature, who supported him, strictly adhered to the principle that the rights of the State must not be interfered with and the bill was finally passed.

Upon the passage of the Land Bill, the Imperial Government instructed their Ambassador to hand, on May 10, to the Secretary of State the first protest. On May 11, the Secretary of State sent, by order of the President, a telegraph to the Governor of California, apprising him of the receipt of a protest from the Japanese Government, and expressed the willingness of the President to use his good offices, through diplo-

matic means, to bring about the desired solution of the alien land ownership problem. The intention of the President seemed to induce the Governor to reconsider the matter and to refrain from signing the bill. But, the Governor telegraphed back to the President, pointing out the urgency which called for the legislation in question and expressing the opinion that the measure was not a violation of the Treaty. He signed the bill on the 19th.

Upon the receipt of information that the bill had become law, the Secretary of State handed to Viscount Chinda a reply to the protest of the Imperial Government. The reply began by recording the facts that efforts had been made to the fullest extent by the United States Government to prevent the legislation and by expressing the regret felt by them over the enactment. The reply went on to state emphatically that the enactment was purely an outcome of economical question and, then, gave counterarguments on the various points raised in our protest.

But, as the reply was not satisfactory to the Imperial Government, the Ambassador was instructed to

address, on June 4, a second communication to the

Secretary of State, in answer to the reply, pointing out in detail the violations of the Treaty. On July 16, the Secretary of State handed to Viscount Chinda the second reply, in which counterarguments to the various points mentioned in the second communication of the Imperial Government were given fully and in detail and a few suggestions were referred to as remedies to the consequence of the legislation. The Imperial Government then prepared the third note of protest and caused the Ambassador to present it on August 10, to the Secretary of State and no answer whatever has been made to it.

While the protest of the Imperial Government and the replies of the United States Government relative to the Land Act of California are as briefly mentioned above and cannot be made public, the Imperial Government have found the replies of the American Government not at all satisfactory and recognizes the necessity of elaborating other plans for the solution of the pending question. As regards the nature of such plans, however, the time to report it has not, to

our regret, arrived.

(附 記 I)

加州問題ニ關スル外務大臣ノ議會演說案

過去十數年間加州議會ニ於テハ毎期必ス排日的議案ノ提出ヲ見サルナク米國政府ノ熱心ナル調停ト帝國官民ノ機宜ノ施措ト相須テ從來幸ニ事ナキヲ得タリシモ昨年加州第四十議會ニ於テ日本人ノ不動産所有禁止ヲ目的トセル「ウエツブ」案ナルモノ終ニ大多數ヲ以テ通過シ五月十九日知事ノ署名ヲ了シ八月十日ヨリ實施セラルルニ至レリ然ルニ該法ハ日本人ニ對シ他ノ外國人ニ比シテ区別的待遇ヲ与フルモノニシテ日米兩國間交渉ノ主題トナリタルモ專ラ此点ニアリトス

帝國政府ハ加州ノ形勢ニ顧ミ本件ニ關シ米國新政府ノ切実ナル注意ヲ喚起スルノ必要ヲ認メ「ウエルソン」氏大統領就職後劈頭ノ機會三月五日ニ於テ珍田大使ヲシテ同大統領ニ謁見セシメ兩國ノ親交ニ顧ミ適當ノ手段ヲ尽シ外國人土地所有法案ノ成立ヲ防止スルニ努力セラレン事ヲ切望スル旨縷述セシメタルニ大統領ハ大使ノ所言ヲ謝シ政府ハ各州固有ノ權利ニ干渉スルヲ得サルモ及ブ限リノ力ヲ竭シ帝國

政府ノ期待ニ副フ為メニ斡旋スルヲ辭セスト明言シ続テ三月十三日大使ハ更ニ國務長官「ブライアン」氏ニ面会シ同様ノ言明ヲ得タリ

又加州方面ニ於テハ我領事モ訓令ニ從ヒ力ノ及フ限り尽瘁シ桑港博覽會商業會議所其他ノ有力ナル団体及新聞紙中ニモ排日的立法ニ反對シタルモノ少カラス此間ニ於テ日本人ハ固ヨリ米國人ノ正義ヲ尊ヒ国交ヲ重ンスルモノニシテ満足ナル解決ヲ見シカ為メ尽力シタルモノ少カラサリシモ形勢急轉シ排日案ハ益勢力ヲ得ルニ至レリ

茲ニ於テ珍田大使ハ帝國政府ノ訓令ニヨリ四月十二日國務長官ト会见シ更ニ四月十五日大統領ニ謁見シ帝國政府ハ國家トシテノ面目上極メテ本件ヲ重視スルモノナル旨ヲ反覆説述シ本法案防止ノ為メ一層ノ努力ヲ要望スル処アリシカ大統領及國務長官ハ何レモ深く我力意ヲ諒トシ只土地所有權ノ許否カ州ニ專屬スルノ事實ハ中央政府ト加州当局者ト政派ヲ異ニスル事情ト相俟テ当面ノ解決ヲ困難ナラシムルモノアルモ我主張ニ對シテハ之ヲ解決ノ為メ全力ヲ尽スヘキ決心ナルヲ以テ此態度ハ宜シク日本政府ニ徹底スル様取計ハレタキ旨明言スル処アリタリ

テ知事ヲ反省セシメ同法案ノ裁可ヲ中止セシメント試ミタルカ右ニ對シ知事ハ本法制定ノ必要ト條約違反ニアラサル旨ヲ返電シ十九日遂ニ署名セリ此報ニ接スルヤ國務長官ハ直ニ我抗議書ニ對スル回答書ヲ珍田大使ニ手交シタリ右回答書ノ要領ハ該法防止ノ為メ全力ヲ傾注セルノ事實ヲ拳ケ同法ノ成立ヲ遺憾トスルノ意ヲ表シ轉シテ該立法タル全然經濟的ノ必要ニ出テタルモノナルヲ切言シ尚ホ我提起セル他ノ諸点ニ對シ夫々弁明ヲ加ヘタルモノナリ

然レトモ右米國政府ノ回答書ハ帝國政府ノ満足スル能ハサルモノナルヲ以テ六月四日珍田大使ヲシテ右ニ對スル弁駁トシテ第二回抗議書ヲ國務長官ニ提出セシメ更ニ條約違反ノ点ヲ指摘細論シテ米國政府ノ注意ヲ喚起セシメタルニ七月十六日國務長官ハ帝國政府ノ第二抗議書ニ指摘シタル諸点ニ對シ精細ニ論弁ヲ加ヘ本件救済策トシテ二三ノ項目ヲ掲ケタル第二回回答書ヲ正式ニ珍田大使ニ手交シタルニヨリ帝國政府ハ更ニ弁駁トシテ第三回抗議書ヲ草シ珍田大使ヲシテ八月二十六日國務長官ニ手交セシメタリ而シテ右我政府ノ弁駁ニ對シテハ米國政府ヨリ來タ何等回答ナシ加州土地法ニ對スル帝國政府ノ抗議及之ニ對スル米國政府

四月十八日ニ至リ大統領ハ國務長官ヲシテ加州知事ニ電報セシメ友邦トノ親交ニ鑑ミ法案ヲ變更シ帰化權ノ有無ヲ以テ本件權利ノ標準トナサザランコトヲ勸告シ其後同月二十二日五月一日ノ兩度大統領ヨリ直接知事ニ電報シ同月十一日更ニ國務長官ヲシテ電照セシムル所アリ珍田大使モ亦爾來屢次國務長官ト会见シ本法案ハ條約ノ主義精神ニ悖ルモノナル旨ヲ繰返シテ我主張ノ徹底ニ努メ日本人ニ区別的待遇ヲ与フルカ如キ立法ヲ見ルナカラン事ヲ要望シタルカ大統領ハ遂ニ國務長官ヲ加州ニ特派スルニ決シ同長官ハ四月二十八日加州首都ニ著シ兩院協議會ニ臨ミ親シク中央政府ノ希望ヲ陳ヘ種々調停的提議ヲナシ極力立法ノ緩和ニ斡旋スル処アリシモ知事及其一派ノ議員ハ固ク州權不干渉説ヲ持シ終ニ「ウェツプ」案ヲ通過確定スルニ至レリ

土地法カ加州兩院ヲ通過スルヤ帝國政府ハ五月十日ヲ以テ珍田大使ヲシテ第一回抗議書ヲ國務長官ニ手交セシメタリ國務長官ハ我抗議ニ接シタル後五月十一日ニ至リ大統領ノ命ニヨリ加州知事ニ電報ヲ發シ日本政府ヨリ抗議ノ提出アリタルヲ告ケ大統領ハ外交の折衝ニヨリ外國人土地所有問題ヲ処理スル為メ進ンテ斡旋スルヲ辭セストノ意ヲ致シ以

ノ弁明ハ前章ニ概説セル如クニシテ不幸ニシテ未タ之ヲ發表スルコト能ハサルモ要スルニ帝國政府ハ米國政府ノ弁明ハ到底満足ナルモノニ非サルヲ知り結局政府ハ本件ノ解決ニ關シテハ別ニ方策ヲ講スルノ必要ヲ認メタルモ右ニ關シテハ未タ公表ノ時機ニ達セサルヲ遺憾トス

(欄外註記)

「一月二十一日衆議院ニ於テ外交方針演説中本案ニ依リ説明セラレタリ。演説後新聞社ニ寫ヲ渡ス」

(附 記二)

加州問題ニ關シ一月十八日彼我打合濟ノ公表案
Brief History of Controversy between Japan
and the United States regarding
the California Question

I.

Nature of the Land Act.

In the State Legislature of California, bills of an anti-Japanese character have regularly been introduced at its sessions for more than ten years past.

