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(「カランザ」政府承認問題ヲ含ム)

附録 日本外交文書大正四年第一冊日附索引

事項一 米 国 ニ 於 ケ ル 排 日 問 題 雑 件

一 一月一日 在桑港沼野領事代理ヨリ
加藤外務大臣宛(電報)
「アリゾナ」在留日本人等ハ割法ニ付試訴提
起ノ新聞報道ニ関スル件

附 記 一 大正三年十二月十六日沼野総領事代理発加
藤外務大臣宛機密公第一〇四号
「アリゾナ」州外国人雇傭制限法ニ関スル
同州労働派ノ提出趣意書送付ノ件
二 大正三年十二月二十四日沼野総領事代理発
加藤外務大臣宛公第四〇八号
「アリゾナ」州外国人雇傭制限法調査報告
書進達ノ件
三 「アリゾナ」州外国人雇傭制限法ノ発布ニ
関スル外務省調書

第一号
新聞電報ニ依レハ「アリゾナ」在留日本人支那人メキシカ
ン合同シテハ割法^(註)ニ対シ試訴ヲ提起シタリトアルモ確實ナ
ラス取調中尚ホ Tucson Federal Court ハ十二月三十日
Riach 事件ニ対シ temporary injunction ヲ発シタル由委
一 米 国 ニ 於 ケ ル 排 日 問 題 雑 件 一

細精査中

註 「アリゾナ」州ノハ割法ニ就テハ次ノ附記一、二及三文書
参照又 Riach 事件ニ就テハ附記三ノ末尾参照

(附 記 一)
大正三年十二月十六日在桑港沼野総領事代理発加藤外務
大臣宛
「アリゾナ」州外国人雇傭制限法ニ関スル同
州労働派ノ提出趣意書送付ノ件
機密公第一〇四号 (大正四年一月六日接受)
大正三年十二月十六日
在桑港
総領事代理 沼野 安太郎 (印)

外務大臣男爵 加藤高明殿
今般制定発布セラレタル「アリゾナ」州外国人雇傭制限法
ハ元来同州労働派ノ提唱ニ係リ主トシテ砒山・鉄道等ニ使
用セラルル外国労働者中墨西哥人・伊太利人・埃匈国人等
ノ数極メテ多キタメ是等外国労働者ノ雇傭ヲ制限セントス

ル目的ニ出タルモノナル趣ニ有之候処右 Arizona State Federation of Labor ノ首領 Bert Davis ナルモノガ該法律制定前直接立法案 Initiation Bill ヲシテ選舉民ニ公示セリタルニ際シ“Argument in favor of Eighty per cent Citizenship Bill”ト題シ弘布シタル趣意書今般入手致候ニ付右写一通御参考迄玆ニ差進候該趣意書ニ依リテ該法ノ目的ハ「アリゾナ」州ニ優良ナル市民ヲ得ルコト、(一)資本家ノ甘言ニ欺カレ州内ニ誘致セラレ是カ為メ永ク奴隸的境遇ニ陥ラシメラルル外国労働者ヲ防護スルニ在リトナセリ迄ホ詳細ハ右趣意書ニ就テ御閱悉相成度此段申進候敬具

附屬書

一 労働派首領趣意書写 一通

本信写送附先 在米大使

(別紙)

「トントン」州労働派首領ノ趣意書写

ARGUMENT IN FAVOR OF THE EIGHTY PER CENT CITIZENSHIP BILL

This is an act intended to protect citizens of the United States in their employment, known as the

eighty per cent citizenship bill. Another object of this bill is to protect even the foreigner from engaging in unlucrative employment which capitalists so frequently offer. The act provides punishment for violation of its provisions. It declares that any employer of labor in Arizona employing more than five workers at any one time must employ not less than eighty per cent qualified electors or native born citizens of the United States or some division thereof. The objects to be attained through enactment of this law are first, a superior class of citizens for Arizona; next, protection for people of foreign birth who are often inveigled into this and other states under false pretenses and compelled to act as peons for long periods thereafter. Many emigrants landing upon our shores come only for the purpose of temporarily bettering their condition. They are usually unskilled laborers who possess no high incentive and are accustomed in their home countries to a low standard of living. Coupled with the low wages paid, exploitation is the thing practiced upon them at home. All too frequently after a trial they learn the old process of confiscating their labor power has lost none of its

sting here in the United States.

A majority of them have no intention of ever becoming citizens in the land of their temporary adoption, but rather to receive a little capital with which to return home and enjoy an easy living. Such a thing is possible because of the greater purchasing power of the dollar in European or Asiatic countries. Exclusion of such emigrants from this country can in no possible way be construed into a violation of treaty rights of favored nations for the reason that no well-meaning nation cares to have its citizens exploited by foreign nations.

Really that is a casus belli in international law. Exploitation of laborers, both native and foreign born is inevitable under the capitalist conditions now prevailing in the United States. But aside from this, it is doubtful whether the federal government had a right under the articles of confederation to either abrogate or set aside in any degree police powers of this or any other state in the Union, which is undoubtedly accomplished by forcing into the several states an undesirable alien population as the outgrowth of treaties in any case.

Last, this bill, if it becomes a law, will insure just treatment of Arizona citizens by employers of labor who generally enjoy privileges under laws of the state and are prone to discriminate against native-born citizens, while holding to the purpose of lowering their standard of living. Unfortunately this system is too much practiced by some of our corporations in Arizona. The writer is informed that one of these soulless legal creations doing business in the state employs 800 men, among whom are three citizens. Evidently this company intends that under no circumstances shall many of its employees participate in Arizona's elections. Many other good reasons will appear to the people of Arizona and justify the passage of this law.

Bert Davis, President,
Arizona State Federation of Labor.

(附 記)

大正三年十一月十四日在桑港沼野総領事代理発加藤外

務大臣宛

「アリゾナ」州外国人雇傭制限法調査報告書

進達ノ件

公第四〇八号

(大正四年一月十五日接受)

大正三年十二月二十四日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

山崎領事官補提出ニ係ル「アリゾナ」州雇傭制限法ノ影響
ニ関スル報告書一通別紙ノ通差進候間御査閲相成度此段申
進候 敬具

附屬書

一 「アリゾナ」州在留本邦人狀況并ニ同州外国人雇傭

制限法ノ影響調

本信附屬書送付先 珍田大使

(別紙)

「アリゾナ」州本邦人狀況并ニ同州外国人雇

傭制限法ノ影響調

第一、「アリゾナ」州在留本邦人ノ狀況

「アリゾナ」州ニ在留スル本邦人ハ「フィニクス」地方ニ
凡三百四十及「ウィンスロー」地方ニ凡百二十人合計凡四
百六十名ト算セラル(別表第一参照)

其ノ經濟生活狀況ヲ視ルニ「フィニクス」地方ニ在リテハ
農園及養豚ノ業ヲ經營スルモノ四十一(共同經營者及使用
人ヲ併セ八十九名)商業ニ従事スル者二十一(共同者使用
人ヲ併セ三十九名)家内労働者凡百六十九名ニシテ在留民
ノ多数ヲ占ム家内労働者ハ多クハ米人家庭ノ「コック」ニ
雇傭セラレ一ヶ月四十弗乃至六十弗ノ給金ヲ得ト謂フ商業
ニ従事スル者ノ中米人ノ間ニ伍シ相当ニ營業ヲ為シ居ルモ
ノ二、三戸アリ又農園業者ハ近ク此ノ四、五年以来ノ事ニ
属スルモ漸次發展ノ狀況ニ在リテ今ヤ其ノ耕作スル土地面
積千三百英加毎年産出スル所三十一万弗内外ノ価格ニ達ス
ト謂フ

「ウィンスロー」地方ニ在リテハ同地カ「サンタ・フェー」
鉄道線路上主要ナル「エンジン」継替所タルノ關係上在留
邦人ハ Round House (機関車掃除用車庫)ニ従事スルモ
ノ多数ヲ占メ(六十名)又同鉄道沿線ノ「ホテル」業タル
Fred Harvey Restaurant 会社ニ雇傭セラルルモノ約三十
名ナリ商業ニ従事スル者十一(使用人ヲ併セ十四名)内米
人ノ間ニ伍シ相当ニ營業ヲ為シ居ルモノ二戸アリ而シテ右
Round House 従業員邦人ハ忠実勤勉加フルニ邦人ノ特長ト

シテ manual works ニ堪能ナルコトハ同所ノ能ク之ヲ認
ムル所ニシテ彼等ハ毎日二弗以上三弗五十仙最高四弗ノ給
金ヲ受ケ居リ且外ニ毎月十弗乃至二十弗ノ特別賞与手当ヲ
受クルノ例ナルヲ以テ一ヶ月七十弗乃至百二、三十弗ノ収
入トナリ其ノ内ヨリ一ケ年五百弗乃至一千弗ノ貯蓄ヲナシ
居ルノ事実ハ特ニ注目ニ値スルモノアリトス(別表第二參
照)

第二、「アリゾナ」州外国人雇傭制限法ノ由来目的

「アリゾナ」州外国人雇傭制限法ハ千九百十四年十一月三
日同州総選挙ニ際シ直接立法案(Initiative Measure)ト
シテ一般投票ニ附セラレ一四、三二三票ニ対スル二五、〇
一七票ノ多数ヲ以テ採用セラレタル結果州知事 Hunt 憲法
ノ規定ニ依リ十二月十四日其ノ同日ヨリ法律トシテ実施セ
ラルヘキコトヲ布告シタルモノナリ

「アリゾナ」州ノ全面積十一万三千余平方哩人口凡ソ三百
万人ニシテ其ノ天然ノ富源今僅ニ開發セラレントスルノ時
ニ在リテ州官憲及事業家共ニ大ニ移民、来住者ヲ誘致スル
ニ努メツツアリ同州ニ於ケル来住者ハ墨西哥人最モ多ク伊
太利人・埃匈國人・英國人(就中ウエルシユ人)之ニ次キ

而シテ是等外人来住者ハ皆同州内ニ歸化シテ定住スルコ
トヲ欲セス又比較的低下ノ労働ニ安ンズルモノニシテ今ヤ
同州産業中ノ最タル鉱山事業ノ如キニ於テハ鉱山十一ヶ所
其ノ従業員者凡一万七千人ノ内過半ハ墨國人・伊國人等ヲ以
テ之ヲ占ムルノ有様ナリ然レバ米國ニ於テ最モ能ク一致団
結シテ自家ノ利益ヲ図ルニ努ムル労働派団体ハ同州ニ於テ
モ亦右ノ事情ヲ看過黙止スルコトナク即チ其ノ Agitation
ニ基キ終ニ此ニ外国人雇傭制限法ヲ見ルニ至レリ故ニ同法
ハ本来墨國人・伊國人等ノ労働者ヲ排斥セントスルノ趣旨
ニ出テタルモノト謂フベシ

「アリゾナ」州在留邦人ハ現在ニ於テ其数甚タ多カラズ又
概シテ能ク正直勤勉ナルカ故ニ好感ヲ以テ迎ヘラレ特ニ排
斥セラルルノ傾向ヲ認メス

第三、外国人雇傭制限法ニ依リ在留邦人ノ被ル影響

同法ノ要点ハ「アリゾナ」州ニ於テ従業員者五人以上ヲ有ス
ルモノニ在リテハ必ス其ノ従業員者ノ八割以上米國市民権者
タルヘシト為スニ在リ同法ノ実施ニ依リ「アリゾナ州」在
留邦人ノ被ル影響如何ヲ察スルニ要スルニ在留邦人ハ同法
ノ為格別不利益ナル影響ヲ受ケス同法実施ノ結果本邦人ニ

シテ事業經營上直接支障ヲ來タシ又ハ糊口ノ途ヲ失フニ至ルカ如キ実害ヲ被ムルモノナシト認メラル

「アリゾナ」州在留邦人中同法ノ適用ヲ受クベキモノハ別表第三ニ掲クルカ如ク之ヲ三種類ニ區別セラル故ニ此ノ三種類ニ付同法ノ適用上實際ニ如何ナル影響ヲ被ムルヘキヤ取調ヘタルニ左ノ如シ

(一) 五人以上ヲ使用スル事業家

「フィニックス」

一、果物卸小売商 河津敬藏(沖繩県人)

同人ハ既ニ十数年同營業ニ従事シ同地米人間ニモ信用厚ク取引甚タ盛ナリ現在日本人二名、米國人五名、墨國人二名合計九名ヲ雇傭シ居ルモ若シ雇傭制限法ノ規定ニ依リ日本人墨國人ノ使用人ヲ減セサルヲ得サル場合ニハ之ニ代ヘテ米國人ヲ雇傭スヘク米人ノ労働賃銀ハ日本人ト大差ナク之ヲ使用スルニモ別ニ不便ヲ感セズ又營業上必スシモ日本人ヲ必要トスル事情ナキヲ以テ同法ノ為メ何等直接影響ヲ受クルコトナシト語レリ又右日本人使用人ハ若シ解雇セラルル場合ニハ他ニ職ヲ求ムルコト困難ナラサルベシト謂フ

以テ同法ノ為メ營業上別段支障ヲ受クルコトナシト語レリ

(二) 五人以上ヲ使用スル所ニ雇傭セラルル本邦人労働者
四、「ヘーデン」銅鋳製鍊所約十名以内

同製鍊所ニハ従業者凡五百人アリ墨國人其ノ多数ヲ占ムルヲ以テ雇傭制限法ノ適用ニ依リ特ニ本邦人従業者カ解雇セラルルコトナカルベシト謂フ

五、「ウインスロー」Round House 五十四名

同所主任者ヲ訪ヒ質シタルニ同所従業者ノ全数三百十名其内市民権ナキ者ハ日本人ノ外ニ「メキシコ」人伊太利人合セテ約廿名アリ日本人従業者ハ忠実勤勉ニシテ且ツ最も同所ノ事業ニ適シ大ニ重用セラレ以テ雇傭制限法ノ為メ同所ノ日本人ヲ解雇スルカ如キコト先ツ無カルベシト答ヘタリ、尚「ロサンゼルス」ニ於ケル「サンタ・フェ」鉄道会社ニ到リ General Manager ニ就キ質シタルニ同社ニ於テハ「アリゾナ」州外國人雇傭制限法ノ適用ニ付テ目下従業者取調中ナリ「アリゾナ」州内ニ於ケル同会社従業者全数二、六二四其内市民権ヲ有スル者一、六三九市民権ヲ有セザル者九八

二、「レストラント」木元恕市(高知県人)

同人カ同營業ヲ引受ケタルハ二年以内ノコトナルモ同店ハ古ク日本人ノ始メタルモノニシテ市内枢要ノ地ニ在リ米人顧客ノ種類モ良ク、營業頗ル盛ナリ使用人トシテ日本人五名米人一名墨國人一名合計七名アルヲ以テ雇傭制限法ニ依リ日本人ヲ解雇セザルベカラストセハ營業上可ナリ差支ヲ來スニ相違ナカルヘキモ右ノ場合ニハ日本人ノ組合組織トナシ現在ノ通り營業継続スルヲ得ヘシト為シ同人ヲ初メ日本人会役員ニ於テモ同法ノ為メ實際ニ同店ノ營業上支障ヲ來スカ如キコト恐ラク無カルヘシト樂觀シ居レリ

「ウインスロー」ニ於テ

三、「ローンドリー」(洗濯業) 木村宗之(熊本県人)

同人ハ同營業ニ従事スルコト数年同地ニ於ケル「ランドリー」トシテ第二位ニ在リテ營業盛ナリ使用人日本人二名他人ノ妻二名外ニ墨國人壹名合計五名ナルモ雇傭制限法ニ依リ日本人・墨國人ヲ解雇セザルベカラザルトキハ米人ヲ以テ之ニ代フベク米人ノ労働賃銀ハ日本人ト大差ナク又之ヲ使用スルニモ不便ヲ感セサルヲ

五ニシテ全数ニ對シ市民権ヲ有スル者ノ割合六二「パーセント」ナリ日本人従業者ノ數幾人ナルヤ明ナラザルモ「ウインスロー」、「ゼリグマン」ニ於ケル同会社 Round House 従業日本人ハ雇傭制限法ノ結果解雇スルコトナカルベシト答ヘタリ

尚若シ Round House 従業者中解雇セラルルコトアリトセバ同地方ニ於テハ差當リ他ニ工合好キ職業ヲ得ルノ見込渺シトノコトナリ

六、「ゼリグマン」Round House 六名

前同様

七、Fred Harvey Restaurant ニ雇傭セラルル本邦人約三十名

「サンタ・フェ」鉄道沿線ノ「ホテル」業タル Fred Harvey Restaurant 会社ニ於テハ「メキシコ」人及「ボーリッシュ」雇傭セラレ居ルモ其數甚タ多カラスト謂フ同会社各所「ホテル」ニ雇傭セラルル本邦人ノ全數ヲ精確ニ取調フルニ由ナク又「アリゾナ」州内ニ於ケル同会社従業者ノ全數ヲ知ルニ由ナカリシモ結局右約三十人ノ我従業者ハ雇傭制限法ノ為メニ解雇セラ

ルルコトナシト認メテ可ナルベシ

(三) 「フィニックス」地方ニ於ケル農園業者

右農園業者ハ常時五人以上ノ使用人ヲ雇傭スルモノナキモ其ノ植付收穫ノ時季ニ於テハ先ヅ十英加毎ニ五人ノ使用人ヲ要ストノコトナルヲ以テ右ノ場合ニ外國人雇傭制限法ノ適用ヲ受ベキ訳ナリ

農園労働者トシテハ米國人墨國人等ヨリモ本邦人最モ適當ナリ現時「フィニックス」地方ニ於テハ米國人ノ労働ハ本邦人ト大差ナク又之ヲ雇傭スルコト容易ナルモ外國人雇傭制限法実施ノ結果若シ米國人ノ労働賃銀上リ又ハ米人労働者ノ氣勢ヲ強ムルコトニモ成行クトキハ我農園經營者ハ或ハ種々ノ故障ニ遭遇スルコト無キヲ保セズ然レドモ同地農園業者ハ概シテ同法ノ影響結果ニ付キ樂觀シ同法ハ主トシテ墨國人排斥ヲ目的トスルモノニシテ實際ニ方リ日本人ニ對シ同法ノ適用ヲ勵行スルカ如キコトナカルヘシト觀シ居レリ

第四

要之「アリゾナ」州在留本邦人ハ同州外國人雇傭制限法実施ニ依リ差當リ其ノ不利益ナル影響ヲ受ケサルモノト認メ

ラルルモ今後或ハ同法ノ結果トシテ本邦人企業家ニシテ其ノ事業經營上多少ノ不便ヲ被ムリ又鐵道労働者中ノ幾分転職ヲ余儀ナクセラルルニ至ルコトナキヲ保セズ唯タ今ヤ同法ニ對スル Test Suit ヲ「ロサンゼルス」ニ於テ Federal Court ニ審理繫属中ノコトニモアリ其ノ審理ノ結果如何ハ本件ノ重大關鍵タリト謂フヘキ歟(終)

第一表

「アリゾナ」州在留日本人調

	フィニックス地方			ウインズロー地方		
	戸数	男	家族	戸数	男	家族
農園	四一	六五	三一			
養豚、鶏業	六	六	三			
商業使用人	二一	二七	三	一一	一一	六
農業使用人		一八				
商業使用人		一二			三	
鉱山從業者		一〇				
鐵道労働	約一五六	一三		約三六〇	五	
家内労働	二九四	五〇		一〇八	一一	
計						
「フィニックス」地方		三四四				
「ウインズロー」地方		一一九				
總計		四六三				

第二表之二

「アリゾナ」州「フィニックス」地方各地在留日本人經濟生活

狀況調

「フィニックス」地方

職 業 一 戸 数 一 男 一 妻 一 小 兒 人員合計

○「フィニックス」Phoenix

農園	二九	四三	一一	一一	六五
養豚、鶏業	七五	九五	一一	一一	一〇六
商業使用人		一六			一〇六
農業使用人		一二			一二
家内労働者	約一〇〇	五	五	五	一一〇

○「メサ」Mesa

農園	一八	一六	一三	一一	二〇
商業	一一	一一	一一	一一	三三
農園使用人		五			五
家内労働		五			五

○「テンパ」Tempe

農園	一一	一一	一一	一一	三三
商業	一一	一一	一一	一一	三三

○「グレンデール」Glendale

養豚	一一	一一	一一	一一	三三
農業	一一	一一	一一	一一	三三

○「ツウソン」Tucson

家内労働	約三〇	三	一	一	三三
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一 米國ニ於ケル排日問題雜件

○「ヘーデン」Hayden

鉱山從業	約一〇	一	一	一〇
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○「ユマ」Yuma

商業	九	一二	九	一二
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○「パーセ」Perce

家内労働	一	二	二	二
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○「プレスカット」Prescott

商業	一	二	二	二
家内労働	一	二	二	二
家内労働	六八	約一〇	三〇	一〇
	二九四	二〇	二〇	三四四

第二表之二

「アリゾナ」州「ウインズロー」地方各地在留日本人經濟生活

狀況調

「ウインズロー」地方

職 業 一 戸 数 一 男 一 妻 一 小 兒 人員合計

○「ウインズロー」Winslow

商業	一一	一一	一一	一一	三三
商業使用人		一			一
鐵道労働		五			五
家内労働		四			四
フレッドハーバー		四			四

○「ヤグダマン」Seligman

鐵道労働	六	一	一	一	六
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九

一 米國ニ於ケル排日問題雜件 一

フレッド ハーバー	——	四	——	四
○「ウィリヤムス」Williams	——	——	——	——
フレッド ハーバー	——	二	——	二
○「アシェフォルク」Ash Fork	——	——	——	——
フレッド ハーバー	——	五	——	五
○「グランドキャニオン」Grand Canyon	——	——	——	——
フレッド ハーバー	——	二	——	二
○「外ニ」	——	——	——	——
フレッド ハーバー	約一三 一〇八	九	一一	一三

第三表

外国人雇傭制限法ノ適用ヲ受クル本邦人種類別

第一 五人以上ノ従業者ヲ使用スル事業家

「フキニックス」ニ於テ

- 一 果物卸小売商 一 使用人 日本人二名 墨國人二名 米國人五名
- 二 レストラント 一 使用人 日本人五名 墨國人一名 米國人一名

「ウィーンスロー」ニ於テ

- 三 ランドリー（洗濯業） 一 使用人 日本人二名 他人妻二名 米國人一名

「プレスカット」ニ於テ

挙ニ際シ外国人雇傭制限法案ナルモノヲ一般投票ニ附シ同法案ニ対スル州民ノ意向ヲ問ヒタルカ同法案ハ反対一万四千余票ニ対シ賛成二万五千有余ノ多数ヲ以テ可決セラレタリ同法ハ三条ヨリ成リ大要左ノ如シ

第一条 州内ノ会社法人組合又ハ個人ニシテ一時ニ五人以上ノ従業者ヲ雇傭スル場合ニアツテハ事業ノ種類及従業者ノ男女別ヲ問ハス従業者中八割以上ハ必ス米國出生ノ市民又ハ選挙資格ヲ有スルモノタルヲ要ス

第二条 会社組合又ハ個人ニシテ本法ニ違反シタルモノハ百弗ヲ下ラサル罰金及三十日ヨリ少カラサル禁錮ニ処セラルヘシ

第三条 被傭人ニシテ其出生地又ハ市民権ニ関シ虚偽ノ申立ヲナシタル者ハ百弗ヲ下ラサル罰金及三十日ヨリ少カラサル禁錮ニ処セラルヘシ

「アリゾナ」州憲法ニ由レハ一般投票ニ附セラレタル法案ニシテ資格アル選挙者ノ過半数ノ投票ヲ得テ可決セラレタルモノハ知事ニ於テ否認ノ権ヲ有セス州書記官ハ投票後三十日以内ニ票数ノ計算ヲ了シ知事ハ其終了ノ報告ニ接スルヤ遲滞無ク賛否ノ票数ヲ掲ケ当該法案カ過半数ニヨリ通過

四 酒場玉突場

同人ノ營業ハ頗ル盛大ニシテ使用人五人以上ヲ有スルニ相違ナシトノコトナルモ其實際ヲ知悉スルモノナク之ヲ取調ブルノ途ナカリシヲ以テ「フィニックス」日本人会ヨリ取調復報スルコトトセリ

第二 五人以上ヲ使用スル所ニ雇傭セラル本邦人労働者

五 Hayden 銅鋳製鍊所 約十名

六 Winslow Round House 五十四名

七 Seligman Round House 六名

八 Fred Harvey 三十名

第三 「フィニックス」地方農園業者ハ常時五人以上ノ従業者ヲ使用スルコトナキモ其植付收穫ノ時季ニハ先ヅ十英加毎ニ五人ノ労働者ヲ必要トスルトノコトナルヲ以テ

右農園業者四十一戸ハ亦同法ノ適用ヲ受クルモノトス

（附 記三）

「アリゾナ」州外国人雇傭制限法ノ發布ニ関スル外務省

調書（大正四年一月調）

米國「アリゾナ」州ハ客年十一月三日挙行セラレタル総選

シ法律トナリタル旨ヲ宣示スルヲ要シ外人雇傭制限法ニ対スル右ノ布告ハ十二月十四日公布セラレタリ

本制限法ノ実施ニヨリ同州内在留外国人ハ少カラサル不便ヲ感スルニ至リ現ニ英國人ノ如キハ州内鉦山ニ就働セルモノノミニテモ五百名ノ多数ハ直ニ糊口ニ窮スヘク伊國人ノ如キモ亦其影響ヲ被ルコト少カラサルヘキ見込ナルヨリ英伊兩國大使ハ何レモ米國國務省ノ本件ニ対スル注意ヲ喚起シタリトイフ而シテ本法ノ為最多クノ影響ヲ被ルヘキハ墨西哥人ニシテ伊太利ノ被害之ニ次クヘク立法本来ノ目的モ實ニ此等兩國人労働者排斥ニアルコト同州官憲ノ説明ニヨルモ明ナリ本邦人ノ同州ニ在留スルモノハ最近ノ調査ニ依レハ總計約五百名ニシテ其大多數ハ労働者タリ戸ヲ構フルモノ多カラス而シテ州内ニ於テ本邦人ノ多数集合在在スル地方ヲ「フェニックス」（首府）「ユマ」及「ウィンスロー」ノ三市並其附近地方ナリトス今「フェニックス」方面ニ於ケル本邦人事業家ニ対スル新外国人雇傭制限法ノ影響ヲ調査スルニ市内ニテハ果物問屋一店多少ノ不便ヲ感スヘキモ差シタル影響ヲ被ラサルヘク市外ニ於テハ總計千三百余「エーカー」ノ土地ヲ耕作セル農家四十二戸アリ作物植

付並收穫ノ際毎十「エーカー」五人ノ労働者ヲ雇用スルヲ要シ從來本邦人労働者ニ混スルニ一般白人労働者及墨西哥人ヲ使用セルニ反シ今後大部分ハ米国人労働者ノ雇入ヲ必要トシ為ニ賃銀ノ騰貴其他種々ナル困難ニ逢着スルヤモ測リ難キ見込アリ労働者側ニアリテハ「フェニックス」市附近「ヘイデン」(Hayden)銅山使用料理人十名内外及「ウインスロー」ニ於ケル汽車掃除労働者五十四名何レモ本法勵行セラル、ニ於テハ多分ノ影響ヲ蒙ルヘキモ糊口ニ窮スルカ如キ甚シキ困難ニ遭遇スヘシトハ予期セラレス「ウインスロー」ニ於ケル事業家並ニ「ユマ」ニ於ケル在留民一般ニ関シテハ何等被害アルヘシトハ思考セラレス
新外国人雇傭制限法ハ十二月十四日布告ノ即日実施セラレタルカ本法効力ノ有無ニ関シテハ同州「タクソン」在留埃太利人料理人「マイク・リアチ」ナルモノ料理店主人「ウィリアム・トルアツクス」ヨリ解雇セラレタルヲ以テ十二月十五日同州検事総長郡検事及雇主ヲ被告トシ合衆国法廷ニ試験ヲ提起シタルアリ右訴訟要点左ノ如シ
註 (以下ハ後出沼野総領事一月二日発第四号電報一月七日発第八号電報等ト重複スルニ付省略ス)
第一 原告主張ノ要点ハ該法ハ合衆国憲法修補第十四条

ンカ今後九割九分ハ市民ナラサルヘカラストスルノ法律モ有効ニ制定セラルヘク遂ニ實際上全然外人使用ヲ禁止スル結果ニ帰著スヘシト云フニ在リテ毫モ条約關係ニ言及スルトコロナシ

二 一月二日 在桑港沼野総領事代理ヨリ
加藤外務大臣宛(電報)

「アリゾナ」州八割法ニ対シ日本人ハ試験提起セザル件

第三号
拙電第一号前段ニ関シ「アリゾナ」日本人会ヨリ試験提起シタル日本人ナキ旨回報アリタリ

三 一月二日 在桑港沼野総領事代理ヨリ
加藤外務大臣宛(電報)

「アリゾナ」州八割法ニ対スル Riach 訴訟ノ訴状要点報告ノ件

第四号
八割法ニ対スル Riach 訴訟事件訴状謄本本日入手原告 Mike Riach 被告雇主 Truax, State Attorney General 及 County Attorney

ニ抵触シ同条中ニ保証セル Equal protection of laws ヲ原告ニ与ヘス憲法違反タリ又同法ニヨレハ原告其他同一ノ地位ニ在ル者カ適法ノ職業ニ雇用セラル、ヲ得サルコトナリ外国人タル故ヲ以テ何等差別的取扱ヲ受ケサルヘキ保障ヲ侵害スルニ於テ合衆国修正法律第一千九百七十九条ノ規定ニ反ス

第二 一定ノ申立

一 該法カ憲法修補第十四条ノ規定違反ナルコトノ判決
二 被告雇主ニ対シ原告ノ一時的及永久的解雇ヲ禁スルコト

三 被告タル郡及州ノ検事ニ対シ該法ノ規定ヲ一時的及永久的ニ被告タル雇主ニ適用スルコトヲ禁スル命令

四 本訴ノ審理決定迄 Temporary restraining order ヲ得ルコト

五 訴訟費用決定其他妥当ナル救済ヲ得ルコト

右ニ対シ管轄裁判所タル在桑港合衆国巡回裁判所ニ於テ一月六日審理ノ結果翌七日朝同法ノ憲法違反ナルコトヲ判決シタリ其判決理由ハ修補第十四条ハ市民ト外国人トヲ問ハス法律上均等ノ保護ヲ保障セリ然ルニ本法ニシテ適法ナラ

第一原告主張ノ要点 Fourteenth Amendment 就中 equal protection of laws ニ抵触ス故ニ該法ハ憲法違反ナリ又同法ハ原告其ノ他同一ノ地位ニアルモノカ適法ノ職業ニ雇用セラルルヲ得ヘク外国人タル故ヲ以テ何等差別的取扱ヲ受ケサルノ権利ヲ侵害スル点ニ於テ Section 1979 revised federal statutes ノ規定ニ反ス

第二一定ノ申立一、該法カ Fourteenth Amendment ノ規定違反ナルコトノ判決二、被告雇主ニ対シ原告ノ一時的及永久的解雇ヲ禁スルコト三、被告タル郡及州ノ検事ニ対シ該法ノ規定ヲ一時的及永久的ニ被告タル雇主ニ強行スルコトヲ禁スル命令四、本訴ノ審理決定迄 temporary restraining order ヲ得ルコト五、訴訟費用決定其ノ他妥当ナル救済ヲ得ルコト尚拙電第一号ハ右第四項ノ restraining order ニ関スルモノナリ
大使ヘ済ミ

四 一月七日 在桑港沼野総領事代理ヨリ
加藤外務大臣宛(電報)

「アリゾナ」州八割法ハ米国憲法違反ナル旨ノ判決アリタル旨報告ノ件

第八号

拙電第一号「ロサンゼルス」ニ於テ開カルヘキ筈ナリシ hearing ハ其後變更一月六日ヨリ当地 Federal Court ニ於テ審理中ノ処一月七日朝 unconstitutional ト判決セラレタリ

大使済ミ

五 一月七日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

「アリゾナ」州外国人雇傭制限法試訴事件審理及該法ノ合衆國憲法違反ナル旨ノ判決言渡

ニ関シ報告ノ件

附屬書一 原告訴狀謄本

二 本件口頭弁論摘録及判決ノ要旨

機密公第一号

(二月一日接受)

大正四年一月七日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

「アリゾナ」州外国人雇傭制限法ニ對スル Mike Riach 氏

訴事件ノ裁判本月六日当地ニ於テ開廷致候ニ付当日山崎領事官補及ヒ当館常備弁護士「ウエツプ」ヲシテ傍聴セシメ候処右審理ノ模様ハ別紙口頭弁論摘録ノ通ニ有之而シテ同六日同法カ合衆國憲法違反ナル旨ノ判決言渡ハ(右判決ハ条約トノ關係ニ就テハ言及セス)当地ニ於テ頗ル注意ヲ喚起シタルヤニ被察候

尚本件判決文ハ Judge Sawtelle ニ於テ尚推敲ヲ要スル点アリ二三日以後ニ非レバ出来セサルトノコトニ有之候ニ付右謄本入手ノ上可及送付候尚原告ノ訴狀謄本相添此段及報告候。敬具

附屬書

一 原告訴狀謄本

一通

一 本件口頭弁論摘録

一通

(附屬書一)

原告訴狀謄本

IN THE DISTRICT COURT OF
THE UNITED STATES IN AND
FOR THE DISTRICT OF ARIZONA

Mike Riach,

Plaintiff,

vs.