Thanks to the good offices earnestly exercised by the Federal Government and thanks also to the proper

steps opportunely taken by the Government and people of Japan, no such bills were actually enacted and nothing of serious moment occurred until last year. Unfortunately, an anti-Japanese bill was passed in the form of a land act last year and the measure has since become the subject of important controversy between the Japanese and American Governments. A brief statement, explaining the nature of the enactment, will be given below, before a record of the development of the case will be presented in the next chapter.

Of diverse bills introduced into the fortieth session of the Legislature, which assembled in January, 1913, those which had important relation to the Japanese people, were the bills to prohibit the ownership of land by Japanese subjects. Those bills were, under the rules, referred, in the both houses of the Legislature, to the proper committees and a substitute bill was presented by each committee. On April 12, the substitute project passed the second reading in each house, but alterations were made to it as a result of extended discussion and of changes in the situation.

iens, are treated the same as ineligible aliens.

3. Any real property and any interest therein acquired in violation of the Act escheats to the State.

4. Aliens and alien legal persons belonging to the class mentioned in 2 are permitted to lease land for agricultural purposes for a term not exceeding three years.

Since the question whether the Japanese are eligible to citizenship under the present laws of the United States is a moot one, and since the Japanese-American Treaty does not explicitly stipulate as to the right of landownership by Japanese, the new Act places them on a different footing from other aliens. It is true that Japanese are granted the privilege to lease agricultural lands for a short term, for which no express provision exists in the Treaty, but the right to acquire, possess and inherit land, which is freely granted to other aliens, is denied to them. The main point in dispute between the two countries has, therefore, been the discriminative treatment, resulting from this Act.

Finally, a new draft, prepared by Mr. Webb, was adopted as an amendment of the substitute. This bill passed, by an overwhelming majority, the Senate on May 2 and the Assembly on May 3, and was signed by the Governor on May 19. The law became operative, in accordance with the provision of the Constitution of the State, on August 10, ninety days after the final adjournment of the Legislature.

The important features of the Act are as follows:

1. Aliens who are eligible to citizenship under the laws of the United States, may, equally with citizens, acquire, possess, enjoy, transmit devise and inherit real property and any interest therein.

2. Aliens who are not eligible to citizenship may acquire, possess and transfer real property and any interest therein to the extent prescribed by treaties between the United States and the country of which they are citizens or subjects and not otherwise.

Corporations, a majority of whose members are aliens ineligible to citizenship, and companies, a majority of whose stock is owned by such al-

The course of Legislation respecting the Act and the Steps taken by the Imperial Government before the Enactment

Upon the opening of the last session of the State Legislature of California, the Imperial Government made to Mr. Taft, then President, and to Mr. Knox, the Secretary of State, an earnest request that, in order to prevent the enactment of anti-Japanese laws, effective measures to meet the situation might be taken, as had been done in similar circumstances on previous occasions, and a consent was willingly given by those responsible officials. However, the Administration of Mr. Taft was soon succeeded by that of Mr. Wilson. In view of the situation which prevailed in the State of California, the Imperial Government thought it wise to call the special attention of the new Administration to the matter and instructed Ambassador Chinda to seek an interview given by the new President. That interview took place on March 5, the first opportunity presented immediately after

his inauguration. Under the instructions of his Government, the Ambassador assured the President, in that interview, that it was a matter of grave regret to find various bills of an anti-Japanese nature pending in the Legislatures of Pacific Coast States, particularly of California, and that, should any of these bills pass the Legislature, unsatisfactory results, it was much feared, might follow, and that, therefore, the new Executive, it was earnestly hoped, would, as had been done by the former President, take proper steps, considering the friendly relations of the two nations, to stop the threatened hostile legislation. The President thanked the Ambassador for the representation thus made, and stated that, although the Central Government could not, having in view the institution of the United States, interfere with the rights reserved to the States of the Union, he would not hesitate to use the best possible efforts so as to realize the wishes of the Imperial Government. On March 13, the same assurance was elicited by the Ambassador from Mr. Bryan, Secretary of State.

Meantime, to the consul stationed in California all

order to bring about the covered enactment.

As the changing situation, thus developed, seemed to indicate a serious turn of events, Ambassador Chinda, under instructions from the Imperial Government, had an interview with the Secretary of State on April 12 and one with the President on April 15. In both interviews, the Ambassador, after dwelling upon the traditional relations of friendship, placed much stress upon the fact that the Imperial Government had always been sincerely desirous of maintaining and strengthening the close relations uniting the two countries and he enforced his statement with the narration of such instances as the restriction of emigration of his countrymen to the United States and the first acceptance among nations of the invitation to participate in the San Francisco Fair and the like. All of these instances, he added, served to prove how favorably and sincerely disposed the Japanese Government invariably were towards the United States. The Ambassador explained that the number and activities of the Japanese in California had been greatly overestimated by the public and that the acreage of

necessary instructions concerning the course of action he was to follow, were fully and carefully given. It should be noted also that the Panama Pacific International Exposition was energetically opposing the enactment of the measures in question and was, it appeared, exhausting every conceivable means to hinder the passage of the bills, and it also seemed that there were quite a number of chambers of commerce and other influential bodies which passed resolutions condemning such anti-Japanese legislation. Similar views were also freely expressed in the press. Meantime, no small number of Americans, who hold due regard for justice and international good relations, volunteered their hearty co-operation with the Japanese in the use of all means to bring the question to a satisfactory conclusion.

In the first part of the session, the turn of events could not be foreseen. In the latter half of session, however, the activities of the anti-Japanese members in the Legislature increased in vigor and the situation changed very rapidly. As has already been stated, both branches of the Legislature drafted their substitute bills and seemed to hasten the proceedings in

the land owned by them was too small as to justify any apprehension. Under such circumstances, the Imperial Government could not, the Ambassador reiterated, understand why the rights of Japanese had to be curtailed by this unjust enactment and he feared that such discrimination might bring deplorable consequence to the relations of amity and commerce between Japan and the United States, and, for that reason, the Imperial Government, having in view the name of the nation, could not but attach great importance to the question. The Ambassador asked the President and the Secretary of State that more efforts be taken by the Federal Government to prevent the passage of the bill then pending.

To this, both the President and the Secretary of State responded that they fully appreciated the wish of the Japanese Government, yet regretfully had to explain that the right to grant land ownership lay entirely within the jurisdiction of the State and that the peculiar circumstance that the Federal Administration did not belong to the same political party as the authorities of California, would make the situation

more difficult to handle. Both officials requested the Ambassador, however, that, as the representations made by him would be given sympathetic consideration and the best efforts of the United States Government exhausted to bring about a friendly solution, he would report to his Government the disposition of the American Government so that the Government of Japan would fully appreciate the attitude of the Government of the United States.

On April 18, the President caused the Secretary of State to send a telegraph to the Governor of California, advising him that, while the President was not in the least inclined to disregard the independence of the legislative power of the State of California, he wished that no attempt be made, having in view the good relations with a friendly Oriental Power, to use the formula of eligibility to citizenship for the purpose of drawing a distinction between aliens in the matter of enjoyment of rights. More telegrams followed this from the President on April 22 and May 1 and from the Secretary of State on May 11 to the Governor who, in response to these messages, ex-

plained his position. Meanwhile, Viscount Chinda had several interviews with the Secretary of State and endeavored to cause the contention of the Imperial Government to be fully appreciated by the United States Government. He repeatedly explained that the bill then pending was evidently aimed at the exclusion of Japanese people and was, consequently, not only violative of the stipulations of the Treaty but, in accordance with discriminatory treatment to them, contrary to its principle and spirit. He then urged that no such enactment having a discriminatory effect against Japanese be passed, whatever words might be used in the Act.

Unfortunately, the State Legislature took no heed of the advice given by the Federal Government and the situation became worse. The President, then saw the necessity of direct consultation with the authorities of the State in the matter and sent, with the consent of the Governor and the Legislature, the Secretary of State to California. The Secretary of State reached the State capital on April 28 and appeared in the joint sessions of the two houses of the Legislature in order

to explain personally the request of the Federal Government. All such efforts of the Secretary in presenting suggestions to make the terms of the bill less objectionable, however, fell to the ground, because the Governor and the members of the Legislature who supported him remained unmoved by what the Secretary said and strictly adhered to the principle that the rights of the State must not be interfered with. The bill fathered by Mr. Webb passed the Legislature at last.

III.

Protest of the Imperial Government and Answer of the United States Government.

Upon the final passage of the Land Bill, the Imperial Government saw clearly the necessity of lodging a formal protest against the measure and thereby to join issue with the United States Government in the matter. They accordingly instructed their Ambassador to hand to the Secretary of State, on May 10, the first communication in which the reasons why the law in question, being improper and discriminato-

ry, was not only revolting to the sense of right and justice, but was violative of the letter and spirit of the Treaty of Commerce and Navigation between Japan and the United States, were fully set forth.

On May 11, the Secretary of State sent, by order of the President, a telegraph to the Governor of California, in which, apprising him of the receipt of a protest from the Japanese Government, he informed him of the concurrence, on the part of the President, in the view that there existed on a necessity of removing all causes of irritation between the native citizens and the Orientals residing in the State and also expressed the willingness of the President to use, if the Governor would allow him some length of time for negotiation, his good offices, through diplomatic means, to bring about the desired solution of the alien land ownership problem. It was the intention of the President to induce the Governor to reconsider the matter and to refrain from signing the bill. But the Governor telegraphed back to the President on May 14, pointing out the urgency which called for the legislation in question, and expressing the opinion that

the measure was not a violation of the Treaty. His determination to approve the bill was thus definitely made known and on the 19th it was signed. Upon receipt of information to the effect that the bill had become law, the Secretary of State handed to Ambassador Chinda a reply to the protest of the Japanese Government.