IN EQUITY

William Truax, Sr., No. E-9 (Tucson)
Wiley E. Jones, Attorney
General of the State of
Arizona, and W.G. Gilmore,
County Attorney of Cochise
County,

Defendants.

BILL OF COMPLAINT

TO THE HONORABLE JUDGES OF THE DISTRICT
COURT AFORESAID:

Mike Riach, as complainant, brings this his bill of complaint against said defendants and each of them, and thereupon your orator complains and says:

1. Complainant is a native of Austria, and is an alien under the laws of the United States of America, and is not a qualified elector under the laws of the State of Arizona, and has not, and cannot by reason of his status as an alien, become such qualified elector unless and until he shall have first become a citizen of the United States. Complainant is an inhabitant and resident of Cochise County, in the State of Arizona, and is lawfully within the territorial limits of the United States of America. Said William

Truax Sr., is the owner and proprietor of a certain restaurant in the City of Bisbee, Cochise County, Arizona, and as such employs nine employees or workers in the conduct of his said restaurant business, seven of whom are neither native-born citizens of the United States, nor qualified electors, but who are on the contrary aliens, under the laws of the United States of America. That Wiley E. Jones is the Attorney General of the State of Arizona, and W.G. Gilmore is the County Attorney of Cochise County in said State, said last named defendants, in their respective capacities named, holding office under and by virtue of the laws of the State of Arizona.

2. Complainant is now and for some time last past has been in the employ of said defendant William Truax, Sr., in his said restaurant business so conducted at Bisbee, Cochise County, Arizona, such employment being that of a cook.

3. Under the laws of the State of Arizona, it is the duty of the Attorney General thereof, amongst other things, to attend the Supreme Court of said state and to prosecute or defend all cases to which said state, or any officer thereof, in his official capa-

city, is a party and when required by the public service or directed by the Governor, to repair to any county in the state and assist the County Attorney thereof in the discharge of his duties: and it is the duty of said County Attorney of Cochise County to attend the Superior and other courts, and conduct, on behalf of said state, all prosecutions for public offences: that under the laws of said State all prosecutions for public offences under its laws are conducted in the name of said State, and by its authority, and it is the party plaintiff in all such prosecutions, and as such is represented by said W.G. Gilmore, County Attorney, for all prosecutions in said Cochise County, and by said Wiley Jones, as Attorney General in the cases referred to and mentioned hereinabove.

4. At an election held in said State on the third day of November 1914, there was, under and in accordance with the provision of Paragraph 3328, Revised Statute of Arizona, 1913, submitted to the qualified voters of said State for their approval or rejection, under what is known as the initiative clause and provision of the Constitution of Arizona, being Section 1 of Article IV of said Constitution, a certain

than one hundred (\$100.00) dollars, and imprisoned for not less than thirty (30) days.

Section 3. Any employed who shall misrepresent, or make false statement, as to his or her nativity or citizenship, shall, upon conviction thereof, be subject to a fine of not less than one hundred (100.00) dollars, and imprisoned for not less than thirty (30) days."

At said election said measure did, as your complainant is informed and believes and therefore alleges the fact to be, receive in its favor and for its approval, a majority of the votes cast upon the question so submitted, under the provision of sub-division 13, section 1, of Article IV of the Constitution of the State of Arizona it is provided that it shall be the duty of the Secretary of State, in the presence of the Governor and the Chief Justice of Supreme Court of said State, to canvass the votes for and against such measure within thirty days after the said election, and upon the completion of the canvass the Governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against such measure, and to declare the said measure, the same being ap-

proposed measure, which is in the words and figures as follows, to wit:

"AN ACT

TO PROTECT THE CITIZENS OF THE UNITED STATES IN THEIR EMPLOYMENT AGAINST NON-CITIZENS OF THE UNITED STATES IN ARIZONA, AND TO PROVIDE PENALTIES AND PUNISHMENT FOR THE VIOLATION THEREOF. "BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

"Section 1. Any company, corporation, partnership, association or individual who is, or may hereafter, become an employer of more than five (5) workers at any one time, in the State of Arizona, regardless of kind or class of work, or sex of workers, shall employ not less than eighty (80) per cent qualified electors or native-born citizens of the United States or some subdivision thereof.

"Section 2. Any company, corporation, partnership, association or individual, their agent or agents, found guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less

proved by a majority of those voting thereon, to be the law. Said requirements have been complied with, and said proclamation of the Governor of said State, in accordance therewith, has been made, the proclamation having been issued on the 14th day of December, 1914, and said measure is now a law within and of said State.

5. On the 9th day of December, 1914, said Truax did inform complainant that as soon as said pretended law should be proclaimed, and solely by reason thereof, and because he feared to incur its penalties if he should violate the terms thereof, he would discharge complainant from his employment aforesaid. Complainant further avers that said defendant Truax, will, unless restrained by an order of this court, carry out his said intention to discharge complainant, and that such discharge will be made solely for the reason that complainant is neither a native-born citizen of the United States, nor a qualified elector within the meaning of said law, and because he is an alien.

6. Complainant further avers on information and belief that but for the passage of said pretended law, and but for its apparent sanction and force as a law

of the State of Arizona, and but for the fact that said Act by its terms inflicts a heavy penalty upon any employer violating the same, and but for the fear said defendnat Truax has that the penalties thereof will be visited upon him, in case of any violation thereof, this complainant would not be disturbed in his said employment and would continue therein and continue to enjoy his salary and wage for such service, and that the grounds and reasons aforesaid are the only grounds and reasons existing, and upon which said defendant Truax will act in discharging this complainant from his service aforesaid, and that the services of complainant are entirely satisfactory to said Truax, and that he would in fact continue complainant in his said employment if such Act had not been so adopted, because he would prefer the services of complainant to those of any other employee it is not possible or practicable to engage to perform the services now being performed by complainant, as herein alleged.

7. Further complaining your orator avers, that he is skilled in the work of his said employment, which skill he has gained by many years of experience

therein and that on account of the special nature and character of his duties as cook aforesaid, and by reason of the many years of his life devoted to familiarizing himself with the special duties and services incident to such position and employment, he has in a large measure unfitted himself to take up any new branch of work, and that the character of said employment is such that unless the employers from whom he may seek employment do in fact employ a large number of workers, and particularly are engaged in the business of a restaurant, that all the skill and competence now possessed by complainant in the performance of his duties as restaurant cook will be a little aid or assistance to him in obtaining employment in other lines of work, and to a large extent will be a detriment and disadvantage to him rather than a help in gaining other employment.

8. That by reason of the premises your orator will be in a substantial manner deprived of his right to contract for the sale of his labor as a cook upon the same terms as are permitted to others who are native-born citizens, or qualified electors within the meaning of said pretended law: and his right to

engage freely in said avocation without unjust or illegal discrimination will be taken from him, and that he will by the threatened act of said defendant Truax, if consummated, and by reason of the effect such law will have in coercing other employers of the kind of labor performed by him not to employ complainant in his said occupation, and complainant by reason of the premises will suffer irreparable injury and damage, and that the amount of damages are now and will be incapable of any exact determination.

9. Further complaining your orator avers, that the said pretended law is unconstitutional, null and void, because the same is repugnant to the Fourteenth Amendment to the Constitution of the United States, and repugnant more particularly to that clause of said amendment which provides, that no State shall deprive any person of life, liberty or property without due process of law, and particularly to that clause of said amendment which prohibits any State from denying to any person within its jurisdiction the equal protection of the laws: that said pretended law is repugnant to and in violation of the provisions of

Sec. 1979 of the Revised Statutes of the United States, in that it pretends to justify the said defendant Truax and does colorably warrant the said defendant Truax, in depriving this complainant of the right, privileges and immunity secured to him by the Constitution and laws of the United States, to wit the right, privilege and immunity, without discrimination as an alien, to be employed in the lawful employment of which he is now threatened to be deprived by said defendant Truax. Said pretended law is further repugnant to the Fourteenth Amendment of the Constitution of the United States in that it is letter and spirit calculated to deprive and will deprive this complainant and all others in like situation with him of the right freely to contract for the sale of their said labor, of the right to certain employment and of the right to life, and liberty within the meaning of said Fourteenth Amendment.

10. Complainant avers, that this suit is authorized by law to be brought by him to redress his deprivation, under the color of a law and statute of a State, of the right, privilege and immunity secured to him by the Constitution of the United States, and by the

laws of the United States within the meaning of Sub-Division 14 of Section 24 of an Act of Congress of March 3, 1911, being an Act to condify, modify and amend the laws relating to the judiciary.

11. Your complainant further avers, upon information and belief that there are many persons residing in the State of Arizona who are neither native-born citizens, nor qualified electors within the meaning of the said pretended law, who will, if said law be enforced, lose their employment by reason thereof, and that the question to be determined herein is one of common and general interest to the many persons constituting such class, being the class hereinabove mentioned, to which complainant belongs and who are so numerous as to make it impracticable to bring them all before the Court, for which reason this Complainant sues for all such persons in like situation with himself, as aforesaid pursuant to Equity Rule 36 of the United States Supreme Court.

12. Further complaining your orator avers that the said Wiley E. Jones, Attorney General of said State, and the said W.G. Gilmore, County Attorney of Cochise County, will, unless restrained from so

doing by an order of this Honorable Court, institute proceedings in the Courts of the State of Arizona to enforce said pretended law, and the said W.G. Gilmore will and must institute proceedings in the Superior Court of the County of Cochise, State of Arizona, against said defendant Truax, in the event of the violation of said law by said Truax, and that under the laws of said State it is made the positive duty of said officers to prosecute to judgment and conviction said defendant Truax in the event of a violation of said law, and in the event that he refuses to comply with said pretended law, and that by reason of the fear of said defendant Truax that he will be so prosecuted, said Defendant Truax rather than to incur said penalties will discharge complainant from his said employment, under color of said law and statute.

In consideration whereof and forasmuch as complainant has no adequate remedy at law and can only have relief in a court of equity where such matters are peculiarly cognizable, he prays:

FIRST: That the aforesaid statute of the State of Arizona, enacted and to be proclaimed as aforesaid

and hereinbefore set out, be declared to be in violation of and in contravention of the right of this complainant and persons for whom he sues under the Fourteenth Amendment to the Constitution of the United States.

SECOND: That the defendant Truax be temporarily and permanently enjoined from in any way or manner, by reason of the apparent force of said law, discharging this complainant from his service, and from carrying out this intention and threat so to do, already made as in this bill alleged.

THIRD: That the said Wiley Jones, Attorney General and the said W.G. Gilmore, County Attorney of Cochise County, their, and each of their successors, assistants, deputies, agents and employees be temporarily and permanently enjoined from in any way or manner enforcing against said defendant Truax, or attempting to enforce, the provisions of the aforesaid statute, or any part thereof, and from instituting or causing to be instituted any suit, prosecution or proceeding to enforce, as against said defendant Truax, the aforesaid statute, or any of the provisions thereof.

FOURTH: That a temporary restraining order

be granted before the hearing and determination of the application herein made for an interlocutory injunction, because of the fact as alleged herein that irreparable loss and damage would result to this complainant unless such temporary restraining order be granted.

FIFTH: That complainant have such other and further relief as is just and equitable, as well as decree for costs.

SIXTH: And may it please Your Honors to grant unto complainant a writ of subpoena of the United States of America, issued out of and under the seal of this Honorable Court, directed to the said William Truax, Sr., Wiley Jones, Attorney General aforesaid, and W.G. Gilmore, County Attorney aforesaid, therein to be named and under a certain penalty to be and appear before this Honorable Court, then and there to answer, but not under oath (the answer under oath being expressly waived) all and singular the premises, and to stand to, perform and abide by such order, direction and decree as may be made against them in the premises, and the complainant will ever pray, etc.,

Williams & Flannigan,
Solicitors for Complainant.

State of Arizona) SS
County of Cochise

I, Mike Riach, upon oath says: I am the complainant in the above entitled bill and am familiar with the matters and things mentioned in said bill, which I have read: I know the contents thereof and the same are true to my own knowledge, except as to those matters therein stated to be true upon information and belief and as to those matters I believe them to be true.

Mike Riach

Subscribed and sworn to before me this 14th day of December, 1914.

P.H. Fitzpatrick,

(Seal) Notary Public.

My Commission expires February 20, 1916.

Endorsements: In the District Court of the United States for the District of Arizona. Mike Riach, Complainant, vs. William Truax, Sr, Wiley Jones, Attorney General of the State of Arizona, and W.G. Gilmore, County Attorney of Cochise County, Defen-

dants. In Equity, Filed Dec. 15, 1914, at 4:45 P.M. George W. Lewis, Clerk, by Effie D. Botte, Deputy.

United States of America,) SS
District of Arizona

I, George W. Lewis, Clerk of the United States District Court for the District of Arizona, do hereby certify that the above and foregoing is a true, perfect and complete copy of the complaint filed in the case of Mike Riach, vs. Wm. Truax et al, as the same appears from the original on file and of record in my office.

Witness my hand and the seal of said Court affixed hereto at Tucson, Arizona, this 29th day of December, A.D. 1914.

George W. Lewis, Clerk,

By Effie D. Botte, Deputy

(附屬書11)

外國人雇傭制限法ニ對スル試訴事件口頭辯論

摘録及判決ノ要旨

「フリンナ」州外國人雇傭制限法ニ對スル Mike Riach 氏訴事件ノ裁判本月六日當地 Court Rooms of Ninth

Circuit Court of Appeals ニ於テ開廷曩ニ本件ニ關シ Temporary injunction ヲトシタル Judge Sawtelle of Arizona District Court ノ外ニ Judge Morrow of Ninth Circuit Court of Appeals 及 Judge Van Fleet of California District Court ノ三名立會午前及午後ニ亘ル審理ニ於テ當事者雙方ノ辯論ノ要旨左ノ如シ

第一席 辯護士 Campbell ノ原告ノ爲ニ辯シテ曰ク外國人雇傭制限法ハ米國及暹甸國間ノ條約ニ抵觸シ且合衆國修正憲法第十四條違反ナリト而シテ其主張ヲ確メル爲メ所謂 Laundry Case ヲ引用シ支那人洗濯業者排斥ヲ目的トシタル San Francisco Ordinance カ合衆國大審院ニ於テ憲法違反ト判決セラレタルコトヲ舉ゲ (118 U.S., page 256) 次ニ法人ノ支那人雇傭ヲ禁シタル加州憲法ノ規定カ同シク合衆國憲法違反ト決定セラレタルコトヲ論シ (2nd Fed. Rep., page 733 of 1st Fed. page 481) 尙更ニ外國人排斥ヲ目的トスル各州法律ニ論及セリ (即チ Pennsylvania Act taxing aliens; State of Maine Provision guaranteeing certain rights to citizens of that state, 47 Atlantic, page 165, State of Idaho where an Act was

passed affecting the employment of Aliens, 116th Pac. Rep., page 1077; Grice case, 79 Fed. Rep., page 627) 第二席 Mr. Hardy, Assistant Attorney Gen. of Arizona ハ之ニ對シ原告 Riach 及被告 Truax 間ニ雇傭契約フリンニ依リテ雇傭者被告ハ被傭者原告ヲ何時ニテモ解雇スル權利ヲ有シ其ノ理由ノ如何ヲ問フヲ須キズ故ニ原告ハ其ノ解雇ノ爲メ損害賠償ヲ要求スルノ權利アリトスルモ該法ニ對シ Injunction ヲ求ムルノ謂ニ毫モ無シト抗辯シ Case of B. vs. Western Union Telegraph Co., (124 Fed. 246) 及 Case of McKay vs. A.T. & S.F.R.R. (decided or published Nov. 14, 1914, by the Supreme Court of U.S.) ヲ引用セリ

第三席 辯護士 McCleary ハ Labor Union ヲ代表シテ該法ノ必要適切ナルコトヲ主張シ「アリゾナ」州ノ最重要産業タル鑛山、鐵道、農業ニ於テ「メキシコ」人、「イタリー」人、澳洪國人等ノ勞働者甚多數ニ居リ而シテ之等外國人ハ低下ノ勞銀ニ甘ンジ永ク米國ニ定住シテ善良ナル市民タルノ考ナシ故ニ之等好シカラザル外國勞働者ニ對シ米國市民勞働者ヲ保護シ米國産業ノ發達并ニ一般ノ福利治安

ヲ圖ルハ今僅ニ發展開拓ノ緒ニ就カントスル「アリゾナ」州ニ於テハ特ニ緊要ナル旨ヲ述ベタリ

第四席 Mr. Jones, Attorney Gen. of Arizona ハ本法ヲ支持シ本法ハ元來警察法規タルノ性質ヲ有ス從テ合衆國ト外國トノ間ニ於ケル條約カ假令如何ナル條章ヲ存スルトスルモ苟モ警察ノ目的上必要トスルノ法規ハ條約上ノ規定ト何等相渉ルコト無キ所以ヲ辯シ Case of Scott vs. (155 U.S. page 110, 167 U.S. page 525) ヲ援用セリ

第五席 辯護士 William ハ最後ニ原告ノ訴訟代理人トシテ訴狀記載ノ論旨ヲ敷衍シ該法カ條約違反ナルコト并ニ修正憲法第十四條ニ保障スル Equal protection of Laws to all persons ノ趣旨ニ反スルコトヲ論セリ

辯論終結ノ後判事協議ノ上一月七日判決ヲ言渡ス旨ヲ告ケテ閉廷セリ

一月七日午前十時前記法廷ニ於テ「アリゾナ」州外國人雇傭制限法ハ合衆國憲法違反ナリ故ニ該法ノ實施ヲ禁スル旨ノ判決言渡アリ其ノ理由トスルコロハ修正憲法第十四條ハ米國市民タルト外國人タルトヲ問ハス法律上均等ノ保護ヲ保障ス本法ニシテ適法ナリトセバ今後亦九十九「パーセ

ント」法ニ變更スルコトモ適法ナルベク終ニ實際上全然外國人ノ雇傭ヲ禁止スルノ結果ニ歸着スベシト爲スニ在リ尚右判決ハ條約上ノ關係ニ言及セス

六 一月九日 在紐育中村總領事ヨリ
加藤外務大臣宛

紐育州ノ公共土木事業ニ於ケル外人労働禁止ノ労働法規定ハ無効トノ裁判所判決ニ関シ報告ノ件

附屬書 紐育州労働法第十四條

公第六号

在紐育 總領事 中村 崑 (印)

外務大臣男爵 加藤高明殿

数年以前ヨリ着手セル当地地下鉄道開鑿工事ニハ主トシテ外國人殊ニ伊太利人労働者ヲ使用セル処客年十一月十二日ニ至リ当地煉瓦積職工労働組合ヲ代表セル「ジョーン・ギル」氏ハ右工事ノ各請負人ニ對シ突然書面ヲ送り地下鉄道工事ニ外國労働者ヲ使用スルコトハ紐育州労働法第十四條違反ナルヲ以テ各自之ニ對シ適當ノ考量ヲ加ヘラレ度ク然ラサレハ自ラ進テ相當ノ手段ニ出ツヘキ旨ヲ通告シタリ右

紐育州労働法第十四條ニハ「州又ハ市若クハ之等ト請負契約ヲ締結セル私人ノ「公共事業」ニ使用スル労働者ハ全部米國人ナラザルベカラズ而シテ右労働者雇入ノ場合ニ於テ紐育州市民ハ優先權ヲ有ス云々」(別紙原文参照)ノ規定アルモ該法律ハ十八ヶ年以前(即チ一八九七年)ノ制定ニ係リ其後殆ント遵守セラレタルコトナク死文ノ如ク思考セラレ居タル由ナルガ前記「ギル」氏ノ書面ヲ受取ルヤ諸請負人ハ今更ノ如ク狼狽シ中ニハ直ニ工事ヲ中止シタルモノモアリタル所兎モ角共同シテ善後策ヲ講スルコトト為シ會議ヲ開キテ(一)右第十四條ノ本件ニ適用ノ有無ニ付キ試験的訴訟ヲ提起スルコト(二)工事ヲ中止セス当分ニ之ヲ続行スルコト等ヲ決定セリ

右ノ結果提起セラレタル試験的訴訟ノ第一審ハ紐育「カウンティ」法院ニ於テ十二月九日請負人側ノ不利益ニ判決セラレシガ第二審ニ於テ同「アペリートディビジョン」ハ十二月三十日附ヲ以テ全然第一審ノ判決ヲ覆シ(一)同条ノ規定ハ無効ナリ(二)假令無効ニ非ストスルモ同規定ハ之ヲ地下線工事ニ適用スヘキニ非ズト判決セリ其理由大要左ノ如シ

一 無効トスル理由

一 米國ニ於ケル排日問題雜件 六

無効トスル理由ハ要スルニ該規定ハ紐育州ノ政策ニ反スト云フニ在リ判決文ニハ「紐育州ノ政策ハ從來常ニ米國他州市民ノミナラス外國人ヲモ凡テ之ヲ歡迎シ平等ニ各種ノ職業ニ従事スル機会ヲ与フルニアリタリ若シ労働法第十四條ノ規定ニシテ半世紀以前ニ制定實施セラレタリトセハ世界ニ誇ルニ足ルベキ紐育州今日ノ繁榮ハ到底之ヲ望ムヘカラザリシナラン之ニ反シ地下線工事其他之ニ類似ノ職業ニ従事スルモノ、米國市民タルト外國人タルトカ如何ナル影響ヲ公共ノ衛生ト安全ト道德トニ及ホスヘキヤハ遂ニ之ヲ知ルニ由ナキナリ云々」ト云ヘリ

二 同規定ハ地下線工事ニ適用ナシトスル理由

労働法第十四條ハ「公共事業」ニ付テ規定セルモノナル所地下線開鑿事業ハ学校、監獄、市役所等ノ建設ト意味ヲニ異シ後者ハ収益ノ觀念ヲ離レテ専ラ公共ノ目的ヲ有スルヲ以テ「公共事業」ナルモ前者ハ収益ヲ以テ主タル目的トシ市ノ私有財産ニ属スヘキモノナルヲ以テ同法ニ所謂公共事業ト称スヘキモノニ非ス故ニ右第十四條ハ假令有効ナリトスルモ之ヲ本件ニ適用スヘキニ非ス云々

本件ハ請負人側ニ於テモ労働組合側ニ於テモ最後迄之ヲ爭

フ決心ヲ有スル趣ナレハ右判決ハ未タ確定ニ至ラス今後更ニ紐育州控訴院ヲ經テ米國最高法院マテ提出セラルベシト云フ

尚ホ本件ニ関シ請負人側ニ於テハ地下線開鑿工事ノ如キハ外國殊ニ伊太利労働者ニ依ルニ非サレハ到底之ヲ遂行シ能ハス目下使用セル不熟練労働者ノ九割ハ外國人ナリ仮令高率ノ賃銀ヲ支払フモ米國市民中ヨリ所要數ノ労働者ヲ得ルコトハ不可能ナリ故ニ本件ハ外國人労働者禁止ト否トノ問題ニアラスシテ寧ロ地下線新設ノ能否如何ニ関スル問題ナリト称シ労働組合側ニ於テハ之ニ反対シ米國労働者ヲ得ルト否トハ賃銀ノ問題ナリ若シ今日ノ普通相場タル一日三弗ノ賃銀ヲ支払フニ於テハ優ニ所要數ノ米國労働者ヲ募ルコトヲ得ヘシト論セリ而シテ現ニ該工事ニ使用セル労働者ハ大凡一万八千人ノ由ニテ労働組合側ノ云フ所ニ依レハ目下請負人ノ労働者ニ支払ヒシノマル賃銀ハ一日一弗二十五仙乃至一弗七十五仙ナリト云フ

右御參考迄及報告候 敬具

(附屬書)

紐育州労働法第十四条

contractor performing work for any city of the first class shall keep a list of his employees, in which it shall be set forth whether they are naturalized or native born citizens of the United States, together with, in case of naturalization, the date of naturalization and the name of the court where such naturalization was granted. Such lists and records shall be open to the inspection of the commissioner or labor. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.

七 一月十一日 加藤外務大臣ヨリ
在桑港沼野總領事代理宛(電報)

「アリゾナ」州ハ割法ニ対スル試訴判決理由

概要電報方ノ件

第二号

貴電第八号判決理由ノ概要ヲ電報シ判決書全文写至急郵送アリタシ

一 米國ニ於ケル排日問題雜件 七 八 九 一〇

LABOR LAW

Article 14. Preference in employment of persons upon public works. In the construction of public works by the state or a municipality, or by persons contracting with the state or such municipality, only citizens of the United States shall be employed; and in all cases where laborers are employed on any such public works, preference shall be given citizens of the state of New York. In each contract for the construction of public works a provision shall be inserted, to the effect that, if the provisions of this section are not complied with, the contract shall be void. All boards, officers, agents or employees of cities of the first class of the state, having the power to enter into contracts which provide for the expenditure of public money on public works, shall file in the office of the commissioner of labor the names and addresses of all contractors holding contracts with said cities of the state. Upon letting new contracts the names and addresses of such new contractors shall likewise be filed. Upon the demand of the commissioner of labor a contractor shall furnish a list of names and addresses of all subcontractors in his employ. Each

八 一月十一日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛(電報)

「アリゾナ」州ハ割法ニ対スル試訴判決理由

電報ノ件

第一一号

貴電第二号判決理由ハ毫モ条約關係ニ言及セス當 Fourteenth Amendment ハ市民ト外國人トヲ問ハス法律上均等ノ保護ヲ保障ス本法ニシテ適法ナラハ今後九割九分法モ有効ニ制定セラルヘク遂ニ實際上全然外國人使用ヲ禁止スル結果ニ歸著スヘシト云フニ在リ尚判決文ハ「アリゾナ」判事ニ於テ字句ノ修正推敲ヲ要スル点アリトノコトニテ二三日ニハ謄本入手ノ見込委細ハ公信ニテ横浜丸便發送済大使ニ電報ス

九 一月十二日 在ボートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「オレゴン」州議會開会ノ件

第二号

「オレゴン」州會十一日開会セリ

一〇 一月十二日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

加州労働組合機関誌 Labor Clarion 掲載ノ

日本移民禁止ノ為ノ「ギューリック」博士ノ

新考案ニ関スル記事送付ノ件

附屬書 右記事と訳文

機密公第三号

(二月四日接受)

大正四年一月十二日

在桑港

総領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

The San Francisco Labor Council and California State Federation of Labor ノ機関雜誌(週刊)タル当地 The Labor Clarion ハ「ギューリック」博士カ過日同社ヲ訪問シタルニ関シ其ノ本月一日号ニ別紙切抜ノ如キ記事ヲ掲載致候 Labor Union ノ一機関誌タル同雜誌カ從來ノ行懸リヲ顧ミズ親日派ノ意見ヲ掲載シ之ニ対シ多少真面目ニ詳論ヲ試ミントスルカ如キハ從來ニ見サル新事例ニ有之全ク「ギューリック」博士カ先般來労働派ノ有力者連ヲ遊説シタル良好ナル結果ノ一ト見ルヲ得ベシト被存候御参考迄ニ玆ニ及送付候条御査閱相成度候 敬具

附屬書

一 Labor Clarion ノ記事切抜

本信写送付先 珍田大使

註 Labor Clarion ノ英文記事ヲ省略シ添附送附越ノ訳文ヲ次

ニ掲ク

(附屬書)

加州労働組合機関誌掲載ノ記事訳文

日本人問題

本社ハ先週日本同志社大學教授ニシテ京都帝國大學講師タル「ギューリック」博士ノ來訪ヲ受ケタリ同博士ハ移民問題解決ノ道アリト信スルモノノ如シ彼ハ夥多ナル亞細亞移民ノ危険ヲ防止セントスル加州ノ要求正當ナルコトヲ認ムルト同時ニ不快ナル人種的差別ノ取扱ヲ免レントスル日本側ノ要求モ至當ナリト爲シ其ノ解決法トシテ總テノ人種ニ對シ同一取扱ヲ爲サントスル新移民政策ヲ提唱セリ客年中同博士ハ日米關係ノ問題ヲ以テ東部及中西部諸州ノ間ニ遊説ヲ爲セリ其ノ考案ノ梗概ハ左ノ如シトス

一、米國ハ其ノ同化シ得ル丈ケノ外國人ハ單ニ移民トシテ各国ヨリ來ルコトヲ許容スヘシ

二、同化ノ事タル主トシテ既ニ同化及歸化シ雙方ノ言語

習慣思想ヲ了解スル先來者ニ頼ラサルヘカラス

三、故ニ毎年各国ヨリノ移民數ハ既ニ同化シタル其國先來者ニ對スル一定ノ割合(例ヘバ百分ノ五)ニ限ラサルヘカラズ右制限ヲ設クルトキハ北歐ヨリノ移民ハ全部入國スルヲ得東南歐移民ハ幾分拒絶セラルヘク又亞細亞ヨリハ單ニ少許ノ移民ヲ許スコトト成ル