The reply began by recording the facts that efforts had been made to the fullest extent by the United States Government to prevent the hostile legislation while the bill was still undecided in the Legislature and by expressing the regret felt by them over the outcome. The reply contained the arguments, couched in strong terms, to the effect that the enactment was without any political significance and was solely a result of economic condition existing in California. In the remaining part of the reply, counterarguments on the various points raised in the protest of the Japanese Government were given and, in conclusion, the conviction was expressed that the strong and unswerving good feeling between the two nations was not to be affected by the economic policy of a State

relating to a certain kind of property.

It need hardly be stated that this reply did not satisfy the Imperial Government which entertained the firm belief that the duty rested with the Federal Government to rectify the errors, made by this enactment in violation of the Treaty. On June 4, the Imperial Government instructed their Ambassador to address a second communication to the Secretary of State, in answer to the reply of the United States Government, pointing out in detail the violations of the Treaty. When the Secretary of State received the second note, he assured the Ambassador that full consideration would be given to the matter and again stated that this enactment was not a culmination of racial prejudice, but merely an outcome of economical question, pure and simple.

At this juncture, the Imperial Government, having in view the general condition of relations between Japan and the United States, believed it beneficial, for the solution of the pending question, to appeal directly to the President and, by a candid presentation of their views and hopes, to challenge his deliberate considera-

tion upon the subject in controversy. Consistently with that belief, they prepared a memorandum and on June 5, instructed Ambassador Chinda to see the President and to impress upon his mind, in explaining the contents of the memorandum and the second note, that Japan regarded the question as one of great importance affecting the name and dignity of the nation.

The gist of the memorandum was that, as Japan and the United States were geographically destined to be permanent neighbors, the people of the two countries were inevitably in a position to be brought in future, economically and socially, into closer contact with each other and that, as it would contribute to the mutual happiness of the two nations to perfect the relationship of good neighborhood by a policy of reciprocal conciliation and cooperation, each nation, aspiring to be fair and right, should not commit any acts which might hurt the dignity or injure the feelings of the other. The President, who listened to the reading of the memorandum, asserted that special stress was laid by him upon the general relations between the two nations and he further stated at length,

as did also the Secretary of State, that the enactment in question was purely economical and was not the outcome of racial prejudice.

Meantime, the Imperial Government made a further study of the Land Act and its violations of the Treaty, and prepared an Aide-Mémoire as a supplement to the second note and instructed the Ambassador to present it to the United States Government on July 3.

On July 10, Viscount Chinda visited the State Department at the request of the Secretary of State and a draft of the reply to our second communication and its supplementary mémoire was read to him by the Secretary. The reply was quite a lengthy one and contained detailed arguments on the points raised in our protests. In that reply, a few suggestions were referred to which the United States Government considered suitable remedies to the consequences of the legislation. The Ambassador did not leave the opportunity unavailed of to state that the reply would not satisfy or convince the Imperial Government and he left the Department after further explaining our

contentions and counterarguments on the main points contained in that reply. On the 16th of the same month, the Secretary of State formally handed to the Ambassador the reply and aide-mémoire, the draft of which had been shown privately to him as above mentioned. The Imperial Government then prepared the third note of protest and caused the Ambassador present it to the Secretary on August 26. No answer whatever has been made to it.

IV.

Supplement.

While the protest of the Imperial Government and the counterarguments of the United States Government relative to the Land Act of California, of which a brief reference has been made in preceding chapters, cannot be yet made public in detail, it can be announced here that the Imperial Government do not find themselves in satisfactory accord with the United States Government in the matter of the substance of the answer to their protest and, consequently, have found it incumbent upon themselves to elaborate other plans for the solution of the pending question. As

regards the nature of such plans, the time to disclose it has not arrived.

January, 1914.

(右和訳文)

加州問題ニ關スル日米交渉顚末

(大正三年一月)

第一 土地法ノ性質

過去十數年間加州議會ニ於テハ每期必ス排日の議案ノ提出ヲ見サルナク米國政府ノ熱心ナル調停ト帝國官民ノ機宜ノ施措ト相須テ從來幸ニ事ナキヲ得タリシモ昨年ニ至リ遂ニ土地法ノ形式ニ於テ排日の議案成立シ爲ニ彼我兩國政府間ニ重大ナル交渉問題ヲ惹起スルニ至レリ依テ茲ニ本件ニ關スル經過ヲ叙述スルニ當リ先ツ該土地法ノ性質ニ就キ略言セント欲ス

昨年一月ヲ以テ開會セル加州第四十議會ニ提出セラレタル幾多議案中本邦人ニ取り最モ重大ナル關係ヲ有シタルハ日本人ノ不動産所有禁止ヲ目的トセル數種ノ法案ナリトス該諸案ハ成規ニ依リ上下兩院共一旦各其委員會ノ審査ニ附セラレ同委員會ニ於テ各代表案ヲ作成セラレ四月十一日兩案

共ニ兩院ニ於テ第二議會ヲ通過セシモ其後議論百出形勢變転シ屢々修正ヲ加ヘラレタル末終ニ「ウエツプ」氏ノ起草セル新法案ヲ該代表案ノ修正トシテ採用スルニ決シ同案ハ上院ニ於テハ五月二日下院ニ於テハ翌三日何レモ大多數ヲ以テ通過シ五月十九日知事ノ署名ヲ了シタルヲ以テ加州憲法ノ規定ニヨリ該法ハ議會閉會後九十日ヲ經過シタル八月十日ヨリ實施セラルルニ至レリ該土地法ノ要点ヲ挙クレハ左ノ如シ

(一) 合衆國國法ニ依リ合衆國市民タルヲ得ル外國人ハ市民ト同様ニ不動産及之ニ關スル權利ヲ取得、保有、使用、讓渡、遺贈及相続スルコトヲ得

(二) 合衆國國法ニ依リ合衆國市民タルヲ得サル外國人ハ該外國人ノ本國ト合衆國間ニ締結セラレタル條約規定ノ範圍内ニ於テノミ不動産及之ニ關スル權利ヲ取得、保有、使用及讓渡スルコトヲ得

會員ノ多數カ此種外國人タル団体又ハ株式ノ過半カ此種外國人ノ所有ニ係ル会社ニ關シテモ亦同シ

(三) 本法ニ違反シテ取得シタル不動産又ハ之ニ關スル權利ハ州ニ沒收セラル

(四) 第二項ニ該當スル外國人又ハ外國法人ト雖モ三ヶ年ヲ超エサル期間農業用ノ目的ヲ以テ土地ヲ賃借スルコトヲ得

然ルニ合衆國國法上本邦人ノ同國ニ於ケル帰化權ハ今尚疑問ニ属スルノミナラス日米條約ハ土地ノ所有問題ニ關シ明文ヲ欠クヲ以テ結局本法ハ日本人ニ對シ他ノ外國人ニ比シテ区别的待遇ヲ与ヘ僅ニ條約ノ保障以外ノ事項タル農業用地ノ短期賃借權ヲ容認シタルノ外將來全然土地及之ニ關スル權利ノ取得、所有及相続ヲ禁スルモノニシテ日米兩國間交渉ノ主題トナリタルモ專ラ此区别的待遇ノ点ニアリトス

第二 本法成立ノ經過及成立前帝國政府ノ執

リタル措置

帝國政府ハ昨加州議會開會ノ当初大統領「タフト」氏並ニ國務長官「ノックス」氏ニ對シ前年來ノ事例ニ依リ排日立法ノ成立ヲ阻止スル爲メ充分有効ナル処置ヲ採ラレン事ヲ要望シ其欣諾ヲ得シモ「タフト」氏ノ政府ハ其後幾許モナク「ウエルソン」氏ノ政府ト交送スルニ至レリ然ルニ當時加州ニ於ケル形勢ニ顧ミ帝國政府ハ本件ニ關シ米國新政

府ノ切実ナル注意ヲ喚起スルノ必要ヲ認メ「ウ」氏大統領就職後劈頭ノ機会三月五日ニ於テ珍田大使ヲシテ同大統領ニ謁見セシメ日本ハ米國ニ對シ終始友好親善ノ誠意ヲ表彰シテ渝ルコトナキニ拘ラス太平洋沿岸殊ニ加州議會ニ於テ現下幾多排日の法案ノ繫属スルアルハ帝國政府ノ深ク憂フル所ニシテ万一是等法案ニシテ成立スルカ如キ事アラハ其影響ノ重大ナル洵ニ寒心ニ堪ヘサルヲ以テ新行政部ニ於テモ從來ノ行政部ト同シク兩國ノ親交ニ顧ミ適當ノ手段ヲ尽シ右等諸法案ノ成立ヲ防止スルニ努力セラレン事ヲ切望スル旨縷述セシメタルニ大統領ハ大使ノ所言ヲ謝シ米國ノ國体上中央政府ハ各州固有ノ權利ニ干渉スルヲ得サルモ中央政府トシテ及フ限りノ力ヲ竭シ帝國政府ノ期待ニ副フ為メニ斡旋スルヲ辭セスト明言シ統テ三月十三日大使ハ更ニ國務長官「ブライアン」氏ニ面会シ同様ノ言明ヲ得タリ加州方面ニ於テハ帝國政府ハ当初ヨリ本件ニ付我領事ノ取ルヘキ態度ニ関シ夫々必要ノ訓令ヲ与ヘ領事ハ之ヲ遵奉シテ力ノ及フ限り尽瘁セルハ勿論桑港博覽會ハ始終本立法ニ反對シ本案通過防止ニ努力シテ遺憾ナカリシカ如ク商業會議所及其他ノ有力ナル団体ニシテ排日の立法ニ反對スルノ

決議ヲナシタルモノ少カラス又新聞紙中ニモ同様ノ意見ヲ發表セルモノ多ク此間ニ於テ日本人ハ固ヨリ米國人ノ正義ヲ尊ヒ國交ヲ重ンスルモノニシテ本件ニ付満足ナル解決ヲ見シカ為メアラユル手段ニ依リ誠意ヲ致シタルモノ少カラス而シテ州議會前半ノ会期ニ於テハ形勢ノ帰趣容易ニ逆賭シ難キモノアリシモ其後半ノ会期ニ至リ院内ニ於ケル排日派議員ノ活動漸次旺盛ノ状ヲ呈シ形勢急転シテ前述ノ如ク上下兩院均シク代表案ヲ作成シ各議事ノ進行ヲ急ケリ形勢ノ推移前述ノ如ク事態漸ク重大ヲ告クルニ至リタルヲ以テ珍田大使ハ帝國政府ノ訓令ニヨリ四月十二日國務長官ト会见シ更ニ四月十五日大統領ニ謁見シ執レモ談フ日米兩國ノ傳統的親善關係ニ起シ帝國政府カ多年兩國ノ親交ヲ維持増進スルヲ念トセル事實ヲ述ヘ例ヲ移民制限又ハ桑港博覽會率先參同等ニ採リ常ニ其誠意ヲ表示スルニ躊躇セサリシ事實ヲ縷述シ進テ加州ニ於ケル本邦人ノ發展ハ決シテ世上伝唱セラルルカ如キ顯著ノ程度ニ達セルモノニアラス其所有地積ノ如キ極メテ微少ニシテ何等嫌畏スヘキ事由ナキニ拘ラス不公平ナル立法ニ依リ本邦人ノ正当ナル權利ヲ侵害セントスルハ帝國政府ノ了解ニ苦ム所ニシテ為メニ日米

ノ國交及通商上ニ悲ムヘキ影響ヲ招徠スルコトアルヘク帝國政府ハ國家トシテノ面目上極メテ本件ヲ重視スルモノナル旨反覆説述シ本法案防止ノ為メ中央政府ニ於テ一層ノ努力ヲ用ヒン事ヲ要望スル処アリシカ大統領及國務長官ハ何レモ深く我カ意ヲ諒トシ只土地所有權ノ許否カ州ニ專屬スルノ事實ハ中央政府ト加州当局者ト政派ヲ異ニスル事情ト相俟テ当面ノ解決ヲ困難ナラシムルモノアルヲ弁疏シ尚我主張ニ對シテハ充分同情ヲ以テ考量シ之カ友好的解決ノ為メ全力ヲ尽スヘキ決心ナルヲ以テ此態度ハ宜シク日本政府ニ徹底スル様取計ハレタキ旨明言スル処アリタリ

四月十八日ニ至リ大統領ハ國務長官ヲシテ加州知事ニ電照セシメ大統領ニ於テ加州立法權ノ獨立ヲ充分ニ尊重スルハ勿論ナルモ東洋ニ於ケル友邦トノ親交ニ鑑ミ法案ヲ變更シ帰化權ノ有無ヲ以テ本件權利ノ標準トナサランコトヲ切望スル旨ヲ告ケ其後同月二十二日五月一日ノ兩度大統領ヨリ直接知事ニ電報シ同月十一日更ニ國務長官ヲシテ電照セシムル所アリ知事亦之ニ對シテ一々返電ヲ發シ自己ノ立場ヲ弁護スル所アリ珍田大使モ亦爾來屢次國務長官ト会见シ本法案ハ明カニ日本人ノ排斥ヲ目的トシタルモノニシテ嘗

ニ條約ノ明文ニ違反スルノミナラス事實ニ於テ日本人ニ對シ區別の待遇ヲ与フルモノニシテ條約ノ主義精神ニ悖ルモノナル旨ヲ縷述シテ我主張ノ徹底ニ努メ法文ノ字句如何ニ拘ラス事實上日本人ニ區別の待遇ヲ与フルカ如キ立法ヲ見ルナカラン事ヲ要望シタルカ不幸ニシテ中央政府ノ勸告ハ加州議會ノ容ルル所トナラス形勢益々急ヲ告グルニ至ルヤ大統領ハ加州当局者ト直接協議ノ必要ヲ認メ加州知事及議會ノ同意ヲ得テ國務長官ヲ同州ニ特派スルニ決シ同長官ハ四月二十八日加州首都ニ著シ兩院協議會ニ臨ミ親シク中央政府ノ希望ヲ陳ヘ種々調停の提議ヲナシ極力立法ノ緩和ニ斡旋スル処アリシモ知事及其一派ノ議員ハ固ク州權不干渉説ヲ持シ國務長官ノ所言ニ耳ヲ藉ササリシノミナラス終ニ「ウエツプ」案ヲ通過確定スルニ至リタルハ前章記述セルカ如シ

第三 土地法ニ對スル我抗議及米國政府ノ弁明

土地法カ加州兩院ヲ通過スルヤ帝國政府ハ正式ニ抗議ヲ提起スルノ必要ヲ認メ五月十日ヲ以テ珍田大使ヲシテ該土地法力不當且差別的ニシテ正義公道ニ悖戾スルノミナラス日

米通商条約ノ明文及精神ニ牴觸スルモノナル旨ヲ詳論シタル我第一回抗議書ヲ國務長官ニ手交セシメタリ

國務長官ハ我抗議ニ接シタル後五月十一日ニ至リ大統領ノ命ニヨリ加州知事ニ電報ヲ發シ日本政府ヨリ抗議ノ提出アリタル旨ヲ告ケ大統領ハ内国人ト在住東洋人間不調ノ原因ヲ除去スルノ必要ヲ充分感知スルヲ以テ姑ク仮スニ時日ヲ以テスルニ於テハ外交の折衝ニヨリ加州ニ於ケル外国人士地所有問題ヲ処理スル為メ進シテ斡旋ヲナスヲ辭セストノ意ヲ致シ以テ知事ヲ反省セシメ一先ツ同法案ノ裁可ヲ中止セシメント試ミタルカ右ニ對シ知事ハ五月十四日返電ヲ發シテ本法制定ノ必要ト條約違反ニアラサル旨ヲ縷述シ結局之ヲ裁可スルノ意思ヲ公表シ統テ十九日ニ至リ遂ニ署名裁可ヲ了スルニ至レリ此報ニ接スルヤ國務長官ハ直ニ我抗議書ニ對スル回答書ヲ珍田大使ニ手交シタリ右回答書ノ要領ハ先ツ該法ノ尚加州議會繫屬中米國政府ハ之カ防止ノ為メ全力ヲ傾注セルノ事實ヲ拳ケ同法ノ成立ヲ遺憾トスルノ意ヲ表シ軫シテ該立法タル何等政治の意味ヲ有スルニアラスシテ全然經濟的ノ必要ニ出テタルモノナルヲ切言シ尚ホ我提起セル他ノ諸點ニ對シ夫々弁明ヲ加ヘ結論トシテ彼我兩

國間ノ強固不變ナル好情ハ斯ル一種ノ財産ニ對スル一州ノ經濟政策ニヨリ左右セラルヘキモノニ非ザルヲ信スル旨附言セルモノナリ

前頭米國政府ノ回答書ハ帝國政府ノ満足スル能ハサル所ノモノタルヤ勿論ニシテ政府ハ本件條約違反ノ點ヲ是正スルハ米國政府ノ義務ト認ムルモノナルヲ以テ六月四日政府ハ珍田大使ヲシテ右ニ對スル弁駁トシテ第二回抗議書ヲ國務長官ニ提出セシメ更ニ條約違反ノ點ヲ指摘細論シテ米國政府ノ注意ヲ喚起セシメタルカ國務長官ハ右抗議書ヲ受領セラル際尚本件ニ對シ充分ノ考查ヲ加フヘキ旨並ニ本件ハ決シテ人種の僻見ニ出テタルモノニアラスシテ純然タル經濟問題ナリトノ趣ヲ繰返セリ

此時ニ當リ帝國政府ハ日米兩國國交ノ大局ニ顧ミ米國大統領ニ對シ我衷心ヲ披瀝シ親シク其慎重ナル考量ヲ促スヲ以テ本件ノ解決上有利ナルヘキヲ思ヒ別ニ覺書ヲ作成シ珍田大使ヲシテ六月五日大統領ニ謁見ノ上右覺書ノ趣旨ヲ述ヘ同時ニ我第二回抗議書ノ内容ニツキ詳述セシメ日本ハ本件ヲ以テ國家ノ面目威嚴ニ關スル重要問題ト認ムル旨ヲ縷說セシメタリ右覺書ノ要旨ハ日米兩國ハ其地理的關係上永久

相隣ノ關係ニアルノ運命ヲ有シ居リ兩國國民カ將來經濟的並ニ社會的ニ益々相接觸スル事アルヘキハ必至ノ勢ニシテ之ニ對シテハ交譲和協以テ永ク善隣ノ好誼ヲ全フスルコト相互ノ幸福ナルヘク從テ互ニ他ヲ遇スルニ公明正大苟モ其威信ヲ傷ケ感情ヲ害スルカ如キ事アルヘカラサル旨ヲ切言シタルモノナルカ之ヲ傾聴シタル大統領ハ日米國交ノ大局ニ關シテハ同大統領ノ特ニ重キヲ措ク所ナル旨ヲ宣明シ終リニ國務長官ト均シク本件ノ純然タル經濟問題ニシテ決シテ人種の僻見ニ基クモノニ非ザル旨ヲ縷述セリ