ヘシ此ノ方法ハ國民中差別的取扱ノ故障ヲ避ケ總テノ國ノ威嚴問題ト調和ヲ保ツコトヲ得ヘシ

四、渡來者全部ヲ速ニ同化スルノ處置ヲ講セサルヘカラス從テ移民登録局ヲ設クル必要アリ外國人ハ總テ登録シ且其ノ市民トナルマテ登録簿ニ存スヘシ

五、教育局ノ設置亦必要ナリ該局ハ教育基準ヲ定メ教科書ヲ作製シ且無料ニテ試験ヲ施スヘシ

六、歸化局教育局ノ試験合格證書並ニ登録局ノ品行證明書ヲ以テ歸化ノ要件トスヘシ

七、凡ソ新ニ市民タル者ハ米國主權ニ服從スルノ宣誓ヲ爲サ、ルヘカラス

八、米國市民權附與ニ付テハ個人資格ヲ標準トシ決シテ單ニ人種ノ點ヲ條件トスヘカラス

一 米國ニ於ケル排日問題雜件 一一

九、本政策ハ以テ紛糾セル日本人問題ノミナラス黃禍論

並ニ歐洲移民ニ關スル難問題ヲ併セテ解決スル完全ナル方法ナリ之ニ依リテ米國ト全亞細亞國トノ間ニ良好ナル關係ヲ確立シ我國際友誼ヲ親善ニスヘク又支那ノ興隆ヲ資ケ延テ近キ將來ニ支那及西洋間ニ大ニ發達スヘキ商業上我國ノ地位ヲ確保スルヲ得ヘシ

上記「ギューリック」博士ノ考察ハ十分研究ヲ要シ其ノ細目ニ互リ調査考量ヲ遂ケタル上ニ非レハ該案カ果シテ太平洋沿岸諸州民ガ現下遭逢スル難問題ニ如何ナル効果ヲ與フルヤニ付十分ニ吾人ノ意見ヲ述ヘ難シ博士ハ本問題ヲ詳細ニ論究シタル其著書ヲ進呈スルコトヲ約シタルヲ以テ該著書閱讀ノ上本件ニ關スル吾人ノ意見ヲ示スヲ得ンカ

一一 一月十三日 在ポートランド熊崎領事ヨリ 加藤外務大臣宛(電報)

「オレゴン」州下院ニ於テ外國人土地所有禁

止法案ニ關スル決議案ヲ提出スベシトノ新聞

報道報告ノ件

第三号

当州下院議員 Schuebel (Oregon City 在住弁護士)ナル

者人民投票ニ依リ外国人ノ土地所有ヲ禁スル立法ヲ為スヘシトノ決議案ヲ提出スヘク目的ハ日本人及支那人ナリトノ新聞報アリ委細後報

一二 一月十四日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州下院ニ外国人不動産所有禁止
法案提出ノ件

第四号

「アイダホ」州会下院議員「アンダーソン」(レバブリカ
ン)ハ十三日外国人不動産所有禁止案ヲ提出シタルカ其要
領外国人ニハ自然人法人共不動産ノ所得ヲ禁止シ相續ノ場
合ハ相續後五年間ニ買主帰化スルカ又ハ不動産ヲ売却スヘ
シト云フニアリトノ新聞報アリ委細後報因ニ同州ニ於ケル
日本人土地所有者七名地積百二十七エーカー及借地者約二
百五十地積一万八千エーカーナリ
大使ヘ電報ス

一三 一月十五日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「オレゴン」州外国人土地所有禁止法案ヲ提

ハ未タ州会ニ提出セラレス又本件ニ付テハ其後新聞記事評
論ナク何等世人ノ注意ヲ惹カズ決議案ハ入手方手配中大使
ヘ電報ス

一四 一月十五日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

Oakland Enquirer 掲載ノ排外的立法不可
論ニ付報告ノ件

附屬書 右論說摘訳

公第一二号 (二月四日接受)

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

客年十二月十九日ノ「Oakland Enquirer」紙ニ排外的立
法不可論ト題スル記事掲載候ニ付右新聞切抜一部(摘訳相
添)玆ニ差進候条御査閱相成度候 敬具

附屬書

一、「Oakland Enquirer」新聞切抜 一部

一、右摘訳

本信写送行先 珍田大使

一 米國ニ於ケル排日問題雜件 一四

案セントスル趣意ニ付報告ノ件

第五号

往電第三号ニ関シ当地東洋協會会長 Miller 氏ニ問合せノ
結果提案者 Schuebel (Republican) ナルモノハ Uren ナ
ルモノト共同法律事務所ヲ経営シ Uren カ一切政事運動
ノ肝煎ヲナシ居ルコト判明シタルニ付本官ノ依頼ニ依リ東
洋協會副会長 Crawford 氏個人トシテ Uren 訪問 Schuebel
提案ノ起リヲ尋ネタルニ Uren ハ右ハ決シテ特定外国人
ヲ目的トシタルニアラス一般ニ外国人カ帰化セスシテ土地
ヲ所有スルハ不都合ナルニ付将来之ヲ禁セントスルニアリ
云々ト答ヘタリ依テ「クロフォード」ハ雖然スル立法ヲナ
ス時ハ帰化權ナキ外国人日本人等ハ遂ニ全然土地所有ヲナ
シ得サルニ至ルヘシト問詰メタルニ Uren ハ氣ノ毒ナル
モ致方ナシト回避シ夫レ以上別ニ真意ヲ確メ得サリシモ元
来 Uren ナル人物ハ少シク常規ヲ逸スル傾向アリ過般モ
特別後援モナキニ独立シテ知事候補ニ立チ贅論ヲ始メ種々
奇矯ナル政事論ヲ為シ今回モ Schuebel ヲシテ他ニモ幾多
ノ提案ヲ為サシメ居ルニ付本件提案モ単ニ一個ノ想附キト
モ考ヘラル、ニ或ハ何等為メニスル所ナキヤ精探中決議案

註 新聞切抜ヲ省略ス

(附屬書)

Oakland Enquirer 論說ノ摘訳

排外的立法不可論

次期議會ニ於テ特ニ立法問題トシテ論議スベカラサル一事
アルハ他ナシ日本人又ハ他ノ国民ノ執レニモ影響スルカ如
キ凡ソ外国人土地使用排斥ニ關スル立法問題はレナリ吾人
ハ今日迄既ニ深キ注意ヲ以テ加州ノ土地ヲ吾人ノ手中ニ保
有スル爲ニ適當ナル保障規定ヲ設ケタリ而シテ之カ爲ニ国
民の僻見ト看做サルルコトナク孰レノ国民モ取別ケ惡影響
ヲ受クルコトナク又何国トノ國際關係モ眞實ニ攪亂セラレ
乃至何等條約上ノ權利モ侵害セラレタルコトナシ中央政府
ハ此ノ加州問題ニ基因シタル事態ニ關シ一時甚シク神經過
敏ト爲リシト雖モ亦タ事實ノ眞相ヲ審ニスルニ及ンテ今ヤ
其杞憂ハ全ク去リ加州カ賢明ニシテ且正當當然ノ措置ニ出
テタルモノナルコトヲ會得スルニ至レリ

吾人ノ了解ニシテ誤ナクンバ外国人排斥土地法ノ爲ニ加州
ニ對シ某國カ懷ケル不快ノ念ハ蓋シ同法カ正當ナル政策問
題ヨリモ寧ロ特殊人種ニ對スル敵對の意味ニテ通過セラレ

タリト觀測シタルニ基クカ如シ此ノ必要處置タル立法ハ航
テ更ニ國民の侮辱ヲ與フル他ノ立法ヲ見ルノ先驅ナリトス
ル疑心ハ即チ不滿ノ念ヲ生スル所以ナリ

同法ノ實施上之カ批難ヲ爲スヘキ正シキ理由ト成ルモノア
ルヲ見ス同法實施ノ結果或ル特殊ノ階級ニ何等苦痛ヲ與フ
ルコトナク加州人及外國人共ニ均シク其ノ適用ヲ受ク同法
ニ借地條項アルニ依リテ市民權ナキ外國人ノ産業及企業上
ノ利益ハ保留セラルルト共ニ國民政策ノ確全竝ニ加州ニ於
ケル米國人ノ優越權ハ毫モ傷害ヲ被ラス

吾人カ既ニ爲シ遂ケタル所斯ノ如シ然レハ尚進ンテ外國人
排斥ノ立法ヲ爲スノ何等適當ノ理由存スルナク又之レ一般
ノ要求スル所ニ非ス若シ夫レ此レ以上同様ノ舉ニ出ツルハ
目下幸ニシテ圓滿ナル國際關係ニ累ヲ及ホスモノニシテ又
吾人カ是迄爲シタル處置ハ全ク迫害的政策ニ因リ促サレタ
ルモノト批難スルノ口實ヲ藉スモノナリ

今ヤ重大ナル時局ニ際シ最モ適宜ノ措置ハ何レノ國民ヲシ
テモ吾人ニ對シ疑心ヲ懷カシムルカ如キ何等ノ行動ヲ避ケ
ルニ在リ吾人ハ人道ニ對スル大ナル義務ヲ有シ之ヲ避ケン
ト欲スルモ能ハズ世界文明國ハ皆此ノ混亂ノ裡ヨリ平和秩

一六 一月二十日

在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州ノ外國人不動産所有禁止法案

下院通過ノ件

第七号

「アイダホ」土地案ハ二票ノ反對アリタルノミニテ二十日
下院ヲ通過セリ其内容ハ外國人ハ(人種國籍ノ區別ナシ)
自然人法人トモ債權執行又ハ相続ニヨル外土地ヲ取得スル
事ヲ得ス此等二種ノ場合ニ土地ヲ得タル外國人ハ五年内ニ
之ヲ処分スルヲ要シ然ラサレハ土地ハ州ニ沒收ス但第一帰
化証ヲ有スル外國人ノ場合ハ然ラストノ新聞報アリ大使ニ
電報ス

一七 一月二十日

在桑港沼野總領事代理ヨリ
加藤外務大臣宛

南加州諸大学ガ今後一切ノ排日法制定ニ反對

スル親日の声明書發表ノ件

附屬書 右声明書ノ抄訳

公第二四号

(二月十二日接受)

大正四年一月二十日

在桑港

一 米國ニ於ケル排日問題雜件 一六 一七

序ヲ齎ラスヘキモノ我國民ヲ措テ他ニ在ラズト認メ居レリ
而シテ此ノ大任務ヲ遂行スルニ付テ加州ハ大ニ活動スヘキ
地位ニ在リ故ニ總テ他ノ事柄ハ吾人ノ統一及主權ト背反セ
サル限リ枝葉ノ問題ナリ吾人カ國家ノ一部トシテ執ルヘキ
道ハ我國力世界ノ舞臺ニ於テ優秀ノ適者タル地位ヲ増進ス
ルモノタラサルヘカラス

一五

一月十六日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州議會ノ外國人不動産所有禁止

法案ノ成否ノ見込ニ關シ報告ノ件

第六号

Idaho Falls 日本人会ノ報告ニ依レハ「アイダホ」土地案
ハ目下下院委員附託中ニシテ前期州会ニ於テ外國人土地所
有制限撤廃ニ尽力シ日本人ニ好意ヲ有スル同地製糖会社支
配人 Austin (一語不明) 該案ノ委員會握潰シ運動中同氏
ノ見込ニテハ万一下院ヲ通過スルコトアルモ上院ヲ通過ス
ルコトハナカルヘント

大使ヘ電報ス

總領事代理 沼野 安太郎(印)

外務大臣男爵

加藤高明殿

本年一月十一日「パサデナ」市ニ於テ南加州各大学総長及
学長ノ署名ヲ以テ今後一切ノ排日法案制定ニ反對スヘキ趣
意書發表セラレタリ同趣意書ハ日米兩國ノ歴史の友誼ヲ説
キ太平洋沿岸ノ思慮アル人士ハ皆此友誼ノ維持ヲ希望スル
モノナル旨ヲ闡明シ「ボモナ」「オクシデンタル」「スロ
ープ」「ロサンゼルス」及「ウキッツチャー」ノ各「カレッ
ジ」并ニ「レッドランド」大学 及南加大学ノ各校長ノ
署名アルモノナルガ是等各大学ヲ宗派別ニ依ル所屬關係ニ
ヨリテ分類スルニ羅馬加特力 一、メソヂスト 一、コン
グレゲーションナル 一、バプチスト 一、クエーカー 一
無所屬 一、ナルヲ示ス

附屬書類

一、親日趣意書、抄訳一

本信写送付先 在米大使

註 附屬書類中親日趣意書ニ關スル新聞切抜ヲ省略シ其抄訳ヲ

左ニ掲グ

(附屬書)

南加州各大学発表ノ親日の声明書ノ抄訳

米國市民ニシテ且加州在留民タル吾人ハ日米關係ノ特徵タル眞正ナル好意ノ表彰カ我國國際關係史ノ最モ仕合セナル經驗タリシコトノ深キ確信ヲ表示スルモノナリ一見然ラサルカ如クナルニモ係ラズ其實吾人ハ此ノ友誼ニ依リテ兩國間ニ多大ノ利益ヲ齎ラスヘキコトハ太平洋沿岸有識者ノ固ク認識スル所ナリト信ジ且此ノ認識ハ眞ニ兩國間ノ友誼ガ永久ニ持續セラルベキ確信ノ基礎タルモノナルコトヲ信スルモノナリ

抑モ罵詈謗並ニ惡意ニ基ケル攻撃の行動ハ反リテ極力世間ニ流布セラルルヲ常トシ且ツ各國トモ譏誣ニ對シ各種ノ法律の制裁アルニ拘ハラズ尚一層重大且ツ油斷ナラサル惡辣ニシテ且煽情の國際虛說罪ニ對シテハ未タ何等國際の防衛ノ道備ハル所ナキコト並ニ思慮アリ且平和的ナル社會助言ハ其發願ヲ見ルコト特ニ遲々タルモノニシテ此ノ賢明ナル助言ヲ天下ニ公表スル確乎タル決心ハ尤モ眞正ナル政治的經綸ノ一タルコトヲ固ク記憶スル所アランコトヲ吾人ハ日本ノ諸友ニ希望スルモノナリ云々

(附屬書)

加州社会党領袖「ウキルソン」ノ日米親交論抄訳

「日米ノ關係」

日本ニ對シ米國人ノ勉ムヘキモノノ内最モ重要ナルモノノ一ハ此ノ世界の強國タル日本ヲ了解シ且ツ世界ニ於ケル日本ノ地位ヲ認識スルニ在リ有史以來日本ノ如ク短時間ニ於テ偉業ヲ遂ケタルモノナシ曾テ商業及軍備ノ見ルヘキモノナカリシニ今ヤ強大ナル商業並ニ強大ナル軍國トナリ將來東洋ノ市場ヲ獨占シ太平洋ニ優越ノ權力ヲ發輝セントスルノ勢ヲ示セリ

國際上ヨリ見レバ日本ハ千八百九十四年支那ニ勝チ次テ又露國ヲ仆シ一九〇五年日英同盟ヲ締結シ更ニ日本ハ吾人ノ布哇領有ニ對シ抗議シ進ンテ我國ニ對シ其住民ノ我國ニ在ルモノニ對シ尊敬ヲ拂フヘキヲ強要スルニ至レリ次ニ商業上ヨリ見レバ日本ハ世界何レノ國モ及バザル程産業上ノ進歩ヲ遂ケタリ元來日本ノ政治家ハ常ニ殖産興業ニ留意シ支那若クハ東洋ノ商權ハ専ラ其權内ニ屬スヘントスルノ確信ヲ抱ケリ而シテ國民ハ二十世紀ノ産業上ノ技術ヲ充分ニ會得シ且其貨銀低廉ナルカ故ニ日本ハ東洋ニ於ケル米國ノ商

一八 一月二十日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

加州社会党領袖「ウキルソン」ノ日米親交論

抄訳送付ノ件

附屬書 右抄訳

公第二五号

(二月十二日接受)

大正四年一月二十日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

前「バークレー」市長「スチット・ウキルソン」ハ加州社会党ノ一領袖ニシテ曾テ排日の言説ヲナシタルコトアルモノナルカ輒近日米兩國ノ親交上寧ロ有利ナル言説ヲナスニ至リ候現ニ本年一月十七日桑港「スコチシュ・ライト・ホール」講堂ニ於テ日米關係ト題スル一場ノ演説ヲ試ミ候ニ付御参考迄一月十八日發刊「バークレー・デーリー・ガゼット」所載同氏演説大要抄訳別紙一通差進候間御査閱相成度此段申進候 敬具

一、ウキルソン(旧バークレー市長)ノ日米親交演説

ニ關スル新聞記事抄訳一通

路擴張ニ對シ恐ルヘキ強敵トナレリ尙軍備ニ關シテハ日本ハ偉大ナル力ヲ有ス日本ハ何時ト雖モ直ニ五萬ノ將校ノ下ニ百萬ノ兵ヲ動カスコトヲ得可シ日本ノ軍隊ハ歐洲ニ於テ獨逸ヲ除ク外其ノ優秀ナル點ニ於テ何シモ之レニ比肩スヘキモノナシ又海軍ハ吾人ノ海軍ヨリモ一層強大ナル大砲ヲ備ヘ其運送船ハ一擧ニシテ百萬ノ兵士ヲ輸送スルニ足ル而シテ更ニ日本ハ太平洋ヲ支配スルニ戰術上最モ恰好ナル地位ヲ占ム加フルニ日本ニ於テハ軍國主義充溢シ忠君愛國ハ彼等ノ信仰ナリ日本ハ恰モ東洋ニ於ケル獨逸ノ如シ而シテ武士道ハ國民ノ道德律ニシテ主君ノ爲メニ身ヲ殺スヲ恐レス軍隊内ニ於テ脱走ヲ圖ルモノ未タ曾テ之ヲ聞カス然ルニ米國ニ於テハ毎年七千人ノ脱走兵アル次第ナリ吾人ハ横柄高慢若ハ自惚ヲ以テ此ノ矮小ナル褐色人ヲ蔑視スルコトアル可カラズ一小島ニ據リ五千萬ノ人口ヲ有スル日本ハ我紐育州内ニ於ケルカ如キ多數ノ下等貧民ヲ有スルコトナシ又日本ニハ乞食若クハ貧民院ナルモノナシ日本人ハ凡テ衛生ヲ重シ又日本ニハ公開サレタル酒屋アルヲ聞カス犯罪人統計中亂醉者ナルモノナシ米西戰爭ニ於テ我國人ハ戰死者一名アルニ對シ病死者十四名ヲ出セシニ反シ日露

戰爭ニ於テ日本軍ハ其間ニ衛生行届キタル結果トシテ戦死者四名アルニ對シ病死者僅カニ一名ヲ出セルニ過ギズ吾人ハ今斯クノ如キ人民及斯ノ如キ世界的強國ト商業上及産業上ノ競争ヲ試ミントス太平洋ハ此ノ競争場ニシテ金門灣ハ其中心地點タリ加州ハ其前地タリスノ如キ關係ニ在ル以上友誼竝ニ同盟ハ政治的手腕ヲ振フヘキ最高ノ着眼點ナリ日本ハ奴隸賣買場ニ非ス東洋ハ商業上ノ「ヴキクナム」タルヘキモノニ非ス新希臘新英島ハ最早海ノ一方ニ其實形ヲ示スニ至レリ云々

一九 一月二十一日 在米國珍田大使ヨリ
加藤外務大臣宛

外人ノ条約上ノ權利保護法案送付ノ件

附屬書一 大正三年十二月十九日提出ノ右法案
二 大正四年一月二十日提出ノ右法案

公第二二号

(二月十八日接受)

大正四年一月二十一日

在米

特命全權大使子爵 珍 田 捨 己(印)

外務大臣男爵 加藤高明殿

モ關係シ「タフト」氏ヲ議長トシテ委員ヲ設ケ講究ヲ期シ而シテ「タフト」氏ノ如キ已ニ公開演說等ニ於テモ大ニ其必要ヲ唱道シ居ルコトハ御承知ノ義ト存候処「ハートルト」ニ於テ別添法案ヲ提出スルニ至リタルハ蓋シ「タフト」氏等ノ意見ニ基クモノナルヘシト認メラレ候右ニ案不取敢送付旁此段申進候 敬具

(附屬書1)

大正三年十二月十九日提出ノ外國人ノ條約上ノ權利保護法案

63D CONGRESS,
3D SESSION. H.R. 20196.

IN THE HOUSE OF REPRESENTATIVES.

December 19, 1914.

Mr. Bartholdt introduced the following bill; which was referred to the Committee on the Judiciary and ordered to be printed.

A BILL

To confer jurisdiction on the Federal courts in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

「ミズリー」州選出下院議員「バートルト」(共和黨員)ニ依リ客歲十二月十九日及本月二十日ノ兩度下院ニ提出セラレ司法委員附記トナリタル外國人ノ條約上ノ權利保護ニ関スル法案為御参考茲ニ及御送付候客歲十二月十九日提出ノ法案ハ條約上保護セラレタル外國人ノ權利侵害ニシテ其侵害事實發生地タル州又ハ「テリトリ」ノ法律ニヨリ犯罪ヲ構成スルモノハ合衆國ノ平和及尊嚴ニ對シテモ同様ノ犯罪ヲ構成スルモノトナシ合衆國(中央政府系統ノ)裁判所ニ於テ訴追スルコトヲ得云々トノ簡短ナル一ケ条ヲ存スルノミナリシガ本月二十日提出ノ法案ニハ右ノ規定ヲ第三條トナシ其外ニ尚三ケ條即チ(一)權利侵害ノ予防ニ関スル手續(第一條)(二)條約上ノ權利ヲ侵害スト認メラル、州法執行ノ為メ外國人ニ對シ其州ノ裁判所ニ起訴セラレタル民刑事々件ヲ合衆國裁判所ニ移送シ得ヘキ事(第二條)(三)刑事々件ヲ構成スヘキ條約上ノ外國人ノ權利侵害アリタルトキ合衆國ノ平和(秩序)維持ノ為メ大統領ノ執ルヘキ措置(第四條)等ニ関スル規定ヲ存シ候詳細ハ別紙同案ニ就キ御閱悉相成度尚外國人ノ條約上ノ權利保護ニ関シ適當ナル立法ノ必要ニ就テハ曩ニ在紐育日本協會々長「ラッセル」氏等

assembled,

That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country, secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of such State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory, and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and upon conviction, the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

(附屬書11)

大正四年一月二十日提出ノ外國人ノ條約上ノ權利保護法案

63D CONGRESS,
3D SESSION. H.R. 21073.

IN THE HOUSE OF REPRESENTATIVES

January 20, 1915

Mr. Bartholdt introduced the following bill; which

was referred to the Committee on the Judiciary and ordered to be printed.

A BILL

For the better protection of aliens and for the enforcement of their treaty rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the President of the United States be authorized to direct the Attorney General, in the name and behalf of the United States, to file a bill in equity in the proper district court of the United States against any person or persons threatening to violate the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country; and that this provision shall apply to acts threatened by State officers under the alleged justification of a law of the legislature of the State in which such acts are to be committed. The aliens whose rights are affected may be joined as complainants with the United States in such equitable proceeding, and jurisdiction is hereby given to the proper district courts to maintain such action.

except that the Attorney General shall not be required to file a bond for costs. The district court of the United States is hereby authorized to make an order for costs against the United States in case the cause shall prove to have been improperly removed, to be paid by the Secretary of State, as in section one of this Act. Upon the filing in the proper district court of the United States the cause shall duly proceed to trial, and the United States as intervenor shall be permitted to submit evidence and to be heard by counsel duly authorized, and the cause shall accordingly proceed to judgment, and shall be subject to review as other cases arising under the laws and Constitution of the United States.

Sec. 3. That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country, secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of such State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory,

The costs in such case, if awarded against the complainant and the United States, shall be paid by order of the Secretary of State out of the contingent fund of the State Department.

Sec. 2. That whenever an action, civil or criminal, is brought in a State court against a citizen or subject of a foreign country to enforce an Act passed by the legislature of such State, which is deemed by the President to violate the rights of such citizen or subject of a foreign country, secured to him by treaty between the United States and such foreign country, it shall be lawful for the Attorney General of the United States, on behalf and in the name of the United States, and with the consent of such citizen or subject of a foreign country, party defendant, at any time before a hearing or trial upon the merits in such State court, to file an intervening petition for removal of said cause to the proper district court of the United States.

Upon the filing of such petition removal shall take place in accordance with the procedure in other cases for which removal is provided in the statutes of the United States, so far as the same is applicable,

and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and, upon conviction, the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

Sec. 4. That the President of the United States is hereby expressly authorized to use the marshals of the United States and their deputies to maintain the peace of the United States when violated by the commission of such acts as are denounced in the preceding section; and should, in his judgment, the circumstances demand it, he is empowered to use the Army and the Navy for the same purpose.

二〇 一月二十二日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛(電報)

「フリンナ」州外人雇傭制限法違憲ノ判決
ニ付同州當局ハ控訴ノ意アル旨ノ新聞報道ニ
關スル件

第一九号

貴電第六号末段ニ關シ「フリンナ」新聞ニ依リテ Attorney

一 米國ニ於ケル排日問題雜件 二 三 三

General ハ近々控訴スル筈ト言明シタル趣又 Assistant Attorney General ヨリ山崎ヘノ來翰中ニモ右控訴ノ意嚮ヲ洩ラシ居レリ尚ホ判決理由書未タ入手ノ運ニ至ラズ

二 一月二十二日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛(電報)

「アリゾナ」州外人雇傭制限法違憲ノ判決

文送付ノ件

第二二号

「アリゾナ」事件判決文二十二日入手二十三日「ベルシャ」便ニテ發送ス 大使濟

二 一月二十二日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「オレゴン」州下院ヘ外国人財産權ニ関スル

憲法規定ノ存否ヲ人民投票ニ附スベキ決議案

提出ノ件

第八号

二十二日配布ヲ受ケタル House Calendar ニ依レハ「オレゴン」下院議員 Schuebel ハ十九日外国人財産權ニ関スル州憲法三十一条ノ存否ヲ民衆投票ニ附スヘキ決議案ヲ提出

四〇

シ案ハ同日委員附托トナレリト右ハ往電第三号關係ト存ス
委細後報大使ニ電報ス

二 一月二十二日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

現行加州土地法ヨリ借地ニ関スル条項削除ノ
運動ニ付報告ノ件

附屬書 右借地条項削除ヲ要請セル「サーキューラー」
写

機密公第九号 (二月十二日接受)

大正四年一月二十二日

在桑港

總領事代理 沼野 安太郎(印)

外務大臣男爵 加藤高明殿

一月十九日校府ニ於テ Associated Anti-Japanese League of California ノ名義ヲ以テ現行加州土地法中ヨリ借地ニ関スル条項削除ノ必要ヲ説キ各議員ノ尽力ヲ促シタル「サーキューラー」ヲ各議員及新聞記者等ヘ配付シタルモノアリ
右 Associated Anti-Japanese League of California ナルモノハ此迄聞及タルコト無之前記「サーキューラー」ノ署名

者 Wm. T. Bonsor ハ現ニ Anti-Japanese Laundry League ノ書記ニ有之候ヘハ或ハ右「サーキューラー」ノ重

シヲ増サン為メ Scharrenbery 等ト計リ勝手ニ誇大ノ名称ヲ附シタルモノナルヤトモ被存候此際「サーキューラー」ノ如キ別ニ大勢ニ關係ヲ及ホスヘキモノトハ存セラレヌ候ハ
共御參考迄右写及送付候 敬具

附屬書

一 排日派 Circular 一通

本信写送付先 在米大使

(附屬書)

現行加州土地法ヨリ借地ニ關スル條項削除ヲ要請セル

「サーキューラー」寫

January 19.

Dear Sir:—

We desire to call your attention to the matter of amending the Alien Land Law by eliminating the leasing clause. The original intent relative to this legislation is of course nullified by the existence of the leasing clause. As we know same was adopted as a temporary provision for various reasons, one of which was to give all an opportunity of adjusting

matters preparatory to eliminating the leasing clause at the present session of the Legislature.

The California State Federation of Labor, representing the labor movement of the state, includes the legislation in its legislative programme. A large number of the Senators and Assemblymen are pledged to this legislation. It is necessary. The people want it. The East must know that California still suffers from Asiatic immigration and competition, and is alive as ever to the situation.

Bills relative to the above will be introduced, and this organization respectfully requests that you will do all in your power to assist in the passage of same in order that California may possess this legislation which it has sought these many years.

We will keep in close touch with the situation and stand ready at any moment to furnish any information that may be desired.

Thanking you with best wishes we remain

Yours respectfully,

Associated Anti-Japanese League of California

Wm. T. Bonsor.

二四 一月二十二日 在桑港沼野總領事代理ヨリ
加藤外務大臣宛

「アリゾナ」州外人雇傭制限法試訴事件判

決理由書写送付之件

附屬書 右判決理由書写

公第二六号 (二月十二日接受)

大正四年一月二十二日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

「アリゾナ」州外人雇傭制限法試訴事件判決理由書今般
当地裁判所書記局ヨリ入手致候ニ付右写及送付候条御査閱
相成度候 敬具

附屬書

一、「アリゾナ」事件判決理由書一節

本信写送付先 珍田大使

(附屬書)

「マリノナ」州外國人雇傭制限法試訴事件判決理由書

寫

IN THE DISTRICT COURT OF THE UNITED

STATES, FOR THE DISTRICT OF ARIZONA.

Mike Riach,

Complainant,

vs.

William Truax, Sr., Wiley E.) In EQUITY,
Jones, Attorney General of the) No. F-9,
State of Arizona, and W.G.) (Tucson).
Gilmore, County Attorney of)
Cochise County, Arizona,)
Respondents.)

Before Circuit Judge William W. Morrow, and District
Judges William C. Van Fleet and William H.
Sawtelle, (Convened under the provisions of Sec-
tion 266 of the Judicial Code, Act of March 3,
1911, Chapter 231; 36 Stat. 1162; U.S. Comp. St.
Supp. 1911, page 236).

Thursday, January 7, 1915.

John H. Campbell, of Tucson, Arizona, J.S. Williams
and Edward J. Flannigan, of Bisbee, Arizona, for
the Complainants.

Wiley E. Jones, Attorney General of the State of
Arizona, Leslie C. Hardy, Assistant Attorney

General of the State of Arizona, and William
B. Cleary, of Bisbee, Arizona, for the Respondents.

SAWTELLE, District Judge:

This is an application for a temporary injunction
pendens lite to restrain the Attorney General of the
State of Arizona and the County Attorney of Cochise
County, Arizona, from enforcing a law enacted by
vote of the people of that state, under an initiative
petition, on November 3rd, 1914, upon the ground that
the law is in violation of the Constitution of the
United States, and the hearing thereof is had under
Section 266 of the Judicial Code.

The Act in question is entitled, "An Act to pro-
tect the citizens of the United States in their em-
ployment against non-citizens of the United States,
in Arizona, and to provide penalties and punishment
for the violation thereof", and Section 1 thereof
provides:

"Any company, corporation, partnership, associa-
tion or individual who is, or may hereafter become
an employer of more than five (5) workers at any
one time, in the state of Arizona, regardless of kind

or class of work, or sex of workers, shall employ not
less than eighty per cent qualified electors or native-
born citizens of the United States or some subdivi-
sion thereof."