其後帝國政府ハ加州土地法ノ日米通商條約ニ違反スル廉ニ關シ更ニ研究ヲ重ネ前記第二回抗議書ノ補足トシテ追加抗議書ヲ作成シ覺書トシテ七月三日珍田大使ヲシテ米國政府ニ提出セシメタリ

七月十日珍田大使ハ國務長官ノ招請ニヨリ國務省ヲ訪問シタルニ同長官ハ帝國政府ノ第二回抗議書並ニ覺書ニ對スル回答ノ草ヲ朗誦シタルカ右回答案ハ頗ル長文ニシテ我カ指摘シタル諸點ニ對シ精細ニ論弁ヲ試ミタル上結局本件救済策トシテ二三ノ項目ヲ掲ケタルモノナリシトコロ大使ハ右回答ノ到底我ニ於テ承服シ難キモノナル旨ヲ述ヘ主要ノ點

ニ關シ縷々弁駁ヲ加ヘテ引取リシカ同月十六日ニ至リ國務長官ハ内示ヲ經タル前記草案ヲ第二回答書並ニ覺書トシテ正式ニ珍田大使ニ手交シタルニヨリ帝國政府ハ更ニ弁駁トシテ第三回抗議書ヲ草シ珍田大使ヲシテ八月二十六日國務長官ニ手交セシメタリ而シテ右我政府ノ弁駁ニ對シテハ米國政府ヨリ未タ何等回答ナシ

第四 附言

加州土地法ニ對スル帝國政府ノ抗議及之ニ對スル米國政府ノ弁明ハ前章ニ概說セル如クニシテ未タ之カ詳細ヲ發表スルコトヲ能ハサルモ要スルニ帝國政府ハ米國政府ノ弁明ハ到底満足ナルモノニ非サルヲ知り結局本件ノ解決ニ關シテハ別ニ方策ヲ講スルノ必要ヲ認メタルモ右ハ未タ公表ノ時機ニ達セサルヲ遺憾トス

(附 記三)

報 告 書

衆議院議員 清水市太郎

日米議員會竝ニ日米問題ニ付テ

日米議員會組織ノ頓末ニ關シテハ前二回ノ報告ニ依リ概ネ其要ヲ悉クセルヲ以テ之ヲ省略シ余ノ「ワシントン」到達

後ノ事況ヲ陳ヘテ本報告ヲ終了セントス
十一月二十八日午前七時余ハ「ワシントン」ニ着シ「エッチ、ストリート」「シヨアハム、ホテル」ニ投ス九時米國議員團書記官「ドクトル・ノース」氏來訪十二月一日午後八時余ノ旅館ニ於テ上下兩院議員有志者余ノ為メニ歡迎会ヲ開キ同時ニ珍田大使及國務卿「ブライアン」氏ヲ招請セントス余ニ差支ナキヤヲ問フ余謹テ其好意ヲ謝シ之ヲ快諾ス

同三十日「ニュージェルゼー」「イースト、オレンジ」選出「デモクラット」黨代議士日米議員會員「ウォーター、アイ、マックコイ」氏十二月一日午前十時余ヲ具シテ大統領「ウイルソン」氏ニ謁見セシメントス余謹テ快諾ス即チ同日同時刻「マックコイ」氏ト与ニ白宮ニ到リ大統領ニ謁見ス握手ノ敬礼ヲ表シタル後余ハ大統領ニ告ケテ曰ク我等日本人ハ加州土地法案將ニ加州知事「ジョンソン」氏ノ裁可スル所トナラントスルヤ閣下特ニ國務卿「ブライアン」氏ヲ祕府ニ派遣セラレタルノ誠意ヲ多トスルモノナリ閣下及閣下ノ政府カ我同胞ニ深厚ナル同情ヲ表セラル、コトヲ余ハ親シク米國ニ來リテ承知セリ蓋シ主義及同情ハ必

スシモ成敗ヲ以テ論セサレハナリ、我々日本人ハ閣下ノ崇高ナル人格ニ信賴シ必ズヤ日米問題ヲ米國ノ憲法ト日米ノ條約トニ準拠シ公明正大ナル解決ヲ下サレンコトヲ信シテ疑ハザルモノナリ、余ハ帰朝ノ後此事ヲ政府及同胞ニ告ケテ閣下ノ誠意ノ存スル所ヲ詳ニ知ラシメントスト大統領曰ク貴下ノ好意ニ對シ深甚ノ謝意ヲ表スト余ノ手ヲ取り固ク握手セリ

此夜余ハ八時珍田大使ト与ニ余ノ旅館「シヨアハム、ホテル」ニ開催ノ歡迎会ニ臨席ス「セントルイ」選出共和黨代議士(日米議員會員)會長「リチャード、バルトハルト」氏我々天皇陛下ノ万歳ヲ三唱シ一同之ニ和シ珍田大使米國大統領閣下ノ万歳ヲ三唱シ一同之ニ和シ尋テ國務卿「ブライアン」氏新仲裁案ニ就キ演說シ尋テ余ハ「世界の平和ノ有望」ニ就キ演說シ大喝采ヲ博セリ(演說ハ別紙ニ記シテ本報告ニ添附ス)

尋テ會員二十五名順次悉ク演說シ午前二時ニ及テ息ム間接直接日米ノ親善ニ関セサルモノナク熱誠觀ルヘキモノアリ就中會長「バルトハルト」氏ノ演說ハ同夜會員ノ代表的演說ニシテ最モ余ノ注意ヲ惹ケリ其要ニ曰ク

(「バルトハルト」氏演說)

南米ノ「チリー」及「アルジュンチン、レパブリック」邦疆相接シ利害相反シ国力又相匹敵シ干戈相見エントスルモノ其幾回ナルヲ知ラズ兩國ノ識者之ヲ以テ憂ヒトナシ即チ相謀リテ耶蘇ノ銅像ヲ鑄テ之ヲ兩國ノ國境ニ走レル「アンデス」山頭ニ建立ス兩國ノ人士日夕之ヲ胆望シ何時シカ人心融和シ大ニ悟ル所アリテ復タ戰意ナク軍艦兵器ハ之ヲ他邦ニ売却シ新

シ「カーネギー」財團ハ喜テ其費用ヲ弁スヘシ願クハ屢々開催サレンコトヲ翌二日午後五時余ハ國務卿「ブライアン」氏ノ招キニ応シ珍田大使ト共ニ其私邸ヲ訪フ夫人先ツ出デテ接待サル夫人ハ米國社交場裡賢明ノ聞エアリ斡旋最モ勉ム國務卿ノ夫人タルニ恥チズ「ブライアン」氏余ニ告ケテ曰ク

「ブライアン」氏日米問題ニ関スル意見)

珍田大使閣下ハ頻リニ最後ノ決答ヲ促サルモ余(國務卿)ハ閣下ニ告クルニ友人間ニハ最後ナルモノナシ(There is no final between friends)ノ言ヲ以テセリ貴下(余)以テ如何トナス

ト此言簡ナリト雖トモ國務卿ノ方寸ヲ窺ヒ知ルヲ得ルモノアリテ所謂一片ノ金鱗全竜ヲ察スルヲ得ルモノナリ決シテ最後(Ultimatum)ト云ハス如何トモシテ円満ニ解決スルノ方法アルノ真意ヲ機微ノ間ニ漏スノ至情見ルヘカラスヤ懇談數刻ニシテ辭シ去ル

各會員ノ演說ハ「カーネギー」平和財團ニ於テ之ヲ印刷ニ付シ送付セラルベシ

同夜該財團代表者「ドクトル、スコット」氏又來會シ會長ノ紹介ニ依リ一條ノ挨拶ヲナシテ曰ク今夕ノ如キ催シニ對

此夜八時ヨリ我珍田大使私邸ニ於テ前夜ノ余ノ歡迎ニ酬ユルノ意ヲ以テ大使特ニ盛宴ヲ張り前夜ノ會員全部ヲ招請セラル國務卿又來會シ別ニ商務卿「ウイリヤム、シー、レッ

ドフイールド」氏ヲ併セ招請セラルル欲待至ラサルナク礼意
慇懃春風堂ニ満テリ大使特ニ思フ所アリテ一ノ演説ヲナサ
ズ所謂情ヲ尽シテ言ハサルノ風情却テ一段ノ親厚ヲ増スノ
思ヒアリキ

越エテ三日國務卿及商務卿ノ主催タル「ユニバーシティ、
クラブ」ニ昼餐会ノ招請ニ応シ大使ト与ニ臨席ス別ニ内
務卿、陸軍卿、農務卿及上下兩院各外交委員長并ニ「デモ
クラット」党代議士日米議員会員「ウォーター、アイ、マ
ックコイ氏(余ヲ大統領ニ引見セル人)列席セリ懇談時ヲ
移ス散会後商務卿ハ特ニ余ノ為ニ米国工業組織ニ関シ意見
ヲ述ベ且其著「ニュー、インダストリアル、デー」一部及其
商工業ニ関スル演説集一部ヲ贈与セラル最モ懇切ヲ極ム
翌四日夕余ハ「ワシントン」ヲ辞シ「ピッツボルク」ニ向
ハントス午前九時日米議員名譽幹事「ウイリヤム、デー、
ビー、エイネイ」氏來訪余ニ告ゲテ曰ク日米問題ハ正ニ心ト
心ト相訴ヘテ解決センノミ余(「エイネー」氏)ハ米国下院
代議士全部ヲ日米議員団ニ加入セシムヘシ又上院有力者大
多数ノ賛成ヲ得ルノ見込アリ充分努力スヘシ貴下(余)モ
亦帰朝ノ後貴国帝國議會兩院ノ大多数ノ翼賛ヲ得ラレ日米