By Section 2, violations of the Act on the part
of employers are made misdemeanors and punishable
by fine of not less than one hundred dollars and im-
prisonment for not less than thirty days, and by
Section 3, any misrepresentation or false statement
by an employee as to his or her nativity or citizen-
ship is made punishable by a fine of not less than
one hundred dollars and imprisonment for not less
than thirty days. The employment of more than
twenty per cent of persons who are not qualified
electors, or native-born citizens of the United States,
or of some subdivision thereof, by an employer of
labor who employs at any one time more than five
persons, is not made an offense on the part of the
alien so employed and no penalty attaches to him in
consequence of his employment.

The complainant alleges that he is a native and
subject of Empire the of Austria; that he is employ-
ed by the defendant Truax in a restaurant kept by

the defendant Truax at Bisbee, Arizona; that the defendant has in his employ more than five persons; that the said defendant is willing and anxious to retain the complainant in his employ but that the Attorney General of the State of Arizona, and the County Attorney of said Cochise County, threaten to prosecute the said defendant under the Act aforesaid; that if the defendant Truax shall be compelled by prosecution under said Act to discharge the complainant from his employ, he, the complainant, will suffer irreparable injury on account of his discharge, and that the Act in question is violative of the rights of the complainant under the Constitution of the United States in that it denies to him the equal protection of the laws which is guaranteed under the Fourteenth Amendment to all persons submitting themselves to the jurisdiction and laws of the United States, whether citizens or aliens.

On behalf of the State of Arizona, it is avowed by the Attorney General that the law in question will be enforced against all persons within its borders and that it is a valid exercise of the police powers of the State.

ness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of any one, except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition. and the rights of the complainant are not less because they are aliens and subjects of the Emperor of China.”

The Constitution of California, adopted in 1879, contained a provision prohibiting any corporation from employing directly or indirectly any Chinese or Mongolians in any capacity, and the validity of this provision was attacked in the case of *In Re Tibourcio Parrot*, 1 Feb. 481, and the Court there held, “That the provision was in violation both of the Constitution and laws of the United States and the Treaty between the United States and the Empire of China”, And added that:

“In our country, hostile and discriminating legis-

We think that the Act in question denies to the complainant the equal protection of the laws and is, therefore, in violation of the Fourteenth Amendment to the Constitution of the United States, and is void.

In the case of *Yick Wo vs. Hopkins*, 118 U.S. 356, the Supreme Court of the United State said:

“The Fourteenth Amendment to the Constitution is not confined to the protection of citizens. It says, ‘nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to *any person within its jurisdiction* the equal protection of its laws’. These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, color or nationality, and the equal protection of the laws is a pledge of the protection of equal laws.

..... The Fourteenth Amendment was undoubtedly intended not only that there should no arbitrary deprivation of life and liberty or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happi-

lation by a state against persons of any class, sect, creed or nation, in whatever form it may be expressed, is forbidden by the Fourteenth Amendment of the Constitution.”

In the same case the opinion of Mr. Justice Swayne of the United States Supreme Court was quoted with approval that

“Labor is property, and, as such, merits protection. The right to make it available is next in importance to the right of life and liberty. It lies, to a large extent, at the foundation of most other forms of property.”

In the case of *In Re Ah Chong*, 2 Fed. 733, the constitutionality of a law enacted by the State of California prohibiting aliens who were incapable of becoming qualified electors from fishing in the waters of the state was called in question and the law was declared to be in violation of the Fourteenth Amendment of the Constitution and void.

In the case of *Fraser vs. McConway & Torley Co.*, 82 Fed. 257, the United States Circuit Court for the District of Pennsylvania, in construing an Act of the Assembly of the State of Pennsylvania, approved

the 15th day of June, 1897, which provides:

"That all persons, firms, associations or corporations employing one or more foreign born unnaturalized male persons over twenty-one years of age within this commonwealth, shall be and are hereby taxed at the rate of three cents per day for each of such foreign born unnaturalized male persons as may be employed, which tax shall be paid into the respective county treasuries; one-half of which tax to be distributed among the respective school districts of each county, in proportion to the number of schools in said districts; the other half of said tax shall be used by the proper county authorities for defraying the general expenses of the city government.

"That all persons, firms, associations and corporations shall have the right to deduct the amount of the tax provided for in this act from the wages of any and all employees, for the use of the proper county and school district as aforesaid."

"It will be perceived that this statute, (Section 1977 of the Revised Statutes of the United States) following in this regard the constitutional provisions

themselves, embraces within its protection not citizens merely, but all 'persons' within the jurisdiction of the United States. The question of the extent of the application of these constitutional provisions with respect to persons was before the supreme court in *Yick Wo v. Hopkins*, 118 U.S. 356, 359, 6 Sup. Ct. 1064, and it was there decided that the guaranties of protection contained in the fourteenth amendment to the constitution embraced subjects of the emperor of China residing in the state of California. There can be no doubt that the fourteenth amendment embraces the cases of the present plaintiff, who, although a British subject, is, and since about April 27, 1893, has been, a resident of the state of Pennsylvania, and whose right to reside within the United States is secured to him by treaty between the United States and Great Britain. The tax is of an unusual character, and is directed against and confined to a particular class of persons. Evidently, the act is intended to hinder the employment of foreign-born unnaturalized male persons over 21 years of age. The act is hostile to and discriminates against such persons. It interposes to the pursuit by them of their lawful avocations obsta-

cles to which others, under like circumstances, are not subjected. It imposes upon these persons burdens which are not laid upon others in the same calling and condition. The tax is an arbitrary deduction from the daily wages of a particular class of persons. Now, the equal protection of the laws declared by the fourteenth amendment to the constitution secures to each person within the jurisdiction of a state exemption from any burdens or charges other than such as are equally laid upon all others under like circumstances." In conclusion the Court says:

"I am of the opinion that the act of assembly of the state of Pennsylvania of June 15th, 1897, here in question, is in conflict with the constitution and laws of the United States, and cannot be sustained. The demurrer to the bill of complaint is therefore overruled."

Legislative enactments in several of the different states limiting or restricting the rights of aliens therein have been tested in the State Supreme Courts and held to be violative of the Fourteenth Amendment to the Constitution of the United States and void.

"The secretary of state shall grant a licence" for peddling "to any citizen of the United States who files in his office a certificate signed by the mayor of a city, or by the majority of the selectment of a town, stating to the best of their knowledge and belief that the applicant therein named is of good moral character; but such license shall be granted to no other person."

Under said Section 2, it follows that a citizen could obtain a hawker's or peddler's license, but an alien could not. The Court, in an opinion reflecting exhaustive research on the question of constitutionality of enactments of this ilk, and after citing numerous

decisions in support of the court's opinion that legislation of this category is obnoxious to the Fourteenth Amendment to the Constitution of the United States, says:

"In the light of those interpretations of the fourteenth amendment, we are compelled to conclude that a statute which forbids peddling except under a license, and which provides that citizens of the United States may be licensed, and that aliens shall not be, is a denial of the 'equal protection of the laws'. It is an unconstitutional discrimination against aliens. It does more than impose unequal burdens and charges upon the alien. It absolutely denies him the privilege of an occupation open to citizens, which is more than a discrimination in burdens. It does not permit the alien within our jurisdiction to pursue a business occupation, and to acquire and enjoy property on equal terms with the citizens. Nor can this discrimination be sustained as a constitutional exercise of the police power of the state. It must be noticed that the discrimination is not against a class, as criminals, as paupers, as intemperate, as disqualified by character or habits, or as harmful to society, but against

rule:

"When legislation applies to particular bodies or associations, imposing upon them additional liabilities and restrictions, under the police power of the state, which are not purely arbitrary, the law does not violate the equal protection clause of Section 1 of the fourteenth amendment to the federal constitution, if all persons brought under its influence are treated alike, under the same conditions and circumstances."

"But", said the Court "the difficulty with this enactment (meaning said Act No. 212) is that all persons brought under the influence of this legislation are not treated alike, under the same conditions and circumstances. Before the enactment of this statute the plaintiff had the undoubted right to ply his trade in Michigan. In the exercise of police power the legislature had the undoubted right to require as a prerequisite to his plying his trade, that he submit to an examination. But had it the right to require citizenship? If it had the right to couple that with other requirement, it would have the same right to make that the only requirement. In other words, it would have the right to exclude alien labor wholly.

a class solely as aliens. Such a discrimination is forbidden."

In the case of *Templar v. Michigan State Board of Examiners of Barbers*, 90 N.W. 1058, the Supreme Court of the State of Michigan held that Act No. 212, Pub. Acts 1899, Par. 5, was repugnant to the fourteenth amendment to the Constitution of the United States as denying equal protection of the law in so far as it discriminates on account of citizenship.

Said Act provides for the examination and licensing of barbers. After designating various points upon which the applicant for the license is to be examined, etc., the Act further provides that "no person so examined shall receive such certificate who at the time of such examination is an alien."

In that case the Attorney General contended that under the police power the legislature was vested with the right of regulating the professions, trades and callings, and that said Par. 5 of said Act, even if it should result in excluding aliens from privileges enjoyed by citizens, was still within the purview of the legitimate exercise of the police power. The court, in dealing with this contention, quoted the

..... But in the present case, the relator's business is in no way injurious to the morals, the health or even the convenience of the community, provided only he has the requisite knowledge upon the subjects prescribed by the legislature to practice his calling without endangering the health of his patrons. To hold that he is not entitled to practice this calling, because not a full citizen of the United States, is to deny him rights which we think are preserved by the fourteenth amendment."

In *Ex Parte Case*, 116 Pacific 1037, it was held by the Supreme Court of the State of Idaho that Section 1458 of the Rev. Codes of Idaho is repugnant to the Constitution and laws of the United States and void. Said Section 1458 provides:

"It shall hereafter be unlawful for any county government, or municipal or private corporation organized under the laws of the State or organized under the laws of another state or territory or in a foreign country and doing business in this state, to give employment in any way to any alien who has failed, neglected or refused, prior to the time such employment is given, to become naturalized or to

declare his intention to become a citizen of the United States.”

In that case the complaint charged that petitioner, the superintendent of a private corporation, “knowingly gave employment to four aliens, regardless of the character of the work upon which they were employed.” After citing the cases of *Yick Wo v. Hopkins*, 118 U.S. 356, *supra*, *Fraser v. McConway*, 82 Fed. 257, *supra*, and *In Re Tiburcio Parrott*, 1 Fed. 481, in support of the doctrine that “all persons within the territorial jurisdiction of the United States are within the protection of the fourteenth amendment of the Constitution, without regard to differences of race, color, or nationality,” the Court said:

“A state Legislature by legislative enactment or otherwise has no authority to deprive a person of the right to labor at any legitimate business or to deny any person within the jurisdiction of the United States the equal protection of the laws, or to prohibit a corporation that has a right to do business in the state to employ any person, whether alien or native, in the prosecution of any legitimate business.”

In *Ex Parts Kubach*, 24 Pacific 737, the uncon-

subcontractor, under any or either of said municipalities, to employ any person or persons, other than native-born or naturalized citizens, or those who have in good faith declared their intentions to become citizens of the United States, when such employees are to be paid, in whole or in part, directly or indirectly, out of any funds raised by taxation.”

The Supreme Court of Illinois in that case, holding said C. 6, par. 10, unconstitutional, speaking through Justice Ricker, said:

“A similar law was enacted by ordinance in the City of Chicago, and we have repeatedly held that such law is invalid, as it is in contravention to the constitution and the right of individuals to contract. The statute in question is void upon the same grounds, and neither the City nor the contractor was under any obligation to observe it.”

So, also, in the case of *People v. Warren*, 34 N.Y. Supp. 942, Laws 1870, c. 385 par. 2, as amended by Laws 1894, c. 622, which made it a crime for a contractor with a municipal corporation for the construction of public works to employ an alien as laborer on said works, was held to be void on the grounds,

stitutionality of the so-called “eight-hour” ordinance, which had been adopted by the City of Los Angeles, California, was determined by the Supreme Court of California.

Section 3 of said ordinance provided that “It shall be unlawful for any contractor by himself or through another, when having labor performed under any contract with the City, to employ Chinese labor thereon.”

In referring to this ordinance, the Court used this language:

“It is claimed in support of the petition that this ordinance was unconstitutional and void. We think this objection is well taken. It is simply an attempt to prevent certain parties from employing others in a lawful business and paying them for their services, and is a direct infringement of the right of such persons to make and enforce their contracts.”

In the case of *City of Chicago v. Hubert*, et al., 68 N.E. 766, the question of constitutionality was raised against *Hurd’s Rev. St. 1901*, p. 141, c. 6, par. 10, which provides that “It shall be unlawful for any officer acting for any city or any

among others, that it was violative of the treaty between the United States and the King of Italy, which provides that Italians resident in the United States shall enjoy the same rights and privileges as are secured to our own citizens, and that it was abrogative of rights, privileges and immunities guaranteed by the Fourteen Amendment to the Constitution of the United States.

The discrimination against aliens wrought by the said Act cannot be upheld as valid on the ground that it is a valid exercise of police regulation.

Judge Cooley, in his work on Constitutional Limitations 5th Ed. p. 745, in comprehensive yet succinct language, covers the entire domain of this particular contention: He says,

“The General rule undoubtedly is that any person is at liberty to pursue any lawful calling, and to do so in his own way, not encroaching upon the rights of others. This right cannot be taken away. It is not competent, therefore, to forbid any person, or class of persons, whether citizens or resident aliens, offering their services in lawful business, or to subject others to penalties for employing them. But here, as

elsewhere, it is proper to recognize the distinctions that exist in the nature of things, and under some circumstances to inhibit employments to some one class by leaving them open to others. Some employments, for example, may be admissible for males and improper for females, and regulations recognizing the impropriety and forbidding women engaging in them would be open to no reasonable objection. The same is true of young children, whose employment in mines and manufactories is commonly and ought always to be, regulated. And some employments, in which integrity is of vital importance, it may be proper to treat as privileges merely, and to refuse the license to follow them to any who are not reputable."

The case of *The People of the State of New York v. Crane*, decided by the Supreme Court, Appellate Division, of the State of New York December, 1914, not yet published, involved the validity of that portion of Section 14 of the Labor Law of said State, which is as follows:

"In the construction of public works by the State or a Municipality or by persons contracting with the State or such Municipality, only citizens of the United

States shall be employed; and in all cases where laborers are employed on any such public work, preference shall be given to citizens of the State of New York", a violation of which Act is made a misdemeanor.

In that case the Court said:

"The appellant Clarence A. Crane was convicted of a misdemeanor for violation of the statute in that he employed aliens as laborers in the performance of a contract executed by the President of the Borough of Manhattan for the construction of a catch basin in connection with the public sewer system.....The particular provision of the Act above quoted which has been discussed at bar is that which forbids the employment by persons engaged in the performance of work, under contracts with the State or a Municipality, of any except citizens of the United States, and it is that feature of the Act to which we shall direct our attention, and we shall commence our discussion by conceding, as is strongly urged upon us by the respondents, that the invalidity of an Act of the Legislature is not to be lightly declared, and that in order to find such an Act invalid upon con-

stitutional grounds some definite provision must be found in the fundamental and paramount law with which the questioned enactment is at variance. The specific constitutional provision which is claimed to have been violated by the Act in question is that portion of the Fourteenth Amendment of the Constitution of the United States which reads as follows: 'No state shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.' It is settled law that the amendment is not confined to the protection of citizens, but that its provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any difference of race, or color or of nationality, and the promise of equal protection of the laws is equivalent to a pledge of the protection of equal laws. (*Yick Wo v. Hopkins*, 118 U.S. 369). The rights thus secured to resident aliens, as well as to citizens, have been repeatedly held to extend to the right to contract, to pursue

lawful callings, and to follow ordinary avocations, that no impediments should be interposed to the pursuits of any one, except such as are applied to the same pursuits of others under like circumstances. (*Barbier v. Connelly*, 113 U.S. 27). It was said by the same court in *Missouri v. Lewis* (101 U.S. 22) that: 'No person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or class in the same place and under like circumstances', and again in *Hayes v. Missouri* (120 U.S. 68): 'The Fourteenth Amendment requires that all persons subject to legislation limited as to the objects to which it is directed, or by the territory within which it is to operate, shall be treated alike under like circumstances and consideration both in the privileges conferred and in the limitations imposed.' Hence it may be said to be as firmly established as is any principle of constitutional law that one of the purposes and effects of the Fourteenth Amendment of the Federal Constitution was to forbid discrimination by any State between citizens and resident aliens, based solely upon the fact of alienage and non-alienage so far as concerns the right to enjoy

life, liberty and the pursuit of happiness, and the equal protection of the laws. Among the rights guaranteed to every individual is that of freely contracting to render service and perform labor. "The provisions of the State and of the Federal Constitutions protect every citizen in the right to pursue any lawful employment in a lawful manner. He enjoys the uttermost freedom to pursue his chosen pursuit and any arbitrary distinction against or deprivation of that freedom by the Legislature is an invasion of the constitutional guarantee.' (People v. Williams, 189 N.Y. 13). That the statutory provision now under consideration is frankly and baldly discriminatory requires no argument to establish. It forbids the employment of aliens upon all public works within the State, for no other reason than that they are aliens. On its face it appears to be directly in conflict with the Fourteenth Amendment.....

"It is sought to sustain the act as an exercise by the State of the police power, that well recognized but not easily defined power under which the State may and often does restrict the liberty of the individual for the safety and protection of the community.

power is not final or conclusive, but is subject to the supervisions of the Courts. (Lawton v. Steele, 152 U.S. 133, 137),.....

"It seems to be quite clear that the provision of the Labor Law now under consideration cannot be upheld on this ground.....

"We have heard and considered various arguments dealing with the sociological aspects of the case, and others dealing with somewhat far-fetched suppositions as to the dire results that might be expected from the employment of aliens in constructing the subways in case this country should ever, unhappily, be engaged in war with some foreign country. Such arguments, in our opinion, afford no assistance in the solution of what is purely a legal question. Our conclusion therefore is that the provisions of Section 14 of the Labor Law quoted earlier in this opinion are violative of the Fourteenth Amendment of the Constitution of the United States and therefore void. Our attention has been called to the text of numerous treaties between the United States and foreign countries which, it is claimed, expressly forbid discriminating legislation of this character. In view of the con-

It is not easy, nor is it necessary to attempt, to precisely define the scope and limitations of the police power, but it may be said generally to authorize such enactments as are deemed necessary for the protection of society and to guard its morals, safety, health and good order, but it is well recognized that in order to justify an Act as an exercise of the police power there must appear to be some obvious and real connection between the terms of the enactment and some of the purposes for the attainment of which the police power may be exercised. Consequently an Act which invades personal rights or private property cannot be justified under the police power unless there be some discernible relation between it and some legitimate object of police regulation. Whether or not any statute can be upheld as a valid exercise of the police power is also a proper subject for judicial inquiry. It was said in *Colon v. Lish* (153 N.Y. 188): "The Legislature may not, under the guise of protecting the public interests, arbitrarily interfere with private business or impose unusual or unnecessary restrictions upon lawful occupations. In other words, its determination as to what is a proper exercise of its police

clusion we have reached upon the constitutional question, it is unnecessary to discuss any question arising under these treaties.....

"It seems to be conceded by all of the respondents that it would be incompetent for the Legislature to impose upon private persons or corporations not engaged in performing public work, such restrictions as are attempted to be imposed upon the City of New York as an arm of the State."

In this case the judgment of conviction against the defendant Crane was reversed and the defendant discharged.

In the case at bar the law in question is evidently not intended to be, and is not, a regulation within the police powers of the State. If, under the guise of enacting a police regulation, the state can prohibit an employer from hiring more than twenty per cent of alien laborers, it can prohibit an employment of five per cent, and if it can prohibit the employment of more than five per cent aliens, it can prohibit employment of any aliens at all, and thus, under the guise of enacting a police regulation, nullify the Fourteenth Amendment to the Constitution of the

United States as interpreted by the Supreme Court of the United States.

The bill is filed by the complainant in his own behalf and on behalf of all others similarly situated under Equity Rule 38, providing that:

“When the question is one of common or general interest to many persons constituting a class so numerous as to make it impracticable to bring them all before the court, one or more may sue or defend for the whole.”

But, manifestly, this rule does not apply to the case at bar, and therefore, under the facts stated in the bill, the complainant cannot invoke this rule to sue as representing a class. As was recently said by the Supreme Court of the United States in the case of *McCabe v. A.T. & S.F. Ry. Co.*, (not yet published):

“The complainant cannot succeed because some one else may be hurt. Nor does it make any difference that other persons, who may be injured, are of the same race or occupation. It is the fact, clearly established, of injury to the complainant—not to others—which justifies judicial intervention.” See also *Scott v. Donald*, 165 U.S. 107; and *Engel v. O'Malley*,

219 U.S. 128.

Under Section 24 of the Judicial Code, and the rule laid down by Judge Morrow in the case of *Simpron, et al. v. Geary, et al.*, 204 Fed. 507, we hold an allegation of the amount in controversy is not necessary to give this court jurisdiction in this case.

We think the position taken by respondents that the institution of a criminal proceeding against the respondent Truax in the state courts will afford ample means of determining judicially the rights of the complainant in the case at bar, is untenable. The complainant is not a party to any such criminal proceeding, nor can he be made a party thereto; nor can he be heard therein, nor can he be in any legal sense secure or require that his legal rights be determined therein. If he cannot secure his legal rights in a court of equity he cannot secure them at all for he is powerless to secure them in any legal proceedings that have been or can be instituted under this law and he cannot secure them in any action at law for damages. It cannot be successfully contended that he has no legal rights. It is axiomatic that every man within the territorial jurisdiction is enti-

tled to his day in court. This complainant can have no day in court save in a court of equity.

The general doctrine that a court of equity will not restrain the prosecution of criminal cases is well settled, but it is subject to the exception laid down in *Ex Parte Young*, 209 U.S. 123, that

“When such an indictment or proceeding is brought to enforce an alleged unconstitutional statute, which is the subject matter of inquiry in a suit already pending in a federal court, the latter court, having first obtained jurisdiction over the subject matter, has the right in both civil and criminal cases to hold and maintain such jurisdiction, to the exclusion of all other courts, until its duty is fully performed.”

“It would seem that, if there were jurisdiction in a court of equity to enjoin the invasion of property rights through the instrumentality of an unconstitutional law, that jurisdiction would not be ousted by the fact that the state had chosen to assert its powers to enforce such law by indictment or other criminal proceedings.” *Davis v. Farnum*, 189 U.S. 207-218.

The Circuit Court of Appeals of the Ninth Circuit

has also held that a court of equity has jurisdiction of a suit to enjoin the enforcement of a statute which affects property rights, although its violation is punishable as a criminal offense. *Little v. Tanner*, 208 Fed. 605-609.

In the case at bar the court acquired jurisdiction before any criminal proceedings were instituted against the defendant Truax and should under the rule in *Ex Parte Young Case*, *supra*, maintain its jurisdiction to the exclusion of all criminal proceedings instituted against Truax in the state courts.

Counsel for respondents have urged with some emphasis that this cause should not be heard before this tribunal, but that the interpretation and determination of the questions involved should be left to the State courts. In this connection, it is pertinent to observe that this case involves the construction of an amendment to the constitution of the State of Arizona, and that at the time of the filing of the bill herein the Supreme Court of the State had not passed upon or construed the amendment, nor was there pending in any court of said State any proceeding or action involving the validity of the same. In *Burges*

v. Seligman, 107 U.S. 20-33, the Supreme Court said:

"The Federal courts have an independent jurisdiction in the administration of State laws, co-ordinate with, and not subordinate to, that of the State Courts, and are bound to exercise their own judgment as to the meaning and effect of those laws. The existence of two co-ordinate jurisdictions in the same territory is peculiar, and the results would be anomalous and inconvenient but for the exercise of mutual respect and deference. Since the ordinary administration of the law is carried on by the State Courts, it necessarily happens that by the course of their decisions certain rules are established which become rules of property and action in the State, and have all the effect of law, and which it would be wrong to disturb. This is especially true with regard to the law of real estate and the construction of State constitutions and statutes. Such established rules are always regarded by the Federal courts, no less than by the State courts themselves, as authoritative declarations of what the law is. But where the law has not been thus settled, it is the right and duty of the Federal courts to exercise their own judgment; as they always

do in reference to the doctrines or commercial law and general jurisprudence. So when contracts and transactions have been entered into, and rights have accrued whereon under a particular state of the decisions, or when no there has been no decision, of the State tribunals, the Federal courts properly claim the right to adopt their own interpretation of the law applicable to the case, although a different interpretation may be adopted by the State courts after such rights have accrued."

It cannot be gainsaid that this complainant had the right of election of a forum, in which to have his rights adjudicated. Having elected to bring his cause before this tribunal, it is the duty of this Court to hear the application and determine the issues involved. The rule to be followed by the Federal courts in cases of this character is clearly laid down by the Supreme Court of the United States in the case of *Cohens v. Virginia*, 19 U.S. 264-403:

"It is most true, that this court will not take jurisdiction if it should not; but it is equally true, that it must take jurisdiction, if it should. The judiciary cannot, as the legislature may, avoid a measure,

大正四年一月二十二日

在桑港

総領事代理 沼野 安太郎 (印)

外務大臣男爵 加藤高明殿

進歩党領袖 Rowell 〃其経営スル雜誌(週刊) California Outlook 一月十六日号ニ自己ノ署名ヲ以テ外国人労働法ト題スル社説ヲ掲ケ「アリゾナ」外国人雇傭制限法及加州外人土地法トヲ比較論究致居候処右ニテ進歩党領袖等ノ意嚮カ加州外人土地法ヲ以テ違憲ニ非ストナスモノナルコトヲ推知スルニ足ルト被存記事切抜摘訳相添此ニ及送付候条御査閲相成度候 敬具

附屬書

一、「カリホルニア・アウトトルック」誌切抜

一部及右摘訳 一部

本信写發送先 在米大使

註 切抜ヲ省略ス

(附屬書)

「カリフォルニア・アウトトルック」一月十六日号社説

摘訳

because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur, which we would gladly avoid, but we cannot avoid them. All we can do is, to exercise our best judgment, and conscientiously to perform our duty."

For these reasons the motion to dismiss this bill is denied and the application for an interlocutory injunction is granted.

二五 一月二十二日 在桑港沼野総領事代理ヨリ
加藤外務大臣宛

「アリゾナ」外国雇傭制限法違憲ノ判決ニ關聯シ加州外人土地法ハ違憲ニ非スト論スル「カリフォルニア・アウトトルック」誌社説切抜送付ノ件

附屬書 右社説摘訳

公第二七号 (二月十二日接受)

一 米國ニ於ケル排日問題雜件 二五

外国人労働法(一九一五年一月十六日)

カリフォルニア・アウトロック)

「アリゾナ」州外国人雇傭制限法ハ合衆國憲法違反ナリト爲スノ判決アリタル爲加州議會ニ於テ是同様ノ法案ヲ通過セシメントスル運動ハ自然中止セラルベシ「アリゾナ」法ハ被傭者五人以上ヲ有スル者ハ其内二割以上外国人ヲ使用スルヲ得スト爲スモノナリ若シ右二割法ニシテ正當ナリトセバ一割法乃至外国人雇傭ヲ全然禁止スル法律亦然ルベシ Federal Court ハ審理ノ結果凡ソ斯ノ如キ法律ハ在留外国人ニ對シ合衆國憲法ニ依リ保障セラレタル權利ヲ拒否スルモノナリト判決セリ實ニ又此種ノ法律ハ現實ノ經濟的結果トシテ其州ニ現ニ在住スル多數ノ者ノ雇傭ヲ禁スルコト爲リ從テ是等失業者ハ公共ノ慈善ニ依リテ之ヲ扶助セザルヲ得サルニ至ルベク然ラサレハ之ヲ排斥放逐スルコトヲ認許スルニ歸着スヘシ然ルニ放逐ノ權ハ中央政府ニ存シテ各州ニ屬セス

諸種ノ報道ヲ見ルニ「アリゾナ」法ニ對スル判決ハ加州外人土地法ニモ適用セラレ得ヘキヤ否ヤノ問題起レルカ如シ然レトモ兩法ハ毫モ類似點無シ勞働及生活ノ權利ハ州法

ナリヤ右決議案ニ掲ケラレタル修正理由並ニ本案提出ノ動機電報アレ

二七 一月二十三日 加藤外務大臣ヨリ
在ポルトランド熊崎領事宛(電報)

「アイダホ」州下院通過ノ外国人不動産所有
禁止法案ノ内容ニ付問合ノ件

第二号

貴電第七号土地法案ハ債權執行又ハ相續ニヨル土地ニ関シテノミ第一帰化証ノ有無ヲ以テ區別ヲ立ツルモノナリヤ或ハ右帰化証ハ一般土地所有ノ資格ニ關係ヲ有スル次第ナリヤ又新聞電報ニヨレハ帰化資格ヲ以テ土地所有權ノ有無ヲ區別ストモ見ユ右事實精査回電アレ尚「アイダホ」ニ於テ僅ニ一昨年土地法ヲ改メナカラ早クモ今年再ヒ外人ノ土地所有ヲ禁セントスル理由御査報アレ

二八 一月二十三日 在ポルトランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州外国人不動産所有禁止法案ノ

要点回電ノ件

第九号

一 米國ニ於ケル排日問題雜件 二七 二八

ニ依リ否認スルヲ得サルモ土地所有權ハ生活上必須ノモノニ非シテ又絶對ニ州權ノ支配ノ下ニ在リ凡ソ外国人土地所有禁止法ハ往古ヨリ總テノ國家ニ認メラレ又現在合衆國內多數ノ州ニ之ヲ有シ合衆國法規ニモ之ヲ存ス故ニ各州カ外国人ノ土地所有ヲ禁シ又ハ制限スルノ權ヲ有スルハ國內法上及國際法上既ニ確定セルモノナリ之ニ反シ各州ニ外国人ノ雇傭勞働ヲ禁スルノ權アリヤニ至リテハ未ダ確定セラレタルニ非ス而シテ是レ各州ニ於テ外国人ヲ放逐シ又ハ餓餓ニ陥ラシムル權利アリト認メラレタルニ非サレバ確定スルヲ得サルモノナリ外国人ヲ餓餓ニ陥ラシムル權利ナルモノナク又外国人放逐ノ權利ハ合衆國政府ニ保留スル所ニシテ各州ノ權内ニ屬セス

二六 一月二十三日 加藤外務大臣ヨリ
在ポルトランド熊崎領事宛(電報)

「オレゴン」下院提出ノ外国人財産權ニ関ス
ル決議案ノ趣意等ニ付問合ノ件

第一号

貴電第八号決議案ハ白人種外国人ノ一般財産權保障ヲ憲法中ヨリ削リ併セテ東洋人ノ財産權ヲモ奪ハントスルノ趣意

Substance Idaho land bill. Civil Code amended by adding new Section 2609 as follows:—

Title to real property other than mineral lands or such as necessary for working mines cannot be acquired by:

1. Person not citizen or not declared intention become such,

2. Association, corporation (except railway corporation) whose majority members not citizens or persons declared intention or whose majority capital stock not owned by citizens or persons declared intention.

Provided however this section shall not prevent holders (whether aliens or non-residents, association or corporation) of liens upon real estate or interest therein heretofore or hereafter acquired from holding or taking valid title in enforcement of lien nor prevent lien holder from enforcing lien now existing or hereafter created from becoming purchaser at sale for collecting or enforcing nor prevent widows or heirs being aliens or not declared intention from holding land by inheritance

but lands acquired by this proviso be sold within five years after title perfected and in default estate escheat to State.

大使ニ電濟

Kumazaki

二九 一月二十三日

在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州外国人不動産所有禁止法案ニ

関シ回報ノ件

第一〇号

貴電第二号ニ関シ(一)法案ハ別電第九号ノ通り(二)一昨年土地法改正後間モナク今回ノ提案アル理由ニ付テハ各種ノ報道ヲ綜合スルニ提案者「アンダーソン」ハ一昨年土地法改正案ヲ出シタル Shatuck ト同地域ヨリ新選セラレ同氏ト競争ノ地位ニ在リ加州政事家ニ倣ヒ労働者ノ歓心ヲ得ントシ本案ヲ提出シタリト云フニ在リ特ニ実質的理由ナキカ如シ現ニ「アイダホ・ステーツマン」新聞ハ実害モナキニ外国人ノ土地所有ヲ禁スルハ州ノ発達ヲ害ストテ同案ニ反対ノ社説ヲ掲ケタリ本案ガ特ニ日本人ヲ目的トスル証左ト為スヘキ事実州会ニ於ケル言論等及殆ント満場一致ヲ以テ下院ヲ通過セル事情其他引続キ取調中(三)大要左ノ如シ本案ノ運

ムル結果トナル然レトモ本案ノ旨趣ハ東洋人ヨリモ寧ロ歐洲人ヲ目的トスルモノナルハ次項引証ノ演説ニヨリ察シ得ヘシ

(一)決議案ニハ提出理由記載ナク又提議シタル際特ニ説明ナク直チニ委員附託トナリタルニ付別ニ公表セラレタル理由ナキモ提案者ト一体同心ナル Uren (拙電第五号参照)ハ此程某所ニ於テ演説ノ際不景氣ハ外国人カ土地ヲ買占メ地代ヲ持去ル故ニアリトシ英独人ノ例ヲ拳ケ本案立法ノ必要ヲ力説シタルモ東洋人ニハ一切言及セサリシ由ナリ

(二)本案提出ノ動機ハ確知シ難キ内探ノ結果ヲ綜合スルニ提案者等ハ既電ノ通單稅論ヲ以テ立チ政界ノ變リ物ト目サレ往々奇矯ナル提案ヲナスモノナルニ付本案モ其一ナルヘク是迄ノ所排日論者ノ使喚等之無カ如シ又法案ノ要旨モ別電第一二号ノ通り所謂排日土地案トハ趣ヲ異ニス尚本案ニ付テハ其後モ新聞紙記事ナク依然注意ヲ惹カス

(四)右ノ如ク本案ニ付日本人側ヨリ事ヲ荒立ツルハ極メテ不利ト存スルカ目下在留日本人間ニモ問題トナリ居ラス尚当州ニ於ケル外国人關係ノ「インテレスト」ハ重大ナルニ付本案成立ハ困難ナルヘシト存スルモ引続キ注意中

命ニ付テハ「アイダホ」情報ハ多分通過セサル見込ナルモ下院ヲ通過セル結果面白カラサル影響アルヘキヲ憂フト云フニ一致ス(四)目下当館ト「アイダホ」トノ連絡ハ同州在留日本人及拙電第六号「オースチン」ニ依頼シ居レリ更ニ完全十分ヲ期スル為ニハ館員ヲ派シタキモ斯克テハ当地館務ニ差支アルニ付当地在留日本人中ヨリ相当ナル者ヲ選ヒ当分ノ内同地ニ派駐セシメタク右費用並一般機密費トシテ金三百弗御支出ヲ請フ

大使ヘ電報ス

三〇 一月二十三日

在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「オレゴン」下院提出ノ外国人財産權ニ関ス

ル決議案ノ趣意動機等答申ノ件

別 電

同日熊崎領事發加藤外務大臣宛電報第一二号
右決議案ノ内容

第一号

貴電第一号ニ関シ左ノ通り答申ス

(一)決議案ノ内容ハ別電ノ通ニテ一般外国人ヲ目的トシ特ニ東洋人ヲ目的トシタル点ナキモ販化ヲ以テ本案ノ制限ヲ免カルル一条件トシタルハ東洋人ヲ一層不利ノ地位ニ立タン

(四)州会ノ情況ニ就テハ往電第五号所載ノ Miller 氏弟州庁ニ奉職シ居ルニ付同氏ヨリ内報ヲ受ケ居レリ御含迄
大使ヘ電報ス

(別 電)

一月二十三日

在ポートランド熊崎領事發加藤外務大臣

宛(電報)

「オレゴン」州下院ニ提出ノ外国人財産權ニ

関スル決議案ノ内容

第一二号

往電第八号州憲法改正ノ決議案ニハ外国人ノ土地所有ニ関スル左記趣旨ノ法律ヲ千九百十六年人民投票ニヨリ制定セントスル決議案附屬ス(原案長文ニ付略ス)第一本法制定後土地所有權ヲ獲得シタル外国人ハ六ヶ年内ニ(但外国人二十一歳以下ノ場合ハ二十一歳ニ達シタル時ヨリ六ヶ年内)之ヲ処分スルカ又ハ合衆国市民トナルニ非サレハ其土地ハ州ニ没収ス第二州内居住外国人ハ business trade manufactureノ目的ノ為二十一年ヲ越エサル期間ニテ土地又ハ其他ノ不動産ヲ賃借ニ依リ占有スルヲ妨ケス第三株式ノ過半数カ合衆国市民外ノモノニ屬スル法人又ハ組合ハ本

法通過後土地ヲ取得所有又ハ占有スルヲ得ス又抵当權ノ執行其他ニヨリ之等ノ法人又ハ組合カ土地ヲ取得シタル場合ハ六ヶ年内ニ処分セサレハ州ニ没収セラル本法制定前ヨリ外國人ノ所有セル土地ニ就テハ何等明言スル所ナキモ以上規定ノ場合ノ外國人ハ土地又ハ其他ノ不動産ヲ取得所有処分シ得ルヲ原則トスルカ故ニ右ニハ影響ナキモノト思ハル次ニ本案ニハ外國人タル故ヲ以テ相續權ヲ奪ハルル事ナキヲ規定スルモ本法制定後ノ相續ノ場合ニハ前掲第一ニ依ルヘキヤ疑問アリ又前掲第二ニ関シ農業用ノ為ニスルleaseニ就テハ何等規定スル所ナシ右諸点取調中尙本決議案ハ上下兩院ノ joint resolution ヲ目的トシ居ヘリ
大使ニ電報ス

三二 一月二十三日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛

「アイダホ」州下院通過ノ外國人不動産所有
禁止法案原文送付ノ件

附屬書 右法案テキスト写

公第一二一號 (二月十八日接受)

大正四年一月二十三日

STATE OF IDAHO:

Section 1. Title I of the Civil Code of the State of Idaho is hereby amended by adding thereto a new section, designated as Section 2609, as follows:

Section 2609. Except as in this section provided, title to real property within this State, other than mineral lands or such as may be necessary for the actual working of mines and the reduction of the products thereof, cannot be acquired by:

1. A person who is not a citizen of the United States or who has not declared his intention to become such.

2. An association or corporation (other than a railway corporation) a majority of whose members are not citizens of the United States or persons who have declared their intention to become such, or, in the case of an association or corporation having capital stock, the majority of whose capital stock is not owned by citizens of the United States or persons who have declared their intention to become such.

Provided, however, that this section shall not prevent the holders (whether aliens or non-residents, corporations or associations) of liens upon real estate,

在ポートランド

領事 熊崎 恭(印)

外務大臣男爵 加藤高明殿

本月二十日「アイダホ」州下院ヲ通過シタル「アンダーソン」提出外國人土地法案原文写別紙御參考迄及御送付候 敬具
右送付先 在米珍田大使

(附屬書)

「アイダホ」州ノ外國人不動産所有禁止法案

Legislature of the State of Idaho. Thirteenth Section.
IN THE HOUSE OF REPRESENTATIVES

H. B. No. 22

BY ANDERSON (BONNEVILLE)

AN ACT

TO AMEND TITLE I OF THE CIVIL CODE OF THE STATE OF IDAHO BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 2609, REGULATING THE RIGHTS OF ALIENS, CORPORATIONS AND ASSOCIATIONS TO ACQUIRE REAL ESTATE WITHIN THE STATE OF IDAHO.
BE IT ENACTED BY THE LEGISLATURE OF THE

or any interest therein, heretofore or hereafter acquired, from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such lien holder from enforcing any lien or judgment for any debt or liability now existing, or which may be hereafter created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment; nor shall it prevent widows or heirs who are aliens, or who have not declared their intention to become citizens, from holding lands by inheritance; but all lands acquired under this proviso, shall be sold within five years after the title thereto shall be perfected in such alien person, association or corporation, and in default of such sale, within such time, such real estate shall revert and escheat to the State of Idaho.

三三 一月二十四日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州外國人不動産所有禁止法案上
院ニテ決定想ノ件

「アイダホ」日本人ヨリ來電ニ依レハ土地案ハ廿五日上院ノ議ニ上ル筈ナルカ砂糖会社及灌漑事業關係者ニヨリ否決サル、見込ナリト右聞込ノ假申進ス 大使へ電報ス

三三 一月二十四日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州外國人不動產所有禁止法案下院通過ノ狀況及同法案ヲ不可トスル「アイダホ・ステーツマン」社説報告ノ件

別電 同日熊崎領事發加藤外務大臣宛電報第一四号
「アイダホ・ステーツマン」ノ社説要領

第一三号

「アイダホ・ステーツマン」ハ往電第一〇号(二)末段引証社説以外更ニ別電第一四号所載ノ社説ヲ掲ケタリ右ニ依リ察スルニ下院ニ於テ土地案ハ極メテ無造作ニ通過サレタル模様ニテ又討議ノ情況ニ關スル新聞記事ヲ見ルニ贊成者等ハ米國人ノ為ノ米國ナル常套語ヲ用ヒ頻リニ愛國的感情ノ煽動ニ勉メタルモ日本人ニ言及スルコトナカリシカ如ク新聞ニ於テモ是迄ノ処前記ノ社説ヲ始メ日本人ヲ問題トナシ居ルヲ認メス「アイダホ」日本人ヨリモ特ニ排日の迫害アル

第四号

貴電第一〇号末段ノ件ハ経費ノ都合モアリ許可シ難キニ付在留邦人及「オースチン」氏等トノ連絡ニヨリ情報ヲ得ル様致サレタシ

三五 一月二十五日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛(電報)

「アイダホ」州外國人不動產所有禁止法案上院委員會ニ附議ノ件

第一六号
「アイダホ」來電ニ依レハ土地案ハ二十五日上院委員會ニ附議サレ其結果我レニ有望二十六日午後更ニ會議統行ノ筈大使へ電報ス

三六 一月二十六日 在ポートランド熊崎領事ヨリ
加藤外務大臣宛

「オレゴン」州下院提出土地立法ニ關スル決議案原文送附ノ件

附屬書一 外國人不動產所有禁止ニ關スル法律案ヲ人民投票ニ附議ノ「オレゴン」州両院決議案

二 「オレゴン」州憲法中外國人ノ財産所有權ニ關スル規定ノ廃止ヲ人民投票ニ附議ノ両

報道ニ接セサルモ其点篤ト注意中
(別電)

一月二十四日 在ポートランド熊崎領事發
加藤外務大臣宛(電報)

「アイダホ・ステーツマン」社説要領
第一四号

廿二日 Idaho Statesman 社説要領左ノ通り
下院ノ土地案通過ハ輕卒極マレリ同案ハ委員會ニ於テモ碌々研究サレス議場ニ於テモ二三感情の演説アリシ後直ニ通過シタルナリ米人ノ為メノ米國ナル語ハ愛國ニ似テ何等ノ実益ナシ本件ニ關シ移民關係ノミヲ考フルハ誤ナリ斯ル立法ヲナス州ニハ畢竟善良ナル移民モ來ラサルコトナル次第ナルカ資本家ノ投資ヲ阻止スル点ニ於テ更ニ重大ナル關係アリ若シ上院ニシテ同案ヲ否決セバ二院制度ノ効用ヲ完フスルモノナリ云々大使へ電報ス

三四 一月二十五日 加藤外務大臣ヨリ
在ポートランド熊崎領事宛(電報)

「アイダホ」州外國人不動產所有禁止法案ニ關シ日本人ノ現地派駐案ハ許可シ難キ件

院決議案

三 「オレゴン」州憲法中外國人ノ財産所有權ニ關スル規定

公第一二号

(二月十八日接受)

大正四年一月二十六日

在ポートランド

領事 熊崎 恭(印)

外務大臣男爵 加藤高明殿

本月十九日「オレゴン」州會下院ニ提出セラレタル州憲法改正及外國人土地所有禁止ニ關スル「シェーベル」決議案原文御參考迄別紙御送付候 敬具

追テ為念州憲法關係条文ヲ添付致シ置候尚ホ外國人ノ土地所有ニ關スル現行州法規定ノ詳細ハ大正三年二月十四日付機密第二号公信御参照相成度候

附屬書類「オレゴン」州立法決議案 二

同州憲法条文寫

右送付先 在米珍田大使

註 日本外交文書大正三年第一冊一七四文書

(附屬書一)

外國人不動產所有禁止ニ關スル法律案ヲ人民投票ニ附

TWENTY-EIGHTH LEGISLATIVE ASSEMBLY—

REGULAR SESSION

House Joint Resolution No. 3

Introduced by Mr. SCHUEBEL, and read first time
January 19, 1915

*Be It Resolved by the House of Representatives and
the Senate of the State of Oregon:*

That a bill for an Act relating to the ownership of lands in the State of Oregon by aliens and repealing all Acts and parts of Acts in conflict therewith, be submitted to the people for their approval or rejection at the regular general election in November, 1916, and be it further

Resolved, that the Secretary of State be, and he is hereby authorized and directed to set aside one page in the official pamphlet containing initiative and referendum measures to be voted upon in the year 1916 in which arguments supporting this proposed amendment may be printed, and be it further

Resolved, that a committee of two Representatives and one Senator be appointed to prepare and file with

the Secretary of State arguments in support of said Act.

A BILL

For an Act relating to the ownership of lands in the State of Oregon by aliens, and repealing all Acts and parts of Acts in conflict therewith.

Be It Enacted by the People of the State of Oregon:

Section 1. All aliens may, subject to the further provisions of this Act, acquire and hold title in fee simple, or otherwise, to lands, tenements and hereditaments, situated in this State, by deed, devise or descent, and may alienate, sell, assign, incumber, devise and convey lands, tenements and hereditaments, whether the same have been heretofore or be hereafter acquired; and the title to any lands of which an alien may die seized or possessed intestate, shall descend to the heirs at law of such alien, and no person shall be deprived of his right to take title to real estate as heir at law by descent from any deceased person because he may be an alien or be compelled to trace his relationship to such deceased person through one or more aliens.

Section 2. If any alien shall, at any time of ac-

quiring title to lands situated in this State, after the passage of this Act, be of the age of twenty-one years or upwards, he may hold title to the same for six years from and after the time of acquiring such title; but if any alien shall, at the time of acquiring title to lands situated in this State, be under the age of twenty-one years, he may hold title to the same for six years from and after the time when he shall become twenty-one years of age; and if, at the end of the time above limited, such lands shall not have been conveyed to *bona fide* purchasers for value, or devised, in case of the decease of such alien within said six years period; or such alien shall not have become a citizen of the United States, then such lands shall escheat to the State of Oregon, and it shall be the duty of the district attorney of the county in which said lands are situated to try such escheat proceedings in the circuit court for such county, to compel the sale of such lands in the manner provided by law in escheat proceedings; but such sale shall be made subject to all incumbrances by way of judgment, mortgage or other liens against said lands at the time of the commencement of such proceeding.

It shall be a good defense to any such proceeding that prior to the time that the same was commenced such alien had become a citizen of the United States; or that the title to such lands had been conveyed in good faith by such alien, mediately or immediately, to a citizen of the United States; or, if such alien has deceased prior to the commencement of such proceeding, that his heirs or devisees, or those claiming by, through or under them, are or had become citizens of the United States. Said court shall tax as costs such fees for the district attorney (which fees shall be in addition to the salary allowed such district attorney by law) as shall be reasonable, not exceeding twenty per centum of the amount which shall be received for such lands at any such sale.

Section 3. Any alien, if he resides within this State, may take and hold, under lease, lands and tenements for the purpose of any business, trade or manufacture, for a term not exceeding twenty-one years; an alien so taking and holding shall have like rights, remedies and exemptions touching such property as if he were a citizen of the United States.

Section 4. No corporation or association a ma-

majority of whose stock is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or own or hold (except as provided in Section 3 hereof) any real estate in this State acquired after the passage of this Act; *provided*, that nothing contained in this Act shall be construed to forbid any person or corporation from acquiring an interest in any real estate in this State as *cestui que* trust or mortgage in any deed or mortgage taken in good faith to secure the repayment of any money loaned upon such real estate, and interest thereon, nor as assignee of such *cestui que* trust or mortgage, nor by gift or devise or descent, nor to forbid the person or corporation lending such money or becoming such assignee from purchasing such real estate at its sale upon foreclosure of such deed of trust or mortgage; *provided, further*, that all right, title or interest acquired by such person or corporation at such foreclosure sale shall escheat to the State of Oregon, unless such person or corporation shall, within six years after becoming entitled to a deed under such foreclosure sale, sell and convey, in good faith,

proval or rejection at the general election in the year 1916, and be it further

Resolved, that a committee of two Representatives and one Senator be appointed to prepare and file with Secretary of State arguments in support of the repealing of said constitutional amendment, and be it further

Resolved, that the Secretary of State be, and he hereby is authorized and directed to set aside one page in the official pamphlet containing initiative and referendum measures to be voted upon in the year 1916 in which arguments supporting the proposed repeal of said section may be printed.

(附屬書II)

「オレゴン」州憲法中外國人ノ財産所有權ニ關スル規定

定

CONSTITUTION OF OREGON.

ARTICLE I.

BILL OF RIGHTS.

Section 31. RIGHTS OF WHITE FOREIGNER—WHAT IMMIGRATION MAY BE RESTRAINED. White foreigners who are or may hereafter be-

all or such right, title or interest to a citizen of the United States.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

(附屬書II)

「オレゴン」州憲法中外國人ノ財産所有權ニ關スル規定
及ヘ關ヨリ人民投票ニ附議ヘ兩院決議案

TWENTY-EIGHTH LEGISLATIVE ASSEMBLY—

REGULAR SESSION

House Joint Resolution No. 4

Introduced by Mr. SCHUEBEL, and read first time January 19, 1915

To repeal Section 31 of Article I of the Constitution of Oregon.

Be It Resolved by the House of Representatives and the Senate, Jointly Concurring:

That Section 31 of Article I of the Constitution of the State of Oregon be, and the same is hereby repealed, and be it further

Resolved, that the proposed question of repealing Section 31 of Article I of the Constitution of the State of Oregon be submitted to the people for their ap-

come residents of this state shall enjoy the same rights in respect to the possession, enjoyment, and descent of property as native-born citizens. And the legislative assembly shall have power to restrain and regulate the immigration to this state of persons not qualified to become citizens of the United States.

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三十七 一月二十六日

在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

「アリゾナ」州外人雇傭制限法試訴事件判決主文写及判決理由書中訂正文字送付ノ件

附屬書 I 右判決主文写

II 右訂正文字

公第三二二号

(二月十八日接受)

大正四年一月二十六日

在桑港

總領事代理 沼野安太郎 (印)

外務大臣男爵 加藤高明殿

「アリゾナ」州外人雇傭制限法試訴事件判決理由書裏ニ  
本月廿二日附公第三二六号拙信ヲ以テ及進達置候処ニ本件  
判決主文謄本入手致候ニ付右写別紙甲号ノ通及送附候尚右



判決理由書中訂正追加ヲ為シタリトノ趣ヲ以テ当地裁判所  
書記局ヨリ該訂正文別紙乙号寫ノ通追送致越候条御査閱相  
成度候 敬具

附屬書

- 一' 「マリベナ」事件判決主文寫 一部
- 二' 同伴判決理由書中訂正文 寫 一部
- 本信寫送付先 珍田在米大使

(附屬書1)

甲 號

「ハッペン」州外國人雇傭制限法訴訟事件判決主文寫

IN THE DISTRICT COURT OF THE UNITED  
STATES FOR THE DISTRICT OF ARIZONA.

MIKE RIACH,

Plaintiff,

vs.

WILLIAM TRUAX, Sr.,

WILEY E. JONES, Attorney

General of the State of

Arizona, and W.G. GILMORE,

County Attorney of Cochise

County,

IN EQUITY

NO. E-9

(Tucson)

O-R-D-E-R.

of the State of Arizona, and the Defendant William G. Gilmore appearing by the said Wiley E. Jones, Esq., and William B. Cleary, Esq., also appearing as counsel herein, and due notice of hearing of said application having been served upon the defendants, and each of them, together with George W.P. Hunt, Governor of the State of Arizona, and all parties being represented in court as aforesaid, upon argument of counsel had and the court being fully advised in the premises.

IT IS ORDERED, ADJUDGED AND DECREED:

That an interlocutory Injunction issue out of this Court directed to the defendants Wiley E. Jones, Attorney General, and W.G. Gilmore, County Attorney of Cochise County, their and each of their successors, assistants, deputies, agents and employees, restraining them and each of them from in any way or manner enforcing against said defendant Truax, or in attempting to enforce against the said defendant Truax the provisions of that certain Act initiated by the people of the State of Arizona under the provisions of Section One of Article Four of the Constitution of the State of Arizona, and thereafter, at an election held

Defendants.

This cause coming on regularly to be heard before the Honorable William W. Morrow, a Circuit Judge of the Ninth Circuit of the United States, and Honorable William C. Van Fleet, District Judge of the Northern District of California, and Honorable William H. Sawtelle, District Judge of the District of Arizona, sitting as the District Court of Arizona, under the provisions of Section 266 of the Judicial Code of the United States, at the Court room of the Circuit Court of Appeals of the Ninth Circuit of the United States in the City of San Francisco, State of California, all parties to the record herein having entered their stipulation that said hearing be had in the said State of California, and without the District of Arizona, upon the application of Mike Riach, the complainant herein, by his solicitors, Williams and Flannigan and John F. Campbell, Esquire, for an interlocutory Injunction herein, and the defendant Truax appearing by Pillsbury, Madison and Suto, his solicitors, and Wiley E. Jones, Attorney General of the State of Arizona, appearing in person and by Leslie E. Hardy, Esquire, Assistant Attorney General

on the third day of November, 1914, duly adopted by the people of Arizona, and thereafter, on the fourteenth day of December, 1914, declared by the Governor of the State of Arizona the law, commonly known as the "Eighty Per Cent Law" and entitled "AN ACT TO PROTECT THE CITIZENS OF THE UNITED STATES IN THEIR EMPLOYMENT AGAINST NON-CITIZENS OF THE UNITED STATES, IN ARIZONA AND TO PROVIDE PENALTIES AND PUNISHMENTS FOR THE VIOLATION THEREOF", and the said Wiley E. Jones, Attorney General, his successors, assistants, deputies, agents and employees, and the said W.G. Gilmore, County Attorney of Cochise County, his successors, assistants, deputies, agents and employees, be and they are hereby restrained and enjoined from in any way or manner whatsoever enforcing against the said defendant Truax or in attempting in any manner to enforce, the provisions of the aforesaid statute, or any part thereof, and from instituting or causing to be instituted any suit, prosecution or proceeding to enforce as against the said defendant Truax, the provisions of the aforesaid statute, or any part thereof, or

from further prosecuting or proceeding in any prosecution already instituted against the said William Truax, for violation of the provisions of said law, or any part thereof.

Done in open Court at the City of San Francisco, California, this seventh day of January, 1915.

WM. W. MORROW,

Judge of the United States Circuit  
Court of Appeals for the Ninth  
Circuit.

WM. C. VAN FLEET,

Judge of the United States District  
Court for the Northern District of  
California.

WM. H. SAWTELLE,

Judge of the United States District  
Court for the District of Arizona.

ENDORSEMENTS: No. E-9 (Tucson). In the District Court of the United States for the District of Arizona. Mike Riach, Plaintiff, vs. William Truax, Sr., Wiley E. Jones, Attorney General of the State of Arizona, and W.G. Gilmore, County Attorney of Cochise County, Defendants. Order Filed January

said" and before the words: "It will be perceived," etc.

"The court is here called upon to consider whether these provisions of this act of assembly are in conflict with the Constitution and laws of the United States. The fourteenth amendment to the Constitution of the United States declare:

"Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"Congress has enforced the above-quoted provisions of the fourteenth amendment by legislation embodied in sections 1977 and 1979 of the Revised Statutes. The former of these sections enacts: 'All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no

7th, 1915. George W. Lewis, Clerk.

UNITED STATES OF AMERICA } SS  
DISTRICT OF ARIZONA.

I. George W. Lewis, Clerk of the United States District Court for the District of Arizona, do hereby certify the above and forgoing to be true, and correct copy of the opinion rendered in the case of Mike Raich, vs. Wm. Truax, Sr., et al., as the same appears from the original on file and of record in this office.

WITNESS my hand and the seal of said Court affixed hereto at Tucson, Arizona, on the 21st day of January, A.D., 1915.

George W. Lewis, Clerk.

By Effie D. Bots, Deputy.

(Signed)

(SEAL)

(秘藏書II)

ニ 號

「アリゾナ」州外國人雇傭制限法試訴事件判決理由書

中訂正文寫

These paragraphs to be inserted on page 7, between lines 8 and 9, just after the words: "as afore-

other.'

三八 一月二十六日

在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「アイダホ」州上院委員会延期ノ件

第一七号

往電第一六号委員会延期ノ旨來電アリ

註 前掲三五文書

三九 一月二十七日

在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「アイダホ」州上院委員会ニ於テ外國人不動

産所有禁止法案討議情況ニ関スル件

第一八号

二十五日「アイダホ」上院委員会 (Public hearing) 土地案討議情況ニ関スル新聞報道ニ接シタルガ之ニ依レハ提案者ハ本案ノ趣旨ハ帰化シ得サル外國人ノ土地所有ヲ防クニアリトテ日本人ニ言及シタルモ反対派ハ此点ヲ論セス主トシテスル立法ハ善良ナル一般移民及外資輸入ヲ阻止ストノ故ヲ以テ否決ヲ主張シ特ニ抗議ヲ申込ム団体モアリ反対派優勢ナリシカ如シ去レハ今後恐ルル所ハ賛否両派妥協ヲ遂

ケ同案カ終ニ日本人ノミニ適用スルモノト修正セラルルコトナルニ付同地在留日本人ニモ十分慎重ニ行動スル様警告シ置ケリ

大使へ電報ス

四〇 一月二十七日

在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

加州大學總長「ホキラー」博士ノ日本ニ對ス

ル所說報告ノ件

附屬書

「ホキラー」博士ノ演說中日本ニ關スル部分  
摘訳

公第三九号

(二月十八日接受)

大正四年一月二十七日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

近来漸ク其ノ排日的態度ヲ改ムル傾向ヲ示シツツアル加州大學總長「ホキラー」博士ハ一月廿四日「パレスホテル」ニ開催ノ内國産業同盟(Home Industry League)午餐會席上ニ於テ桑港附近ノ商工業ノ發展ヲ論シタル序ヲ以テ日

本人問題ニ論及致候ニ付同博士言說ノ日本ニ關スル部分ノ摘訳シタルモノ別紙一通差進候ニ就キ御査閱相成度此段申進候 敬具

附屬書類

一、「ホキラー」演說要領摘訳 一通

(附屬書)

加州大學總長「ホイラー」氏ノ試ミタル「パ  
レース・ホテル」ニ於ケル演說ノ一節

太平洋貿易發展ノ此ノ好機ニ際シ吾人ハ先ツ日本國カ貿易上尤モ重要ナル一要素ヲ占ムルモノナルコトヲ思ハサル可ラズ吾人ハ暴力ヲ云爲シ若クハ日本人殺戮等ノ言ヲ弄スルコトアルヘカラズ何トナレバ戰爭ハ問題ヲ解決スルモノニアラサレバナリ吾人ハ大砲ノ助力ヲ以テ彼等ト相接スルモノナリト言フコトアルヘカラズ  
宜ナリ吾人ハ彼等ヲ好マサル可シ——人種的僻見ハ之ヲ感受スルコト容易ナリ——何トナレバ彼等ハ生活狀態傳説並ニ習慣ニ於テ吾人ハ全ク相異レバナリ  
吾人ハ彼等ヲ了解セサル可ラズ何トナレバ彼等ハ其價值アルモノナレバナリ吾人ハ彼等ニ胸襟ヲ披イテ眞實ヲ告クル

大使へ電報ス

四二 一月二十八日

在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

排日的借地權削除法案ヲ非トスル加州知事ノ

意見新聞論評報告ノ件

附屬書

加州「オークランド・エンクワイラー」社說  
抄訳

公第四一号

(二月十八日接受)

大正四年一月二十八日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

本年一月二十五日發刊「オークランド・エンクワイラー」紙ハ其社說ニ於テ一月二十三日加州知事「ジョンソン」ノ發表シタル排日的借地權削除法案ニ對スル意見ヲ論評致シ居リ候ニ付右抄訳一通御參考迄差進候間御査閱相成度此段申進候 敬具

附屬書 一月二十五日「オークランド・エンクワイラー」

社說抄訳一通

(附屬書)

コトヲ要ス吾人ハ彼等ヲ好ムコトヲ要セス吾人ハ吾人ノ感情ヲ握手ノ裡ニ葬ムルニ勉ムルコトアルヘカラス然リト雖モ吾人ハ彼等ニ對シ横直ナラサルヘカラズ但シ其ノ横直ヤ野獸的ニ然ルニアラスシテ少クトモ公明正大ニ卒直ナルヲ要ス是ハ吾人ト日本人トノ間ノ至當ナル基礎ヲ樹立スル唯一ノ方法ナリ  
日本ノ弱點ハ思フニ彼等ガ高等ナル文明邦國ノ一トシテ取扱ハレンコトヲ要望スル點ニ在リ免ニ角吾人ハ彼等ト共ニ事ヲ爲ササルベカラザル運命ニアリ吾人ハ果シテ之レヲ爲シ得ルヤ