度迄テ抑制シ即チ米國憲法及日米條約ニ準拠セシムベシ而
シテ其大略要領ヲ得ルノ日ハ正ニ一九一四年一月下旬ノ始
メニ於テスヘシト而シテCurrency Billタルヤ客臘下旬ヲ
以テ幸ニ通過シ今ヤ米國政府全力ヲ傾注シテ日米問題解決
ニ努ムヘキ秋ナリトス

以上余ガ「ワシントン」滞在中或ハ見聞シ或ハ討究セル所
ヲ綜合セハ加州土地法ニ関スル難問ノ円満ニ解決セラル、
ノ日ハ當ニ近キ將來ニアルベキヲ信スルノ理由アリ而シテ
日米議員団ノ組織力或ル程度ニ於テ大統領及現政府ヲシテ
意ヲ安ンシテ公明正大自己ノ所信ヲ断行スルヲ得セシムル
モノアルヲ疑ハサルナリ

附記

前大統領「セオドル、ルーズベルト」氏主筆ノ「アウト
ルック」(八月式日号)及不偏不党ノ「インデペンデント」
(拾一月六日号)俱ニ其社説ニ於テ如何ニ日米問題ヲ解決
スベキカノ題目ノ下ニ日本政府ガ日本移民旅行券下附ニ從
来ノ通り所謂「ゼントルマン、アグリーメント」ノ趣意ヲ
勵行スルノ条件(即チ日本政府ハ充分調査シテ移民トシテ
差支ヘナキモノニ限り旅券ヲ下付スルコト)ノ下ニ日本移

問題円満ノ解決ニ尽瘁サレンコトヲ且日米議員団會議ヲ東
京、米國若クハ欧州中貴國議員ノ便ナリトセラルル所ニ可
及的速カニ開催センコトヲ切望スト余氏ノ誠意ヲ諒トシ歸
朝ノ後我團長ノ承認ヲ經其指揮ヲ得テ大ニ奮勵シ氏及米國
有力ナル同僚諸氏ノ好意ニ酬インコトヲ答ヘタリ

余又日米問題解決ニ関シ或当局者ノ意見ヲ質ス其答ニ曰ク
米國政府目今Currency Bill(資金「トラス」)ノ征伐ヲ
目的トシ一般金融ノ便益ヲ計ラントスル案ニシテ主トシテ
「ニューヨーク」市「ウォール、ストリート」ニ於ケル
「モルガン」氏一派ノ金權ヲ掣肘セントスルモノナリ)ヲ
上院ヲ通過セシムルニ腐心中ナルヲ以テ此等ノ通過迄日本
側ノ忍耐センコトヲ切望ス此案タルヤ關稅政策ト共ニ現大
統領ノ二大政策ニシテ必ス貫徹ヲ期スルモノニシテ而カモ
其性質上頗ル難案ニシテ政府党タル「デモクラット」党上
院議員内ニモ幾多反對者アルノ嫌アリテ而モ上院ニ於ケル
政府党ノ多数ハ僅ニ六七票ニ過キス形勢此ノ如クニシテ今
更ニ課スルニ日米問題ヲ以テセハ兩者共ニ運命ノ測リ知ル
ヘカラザルモノアリ願ハクハ暫ラク其期ヲ緩フセンコトヲ
必ズヤ日本ノ満足ヲ得ン為メニハ加州ノ獨立立法權ヲ或程

民ニ歸化權ヲ与フヘシト論スルニ至リ政府此方針ニ出ヅル
ヤ否ヤ將タ又其上院ヲ通過スルト否トハ別問題トシ輿論ノ
趨勢此ノ如クナルニ及テ余ハ大統領及米政府ノ我日米問題
解決ノ前途漸ク一陽來復ノ期ニ入り魁春ノ暗香ヲ知覺スル
ノ感ナクンハアラサルナリ

加之我在加州ノ同胞七万ノ大部分ハ現今極メテ慎重ノ態度
ヲ取り其服裝ヲ修メ其言語ヲ慎ミ其業務ヲ勵ミ一モ間然ス
ル所ナク益々米國多数ノ同情ヲ博スルニ至リ一米人余ニ告
ケテ曰ク日本移民ニシテ十年前洵トニ今日ノ如クナリシナ
ランニハ排日ノ声ハ終ニ決シテ起ラサリシナラント且ツ加
州米人ノ地主ト日本小作人トノ折合ハ極メテ円満穩便ナル
ヲ喜ハサルヲ得ス米人ノ地主ハ日本小作人始メテ其土地ヲ
耕ヤシ收穫ヲ得小作料ヲ得地価高キヲ得ルニ至リタルヲ知
ルカ故ニ日本小作人ヲ以テ自己ノ富ヲ増スニ欠クヘカラサ
ルモノトナセリ何トナレハ伊ト云ハス独ト云ハス葡ト云ハ
ス白人労働者ハ日本労働者ノ如ク跪座ノ習慣ナキヲ以テ躊
躇シテ小作業ヲ取ルニ極メテ不向ナルノミナラス又日本勞
働者ノ如ク幼時ヨリ箸ヲ操縦スルノ慣習ナキヲ以テ其指頭
器用ナラサルカ為メ草ヲ摘ミ果ヲ採ルニ最モ劣ル所アレハ

ナリ然レハ白人労働者ノ到底小作シ得サル荒蕪地モ一度日本労働者ノ手ニ委スレハ乍チ変シテ良田園トナルノ利アルヲ以テ米人ノ地主復タ日本労働者ヲ失フヲ欲セサルナリ夫レ法ハ死物ナリ人ヲ待テ活用ス而シテ真ノ法律ハ社会ノ反響ナラサルベカラス必要ヲ須テ出シナリ然ルニ加州土地法ハ徒ラニ一部ノ政客カ一部白人労働者ノ我儘ヲ迎合スル為メニ設ケタルモノナルヲ以テ其実施ニ至テハ活用セサルノ点アリ即チ新法ハ貸借期間ヲ三年ニ限ルト雖トモ既ニ地主ト小作ト相許スカ為ニ期限満了スレハ更ニ三年ヲ継続シ二回三回將ニ幾回ニテモ其期間ヲ更新シテ止ムナカラントス勢ヒ如斯ナルヲ以テ羅府ノ如キ稷府ノ如キハ新法ノ將ニ通過セントスルヤ日本労働者三年ノ貸借期間ニシテハ如何トモスル能ハストナシ憂慮シテ旅裝ヲ整ヘ帰朝セントスルヤ地主ハ狼狽シテ之ヲ有メ留メ青物市場ノ商人ハ忽チ品私底ヲ告ケ周章日本ノ小作ヲ勸諭シテ業ニ就カシムル等ノ珍現象ヲ呈セリト云フ然レハ新法ノ害毒ハ其実予想ノ半ニ過キサルモノアリ、若シ夫レ土地所有ノ一点ニシテ目的ヲ達シ得シニハ殆ント其害ノ痕跡モナキヲ得ルナリ而シテ是又或ハ親シキ米人ノ友ノ名ヲ以テシ或ハ又法人ヲ組織シテ

所有スルノ途アルヲ以テ是又新法ノ害毒ヲ半減スルヲ得ヘキナリ然リト雖トモ帝國ノ威信面目トシテ他邦ト区别的劣遇ヲ受クルハ堪ヘ得サル所是將ニ追加条約ヲ以テ加州ノ獨立立法權ノ濫用ヲ抑制シテ日本ノ正当ナル要求ニ酬ユル所アラントスルノ点ニシテ余ハ此事近キ将来ニ成就スルヲ信シテ疑ハサルモノナリ

之ヲ要スルニ日米問題ニ関シ大統領及政府ヲ始メ米國多数ノ國民ハ我ニ同情ヲ表スルモノナルヲ以テ内地ノ同胞在外同胞人ニ同情ヲ寄スルノ余リ輕率激昂全米ヲ敵ニ取ルカ如キ言動ヲナサンニハ是洵ニ鼠負ノ引キ倒シノ結果ヲ来サン然レハ吾人ハ折角我ニ同情アル米人ノ多数ヲ驅リテ止ムコトヲ得スシテ反対ニ立ツニ至ラシムルナキヲ期セザルヘカラス

且夫レ共和黨進歩派(「ルーズベルト」派)ハ党略上加州各二年毎ニ招集ノ州議會ヘ幾多ノ排日案ヲ提出スルヲ以テ白人労働者ノ意ヲ迎ヘ選挙区ノ地盤ヲ固ムルノ具ニ供シ將又米加州一部ノ人士ハ之ヲ以テ一種ノ營業トナスモノアリ故ニ排日案ハ操縦宜キヲ得ハ大事ニ至ラズシテ消滅スルヲ例トセリ然ルニ今回加州土地法案ノ提出サル、ヤ日本側ニ於テ