四一 一月二十八日

在ボートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「オレゴン」州下院ニ提出ノ外國人財産所有

權ニ關スル憲法改正決議案本會議附議延期ノ

件

第一九号

往電第八号及第一二号決議案ハ二十六日委員ヨリ推薦ヲ附セス報告アリ二十七日日本會議ニ附セラルヘキ処同日動議アリ二月三日迄付議延期セラル

一 米國ニ於ケル排日問題雜件 四一 四二

加州「オーークランド・エンクワイラー」排外

法制定反對論（一月二十五日社説）抄譯

一九一三年ノ外國人土地所有禁止法ニ對スル修正ニハ一切反對スベシトノ今期州會ニ於ケル知事「ジョンソン」氏ノ強硬ナル聲明ハ少數斗筭煽動家以外スベテ加州撰舉民ノ贊成スル所ナルベシ加州ノ勞働及土地ノ利益ノ防衛ヲ以テ自任スル神經過敏短慮淺見ノ自稱哨兵以外今ヤ何人モ修正案ニ贊成スルモノナカルベシ之ニ贊成スルモノハ唯片々タル淺見者流ノミ此不急ノ提案ニ對スル最モ良好ナル答辯ハ蓋シ一月二十三日知事ノ與ヘタル答辯ニ如クモノナカルベシ今知事ノ聲明書ヲ見ルニ知事ハ若シ斯克ノ如キ法案ノ可決セラル、アラバ（吾人ハ其不可能ヲ希望ス）同法案ハ知事ノ特權ニ依リ否認セラルベキヲ暗示セリ

（以下知事ノ聲明書ヲ引用セル部分中略）

今ヤ世界政局ノ紛糾ニ際シ米國ハ中立ヲ嚴守スルノ要最緊切ナルモノアリ故ニ何レノ點ヨリ觀察スルモ此事件ニ關シ吾人ノ義務ハ確固タル態度ニ出ツルニアリ而シテ特ニ此必要ヲ感知スルノ責任ハ立法者ノ責任ニアリト謂ハザルベカラズ今ヤ世界ノ過半ハ戰爭惡疫及慘害ノ渦中ニ投セラレ人

間ノ情熱ハ各方面ニ發火シ猜疑ハ各國ノ蔽ヘル濃霧ノ中ニ潛伏セル際ニ當リ吾人ノ採ルベキ方針ハ唯一アルノミ吾人ハ毅然トシテ起チ敢テ動搖スルコトナキニ在リ然リ吾人ハ一點ノ嫌疑ヲモ吾人ノ履下ニ近ツケシメザル様理由アル猜疑ヲ斷然避クルニ努ムベシ

本法案ハ主トシテ日本人ニ對スルモノナルガ日本ハ現時我友國タリ此島帝國ハ我國ニ對スル條約上ノ義務ヲ眞面目ニ履行シ友誼の親交ヲ涵養シ東洋ニ於ケル我要求ヲ尊敬シ我博覽會ニ參加シ且大體上國際的正義ノ最高ノ教則ヲ遵奉シ來レリ合衆國ノ一州トシテ吾人ノ義務ハ現時國家的危憂ヲ惹起スベキ源因ヲ作ラザルニアリ若シ之ヲ怠ランカ有害無用ノ容喙ヲ試ミタルモノナリトシテ吾人ハ内外ノ非難ヲ甘受セザルベカラザルニ至ラン今回提出ノ排日借地削除案ヲ通過セシメ若クハ之ニ關スル問題ヲ煽動スルコトハ惡意ヲ以テ火ヲ弄スルモノト謂フヲ得ンカ

四三 一月二十八日 在紐育中村總領事ヨリ  
加藤外務大臣宛

紐育州ノ公共土木事業ニ於ケル外人勞働禁止  
ノ勞働法規定ヲ無効トセル判決理由ニ關スル

件

公第一九号 (二月二十三日接受)

大正四年一月二十八日

在紐育

總領事 中村 巍(印)

外務大臣男爵 加藤高明殿

本件ニ關シ本月九日附公第六号拙信ヲ以テ報告ノ次第有之候処右ハ當時ノ新聞記事ニ依リタルモノニシテ其後当地法律新聞ニ同伴ニ關スル紐育州「アペレート・デイビジョン」ノ判決全文ヲ掲記セルヲ見ルニ前記拙信中同裁判所判決ノ要旨第一トシテ同裁判所カ紐育勞働法第十四条ヲ無効ナリト為ス理由ハ「同条ノ規定カ紐育州ノ政策ニ反スルカ為メナリ」ト記載シタルハ誤謬ニシテ實ハ「同条カ合衆國憲法改正第十四節ノ規定ニ違反ス」ト云フニアルコトヲ發見致候間茲ニ右訂正旁同判決全文別紙切抜及送付候条委細ハ之ニテ御承知相成度此段申進候 敬具

註 別紙切抜ヲ省略ス

四四 一月二十八日 在シアトル高橋領事ヨリ  
加藤外務大臣宛

一 米國ニ於ケル排日問題雜件 四四

「モンタナ」州議會ニ於テ排日土地法案提出  
ノ虞無キ旨ノ情報ニ付報告ノ件  
通公第三三号 (二月二十三日接受)

大正四年一月二十八日

在シアトル

領事 高橋 清 一(印)

外務大臣男爵 加藤高明殿

「モンタナ」州農業者排日決議ニ關シテハ客年十一月廿一日付政公第二二七号等ヲ以テ申進置候処同州議會ハ本月上旬開会后于今何等排日議案ノ提出無之候然ルニ今般当地東洋貿易会社々長高橋徹夫ガ「モンタナ」州「リビングストン」Northern Pacific 鐵道会社監督「ブラオン」ヨリ得タル書狀ニ依レバ昨年春「リビングス」所在製糖会社ガ日露両國人農夫ヲ庇護シ是等ヲシテ甜菜栽培ニ當ラシムベシトノ風説アリタル為メ同地方農民ガ之ニ對抗ノ為排日土地法制定ヲ思付タルモノナルモ其後事情疏通シタル為目下何等排日の計画無之トノ趣旨ニ有之御参考迄右書面写差進候 敬具

本信送付先在米大使

追テ一月二十六日下院ニ於テ Eschm ナル者追テ外人土地案ヲ提出スベキ通知ヲナシタルガ同案ハ未ダ提出セラレザルニ付其内容ガ本件ノ土地案ナルヤ否ヤ判明不致候註「ブラオン」氏書面寫省略ス

四五 一月二十九日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

加州外國人土地法修正ニ對シ加州知事反對態

度聲明ニ關スル件

附屬書 桑港「エグザミナー」紙記事摘訳  
加州知事對日本人立法ニ反對ス

公第四三號 (二月十八日接受)

大正四年一月二十九日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

本件ニ關シテハ本月二十三日拙電第二十六号ヲ以テ不敢取及電報置候処右ニ關スル新聞記事切抜別紙ノ通り摘訳相添及送附候条御査閱相成度候 敬具

附屬書

將來ニ付テ種々ノ豫測ヲ逞フセリ然レドモ州會ハ其執ルベキノ途ヲ進ミ而シテ何レノ國民ニモ侮辱ヲ加フルコトナク又未嘗有ノ反對ヲ排シ終ニ吾人ノ權内ニ於ケル法規ヲ制定シ以テ我條約規定ヲ表明シ加州民ノ權利ト威嚴トヲ保持スルヲ得タリ

故ニ本年更ニ進ンデ何等處置ヲ執ルノ理由毫モナシ二年以前幾多ノ困難ヲ以テ制定セラレタル外國人土地法ガ今復其修正ノ爲メ州會ノ議ニ付セザルベカラズト爲スノ何等正當ナル理由存スルナク却テ然ルベカラザル所以ノ多クノ理由アリ故ニ自分ハ現行ノ土地法ガ變改セラレザルコトヲ希望シ又此目的ノ爲メニ出來ル限り助力ヲ爲スヲ辭セザルベシ

四六 一月三十日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州上院ニ白人女子及黑人又ハ亜

細亞人ノ男子使用禁止法案提出ノ件

第四号

Senator Willett introduced twenty ninth in Montana Legislature prohibiting employment of males of Negro or Asiatic race with females of Caucasian race, The

一 米國ニ於ケル排日問題雜件 四六 四七 四八

一、「エキザミナー」新聞切抜 一部  
一、右摘訳 一部

註 新聞切抜ヲ省略ス

(附屬書)

桑港「エグザミナー」紙記事摘訳

知事對日本人立法ニ反對ス

知事「ジョンソン」ハ本日加州外國人土地法ニ對スル如何ナル修正ニモ反對ナルコトヲ斷然發表シ且ツ同法中借地條項ヲ削除セントスル Shattel 法案ニシテ若シ通過スルコトアリトスルモ之ヲ否認スベキ氣勢ヲ示セリ知事ガ今期ニ於テ同法ニ修正ヲ加フルノ理由ナント言明シ發表シタル意見書左ノ如シ

州會ハ二年以前外國人土地法ヲ通過シ三年間ノ借地權ヲ認ムル條項ヲ存セリ數年來種々ノ排外的土地法案ハ州會ニ提出セラレ是等ハ皆三年以上ノ借地權ヲ認許シ居レリ前期ノ州會ニ排外土地法ガ提出セラレタル當時ノコトハ今尚全加州民ノ記憶ニ新ナル所ナルベシ當時吾人ニ對シ種々ノ攻撃アリ世人ハ吾人ノ行動ガ友邦ニ侮辱ヲ與フルモノナリ又吾人ガ條約ヲ破棄セント努ムルモノナルコトヲ極力論難シ尚

bill is Senate bill No. 93. Its object, it is explained, is to keep white girls from working in Chinese restaurants.

Takahashi.

四七 二月一日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

外國人不動產所有禁止法案審議ノ「アイダホ」

州上院委員會近ク開會ノ件

第二〇号

「アイダホ」日本人ニ問合タルニ土地案委員會ハ二三日中ニ開ク筈ナルカ形勢良好トノ回報アリ

四八 二月三日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「オレゴン」州下院外國人ノ不動產所有禁止

ニ關スル決議案ヲ否決ノ件

第二一号

「オレゴン」土地決議案ハ三日下院ニテ討議ノ結果賛成僅六票ニテ否決サレタリ

大使ハ電報ス

四九 二月三日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州上院委員会白人女子及黑人又  
ハ亜細亞人ノ男子使用禁止法案ニ賛成ノ報告  
ヲ為シタル件

第五号

大使へ第三号

Montana Senate bill No. 93 was favorably reported  
by Committee February Second.

Takahashi.

五〇 二月三日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州議會ニ於ケル白人女子及黑人  
又ハ亜細亞人男子使用禁止法案阻止方ニ関ス  
ル件

第六号

大使へ第四号

拙電第三号ニ関シ「モンタナ」上院ハ共和党優勢ナルニ付  
暫ク成行ヲ觀望シ上院ヲ通過ノ節ハ下院ニ於テ喰止方國務  
尽ノ斡旋ヲ得ハ好都合ト思考ス右御舍ノ上可然御配慮相煩

ハシタン

五一 二月四日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「オレゴン」下院外国人ノ不動産所有禁止ニ  
関スル決議案否決ノ主ナル理由報告ノ件

第二二号

往電第二一号決議案否決ノ重ナル理由ハ時局柄國際紛議ヲ  
醸ス虞アル立法ハ好マシカラス又余リニ人民投票ヲ煩ハス  
ハ不可ナリト云フニアリト尚議事中屢々反对者等カスカル  
立法ノ帰化權ナキ日本人ニ対シ特ニ侮辱的ナルニ論及シタル  
際提案者ハ何等差別ヲ目的トセサル旨弁解ニ勉メタル由  
御參考迄

大使ニ電報ス

五二 二月九日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛(電報)

「アリゾナ」州外国人雇傭制限法ニ代ル法案  
同州下院ヲ通過ノ件

第四六号

新聞電報ニ依レハ「アリゾナ」州会下院ニ於テ二月八日外

大使済ミ

五四 二月十七日 在シカゴ米栖領事宛(電報)  
加藤外務大臣ヨリ

「ミシガン」州下院ノ外国人土地所有禁止法

案ノ内容要点調査報告方訓令ノ件

第一号

貴電第二号ニ関シ

土地法案規定内容ノ要点至急調査電報アレ尚本案提出後州  
会ニ於ケル議事進行ノ模様及之ニ対スル御意見等其都度時  
期ヲ逸セス報告セラレタシ

五五 二月十七日 在シカゴ米栖領事ヨリ  
加藤外務大臣宛(電報)

「ミシガン」州下院ノ外国人土地所有禁止法

案ノ調査方法ニ関スル件

第三号

貴電第一号ニ関シ法案ハ委員会ノ手ニ在リ内容公表セラレ  
ス旁々土地隔絶ノ為メ調査何分困難ナルモ此際本官若クハ  
館員同地ニ出張取調フルハ徒ラニ問題ヲ大ナラシムル虞アル  
ニ付前電通報ヲ俟ツ以外ニ特ニ本官ノ裁量ヲ以テ適當ノ

国人雇傭法ニ代ハル稍温和ナル法案通過シタリ其要点ハ危  
険ナル職業ニ従事スル者ハ凡テ英語ヲ讀書キスル能力ヲ有  
セサルベカラズトナスニ在リ委細取調中

五三 二月十五日 在シカゴ米栖領事ヨリ  
加藤外務大臣宛(電報)

「ミシガン」州下院ニ提出ノ外国人土地所有

禁止法案ニ関シ報告ノ件

第二号

一月二十五日「ミシガン」州下院ニ提出セラレタル外国人  
土地所有禁止案ハ目下法律委員会ノ手ニ在リ其内容ヲ知ル  
ヲ得サルモ同州ノ新聞記事ニ依レハ Michigan Federation  
of Labour ノ希望ニ依リ下院労働(不明) Wiren A.  
Oakley ノ提出セルモノニシテ内容ハ加州ノモノト同一ナ  
ル由同案ノ成行当地親交ノ一法律家ヲ通シ同州「セクレタ  
リー・オフ・ステート」ヨリ時々通報ヲ得且其他ノ筋ヲ通  
シテモ密ニ注意シ居ルモ今日迄何等通報ナク「デトロイト」  
初メ同州ノ各地新聞モ別段論評ヲ加ヘタルヲ見ス当館最近  
ノ調査ニ依レハ同州在留日本人七十六人内農業二人ナリ

モノニ報酬ヲ与ヘ調査セシメタシ右費用見積リ百弗御電送ヲ請フ

五六 二月十七日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州上院ニ於テ白人女子及黑人又ハ亜細亞人ノ男子使用禁止法案ヲ否決ノ件

第八号

Montana Senate bill No. 93 was killed in Senate  
fifteenth.

Takahashi.

五七 二月十八日 加藤外務大臣ヨリ  
在シカゴ来栖領事宛(電報)

「ミシガン」州下院ノ外国人土地所有禁止法案ノ調査方法ニ関シ回訓ノ件

第二号

貴電第三号ニ関シ  
費用支出ノ義ハ詮議シ難キモ近接セル地方ノ事ニテ報道ヲ得ルニ格別ノ困難アリトモ考ヘラレサルニ付貴官ハ御申越ノ法律家ヲ利用スルナリ其他可然方法ニヨリ法案ノ内容及

進行ノ程度並ニ州会ノ閉会期等查報セラルヘシ

五八 二月十九日 在桑港沼野総領事代理ヨリ  
加藤外務大臣宛

特殊危険事業従業者雇傭制限ニ関スル「アリゾナ」州法律案送付ノ件

附屬書 右法律案写

機密公第一五号

(三月十二日接受)

大正四年四月十九日

在桑港

総領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

本月八日「アリゾナ」州州会下院ニ於テ特殊危険事業者雇傭制限ニ関スル法律案ヲ可決シタル次第ハ不取敢本月九日往電第四六号ヲ以テ及報告置候今般右ハ法律案文入手致候ニ付此ニ該写及送付候条御査閲相成度尚「アリゾナ」新聞紙ノ報スル所ニ拠レハ右法案ハ曩ノ外国人雇傭制限法ニ代ルノ意味ヲ有スルモノト看做サレ下院議員中ニモ同法案ヲ以テ英語国民ノ為ニ差別的取扱ヲ為スモノニシテ憲法違反条約抵触タルヲ免レズ而シテ實際ニ何等必要ナキモノナリ

ト為シ大ニ之ニ反対シタル者アリ幾多討論ノ末十一ニ対スル二十一ノ投票ヲ以テ下院ヲ通過シタル趣ニ有之同州在留墨西哥人ノ如キハ熾ニ同法案通過防止運動ヲ始メタリトノコトニ有之尚又同法案ニシテ弥々法律トシ実施セラルルニ至ルコトアリトスルモ在留邦人ニハ格別影響スル所可無之ト存候

右及報告候 敬具

附屬書

一、「アリゾナ」州雇人法案写 一部

本信写送付先 珍田在米大使

(附屬書)

特殊危険事業従業者雇傭制限ニ關スル「アリゾナ」州法律案

Second Legislature  
State of Arizona.

H. B. 54

HOUSE OF REPRESENTATIVES.

Introduced by Mr. W.D. Claypool.

A BILL

FOR AN ACT PRESCRIBING CERTAIN REGULA-

TIONS CONCERNING THE QUALIFICATIONS AND EMPLOYMENT OF WORKMEN AND LABORERS ENGAGED IN CERTAIN EXTRA HAZARDOUS EMPLOYMENTS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That for the protection of the safety of employees in extra hazardous or dangerous occupations in which the safety of one employee may depend on the action of another it shall be and is hereby made unlawful to employ, or permit to work, in any extra hazardous or dangerous occupation, as defined in Sec. 2 of this Act, any deaf or dumb person, or any person who cannot speak and understand the English language sufficiently well to understand any rules or regulations prescribed by law regulating the occupation or industry in which said person shall be employed or engaged, when said rules and regulations are communicated to him orally in the English language, and to understand the necessary or customary orders by managers, superintendents, foremen, shift bosses, or others in position or

authority, for the carrying on of the operations of said occupation, or industry, when communicated to him orally in the English language, and to transmit said order or orders to other employees orally in the English language; and it shall be and is hereby made unlawful for any person to accept employment or to work, in such occupation or industry.

Section 2. The labor and services of workmen at manual and mechanical labor by this Act declared to be extra hazardous and dangerous as being hazardous and dangerous occupation in which rapid and intelligible communication among workmen and a clear understanding of the laws of Arizona regulating the occupations and industries set forth in this section are necessary to preserve the safety of such workmen while operating and carrying on for the employer the business in which he is engaged are as follows:

1. All underground work in mines.
2. All work in connection with machinery used in the operation of mines.
3. All work in connection with the operations of steam, or electrical trains or locomotives, engines, trains, motors, or cars of any kind

said corporation may also be fined, and its directors and officers imprisoned, as provided in this section.

Section 4. Any officer of the State of Arizona charged with the inspection or supervision on behalf of the State of any hazardous industry or occupation, or of any industry in which the occupation of any of the employees thereof is deemed hazardous within the meaning of this Act, shall be, and is hereby charged with the enforcement of this Act, and it shall be his duty to examine and inquire as to the qualification of any employee engaged in such industry or occupation, and to prosecute for violation of this Act, and a finding by such officer that any employee or employees are not qualified workmen, and on notice thereof by him to the employer, and continuance of such employment after such notice, may be shown in evidence of any trial for violation of this act.

Section 5. This Act shall be deemed an exercise of the police powers of the State of Arizona for the protection of the public health and safety, and all of its provisions shall be liberally construed for the attainment of that purpose.

Section 6. Should any work, phrase, clause, sen-

propelled by steam, electricity, cable or other mechanical power.

Section 3. Any person, association, company, or corporation, employing a person contrary to the provisions of Section 1 hereof, and every person accepting employment contrary to such provisions, shall be guilty of a misdemeanor, and any directors, officers, agents, servants, or employees, or any person, association, company, or corporation charged or entrusted with the employment of workmen and laborers for such person, association, company, or corporation, who shall employ any person contrary to the provisions of said section 1, shall be guilty of a misdemeanor; and any such person or persons violating any of the provisions of this Act, upon conviction shall for each offense be punished by a fine not less than Ten (\$10.00) Dollars or not exceeding Three Hundred (\$300.00) Dollars, or by imprisonment for not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment, in the discretion of the court trying the offense; and in case of a corporation, association, or company in whose behalf the provisions of this Act have been violated,

tence or provision of this Act be declared unconstitutional, the validity of the remainder of the act shall not be affected thereby.

Section 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

五九 二月二十日 在シカゴ米領事ヨリ  
加藤外務大臣宛(電報)

「ミシガン」州下院ノ外国入土地所有禁止法

案ノ内容及審議状況報告ノ件

#### 第四号

「ミシガン」州土地法案ハ未タ印刷ニモ附シ居ラレサルモ  
本日信頼シキ筋ヨリ入手シタル全文ニ依レン該案ハ八条  
ヨリ成リ一二三四七八各条トモ一言一句加州現行法当該条  
文通ニミナリ只加州法第五条第二節末 by section ミ civil  
procedure ニ代メ by law in escheat cases 加州法第  
六条第一項末 by section ミ civil procedure ニ代ルニ  
by law in such caseses 同条 California ニ代ルニ  
Michigan ヲ以テヤルモノナリ今日迄ノ探查ニ依レン法律  
委員会勘シトモ其委員ノ一部ハ本案ヲ憚ハス其果シテ本会  
議ニ報告セラルヘキヤ否ヤハ頗ル疑問ニシテ提出者自身モ



又本案カ今期議會ヲ通過スルヲ予期シ居ラサルカ如シト云フ州会閉会期ハ探查中要スルニ主義問題ハ格別本法災害及現今ノ形成(不明) 尠ク目下ノ処何等表立チタル對抗策ヲ講セサル方得策ナリト信ス  
大使濟ミ

六〇 二月二十日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「アイダホ」州上院ニ於テ外国人不動産所有

禁止法案ヲ握潰ノ見込ノ件

第二五号

「アイダホ」州土地案委員會ハ今以テ開会セス同地日本人通報ニ依レハ握潰ノ見込十分ナル甲尚同州会ハ三月四日閉会ノ予定ナリト

大使ヘ電報ス

六一 二月二十一日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「オレゴン」州会閉会ノ件

第二六号

「オレゴン」州会二十一日閉会セリ

同四日第二二二号) 及報告置候ヘ共更ラニ御参考迄其經過要領ヲ取纏ムレバ左ノ如シ

(一) 議事ノ經過

本立法ハ下院議員「シュューベル」(共和党弁護士)ノ提案ニ係リ左記二個ノ決議案ヨリ成ル

(イ) 外国人ノ「オレゴン」州土地所有ニ関スル条例ノ制定ヲ千九百十六年十一月ノ定期総選舉ニ際シ人民投票ニ付スル決議案

(ロ) 州憲法第一章第三十一条外国人ノ財産權享有保障ニ関スル現行規定ノ存否ヲ同上人民投票ニ付スル決議案(後述ノ通り憲法中本規定ハ(イ)決議案ノ立法ニ差支アリ)

右兩案ハ上下兩院ノ一致決議(Joint Resolution)ヲ目的トスルモノニシテ一月十九日下院ニ提出セラレ一読会後直チニ委員附託トナリ同月廿六日委員ヨリ推薦ヲ附セズシテ報告アリ翌廿七日本會議ニ付セラルベキ処同日動議アリ二月三日迄附議ヲ延期シ二月三日ニ至リ先ヅ前掲(イ)号決議案ヲ本議ニ付シ討議ノ結果賛成僅カニ六票ノ少数ニテ否決セラレ又(ロ)号決議案ハ其假無期延期トナリ茲ニ兩決議案ハ下院ヲ通過スルニ至ラズシテ不成立ニ終レリ

大使ヘ濟ミ

六二 二月二十五日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛

「オレゴン」州下院ニ於ケル外国人ノ不動産

所有禁止ニ関スル決議案議事經過要領報告ノ

件

機密第一号 (三月二十四日接受)

大正四年二月二十五日

在ポートランド

領事 熊崎 恭(印)

外務大臣男爵 加藤高明殿

本年度即チ第二十八回「オレゴン」州会ハ一月十一日開会二月二十日ハ会期ノ末日ニ當レルモ議案議了ニ至ラザリシ物メ徹夜議事ヲ繼續シ翌二十一日ニ至リ漸ク閉会シタリ(但シ議事録ニハ会期末日タル二十日ヲ以テ閉会トス)本会期中ニ顯ハレタル外国人土地所有制限立法ノ成行ニ関シテハ曩ニ電報ヲ以テ其都度(一月十三日往電第三号、同十五日第五号、同二十二日第八号、同二十三日第十一号、同日第十二号、同二十八日第十九号、二月三日第二十一号、

(二) 議案ノ内容

(イ) 号決議案ノ要領ハ左ノ如シ

(1) 外国人ハ以下規定スル所ニ從ヒ証書契約(Deed) 遺贈又ハ相続ニ依リ当州ニ於テ土地所有權及其他不動産上ノ權利ヲ取得保有シ且ツ之レヲ処分スルコトヲ得外国人ガ無遺言ニテ死亡シタル場合ハ其土地ニ関スル權利ハ法定相続人ニ移転ス法定相続人ノ相続權ハ外国人タル故ヲ以テ妨ゲラル、コトナシ

(2) 本法實施後土地所有權ヲ取得シタル外国人ニシテ取得ノ當時廿一歳以上ノモノハ其時ヨリ六ケ年間廿一歳以下ノモノハ廿一歳ニ達シタル時ヨリ六ケ年間之レヲ保有スルヲ取得者ガ右期間終了迄ニ其土地ヲ処分セザルカ若クハ合衆国市民トナラザルトキハ州ニ没収セラル

(3) 州内ニ居住スル外国人ハ職業・營業又ハ製造業(Business, Trade or Manufacture)ノ為メ廿一年ヲ超エザル期間ニテ土地又ハ其他ノ不動産ヲ賃借ニ依リ占有スルコトヲ得

(4) 株式人過半数ガ合衆国市民ニアラザルモノニ屬スル法人又ハ組合ハ本法實施後土地及其他ノ不動産ヲ取得、所

有若クハ占有スルヲ得ズ(但シ前第(3)記載賃借ニ依ル占有ノ場合ヲ除ク)個人ト法人トヲ問ハズ土地及其他ノ不動産ニ対スル信託受益者若クハ抵当権者タルハ妨ゲザレド其權利ノ執行ニ依リ土地及其他ノ不動産ノ所有權ヲ取得シタル場合ハ六ヶ年内ニ之レヲ処分スルニアラザレバ州ニ没収セラル

(5) 現行ノ条例又ハ規則中本法ニ抵触スルモノハ之レヲ廃止ス

次ギニ(四)号決議案ハ

「オレゴン」州憲法第一章第三十一条ヲ削除セントスルモノニテ同条中ニハ州ノ居住民トナレル白人外国人ハ市民ト同一ニ財産權ヲ享有シ得ル旨ヲ保障シタル規定アルヲ以テ前記(四)号決議案ノ目的トスル立法ヲナス為メニハ先ヅ憲法中本規定ヲ削除スルヲ要スル次第ナリ

(三) 提案ノ理由・討議ノ模様及与論

右決議案ニハ提出理由書ノ添付ナキモ州会ニ於ケル提案者側ノ言説及其他各種ノ情報ヲ綜合スルトキハ提案ノ動機ハ主トシテ帰化セザル外国人ニ土地其他ノ不動産ヲ所有スルヲ得ザラシメ以テ歐洲資本家ノ土地買占メヲ防止セントス

反对者ノ或者ガスル立法ノ帰化權ナキ日本人ニ対シ特ニ侮辱的ナルニ論及シ加州土地立法ノ日米親交ニ累シタルヲ引証シタルニ対シ提案者ハ本立法ハ一般外国人ヲ目的トスルモノニテ何等特定ノ外国人ニ差別的待遇ヲ与ヘントスルモノニアラザル旨ヲ極力弁解シタリ

本提案提出ニ関シ一般与論ヲ觀察スルニ何等特別ノ注意ヲ牽カザリシモノ、如ク当市及州都「セーラム」ノ主ナル新聞紙ニ就テ見ルモ単ニ提出事実ニ関シ簡單ナル報道ヲナセルノミニテ社説等ニ於テ評論ヲ加ヘタルモノナシ

右及報告候 敬具

追テ本兩決議案原文ハ客月廿六日付公第一二号ヲ以テ及送付置候ニ付玆ニ添付ヲ省略致シ候

六三 二月二十六日 在紐育中村總領事ヨリ  
加藤外務大臣宛(電報)

紐育州ノ公共土木事業ニ於ケル外人労働禁止  
ノ労働法規定ハ違憲ニ非ズト州高等法院判決  
ノ件

第二三三

公第一九号州高等法院ハ前判次ヲ覆ヘシ労働法十四条ハ違  
一 米國ニ於ケル排日問題雜件 六三 六四 六五

ルニ存シ特ニ東洋人排斥ヲ目的トセルモノニハアラズ其法案ノ文句モ所謂排日土地案トハ頗ル趣ヲ異ニセルモノアリ提案者「シュューベル」ハ「オレゴン・シチー」出身ノ弁護士ニシテ共和党ニ属スルガ当「ポートランド」ニ於テ「ユールン」ナル人物ハ土地單稅ヲ標榜シ云ハ政界ノ變物ニシテ本期ノ州会ニ「シュューベル」ヲシテ種々急進奇矯ナル提案ヲナサシメ居リタレバ本提案モ其筆法ニ依リタルモノト思惟セラル其他本提案ガ排日政治家ノ使噓等ニ出デタル形跡ノ認ムベキモノナシ

二月三日下午院ノ討議ニ於テ本案維持說ヲナシタルハ提案者「シュューベル」以外ニハ唯「バロウ」(共和党、弁護士)一名アリタルノミナルニ反シ反对演說ヲナシタルハ「イートン」(共和党、商人)「スミス」(「マルトノマ」郡選出、共和党、医師)「フォーベス」(共和党、弁護士)「リットルフキールド」(共和党、弁護士)「スチュアート」(共和党、新聞記者)及「オルソン」(共和党、弁護士)等ノ數氏アリ是等ノ反对意見ヲ詮ズルトキハ時局柄州ガ國際紛議ヲ醸ス虞アル立法ヲナスハ好マシカラザルコト又余リニ人民投票ヲ果ハスハ不可ナルコトノ二点ニ帰着ス又討論中

憲ニ非スト判決セリ本件ハ更ニ合衆國最高法院ニ上告セラルヘシト云フ

六四 二月二十六日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛(電報)

「アリゾナ」州上院外国人雇傭制限二代ル新  
法案ヲ否決ノ件

第六〇号

新聞電報ニヨレハ「アリゾナ」州上院ハ二月二十五日拙電  
第四六号雇傭法ヲ否決シタリト

六五 二月二十七日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州上院議員「マッケンジー」亞  
細亞人ノ白人女子雇傭禁止法案提出ノ件

第一二二号

Senator McKenzie introduced on 23 in Montana  
legislature Senate bill 172 to prohibit association of  
white girls in industrial employment with Asiatics.

Takahashi.

一 米國ニ於ケル排日問題雜件 六六 六七 六八 六九

九二

六六 二月二十八日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州ノ亜細亞人ノ白人女子雇傭禁  
止法案上院通過ノ件

第三号

Montana Senate bill 172 passed Senate on 27.

Takahashi.

六七 三月二日 加藤外務大臣ヨリ  
在紐育中村総領事宛

外国人労働ヲ禁止スル紐育州労働法ノ規定ハ  
違憲ニ非ストセル紐育州高等法院ノ判決理由  
等ニ付詳細報告方訓令ノ件

通送第一七号

本件ニ関シテハ追々御報告之次第有之候処該訴訟ノ結果ハ  
自然米國西部諸州ニ於ケル排日の法制ニ影響スルトコロモ  
可有之存セラレ当方参考資料トシテ必要有之候間貴電第二  
三号州高等法院ニ於テ労働法第十四条ハ合衆國憲法違反ニ  
非スト為セル判決理由如何將又地下鉄道工事ハ公ノ事業ニ  
非ストノ第二審判決ニ対シテハ高等法院ハ如何ナル見解ヲ  
採リタリヤ則チ實際ニ於テ問題ノ工事ニハ依然外国人ヲ使

タリトノ新聞報道アリ事實確メ電報アレ

七〇 三月六日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛(電報)

「アリゾナ」州知事ノ外国人雇傭制限法ニ関  
スル上告ハ事實ナル旨回申ノ件

第六五号

貴電第一九号「アリゾナ」裁判所ニ確メタルニ一月十九日  
上告アリタル旨回答アリ

七一 三月九日 在ポートランド熊崎領事ヨリ  
加藤外務大臣宛(電報)

「アイダホ」上院委員会外国人不動産所有禁  
止法案ヲ握潰シノ件

第三〇号

「アイダホ」州会八日閉会土地案ハ上院委員会ニテ握リ潰  
シノ旨報アリ  
大使へ電報ス

七二 三月九日 在紐育中村総領事ヨリ  
加藤外務大臣宛

外国人労働ヲ禁止スル紐育州労働法ノ規定ハ  
一 米國ニ於ケル排日問題雜件 七〇 七一 七二 七三

用シ居ルヤ否ヤ等ニ関シ詳細承知致度候間可然御報告相成  
度此段為念申進候也

追テ本件ノ顛末ニ為参考沼野總領事代理ヘモ御通報置相  
成度候

六八 三月四日 在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

「モンタナ」州下院亜細亞人ノ白人女子雇傭  
禁止法案ヲ否決ノ件

第一五号

Unfavorable Committee report on Senate bill 172 was  
adopted on third in Montana House without discussion  
thus killing the measure.

Takahashi.

六九 三月六日 加藤外務大臣ヨリ  
在桑港沼野總領事代理宛(電報)

「アリゾナ」州知事外国人雇傭制限法ニ関シ  
上告ノ実否調査方訓令ノ件

第一九号

「アリゾナ」州知事ハ外国人雇傭制限法ニ関シ上告ヲ為シ

違憲ニ非ズトスル州控訴院判決文掲載ノ新聞

切抜送付ノ件

公第五四号 (四月八日接受)

大正四年三月九日

在紐育

総領事 中村 巍(印)

外務大臣男爵 加藤高明殿

紐育州控訴院カ同州労働法第一四条ノ憲法違反ニ非サル旨  
判決シタル趣及其更ニ上告セラルヘキコトハ客月廿六日發  
往電第二三号ヲ以テ及報告置候処本月四日及五日發行ノ当  
地法律新聞ハ右判決全文ヲ掲記致居候ニ付御参考マテ同切  
抜別紙ヲ以テ及送付候条委曲之ニテ御承知相成度候 敬具

註 別紙省略

七三 三月九日 在シアトル高橋領事ヨリ  
加藤外務大臣宛

「モンタナ」州ニ於ケル亜細亞人ノ白婦人使  
用禁止法案ニ関スル件

通公第五七号

大正四年三月九日

(四月九日接受)

九三

在シヤトル

領事 高橋清一(印)

外務大臣男爵 加藤高明殿

「モンタナ」州議會ハ去一月四日開会本月五日閉会シタル  
ガ一月二十九日上院議員 Willet ナル者黑人若クハ亜細亞  
人ノ男子ト白婦人トノ混交使傭ヲ禁止スル法案(上院案第  
九十三号)ヲ提出セリ同案ノ目的ハ支那人料理店ニ白婦人  
ノ使用ヲ禁止セントスルモノナリトノ趣ニテ一旦ハ上院委  
員会ヨリ良好ノ報告アリタルガ遂ニ上院ヲ通過セズシテ終  
レリ然ルニ二月二十三日ニ至リ上院議員 McKenzie ナル  
者又々亜細亞人ノ所有管理若クハ經營スル飲食店、洗濯所  
及其他同様ノ事業ニ白婦人ノ使用ヲ禁ゼントスル法案ヲ提  
出セリ同案ハ二月二十六日上院ヲ通過シタルモ(拙電第拾  
参号二十七日通過トセシハ二十六日ノ誤リ)幸ヒニ我在米  
大使ノ尽力ニヨリ國務卿ヨリ「モンタナ」出身ノ合衆國上  
院議員 Welsh ヲ通ジテ「モンタナ」州知事ニ勸告ノ次第  
アリタル結果下院ニ於テハ委員會ノ不利ナル報告ヲ納レ何  
等討議ヲ経ルニ及バズシテ三月三日遂ニ該案ヲ葬リ去レリ  
「マッケンジー」案上院通過當時所用アリテ「モンタナ」

ニ信ズベカラザルモ此ノ如キハ偶々以テ「モンタナ」辺ノ  
狀況ガ往年ノ加州ヲ彷彿セシムルモノ有之候ニ付序ヲ以テ  
申述候

要之「マッケンジー」案ハ元來邦人ニ対スル惡意ヨリ出デ  
タルモノニ非ズシテ邦人ハ所謂側杖ヲ喰ヒタルモノナリト  
云フハ事實ナリト被察候

尚「モンタナ」州議會ニ外人土地案提出ノ計画アル趣ハ昨  
年冬ヨリ喧伝セラレ居リ現ニ一月二十六日 Easton ナル者  
下院ニ於テ外人土地案ヲ提出スベキ趣通告シタルニ係ラズ  
其後遂ニ提出ノ運ニ至ラズシテ止ミタルハ加州議會其他ニ  
於テ排日案ノ氣勢頗ル振ハザルニ鑑ミ見合セタルモノナラ  
ント察セラル候

右及報告候 敬具

追テ McKenzie Bill 写葉御参考迄及送付候  
(本信写送付先 在米大使)

註 「マッケンジー」法案原文省略

七四 三月十日

在ポートランド熊崎領事ヨリ  
加藤外務大臣宛

「アイダホ」州議會ニ於ケル外国不動産所有

一 米國ニ於ケル排日問題雜件 七四

州首府「ヘレナ」ニ滞在中ナリシ当地東洋貿易会社々長高  
橋徹夫ハ前記「マッケンジー」ガ「モンタナ」州 Havey 市  
(人口四千)同会社出張所ノ囑托医ナル關係上該案通過防  
止方ニ多少運動シタル由ナルガ其際「マッケンジー」ガ高  
橋ニ対シテ弁解シタリト云フヲ聞クニ Havey ノ支那人料  
理店ニハ如何ハシキ白婦人ノ出入シテ阿片ヲ喫スルモノア  
リ偶々警察官ガ之ヲ逮捕シ來レバ彼等ハ自分ハ支那料理店  
ノ雇人ニシテ阿片喫煙ノ為出入スル者ニ非ズト強弁シ去ル  
ヲ常トシ遂ニ犯則者ヲ檢挙スル能ハズ故ニ根底ヨリ此弊ヲ  
除去センガ為メ支那人ノ絶対ニ白婦人ヲ雇傭スルヲ禁止セ  
ントシテ該案ヲ提出セル次第ナリト言ヘル趣ニ有之又一説  
トシテ他ノ方面ヨリ高橋ノ聞込タル所ニ抛レバ曩ニ Mc  
Kenzie ハ一夜某ホテル附屬ノ煙草店ニ使用セル婦人ヲ伴  
ヒ支那料理店ニ到リ飲食ヲ共ニシタルガ右ノ婦人ヨリ強姦  
ノ訴訟ヲ起サレ公判ノ際証人トシテ出廷セル該料理店雇人  
ガ不利ナル証言ヲナセル為メ治安判事ニヨリ有罪ト判決セ  
ラレタルモ同氏ハ同地方ニ於ケル有力ナル民主党ノコトト  
テ其後控訴ノ結果無罪トナリタルガ爾後支那人ニ対シ含ム  
コト甚ダシク遂ニ該案ノ提出ヲ見タル所以ナリト右ハ遽カ

禁止法案議事經過要領報告ノ件

機密第三等

(四月八日接受)

大正四年三月十日

在ポートランド

領事 熊崎

恭(印)

外務大臣男爵 加藤高明殿

本年度「アイダホ」州会ハ一月四日開会三月八日夜ニ至リ  
テ閉会シタリ同会期中ニ顯ハレタル外国人土地法案ノ成行  
ニ関シテハ其都度電報(一月十四日往電第四号、同十六日  
第六号、同廿日第七号、同廿三日第九号及第一〇号、同廿  
四日第一三号、第一四号及第一五号、同廿五日第一六号、  
同廿六日第一七号、同廿七日第一八号、二月一日第二〇号  
同廿日第二五号、三月九日第三〇号)致置候処同州会モ前  
記ノ通り此程閉会セルヲ以テ御参考迄更ラニ其經過要領ヲ  
左ニ摘記致シ候

(一)議案ノ經過

本土土地案ハ下院議員「アンダーソン」(共和党)ニ依リ一  
月十三日下院ニ提出セラレ同十六日委員附託同廿日本會議  
ニ付議討議ノ結果大多数ニテ下院ヲ通過シ(反对僅カニ二

票)翌日直チニ上院ニ回付同廿五日上院委員会ニ付議廿六日會議続行ノ筈ナリシニ同日委員会ハ延期セラレ爾後開会スルニ至ラズシテ其假州会ハ閉会セルヲ以テ本案ハ上院委員会ニ於テ擱置シノ運命ニ終リタルナリ

(二) 議案ノ内容

本案ハ「アイダホ」州法中ニ新ニ第二千六百〇九条ナル一条ヲ挿入シ左ノ規定ヲナサントスルモノナリ

合衆国市民又ハ市民タル意思表示ヲナシタル者ニアラザレバ州内ニ於テ土地所有權(鉱區並ニ鉱業ニ必要ナル土地ノ所有權ヲ含マズ)ヲ取得スルヲ得ズ

社員又ハ株式ノ過半数ガ合衆国市民又ハ市民タル意思表示ヲナシタル者ニアラザル者ヨリ成ル組合又ハ法人(鐵道会社ヲ含マズ)モ亦前項ニ同ジ

但外国人又ハ外国法人ハ債權ノ執行若クハ相続ニ依リ土地所有權ヲ取得スルヲ妨ゲザルモ此場合ニハ取得後五ケ年内ニ其土地ヲ他ニ売却スルニアラザレバ州ニ没収セラレベシ

(三) 提案ノ理由・討議ノ模様及与論

元來「アイダホ」州ニ於テハ外国人ノ土地所有ニ関スル制

ト云フ如キ逆房リノ提案ヲ見タルハ頗ル怪訝ニ堪ヘザルコトニシテ其真意ヲ確ムルコトハ困難ナルモ這回ノ提案者「アンダーソン」ハ前回ノ提案者タル「ジャタック」ト同地域ヨリ新撰セラレ同氏トハ競争ノ地位ニアリ然ルニ「ジャタック」ハ前述ノ如ク「アイダホ・デヴェロプメント・コンパニー」ノ社長トシテ外国資本及移民ノ誘致ニ腐心シ労働者側ヨリハ寧ロ資本家側ヲ代表スル傾アルヲ以テ之レニ對抗スル為メ労働者側ノ欲心ヲ得テ自家ノ勢力ヲ張ラントシ加州政治家ノ例ニ倣ヒ本案ヲ提出シタルモノニテ別ニ実質上ノ理由アルモノニアラズト云フ觀察ハ最モ当レルモノ、如シ其大多數ニテ下院ヲ通過セルハ州會議員ニ有勝ノ輕卒無責任ニ依ルモノト見ルヲ得ベク本案ノ討議ニ際シ賛成者ガ「米國人ノ為メノ米國」ナル人氣語ヲ標榜シ頗ニ愛國的感情ノ煽動ニ努メタル処議場ノ形勢頗ニ浮立チ僅ニ議長「コンナー」及前記「ジャタック」ノ兩名ガ反対セル外之レニ対シ充分慎重ナル討究ヲナサント試ムルモノモ無ク咄嗟ノ間ニ極メテ無造作ニ本案ヲ通過シタルナリ之レニ反シ上院委員会ノ「パブリック・ヒヤリング」ニ於テハ斯ル立法ハ一般移民及外資輸入ヲ阻止スルモノナリトノ意見優

限及東洋人ニ対スル鉱業權禁止ヲ規定セル州法第二六〇九条及第二六一〇ノ兩条ヲ存シタルガ前回即チ千九百十三年ノ州会ニ於テ「アイダホ・フォルス」選出下院議員「ジャタック」(共和党)ハ此兩条ヲ削除スル議案ヲ提出シ兩院ヲ通過シタルヲ以テ同年五月十日ヨリ實施セラレ爾來州内ニ於テ外国人ハ東西洋人ノ別ナク一般ニ米國市民ト同様ニ土地所有權及鉱業權ヲ認メラル、コト、ナレリ斯ク土地ノ所有ヲ外国人ニ開放スルニ至リタルハ同州ノ灌溉組織大成シ利用シ得ベキ農業地域ノ増加スルニ連レ其開拓ノ為メ外國資本及外國移民ノ誘入ヲ奨励スベキ必要アルニ基キタルモノナリ提案者「ジャタック」ハ「アイダホ・フォルス」土地周旋業「アイダホ・デヴェロプメント・コンパニー」ノ社長ニシテ又其後援者ニハ同地製糖会社支配人「ビーバ・オースチン」及其実弟「マーク・オースチン」等アリ近年同州在留邦人ガ右会社ノ製糖業ヲ始メ一般農業上ニ極メテ有用ナル地位ヲ占メ來リ同地方ガ益々邦人農業家ノ招致ヲ必要トスル形勢ニ立チ到レル如キモ「ジャタック」案ノ提起ヲ促シタル主ナル原因ノ一ツタリシトノコトナリ然ルニ僅カニ一兩年ヲ經過シタル今日又々外國人土地禁止案

勢ナリシニ加ヘテ院外有力団体ノ抗議等モアリ其假終ニ擱潰シノ結果ヲ見ルニ至レルナリ

上述ノ如クニシテ本案ハ大多數ニテ下院ヲ通過セルニ拘ラズ一般ノ与論ハ寧ロ上院委員会ト其趨向ヲ同フシ同地ノ有力ナル新聞「アイダホ・ステーツマン」ノ如キモ別ニ実害モナキニ外國人ノ土地所有ヲ禁ズルハ州ノ發達ニ害アリ米國人ノ為メノ米國ナル語ハ愛國的二似テ実益ナシ下院ガ充分ノ研究ヲナサズシテ本案ヲ通過セルハ輕卒極マレリト云フベク若シ上院ニシテ之レヲ否決セバ二院制度ノ効用ヲ完フスルモノナリトノ論說ヲ繰リ返シ發表シ本案ノ通過ニ反対シタリ

次ギニ本案提出ニ関シ同州ニ於ケル対日本人感情ヲ考察スルニ提案者ハ本案ノ趣旨ハ專ラ帰化シ得ザル外国人ノ土地所有ヲ防グニアリトシ日本人ノ土地所有ガ附近地ノ地価ヲ下落セシメタリトノ例ヲ挙げ排日的ノ口吻ヲ漏ラシタルモ一般議場ノ討議及新聞紙等ニ於テハ特ニ日本人ニ論及セルモノナク州ノ与論トシテハ特ニ日本人ヲ問題トセザリシモノ、如シ本案ニ対シテ同州各地日本人会ハ共同ノ代表者ヲ州会所在地「ボイセ」ニ派シ本官指揮ノ下ニ前記「オース

チン」其他親日ノ米人連絡シ周到且ツ慎重ニ本案ノ監視及  
妨止ノ運動ニ努メタリ

右及報告候 敬具

追テ本土土案原文ハ本年一月廿三日公第一一號ヲ以テ及  
送付置候ニ付為念申添候

本信写送付先

在米 珍田大使

七五 三月十二日

在シアトル高橋領事ヨリ  
加藤外務大臣宛(電報)

華州議會排日案ノ提出無ク閉会ノ件

第一七号

華盛頓州議會ハ三月十一日ヲ以テ閉会何等排日案ノ提出ヲ  
見ズシテ終レリ

七六 三月二十二日

在シアトル高橋領事ヨリ  
加藤外務大臣宛

華州議會排日案ノ提出ナク閉会ノ件

通公第六八号

(四月九日接受)

大正四年三月二十二日

在シヤトル

領事 高橋 清一(印)

外務大臣男爵 加藤高明殿

「ワシントン」州議會ハ本年一月十一日ヲ以テ開会シ三月十一  
日ヲ以テ閉会致候処排日案ハ何等提出ヲ見ルニ及バズシ  
テ終リ候初メ「オリンピヤ」ヨリノ通信ニ依レバ「ピヤス  
・カウンチー」撰出ノ上院議員「ホワイト」ナルモノ日本  
人ト白人農夫トノ競争ヲ防グノ目的ヲ以テ外人土地リース  
ノ問題ヲ「ワシントン」州、「オレゴン」州及「カリフォル  
ルニヤ」州ノ委員ヲ以テ研究スルノ法案ヲ「ワシントン」  
州議會ニ提出スルヤモ知レズトノ振込モアリシガ(「ホワ  
イト」ハ之レヲ説明シテ此際一足飛ビニ外人土地リースヲ  
禁止スル州憲法修正案ヲ通過スルニ於テハ之レガ為メ國際  
問題ヲ引き起スベシ故ニ沿岸三州ニ於テ予メ研究ノ上一致  
ノ行動ヲ取ルノ必要アリ云々)其後「カリフォルニヤ」ニ  
於テ排日問題景氣附カザリシ為メ遂ニ「ホワイト」ハ該案  
ノ提出ヲ見合ハセ候因ミニ「タマコ」附近ノ蔬菜生産者ハ  
主トシテ日本人ニシテ日本人ハ夙ニ白人農夫ヲ驅逐シタル  
關係ヨリ不平ノ白人農夫ニ於テ右「ホワイト」ヲシテ何等  
カ排日法案ヲ提出セシメントシタルモノト被察候

本年下院議員ノ職業別ハ農業二十八人弁護士二十四人残  
リ四十幾名ハ各種ノ職業ニ属スル旨又下院ニ於ケル外國出

生議員ハ全体ノ一割以内ニシテ就中独逸国出生者ハ一名若  
クハ皆無ナリシカト新聞ノ報道ニ依リ記憶致居候上院ノ職  
業別等ハ曾テ見当ラズ候尚本年州会ニ於テ銃器隠匿ヲ防グ  
為メ外人家宅搜索ヲ許ス法案上院ヲ通過シ下院委員會ヲモ  
通過シタルガ日本人会ヨリ当市撰出下院議員「ガイ」(同

人ハ十数年前当州下院議長タリシ經驗アリ一昨年日本人会

ヨリ外人土地問題ニ関シ運動員トシテ「オリンピヤ」ニ派

遣シタル者ナルガ本年ハ議員ニ撰出セラレタリ)ニ注意シ

タル結果遂ニ院議ニ附セズシテ葬ラレタリ今回同案提出ノ

由來ヲ察スルニ千九百十一年ノ議會ニテ帰化ノ意思ヲ声明

セザル外人ニシテ銃器ヲ携帯セントスルモノハ当該國領事

ノ願出人為人ヲ証明スル書類ヲ州官憲ニ提出シ十五弗ノ免

許料ヲ支払ハザルベカラズ然ルニ近來日本人ニシテ銃獵ヲ

ナス者少ナカラズ彼等ハ何カ誤解ノ結果州官憲ヨリ銃器携

帶ノ免許ヲ有セザル者アルニ依リ隠匿ヲ防グ為メ家宅搜索

ヲ game warden ニ許サントシタルモノナルガ該法案ノ

最終ノ目的ハ十五弗ノ免許料ヲ勵行シ「ゲーム・ワーデン」

ノ收入ヲ増加スルニ在リ誤解ハ誤解トシテ之ヲ解キ州法ニ

違反セシメザルノ必要アルモ如斯輕微ノ犯罪ノ為メ家宅搜

一 米國ニ於ケル排日問題雜件 七七

索ヲ許スガ如キハ人權ヲ無視セル嫌アルニ付キ前記ノ通り  
同案ヲ不成立ニ帰セシムル様日本人側ニテ処置ヲ取リタル  
次第ニ有之候本件ハ必ズシモ排日ナラザルモ序ヲ以テ申進  
候

右報告ニ及候 敬具

七七 三月二十二日

在紐育中村總領事ヨリ  
加藤外務大臣宛

公共土木事業ニ外人使用ヲ禁止スル紐育州

労働法ノ規定ヲ修正スル法律成立ノ件

附屬書 右修正法律

公第六五号

(四月二十一日接受)

大正四年三月二十二日

在紐育

總領事 中村 巍(印)

外務大臣男爵 加藤高明殿

紐育州労働法第十四条ガ公共事業ニ外人ヲ使用スルコト  
ヲ禁止セル為メ紐育市地下鉄道新設工事ニ支障ヲ生シ訴訟  
ノ結果紐育州控訴院ハ右第十四条ガ憲法違反ニ非サル旨ノ  
判決ヲ下シタル趣ハ曩ニ電報及公信ヲ以テ屢次及報告置候

処右判決ニヨリ地下鉄道工事其他公共事業ニ關係アル人士ハ一大恐慌ヲ感シ該法律ヲ存置スルニ於テハ地下鉄道工事ノミナラス今後相次テ起ラントスル新事業ヲ妨害スルコト大ナリトシ根本的ニ問題ヲ一掃スル為メ前記第十四条ヲ全然删除シ去ラントスル運動ヲ開始シ遂ニ紐育州知事 Whitman ヲ動かシ同知事ノ議會ニ対スル緊急教書ニ依リ急劇ノ間ニ該删除案ヲ通過セントセシガ議會ハ單ナル删除案ヲ改メテ修正案ト為シ前記第十四条ヲ修正シテ公共事業ニ労働者ヲ使用スル場合ニ於テハ米國人ニ優先權ヲ与フルモ米國人ヲ使用シ難キ (Not available) 場合ニハ外國人ヲモ雇入レ得ルコトトシ直ニ之ヲ通過シタリ而シテ右法文中ニ所謂 not available トハ体格ノ關係上使用シ難キ場合賃銀ノ關係上使用シ難キ場合等ヲモ包含シ請負人ニ取り労働者選択ノ上ニ相當ニ広キ余地ヲ与フルモノナリトノ説ヲ為ス者有之候

右御参考迄マテ別紙新法律文相添及報告候 敬具

本信送付先 在米大使

(附屬書)

紐育州労働法中外國人ノ使用ヲ禁止スル條項ヲ修正スル法律

be given to citizens over aliens. Aliens may be employed when citizens are not available.

In each contract for the construction of public works a provision shall be inserted, to the effect that, if the provisions of this section are not complied with, the contract shall be void. All boards, officers, agents or employees of cities of the first class of the state, having the power to enter into contracts which provide for the expenditure of public money on public works, shall file in the office of the commissioner of labor the names and addresses of all contractors holding contracts with said cities of the state. Upon the letting of new contracts the names and addresses of such new contractors shall likewise be filed. Upon the demand of the commissioner of labor a contractor shall furnish a list of the names and addresses of all subcontractors in his employ. Each contractor performing work for any city of the first class shall keep a list of his employees, in which it shall be set forth whether they are naturalized or native born citizens of the United States, together with, in case of naturalization, the date of naturalization and the name of the court where such naturalization was granted.

## GENERAL—ALL COUNTIES.

(Six folios.)

### LAWS OF NEW YORK—By Authority.

Chap. 51.

AN ACT to amend section fourteen of the labor law, relating to preference in employment of persons upon public works, and authorizing the validation and modification of contracts for public improvements affected by said section.

Became a law March 11, 1915, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fourteen of chapter thirty-six of the laws of nineteen hundred and nine, entitled “An act relating to labor, constituting chapter thirty-one of the consolidated laws,” is hereby amended to read as follows:

§14. Preference in employment of persons upon public works. In the construction of public works by the state or a municipality, or by persons contracting with the state or such municipality, preference shall

Such lists and records shall be open to the inspection of the commissioner of labor. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.

§2. Any board, officer, or agent who has entered into any contract in behalf of the state or a municipality, which contract is affected by the provisions of said section fourteen, shall, if the parties thereto, including the sureties for such parties, other than the state or a municipality, consent, within thirty days after the passage of this act, modify such contract so as to conform to the provisions of section fourteen as hereby amended. Thereupon the said contract shall have the same force and effect as though originally lawfully made as amended; provided that nothing in this act, nor any waiver made or act done under the authority thereof, shall operate to affect any existing right arising under other provisions of said contract. This act applies to the successor in office or authority of any board, officer, or agent,

making such a contract.

§3. This act shall take effect immediately.

STATE OF NEW YORK,

ss:

Office of the Secretary of State. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANCIS M. HUGO

Secretary of State

七八 四月二日

在桑港沼野総領事代理ヨリ  
加藤外務大臣宛

加州ノ排日立法問題ニ関スル「ジョンソン」

知事ノ事績ヲ賞揚セル「カリフォルニア・ア

ウトルック」社説報告ノ件

附屬書 右社説摘訳

公第一〇二号

(四月二十二日接受)

大正四年四月二日

在桑港

総領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

前加州ノ權利遂行ヲ制御シタルト同様ニ今期亦加州ヲシテ  
適度ノ權利行使ニ止マラシムル爲メ其ノ決意及勇氣ヲ示ミ  
リ

故ニ加州ノ勇氣自制ニ對スル名聲ハ安全ニ維持セラレ知事  
ハ其ノ擁護者トシテ非凡ノ才能ヲ發揮シタリト謂フ可シ若  
シ夫レ條約違反云々ニ關シテハ其支持ス可カラザル議論タ  
ルヤ明ナリ何トナレバ第一ニ此ノ立法ハ單ニ企圖ニ非スシ  
テ既成ノ立法ナリ而シテ其ノ日米條約ニ抵觸セサルノミナ  
ラズ寧ろ該條約ヲ明確ニシ明文ヲ以テ加州ノ在留日本人ニ  
條約上其ノ享有スル權利ヲ附與シタルモノナレバナリ此ノ  
點ニ關シテ何等重大ナル問題ナキノミナラズ日本政府自身  
亦同法カ條約規定ニ違反セサルコトヲ承引セリ唯茲ニ問題  
ト爲ルハ政策上ノ點ニ在リ而シテ此點ニ關シ最初加州ノ政  
策ニ反對シタル中央政府モ既ニ其ノ加州ノ專屬管轄權内ニ  
存スルモノナルコトヲ承引シタリ

加州カ其權利ヲ行使スルニ當リ謹慎自制ヲ存スル態度ハ表  
明セラレタリ故ニ此ノ點ニ關スル知事「ジョンソン」ノ事  
績ハ「アウトルック」誌カ其ノ事績ニ付テ呈シタル讚辭ヲ  
均シク受クルニ値スルモノナリ云々

Rowell主幹ノ週刊雜誌「カリフォルニア・アウトルック」  
三月六日号ニ「加州ハ正當ナリ」ト題スル社説ヲ掲ケ居リ  
右ハ知事派ノ加州外國人土地法ニ對スル意嚮態度ヲ窮フニ  
足ルモノアリト被存候ニ付右摘訳相添ヘ別紙ノ通及送付候  
条御査閱相成度候 敬具

註 社説原文ヲ省略ス

(附屬書)

「カリフォルニア・アウトルック」社説摘訳

加州ハ正當ナリ (三月六日 (カリフォルニア)  
アウトルック)

紐育「アウトルック」誌ハ知事「ジョンソン」治績ヲ賞揚  
スルノ社説中評論シテ曰ク加州ニハ其ノ州内ニ於ケル日本  
人ニ關シ企圖セラレタル立法ガ日米條約ニ抵觸セサルヤ否  
ヤノ重大ナル問題アリ而シテ米國ニ於テ條約ハ最高ノ法律  
ナリ米國民ハ此ノ點ニ關シ知事「ジョンソン」ニ對シ加州  
ノ名聲ヲ贖フベキヲ望ムカ如シト加州ノ名聲ハ知事「ジョ  
ンソン」其他何レノ人々ニ依リテモ之ヲ贖フヘキ必要アル  
ヲ見ス然リト雖モ若シ假ニ其必要アリトセバ知事「ジョ  
ンソン」ハ今期州會ニ際シ斷乎タル態度ヲ以テ一切ノ排日案  
ノ企畫ヲ鎮靜シ以テ其必要ヲ充シタリ換言スレバ彼ハ二年

七九 四月六日

在紐育中村總領事ヨリ  
加藤外務大臣宛(電報)

浪沢男ノ日米問題解決ノ為ノ渡米ハ時宜ニ適

セザル旨上申ノ件

第四二号

太平洋沿岸邦字新聞掲載東京電報ニ依レハ浪沢男ハ日米問  
題解決ニ資スル為近々渡米ニ決シタリトアリ果シテ事實ナ  
ラハ且下米國人一般戦乱ニ氣ヲ奪ハレ居ル際ナルニ付折角  
ノ渡米モ左程効果アルヘシトモ思ハレス從テ右ハ寧ろ暫ク  
適當ナル時機ノ至ルヲ待テ実行セラルル方得策ナルヘシト  
思考ス為念御参考迄申進ス

八〇 四月七日

在シカゴ米總領事ヨリ  
加藤外務大臣宛(電報)

「ルイジアナ」州ニ日本人村ノ設置計画及反

對運動ニ付報告ノ件

第一〇号

当地新聞所報ニ依レハ「ニューオルレアンス」市ノ John  
Meyer ナル者加州「ローサンジェルス」附近ノ日本人ト  
共同シ「ルイジアナ」州ニ加州在住日本人ノ多数ヲ居住セ  
シメ Japanese Colony ヲ送り野菜耕作ニ従事セシムル計



画ヲ立テ先發者ハ既ニ「ニューオルレアンス」ニ到着セル由ナル処「ニューオルレアンス」新聞ニ依レハ右計画ハ同州民一部ノ反対ヲ惹起シ同市 Board of Trade 及各種ノ団体ハ近々夫々同問題ニ関シ討議スル由尚ホ詳細ノ事情ハ名譽領事ニ問合セ中大使ヘ濟

八一 四月八日 在シカゴ米栖領事ヨリ  
加藤外務大臣宛

「ルイジアナ」州ニ於ケル排日運動ノ經過報

告書送付ノ件

公第一二号

(五月五日接受)

大正四年四月八日

在市俄古

領事 来 栖 三 郎 (印)

外務大臣男爵 加藤高明殿

往電第一〇号「ルイジアナ」州ニ於ケル排日運動ニ關スル第一報別紙ノ通爰及送付候条御査閲相成度候 敬具

本件通報先

珍田大使

沼野總領事代理

リアンス」ニ到着シタル旨ヲ發表スルヤ同州民一部ノ反對ヲ招キ續イテ同州各種公共團體ガ本件ヲ討議スルコトナリ同州ノ重要問題トナルニ至ルガ各公共團體共目下審議中ニシテ前途混沌ノ状態ニアリ