二個ノ失策ヲナセリ一ハ初メ白人労働組合ヨリ我領事館ニ交渉ヲ申込ミ来レルニ対シ何等要領ヲ得スシテ相別レタル

(錢 附) ニアリ是我領事館ハ桑港博覽會ニ大賛成ヲ表スル以上ハ州

議會ニ於テ此法案ノ通過ナカルヘキコトヲ過信シタルニ依ル一ハ在加州ノ日本人平素排日案ノ余リニ日本内地ニ於テ重大視セラレザルヲ思ヒ今回ニ限り盛ニ電信ヲ發シ大急ヲ報シタルカ為内地人過敏トナリ盛ニ加州ヲ攻撃シ引テハ全米ニ対シ惡感情ヲ抱ケルコト是レナリ此反響ハ加州ニ於テ更ニ一層激烈トナリタルヲ以テ加州ノ「ルーズベルト」派ハ機乘スベシト為シ之ヲ党略上充分ニ利用シ飽ク迄強硬ノ態度ヲ取リテ終ニ最後迄其所志ヲ貫キ益々白人労働者ノ意向ニ投シタリ加フルニ我政府ハ國家ノ重大問題ト為シ大使ヲシテ大統領及米政府ヘ要求スル所アリ大統領及米政府又動かサレテ終ニ國務卿「ブライアン」氏稷府ニ趨キ州知事「ジョンソン」氏ニ勸告スルニ至ル是ニ於テ「ジョンソン」氏及其一派ハ益々激シ反抗ノ念ニ驅ラレ勢ヒ新法ヲ裁可セザルベカラザルニ至レリ即チ反對党ノ大統領及政府ノ勸告ニ応シ軍門ニ降参シテ敵ニ花ヲ持タシムルカ飽迄反對シテ其所信ヲ斷行シ我党ノ味方ヲシテ凱歌ヲ奏セシムルカ

二者其一ヲ撰ハサルヘカラサルニ至リ「ジョンソン」タラズト雖トモ斷然意ヲ決シテ後者ヲ採ラサルヲ得サルノ勢ヲ成セルナリ、加之更ニ日米開戰說ヲ傳播シテ商略ニ利用セルモノアリ即チ造船会社、政黨員ノ一部ト結托セル是ナリ、此等ノ理由相合シテ加州土地法終ニ法律トナリ効力ヲ生ズルニ至レリ然レハ其出ルヤ自然ノ勢ニアラズシテ激昂ノ余リニ出テ其来ルヤ多数ノ公益ニアラズシテ少数ノ營利的ヨリ来ル是固ヨリ永久不磨ノモノニアラス我当局者及内外ノ同胞三タビ思フ茲ニ致サバ之ヲ為サンコト必スシモ難キニアラズ今少シク機ヲ緩フセリト雖トモ現ニ有志者数名後図ヲ為シツ、アリ早晚成功ヲ收ムルニ於テ裨益アルヲ信シテ疑ハサルナリ、

以上記スル所ハ余カ在米中日米要路ノ人士ト親シク意見ヲ交換シ判斷ヲ下セルモノニシテ米人ノ言、表裏相反セサル限りハ大差ナキヲ信ス

以上

大正三年一月二十五日

附 箋

「白人労働組合頭領株ニ当方ヨリ接近セント試ミタルコ

トコソアレ先方ヨリ我領事館ニ交渉ヲ申込ミ來レルカ如キコト絶対ニ無シ

右ノ趣ヲ清水代議士ニ懇談ノ機會ニ内話シタルニ同代議士ハ本報告ノ訂正ヲ希望サレタリ同代議士ハ桑港滞在中一私立会社々員ヨリ右ノ趣ヲ伝聞シタルナリトイフ

(永井印)

註 清水氏ノ演說ヲ省略ス

二 一月二十三日

牧野外務大臣ヨリ
在米國珍田大使宛(電報)

加州土地法ニ関スル外相ノ議會演說ニ対スル

新聞論評等電報方訓令ノ件

第二五号

衆議院ニ於ケル本大臣ノ演說ニ対スル新聞論評其他ニ就キ特ニ当方ノ参考トナルヘキモノアラバ電報アレ右訓令トシテ沼野ヘモ転電アレ

三 一月二十五日

在米國珍田大使ヨリ
牧野外務大臣宛(電報)

加州土地法ニ関スル外相ノ議會演說ニ対スル

新聞記事報告ノ件

顧ルノ暇ナク加州事件モ八月以來睡眠狀態ニアリシモ何人モ之ヲ以テ日本カ從來ノ主張ヲ拋棄セリトハ推測セス却テ事件ノ再生ヲ予期シタルカ此予期ハ今ヤ即チ實現セルモノナリ而シテ行政部ハ好意ヲ以テ接衝スヘク又雙方ニ満足ナル解決ヲ得ンハ何人モ希望スル所ナリト論シ記事欄ニ於テ日本ノ所謂方策トハ新條約ニアラスシテ加州問題ノ如キ難件ノ將來ニ發生スルヲ防止スル為メ旧條約ニ関スル新協定ヲ作ルニアリト說キ又二十三日紐育「ヘラルド」当地通信員ハ日本ハ最惠國條款ヲ包含セル新條約ノ締結ヲ要求セル趣ナルガ最惠規定ハ特ニ規定ナキ以上農業地ニ及ハス且斯ノ如キ條約ノ上院通過ニ対シテハ異論アル所ニシテ多數ハ其困難ヲ信シ居レリ而シテ又日本ニ斯ノ如キ條約ヲ許スノ可否ハ疑問ニシテ加州議員ハ日本移民問題ハ同州ノ死活問題ナリトノ感想ヲ多數人ニ与ヘ居リ且日本政府今回ノ挙カ單ニ其反對黨ヲ慰撫スル方法ナルニ鑑ミレハ經濟的目的ノ関スル限り何等得ル所ナカルヘシト言ヒ居レリ

四 一月二十六日

牧野外務大臣ヨリ
在米國珍田大使宛(電報)

第二二号

貴電第二五号ニ関シ当地方ノ新聞中社説ヲ以テ評論ヲ試ムルモノ多カラサルモ記事欄ニ於テハ種々ノ取沙汰ヲ為シ居レル処其ノ論點ハ主トシテ御演說中米國回答ノ遷延及別ニ何等カノ方策ヲ講ス云々ノ二點ニアリ而シテ前者ニ対シ國務省ノ怠慢ヲ責ムル如キハ既ニ衰ヘ第三回ノ抗議ハ以前ノモノヲ敷衍シタルニ過キス從テ殊更回答ノ要ナカリシトノ說ニ大体一致セルモ後者ニ関シ当地「ポスト」ノ如キ黃紙ハ之ヲ以テ米國ヲ威嚇スルモノトシ恰モ戰爭ヲ意味スルカ如ク解釈シ其社説ニ於テ無宣言ノ戰爭ヲ以テ敵ノ虚ニ乘スルハ日本ノ政策トシテ全世界ノ周知セル所ナルカ故ニ米國陸海軍当局ハ右ノ言句ヲ吟味スルヲ要スト論シ又紐育「ヘラルド」ノ如キモ二十二日ノ社説ニ於テ右ノ一句ハ米國ノ排日論者ニ戰爭論ノ動機ヲ与フルモノナリト言ヒシカ二十四日ニハ日本ノ對米戰爭ノ容易ナラサルヲ述ヘ吾人ハ戰爭ヲ欲セス殊ニ旧知ノ日本トノ間ニ於テ然リ而シテ脅喝ト真意ハ之ヲ弁別スルニ容易ナルヲ以テ米人タルモノハ宜シク深ク考慮スヘキモノナリト論シ当地「イヴニング、スター」ハ米國ハ近來關稅通貨等ノ諸案件ニ忙殺セラレテ殆ト他ヲ

加州問題ニ関スル外相ノ議會演說ハ米國ノ承認ヲ經タルモノナリヤニ付質問アリタル件

第三〇号

今二十六日衆議院予算委員會ニ於テ島田三郎氏ヨリ加州問題ニ関スル二十一日日本大臣ノ演說ノ正文ハ予メ米國政府ノ承認ヲ經タルモノナリト伝ヘラル果シテ事實トセハ國家ノ威嚴上不都合ナリ尚ホ右ノ演說ハ本大臣カ實際衆議院ニ於テ演說セル以前ニ米國ニ於テ發表セラレタルハ如何ナル次第ナリヤ云々質問アリシニツキ本大臣ハ演說ノ内容ニツキ米國政府ノ承認ヲ求メタルコト断シテナキコト并ニ演說以前ニ該演說カ米國ニ於テ發表セラレタルコトモ亦断シテコレナキ旨ヲ答弁シ置ケリ

御承知ノ通り加州問題ニ関シ發表スヘキ程度ニツイテハ予テ米國政府ト打合セ置キタル次第ナルモ演說ニ関シテハ單ニ右打合濟ノモノノ要領ヲ演說スヘキ旨ヲ「ブライアン」氏ニ告ケ置キタル迄ニテ演說ノ内容ニ関シテハ何等特ニ打合ナシタル次第ニハアラサリシナリ右予算委員會ニ於ケル問答ハ自然新聞電報ニテ米國ニ伝ヘラル、コトアルヘキニツキ必要トノ御考ナレハ右ノ趣國務長官ハ御話置アリタシ

五 一月二十七日 在米國珍田大使ヨリ
牧野外務大臣宛(電報)

加州問題ニ関スル外相ノ議會演説ニ對スル

「ポスト」ノ論評続報ノ件

第二六号

往電第二二号ニ連続シ一月二十五日当地「ポスト」ハ日本
今回ノ行動ハ英國ノ使噤ニ基キタルカ如ク大統領カ上院外
交委員ヲ召集スルニ鑑ミルモ事態ノ重大ナルヲ知ルヘシト
云ヒ二十六日ニ於テハ日本カ英國ノ使噤ヲ受ケタリヤ否ヤ
ハ兎ニ角右兩國カ米國ニ不滿ヲ有スルハ一ニシテ若シ日本
カ米國ノ拒絕ヲ目シテ友誼ニ悖ルトナサハ之レ米國ニ取リ
テ由々敷事件トナルヘキモ一般ニ於テ日本人ハ法律上市民
權ヲ許サレス而シテ其理由ハ不同化ニシテ且ツ好マシカラ
サル人種ナリトノ人種的感情ニシテ法律條約ヲ以テ如何ト
モスヘカヲサルモノナルカ故ニ日本人ニ白人同等ノ權利ヲ
与ヘントスル條約ノ締結ハ上院ニ於テ強硬ナル反對ヲ受ク
ヘク假令批准セラル、トスルモ当地立法ニ関スル各州ノ州
權ヲ凌駕シ得ヘキヤ憲法上疑問ナリト論シ二十五日「ニュ
ーヨルク、サン」ノ当地通信員ハ日本ハ追加條約カ又ハ少