(一)「ジョン・マイヤー」ノ計畫ト抱負

本件ノ發頭人タル「ジョン・マイヤー」ハ「ニューオリアンス」市「ポイドラス」街 (Poydas Street) 居住シ仲買ヲ業トスルモノナルガ數ヵ月以前加州「ロスアンゼルス」市ニ赴キ同市附近日本人農場ヲ視察シタル結果日本人農夫ヲ加州ヨリ「ルイジアナ」州ニ招致シ荒蕪地ノ開拓、蔬菜ノ栽培ニ當ラシムルコトノ頗ル有望ナリト見込ヲ立テタルガ適々加州富豪某之ヲ賛成シ愈々會社設立ノ咍ニハ株式ノ大部分ヲ引受クベキコトヲ承諾シタルヨリ「マイヤー」ハ着々計畫ヲ進メ、會社ハ日米人共同ノ組織トシ、資本トシテ拾五萬弗ヲ醸出スルコト、荒蕪地五千英町ノ開拓、蔬菜ノ栽培ヲ目的トスルコトトシ、先ツ試験ノ爲メ前記ノ如ク日本人農夫先發隊男八名、女五名ヲ招致シタル次第ニシテ「マイヤー」ハ此等農夫ヲシテ同州 Nain, Boothville 兩地間 Grand Isle Railroad 沿線ノ荒蕪地二百五十英町

一 米國ニ於ケル排日問題雜件 八一

(附屬書)

ルイジアナ州ニ於ケル排日

運動ノ經過 (第一報)

(一) 排日運動ノ發端

(二) 「ジョン・マイヤー」ノ計畫ト抱負

(三) 問題ノ日本人

(四) ルイジアナ州公共團體ノ態度

(五) 排日派ノ頭目及其論據

(六) 排日運動ノ發端

往電第一〇號ルイジアナ州ニ於ケル排日運動ニ關スル當地竝ニ「ニューオリアンス」新聞ノ報道ノ眞偽ノ程度如何ハ素ヨリ窺知シ難シト雖モ目下ノ所他ニ據ルベキノ材料ナキヲ以テ不取敢此等ノ所報ヲ綜合シ該排日運動ノ經過ヲ觀察スルニ

「ニューオリアンス」「ジョン・マイヤー」John Meyer ナル者加州「ロスアンゼルス」在住日米人ト共同シ「ルイジアナ」州ノ荒蕪地開拓、蔬菜栽培ヲ目的トスル一會社ヲ起シ加州方面ヨリ多數日本人農夫ヲ招致シ使用セムトスル計畫ヲ立テ此等農夫ノ先發隊數名既ニ加州ヨリ「ニューオ

ノ開墾ニ從事セシムル計畫ニテ男四名ハ「ニューオリアンス」ヲ南方ニ距ル五十哩ノ Nain ニ、又男四名ハ Nain ノ南方二十哩ノ地ニアル Boothville ノ兩地ニ分宿セシメ居リ不日就働セシムル筈ナリト謂フ

右ニ就キ「マイヤー」ハ「ニューオリアンス」市「タイムス・ピケューウー」紙上其抱負ヲ述ベテ曰ク

農夫トシテ日本人ニ優ルモノナク、農耕地トシテ米國內「ルイジアナ」州 (以下單ニ「ル」州ト記ス) ノ右ニ出ヅルモノナク日本人農夫ト「ル」州トノ結合ハ最モ有利ナル收益ヲ齎スコト明カナリ余ノ加州ヨリ移サムトスル「Little Japanese Colony」ハ未ダ試験中ニ過ギザルモ加州ニ於ケル余ノ共同者竝ニ日本人農夫等孰レモ斯ク信ジテ疑ハズ若シ豫期ノ成績ヲ擧グルヲ得バ更ニ多數ノ日本人農夫ヲ招致シ、事業ヲ擴張シ世界第一ノ農場ヲ作ラム、云々ト述ベ、  
「ル」州ガ Celery, Cauliflower, Asparagus ノ栽培ニ最モヨク適合セルコトヲ語り日本人農夫ノ來住ハ荒蕪地ヲ變ジテ良耕地ニ化ス所謂富源ノ開發ニシテ「ル」州ハ其際ニハ最早曩日ノ如ク蔬菜及果物ノ爲メ數百萬弗ヲ外ニ向テ費スノ要ナク、自給自ラ富

ヲ増スノ好影響ヲ蒙ルベキガ故ニ日本人來レバトテ歡迎  
コスベケレ、之レヲ排斥セムトスルガ如キ運動起ルベ  
シトハ思モ寄ラズ云々ト結びタリ

(三)問題ノ日本人

既ニ「ニューオリアンズ」ニ到着セリト稱セラルル日本人  
十三名(男八名、女五名)ニ關シテハ前住地「ロスアンゼ  
ルス」ノ Address 及氏名等何等記載ナク從ツテ其後ノ消  
息ヲ搜グルノ手懸スラ之ヲ得ルニ由ナキ次第ナルガ「ニュ  
ーオリアンズ」市「タイムス・ピケーユウーン」The  
Times Picayune 紙ノ所報ニ據レバ今ヨリ約一カ月以前  
「フランク・西村」Frank Nishimura ト稱スルモノ「ロ  
スアンゼルス」ヨリ「ニューオリアンズ」ニ來リ「ル」州  
ノ農耕地トシテ太平洋沿岸地方ニ優ルコト及明年末迄ニ加  
州在住日本人農夫ノ「ル」州ニ移住スルモノ數百名ニ達ス  
ルナラムト語レル旨ノ記載アリ西村ノ人物、性行、本件關  
係ノ如何一切不明ニ付四月六日在桑港沼野總領事代理宛電  
報ヲ以テ右事項取調方依頼シ置キタリ

(四)「ル」州各種公共團體ノ態度

「ル」州各種公共團體ノ中最先ニ本問題ヲ促ヘテ討議ノ題  
月三日ノ同紙上ニ「「ル」州ニ於ケル黃禍」ト題スル長文  
ノ論文ヲ發表シ又タ之ヲ印刷ニ附シ「ル」州ノ各地ニ之ヲ  
撒布シタリト謂フ、兩者ノ所論ハ同工異曲、論據ニ至ツテ  
ハ殆ンド徑庭ヲ見ズ、今其要領ヲ摘記スレバ左ノ如シ

南北戰爭ノ終期「ル」州ノ人口ハ黒人大部分ヲ占メ居リ  
タルモ其後白人農夫労働者ノ移住ヲ歡迎獎勵シタル結果  
今ヤ黑白人口ノ比例ハ其地位ヲ顛倒シ「ル」州各種ノ産  
業ハ白人ノ努力ニヨリ今日ノ如キ目醒マシキ發達ヲ遂ゲ  
タリ、而シテ「ル」州ハ氣候適順、地味肥沃、地價低廉  
ナルガ故ニ若シ「ル」州ノ各部ノ大部分ガ有色人ニ非ズ  
白人ヲ以テ占據セラルルニ至ラムカ四隣各州居住ノ白人  
農夫労働者等ハ喜ンデ來住スベシ、然ルニ今若シ多教日  
本人ノ來住ヲ許サムカ、此等白人農夫労働者等ハ最早來  
ルヲ欲セザルベク換言スレバ來住ヲ阻止スベキ而已ナラ  
ズ嚮キニ加州ニ於テ發生シ日米兩國政府間ノ難問題トナ  
レル人種の紛爭ヲ激發セシムルニ至ラム「ル」州ガ過去  
二十年間ニ互リ始終執リ來レル白人移住獎勵ノ政策ハ事  
實上「ル」州ニ有益ナリシコトヲ證明シテ餘アリ吾人ガ  
「ル」州ガ今遽カニ之ヲ捨テ加州ガ嘗メタルト同ジキ苦

目トセルモノハ New Orleans Real Estate Board ニシ  
テ移民及土地委員ノ手ニ於テ現ニ審査中ナルガ「ニューオ  
リアンズ」市知名實業家ノ多數ハ本問題ヲ題目トシタルコ  
トニ異議ヲ唱ヘタルニ拘ハラズ委員等ハ何等委員會ノ決議  
若クハ報告ヲ爲ス以前充分ナル研究資料ヲ蒐集スベシト決  
議シ、目下多數日本人ノ農地ヲ租借シツツアル、加州、  
「オレゴン」州等太平洋沿岸各州ノ官憲其他關係ノ筋ニ種  
々照會ヲ爲シツツアリト謂フ

次ニ The Board of Trade ニ於テモ來ル四月十四日ノ定  
例理事會ニ於テ本問題ヲ討議スル筈ナリト謂フ

(四)排日派ノ頭目及其論據

排日運動ノ頭目ト推セラルルモノハ E. L. Chappuis ニシ  
テ「ニューオリアンズ」市「タイムス・ピケーユウーン」  
新聞ヲ機關トシ、記事・論說ニ排日思想ノ鼓吹傳播ニカメ  
ツツアルモノノ如シ、E. L. Chappuis ハ「ル」州ノ土地  
埋立事業ニ關係アリ、白人労働者ニ深キ同情ヲ有ストノ外  
ニハ人物、性行、社會上ノ勢力等毫モ判明シ居ラザルガ  
「タイムス・ピケーユウーン」ハ四月一日ノ社説欄ニ「日本  
人ノ「ル」州移住」ト題スル論說ヲ掲ゲ又 Chappuis ハ四

キ經驗ヲ再ビ吾人ヲシテ繰返サシメムトスル危險ナル政  
策ヲ取ラムトスルヤ否ヲ熟慮セムコトヲ望ムデ止マズ云  
々、E. L. Chappuis ハ更ニ(一)亞米利加市民ニ對シ其妻及  
子女等ガ喜ンデ日本人及其家族等ト同化スルコトヲ欲ス  
ルヤ否ヲ質問スルコソ時機ニ適シタル議論ノ一タルベシ  
(二)加州ニ於ケル一般日本人ノ道德心ノ劣等ナルコトハ合  
衆國ヲ通ジ周知ノ事實ナリ云々ト迄極論シ居レリ、而シ  
テ兩者共ニ其所論人種の偏見ニ基ケルモノニ非ラザルコ  
トヲ切言シ居レリ

之ヲ要スルニ本排日運動ハ今僅カニ萌芽シタル迄ニシテ  
「運動」トシテ實際上ノ成否ハ爰數週間ノ内ニ決定セラル  
ルガ如シ

(第一報了)

八二 四月十日

加藤外務大臣ヨリ  
在シカゴ米領事宛(電報)

「ルイジアナ」州ニ日本人農夫招致計画ニ付

在桑港總領事代理へ通報方訓令ノ件

第四号

貴電第一〇号及ヒ本件今後ノ状況沼野領事へ通報アレ

一 米國ニ於ケル排日問題雜件 八三 八四 八五 八六

八三 四月十三日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛(電報)

渋沢男ノ渡米說ニ付問合ノ件

第八七号

当地邦字新聞所報ニ拠レハ渋沢男ハ日米親交ノ目的ヲ以テ  
渡米セラルルヤノ趣右事實ナリヤ出発日取滞在予定等御回  
電ヲ請フ

八四 四月十四日 加藤外務大臣ヨリ  
在桑港沼野總領事代理宛(電報)

渋沢男ノ渡米計畫未定ノ件

第二三号

渋沢男ハ目下旅行中ナルガ留守宅ニテハ同男渡米ノ計畫ハ  
未定ニ屬スト承知シ居レリ  
右中村總領事ヘ通報アレ

八五 四月十九日 在シカゴ來栖領事ヨリ  
加藤外務大臣宛(電報)

「ルイジアナ」州ヘ日本人農夫招致計畫ニ関

シ名譽領事ヨリ報告ノ件

第一一号

往電第一〇号ニ関シ十数人ノ日本人農夫ノ「ロサンセルス」

大正四年四月二十一日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

当地夕刊新聞「ブレチン」ハ勞働派ノ一機關紙ニシテ勞働  
者社会ニ広ク愛読セラルルモノニ有之候処本月十日号ニ  
「人種の優越ヘノ道」ト題スル社説ヲ掲ケ居リ右ハ日米間  
ノ将来ニ戰爭ヲ避ケ平和ヲ希望スル趣旨ニ出デタルモノト  
被認茲ニ及送付候条御査閲相成度候 敬具

註 社説原文ヲ省略セリ

(附屬書)

桑港四月十日ノ「ブレチン」紙社説 The Road at  
Racial Superiority 訳文

人種の優越ヘノ道

合衆國ニ於テ尤モ重要ナル人々ノ一人黑人「ブーカ・テイ・  
ワシントン」Booker T. Washington ナル者アリ彼ハ其  
ノ「ワシントン」ノ名前ニ恥ヂザル人物ナリ「ワシントン」  
ハ其最近ノ論說ニ於テ論ジテ曰ク「今次ノ戰爭力莫大ノ金  
ヲ費シ血ヲ流シ財産ヲ破壊シ慘害ヲ惹起セルコトニ想到ス  
ルトキ余ハ幸ニシテ優等種族ノ一員ニ非ザルコトヲ幾度カ

一 米國ニ於ケル排日問題雜件 八六

一〇八

ヨリ「ルイジアナ」州ニ移住シタルハ事實ナル旨在桑港總  
領事代理ヨリ返電アリタル処四月十八日接到在「ニューオ  
ルレアンス」名譽領事ヨリノ報道ニ依レハ排日運動ハ二三  
ノ土地家屋売買業者ノ首唱ニ係リ同州民一般ハ却テ有為ナ  
ル農業家ノ移住ニ依リ土地ノ十分ニ利用セラルルナラント  
喜フカ如ク見受ケラルルノミナラス州会ハ向フ一年半開會  
セサルヲ以テ該運動ハ何等憂慮ヲ要セサルヘシトアリ但シ  
本官ノ意見トシテハ此際邦人ノ多数ガ集團の移住ヲ試ムル  
ヲ得策ニアラスト信ス尚又「ミシガン」州ヨリノ信スヘキ  
情報ニ依レハ同州ノ排日案ハ今尚委員會ノ手ニ在リ本會議  
ニ提出セラルル模様ナク州会ハ十日以内ニ閉會セラルヘシ  
トアリ右為念  
在米大使在桑港總領事代理濟ミ

八六 四月二十一日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

桑港「ブレチン」紙ノ「人種の優越ヘノ道」

ト題スル社説ニ付報告ノ件

附屬書 右社説訳文

公第一二一号

(五月十二日接受)

神ニ感謝スルモノナリ然リ寧ロ余ハ他種族ヲ犠牲ニシテ獨  
リ繁榮ヲ遂ゲンコトヲ願望シ能ハザル人民ニ屬スルコトヲ  
感謝セザルヲ得ズ個人間ニ於ケルカ如ク種族間若ハ國民間  
ニ於テモ優者タルノ道ハ一ニシテ足ラス他種族ヲ壓倒シ獨  
リ抽ンデ以テ優者タルモ一法ナリ然レトモ世界何人ニモ優  
ル一事ヲ修得スルニ依テ優者タルコトヲ得ベク其事タルヤ  
一些事ニテモ可ナリ例ヘバ綿花ノ耕作可ナリ書ヲ著ハス亦  
可ナリ」ト

「ワシントン」ノ主義ト故「マハン」大佐一派ノ主義トノ  
間ニハ雲泥ノ差アリ「マハン」大佐ハ人種上ノ優越ハ武力  
ニ依リテ獲ラルベキモノナリト信ジ歐洲諸國民間爭鬭スル  
ハ早晚東洋人ト對抗セサルヘカラサル戰鬭力ヲ保持スル上  
ニ於テ尤モ望マシキ事ナリトセリ

「マハン」大佐ノ意見ニ依レバ綿花ノ耕作及著述ニ依ル優  
越ハ毫モ歐洲文明ガ掃蕩シ去ラルルヲ救フニ足ラスト爲ス  
カ如シ

然リト雖モ「ブーカー・ワシントン」ノ信念ハ獨斷ヲ避ケ  
又極メテ穩當ニ言ヒ現ハサレ居ルモ而モ「マハン」大佐ノ  
論難ニ堪フルニ足ルモノナリ今一步ヲ譲リテ東西兩洋ノ分

一〇九

界ハ何時カ武力ニ訴ヘテ解決セラレサル可カラスト假定スルモ(尤モ此ノ假定ハ道德上及理性上薄弱ナリ)尚戰鬪の勢力ハ近世ノ兵器ヲ以テ互ニ殺戮スルニ頼ルヨリモ寧ロ自然ト戰ヒ平和の大事業ヲ仕遂グルコトニ依リテ之ヲ保持スルヲ勝レリトス人生ハ常ニ不平均ニ對スル戰鬪ニ過ギズ畢竟人ハ生活ノ爲メニ奮闘セサル可カラズ然ルニ近世ノ戰爭ハ人ニ生存ノ力ヲ與フルモノニアラズ戰爭ハ怠惰、軟弱及奢侈ト相寄り種族ノ破壊者ナリ最後ノ勝利ハ平和の事業ノ遂行ニ全力ヲ傾注スル種族ノ手ニ歸ス可シ

八七 四月二十三日 在シアトル高橋領事ヨリ  
加藤外務大臣宛

在桑港露国領事館員ト称スル者ノ排日的談話

新聞ニ掲載ノ件

政公第九〇号 (五月十八日接受)

大正四年四月二十三日

在シャトル

領事 高橋 清 一(印)

外務大臣男爵 加藤高明殿

四月五日当地ピーアイ紙ニ東洋方面ヨリ静岡丸ニテ来着シ

新聞掲載ニ関スル件

公第一二七号 (五月十九日接受)

大正四年四月二十九日

在桑港

總領事代理 沼野安太郎(印)

外務大臣男爵 加藤高明殿

露国人 Paul Alexandroff ナル者過般「シャトル」ニ於テ日本カ青島ニ占拠スルハ支那征服其独立終焉ノ競緒ナリ云々ノ言ヲ為シタル旨ハ當時当地夕刊新聞「コール」ニモ掲載致居候当地露国領事代理ハ早速本官ヲ来訪シ同人ハ露国領事館員ニ非ルハ勿論露国外務省ニモ何等關係ナキ者ニシテ右新聞記事ノ如キ言辞ヲ為シタルハ為ニスル所アリタルニ相違ナク日本側ニ於テ誤解ナキ様希望スル旨懇ニ疏弁致尚別紙甲号写ノ通書面ヲ以テ申越候ニ付之ニ対シ別紙乙号写ノ通及回答置候御参考迄ニ此段及報告候 敬具

本信写發送先 珍田大使 高橋領事

註 別紙甲号及乙号ヲ省略

八九 四月三十日 在シカゴ米栖領事ヨリ  
加藤外務大臣宛(電報)

タル Paul Waldemor Alexandroff ナル者今回桑港露国領事館ニ赴任ノ途次ト称シ語リタル処ナリトテ日本ガ青嶋ヲ陥落セシコトハ東洋在留白人ノ悦バザル処ニシテ又支那獨立終焉ノ端緒ト信ゼラル云々ノ記事ヲ掲ゲ居候ニ付右記事ノ正否確メノ為メ兼テ桑港方面ニ出張中ニシテ兩三日前帰州シタル当地露国總領事ニツキ館員ヲ以テ聞キ糺サシメタルニ同總領事ハ Paul W. Alexandroff ナルモノハ曾テ当地及上海ノ「スタンダード」石油会社書記タリシコトアルモ毫モ露国領事館若クハ露国政府ト關係ヲ有スルモノニ非ズ目下同人ハ失職ノ境遇ニアルヲ以テ何カ為メニスル処アリテ斯カル無稽ノ言ヲ弄シタルモノナラン実ハ自分桑港出張中同様ノ記事同地新聞紙ニ顯ハレタルヲ以テ同地露国領事館ヨリ直チニ日本總領事館ヘ弁明ヲナシ且ツ英字新聞ニテ正誤ヲナシ置キタリ「シャトル」新聞ノ記事ハ自分留守中ニテ承知セザリシ云々ト弁明致置候右報告ニ及候 敬具

註 添附ノ新聞切抜ヲ省略ス

八八 四月二十九日 在桑港沼野總領事代理ヨリ  
加藤外務大臣宛

在桑港露国領事館員ト称スル者ノ排日的談話

「ミシガン」州議會会期終了ノ件

第一三号

新聞ニ依レハ「ミシガン」州会ハ四月二十八日千九百十五年度会期ヲ終レリト 大使洛ミ

九〇 十一月二日 在ロスアンゼルス大山領事代理ヨリ  
石井外務大臣宛

「アリゾナ」州外国人雇傭制限法ニ対シ合衆

国大審院ニ於テ無効ノ判決アリタル件

附屬書 右判決ヲ報道セル新聞記事要訳

公第五四号 (十一月二十六日接受)

大正四年十一月二日

在ロスアンゼルス

領事代理副領事 大山卯次郎(印)

外務大臣男爵 石井菊次郎殿

合衆国大審院ニ上告中ノ「アリゾナ」州八割法ニ関スル弁論日取ノ義ニ付客月四日付公第二十九号ヲ以テ及御報告置候処同法ハ昨一日同院ニ於テ憲法違反ニ付無効ノ旨判決アリタル趣本日発行当地タイムス華府電報欄ニ記載有之候間右判決文写ハ大使館ヨリ送付可相成候トハ存候ヘトモ為御

参考右切抜並ニ其要領訳文相添此段御報告申進候 敬具  
註 新聞切抜ヲ省略ス

(附屬書)

「アリゾナ」州外人雇傭制限法ヲ違憲トセ

ル米國大審院判決ヲ報道スル新聞記事要譯

華府十一月一日(十一月二日附ロスアンゼルス、タイムス紙掲載)

北米合衆國大審院ハ本日其下級裁判所即特別巡回裁判所ガ管テ「アリゾナ」州外人勞働者排斥法ヲ惡法違反ナリトセ  
ル判決ヲ支持スル判決ヲ與ヘタリ蓋シ同法カ世人ノ注視ヲ惹クニ至リタル所以ノモノハ一ニハ列強數ヶ國政府ノ之ニ對シテ抗議シタルトニハ加州ニ於ケル外人土地所有禁止法案ト其性質相似タル所アルトノ事由ニ依ルモノニシテ「アリゾナ」法ト加州法トハ全然其ノ軌ヲ一ニスト云フニ非ザレ共法曹界多數人士ノ意嚮ニ徴スルニ「アリゾナ」法ニ對スル大審院ノ判定如何ハ直チニ以テ同院ノ加州法ニ對スル向背ヲ豫定スルニ足ルトナスガ如シ

但シ所謂「アリゾナ」八割法ナルモノハ「アリゾナ」州民ノ一般投票 (initiative) ニヨリテ制定セラレタル法律ニシ

雇傭率ヲ規定シ得ベシ又公共ノ安寧ヲ理由トスル事モ該法ノ正當ナル事ヲ支持スルニ充分ナラズ

判事「マクレノーード」一人ノミ該法ノ施行ヲ阻止スル事ヲ目的トスル訴訟ハ州ニ對スルモノナルニヨリ合衆國憲法ノ禁スル所ナル事ヲ理由トシ是ニ反對セリ

更ニ判事「ヒュース」ハ曰ク一州ガ其管内ニアルモノノ健康安寧風儀又福利ヲ増進スル目的ヲ以テ立法シ其立法事項ニ相當ノ理由ヲ附シテ分類スルコトハ州權行使ノ一部タルガ故ニ本法ハ妥當ナルモノナリト稱スルトモ思フニ斯克立法上ノ權限カ廣汎ナルニハ相違ナキモコハ州ガ人種及国籍ガ異ルノ理由ヲ以テ普通ノ生計手段ヲモ其適法ニ居住スル住民ニ拒ミ得ベキコトヲ意味スルモノニ非ス抑々生計ヲ得ル爲メ社會ノ一般業務ニ就キテ働クノ權利ハ實ニ憲法修正ノ特ニ期待シタル個人ノ自由及機會均等ノ根原ナリ唯單ニ異人種異国籍タルノ理由ニヨリテ就働權利ヲ拒止シ得ルモノナリトセバ法律上各人ニ均等保護ヲ拒ムコトナカラシメントスル憲法條文ハ畢竟空文タルニ終ランノミ

外人ヲ使役スルコトハ之ヲ制限セザルニ於テハ公共安寧ニ危害アリトノ推定ニ基キ同法ヲ制定シタリトノ議論ハ決シ

テ傭主ガ五人以上ノ雇人ヲ使役スル場合ニハ合衆國市民ハ其八割以下ニ下ルコトヲ得ストノ規定ヲ有スルモノナルガ訴訟ノ内容ハ同州「ビスビー」在留一埃國人ノ給仕人カ其傭主及州ニ對シ同法ノ適用ヲ免レンコトヲ求メントスルニアリ

判事「ヒュース」ハ判決ヲ宣言スルニ當リ曰ク「合衆國內ノ外人ガ法律上均等ノ保護ヲ享有スト云フコトハ米國市民モ外國人モ共ニ同一法ノ適用ヲ受クベシトノ意義ニ解釈スベキモノナリト同判事更ニ曰ク該法ハ其名稱中外人ニ對シテ米國市民ヲ保護ス云云ノ文字ヲ使用セリ此ノ文字ハ正ニ法律ノ内容ヲ語ルモノナルガコハ合衆國憲法ガ外人ニ與フル個人ノ自由ニ對スル保證ト抵觸ス蓋シ外人ハ就業スル能ハザル所ニ生存スル能ハザルニヨリ「アリゾナ」法ハ畢竟同州ヨリ外人ヲ驅逐スルニ至ルベク從テ合衆國ハ外人ヲ入國セシムル權限ヲ有スルモ諸州ハ「アリゾナ」法ノ如キ立法ヲ以テ該外人ヲ逐斥シ得ルガ如キ奇異ノ顯象ヲ生スルニ至ルベシ該法辯護ノ理由トシテ該法ノ下ニモ猶ホ幾許ノ外人ヲ雇用シ得ベシト云フガ如キハ取ルニ足ラズ何トナレバ州ニ於テ一旦外人雇傭率制規ノ權限ヲ保有セバ無制限ニ其

テ正シキ辯明トナラズ本法所定ノ通り廣ク一般ノ職業ニ亙リ外國人ニ對シ差別ヲ設クルコトハ正ニ異國民タルノ事實ニ基キテ外國人ニ就働生計ノ權利ヲ拒ムコトナルヘキナリ且ツ又適法ノ理由ヲ具シテ分類スルテフコトハ諸州ノ適法ノ利權ト一致スル場合ニ於ケル分類法タルノ意ニシテ合衆國ノ國權ヲ除外シ且諸州ノ利權ト支吾スル程度マデ此等ノ意義ヲ擴大シ得ベキモノニ非ザルコトハ疑ヲ容レス移民認否即外國人ノ入國ヲ拒否スルコトハ全然合衆國政府ノ權限ニ屬スルモノナルカ働口ナクンバ普通生計シ得ザルヲ以テ一旦適法ニ入國セル外人ニ對シ糊口ノ途ヲ求ムル機會ヲ與ヘザラ權利アリトイフコトハ該外人ニ入國ト居住トヲ拒絶スル權利アルナリトイフニ同シク僑シスル政策ヲ認メ得ベシトセバ其實際上ノ結果ハ合衆國議會制定ノ法律ニヨリ適法ニ入國シタルモノガ十分ニ入國ニ伴フ特權ヲ享受スル能ハザルコト、ナリ外人ヲ歡迎スル州ニノミ蜩集スルニ至ルベシ素ヨリ立法部ハ弊害ノアル所ヲ認メ據テ以テ其立法ヲ變通自在ナラシメ得ベキコトハ幾度カ吾人ノ覆言セル所ナリト雖モ立法上分類ヲ爲スコトハ該立法ノ目的ト一致スルコトヲ要スルモノナルコトヲ忘ルベカラズ而シテ茲ニ慮ル

ベキハ該法ノ規定スル所ニヨレバ州ハ無限ニ外人ノ働口ヲ制限シ得ベキ權利ヲ有ストナスモノノ如ク其制限ハ前段所述ノ如ク廣ク各般ノ業務ニ亘ルモノニシテ同法ノ制定ハ或ル特定ノ業務ニ關シ特種ノ公共ノ利害ニ關係スルモノナルコトヲ示スコトナシ之シヲ要スルニ「アリゾナ」法ハ米國市民ト競争ノ地位ニ立ツ外人ヲ排除シ差別扱ヒスルモノニシテ本官ノ見ル所ヲ以テセバ右ハ明ラカニ我根本法ニ違反スルモノナリトス

九一 十二月一日 在紐育中村總領事ヨリ  
石井外務大臣宛

紐育州労働法中外国人ノ使用ヲ禁止セル条項  
ハ米國最高法院ニ於テ違憲ニ非ズト判決セラレタル件

公第三六五号 (大正五年一月四日接受)

大正四年十二月一日

在紐育

總領事 中村 巍(印)

外務大臣男爵 石井菊次郎殿

公共事業ニ外国人ノ使用ヲ禁止セル紐育州労働法第一四条

市ノ為ニスル土木事業許可ノ条件ヲ定ムル權アルト共ニ之ヲ使用スベキ労働者ノ種類ヲ決定スル權利ヲ有シ又州内ノ市ハ州權力ノ下ニ在リ之ニ反抗スルヲ得サルカ故ニ紐育州労働法第十四条ノ規定ハ市ノ權利ヲ侵サザルハ勿論何等外人ノ權利ヲ犯サズト云フニ在リ且ツ其末段ニ於テハ「パートソン」対「ペンシルベニア」州事件ノ判例ニ於テ米伊條約ニ所謂權利ノ平等トハ身体財産ノ保護及安全ノミニ關スト

ニ關スル裁判事件ノ成行及同条ノ既ニ改正セラレタル次第ハ曩ニ屢次及報告置タル処昨今当地諸新聞紙ノ伝フル所ニ依レハ今回合衆國最高法院ハ同条ノ規定ヲ憲法違反ニ非スト判決シタル趣然レドモ右判決文ハ当地ニ於テハ入手困難ナルヲ以テ在米大使館ヘ右入手ノ上直接本省ニ送付方依頼致置候条追テ同大使館ヨリ本省ヘ送付可有之ニ付判決理由等ノ詳細ハ之ニテ御承知相成候様致度此段申進候 敬具

九二 十二月二日 在米國珍田大使ヨリ  
石井外務大臣宛

紐育州労働法中外国人ノ使用禁止ノ条項ハ違憲ニ非ズトセル大審院判決ニ關シ報告ノ件

公第三三八号 (大正五年一月六日接受)

在米

特命全權大使子爵 珍田 捨己(印)

外務大臣男爵 石井菊次郎殿

今回合衆國大審院カ紐育州ノ外国人使用禁止ニ關スル労働法ヲ違憲ニアラズト判決セル次第ハ中村總領事ノ報告ニテ御承知ノコト、存候而シテ該判決ノ主旨ハ州ハ州民ノ後見者及財務管理者トシテ其公共事務ヲ管理シ州自身又ハ州内

云ヘル点ヲ引用シ紐育州法カ又條約違反ニアラサルコトヲモ附記セラレ居候間委細ハ別紙判決文ニ付キ御承知相成度本件附帶ノ刑訴ニ關スル判決文共相添ヘ右玆ニ供貴覽候 敬具

判決文各式部添付ス

註 添附ノ判決文ヲ省略ス