ヲ受ケタルコトナキ旨ヲ答ヘラル、様イタシタキ旨打合せ
置カレタシ

七 一月二十九日 在米國珍田大使ヨリ
牧野外務大臣宛(電報)

加州問題ニ関スル外相ノ議會演説ニ付國務長

官ト打合済ノ件

第三一号

貴電第三三三号ニ関シ一月二十九日國務長官ト会見シタルニ
同官ハ加州問題ニ関スル往復文書ノ内容ハ双方ニ於テ秘密
ニ附スヘキコトヲ申合セタル秘密事項ニ属スルヲ以テ其發
表スヘキ程度ニ付本使ヨリ相談ヲ受ケタルモ閣下御演説ニ
付予メ承認ヲ求メラレタルコト断シテナシ全ク虚構ノ説ナ
ルコト來訪記者等ニモ告ケタル旨ヲ述ヘ尚ホ万一ノ誤解ヲ
避クル為メ在日本米國大使ニ右ノ次第電報シ同大使ニ於テ
之ヲ發表スヘキ様訓令スヘシト述ヘタルニ付本使ハ「外務
大臣ニ於テ希望セラルルニ於テハ」ノ一句ヲ附加ヘラレタ
シト注意シタルニ同長官ニ於テモ其意ヲ了シタリ將又本使
ハ本件ニ付曩ニ國務長官ニ相談ノ節御演説ニ付テハ一言モ
言及セス只國際信義ノ見地ヨリ發表ノ程度ニ付打合ヲナシ

一 米國加州ノ外國人土地法及土地問題ニ関スル日米協約締結交渉關係(一) 七八九

クトモ條約解釈ニ関スル協約締結ヲ欲スヘキモ行政部ハ斯
ノ如キ訂約ハ上院通過ノ困難ナルヲ承知セルカ故ニ同院ニ
謀ラスシテ目的ヲ達シ得ルカ如キ他ノ方策ヲ講スヘキ傾ア
リ而シテ此方策ハ如何ナル程度ニ於テ遂行セハ行政部ノ政
治的安全ヲ害セサルカハ問題ナルヲ以テ大統領ハ上院外交
委員ト会シテ之レヲ探ルヘク此際大統領ニシテ予期ノ結果
ヲ得ストスルモ日本ノ要求ヲ拒絕スルハ却テ以前ヨリ容易
ナルヘク又自己ハ同國ノ要求ニ從ハントスルモ到底立法部
ノ承諾ヲ得ル能ハスト通告スルヲ得ルニ至ラント

六 一月二十九日 在米國珍田大使ヨリ
牧野外務大臣宛(電報)

加州問題ニ関スル外相ノ議會演説ニ付國務長

官ト打合方訓令ノ件

第三三号

往電第三〇ニ関シ反對党ニ於テ本大臣カ議院ニ於ケル演説
前其正文ヲ米國國務長官ニ提示シ其承認ヲ求メタリトノ報
道ヲ政争ノ具ニ利用セントスルノ模様アルニツキ貴官ハ至
急「ブライアン」氏ニ面会シ本件ニ関シ自然他ヨリノ質問
ニ對シ説明ノ必要アル場合ハ決シテ予メ演説ノ正文ノ内示

同長官ニ於テモ同様ノ見解ヲ有シ居ル次第ナルニ付為念申
添ユ

八 二月二日 在米國珍田大使ヨリ
牧野外務大臣宛(電報)

外相ノ議會演説ハ事前ニ國務長官ニ内示セラ

レタル旨島田氏確言ニ付同長官ニ聞糺シ方訓

令ノ件

第三九号

今二日陸海軍予算分科会ニ於テ島田三郎氏ハ本大臣演説ノ
件ニ言及シ人ヲシテ國務長官ニ問ハシメタルコロ、タシ
カニ演説ノ「アドバンس、コピー」ノ内示ヲ受ケタル旨同
長官明言セシ由返電アリタル旨電報ヲ示シテ述ヘタル趣ナ
リ然ルニ本件ニ関スル國務長官ノ答ハ貴電第三一三三号ニテ明
瞭ナル処何等島田氏ノ言フトコロニ類似ノコトニテモアリ
シニヤ為念至急「ブライアン」氏ニ聞糺シ電報アレ

九 二月三日 在米國珍田大使ヨリ
牧野外務大臣宛(電報)

貴族院ニ於ケル外相演説後ノ加州問題公表案

配付中止ノ件

第四〇号

今三日本大臣貴族院ニ於テ一月二十一日衆議院ニ於ケルモノト同様ノ外交演説ヲナセリ然ルニ右ノ内加州問題ニ関シテハ演説ノ草稿ヲ予メ「ブライアン」氏ニ内示セリ等ノ誣説伝ハリ居ル今日ニツキ此上ノ誤解ヲ防ク為曩ニ打合せタル公表案ヲ議員及新聞記者等ニ配布スルコトハ当分見合スコト、セリ

右沼野ヘモ通報アレ

註 前掲一文書後段参照

一〇 二月三日 在米国珍田大使ヨリ
牧野外務大臣宛(電報)

外相ノ議會演説ハ予メ國務長官ニ内示セラレタル旨島田氏確言ニ付同長官ニ聞糺シノ結果

報告ノ件

第三八号

二月二日國務長官ヲ往訪ノ節貴電第三九号ノ件ヲ聞糺シタルニ本件ニ付テハ曩ニ同長官ヨリ在日本米国大使ニ送りタル電報中ニ之レヲ尽シ居ル旨ヲ答ヘ尙当地ニ於テ御演説発表ノ際同長官ヲ往訪セル多数ノ記者中或記者ハ閣下カ議會

ニ於テ加州問題ニ論及スル所アルヘキコトヲ同長官ニ於テ予メ承知シ居ルヤト問ヒ之レニ對シテハ然リト答ヘタルモ予メ御演説ノ内示ヲ受ケタルヤトノ他ノ記者ノ問ニ對シテハ斷シテ其ノ事ナシト答ヘタル旨ヲ語ラレ閣下ニ於テ重ネテ同長官ノ正誤ヲ希望セラルルニ於テハ喜ンテ左様取計フヘキモ其ノ節ハ島田氏ノ依頼ニヨリ同長官ヲ往訪シタルモノノ姓名承知シタシト述ヘラレタリ

二 米国法律家「マクケネー」氏意見

一一 一月二十七日 在米国珍田大使ヨリ
牧野外務大臣宛(電報)

加州土地法ニ對スル法律家意見報告ノ件

附 記 加州土地法ニ関シ日米兩國政府ノ主張スル重ナル法律論点

第二七号

昨年十一月二十八日附機密第一五二号貴信ニ関シ御来示ノ疑点ヲ掲ケタル質問書ヲ曩ニ McKenney 氏ニ渡シ置キタル所一月二十六日其ノ回答ニ接シタリ同氏ノ意見要旨左

ノ如シ

「千八百九十四年日米通商航海条約第一条第三項ヲ以テ合法ニ得ル所ノ各種財産ヲ処分スルコトニ関シ内国民若クハ最惠国民同様ノ特典自由及權利ヲ享有スト規定シタルハ合法ニ得ル所ノ各種財産例ヘハ交換売買(不明)ニ依ル譲渡、賃貸又ハ遺贈等ノ方法ニ依リ処分スル自由ヲ認メタルモノニ止マリ其ノ相手タル買受人賃借人受贈者等ノ選択ニ無制限ナル自由ヲ保障シタルト解スルコト能ハス故ニ加州土地法カ市民権ヲ得ルコト能ハサル外国人ニハ何人タリトモ其ノ財産ヲ譲渡スルコトヲ得スト規定シタルハ差別待遇ヲ構成セス一千八百九十四年ノ条約ハ財産ヲ処分セント欲スル日本人又ハ米国人ノ個人的友情感覺又ハ自負心ヲ保護若クハ保障シタルモノト思ハレサレハナリ」

質問書及回答書写郵送ス

註 加州土地法ニ関スル多数ノ米国法律家ノ意見ハ日本外交文書大正二年第三冊事項一中ニ採録セラレタリ

(附 記)

加州土地法ニ関シ日米兩國政府ノ主張スル重ナル法律論点(外務省通商局調)

一 米国加州ノ外国入土地法及土地問題ニ関スル日米協約締結交渉關係 (二) 一一

帝國政府ノ主張中重ナル法律論点

合衆國政府ノ答弁

第一、土地ニ関シ

完全ナル所有權ハ処分權ヲ必然的ニ包含ス現在土地所有者ヨリ相續遺贈權ヲ奪フハ既得財產權ノ保護保障ヲ國民待遇ニ置キタル日米条約第一条第三項ニ違反ス

所有權ハ処分又ハ相續ニ関シ必スシモ無限且不變ノ權利ヲ伴フモノニアラス日本ノ議論ハ既得權ハ後日何等制限ヲ受クヘキモノニ非ストノ理論ヲ擴充シ過キタリ、凡テノ外国人ニ讓与移転ノ權利ヲ拒ムモ既得權ノ侵害ニ非サルヲ以テ或種ノ外国人ニ同様ノ權利ヲ禁止スルモ是亦既得權ノ侵害ニアラス

旧日米条約ハ処分權ニ付

國民待遇并ニ最惠國待遇