

断シテ单独講和ニ耳ヲ傾クルカ如キコトナキ（脱）繼續スルノ決心ナリト答ヘ尚其折特ニ極秘トシテ実ハ今日迄独逸国宰相及独逸国外務大臣ヨリ間接ニ密使ヲ以テ露独接近ノ件ニ付申込ミタル所アリ又最近ニ至リ独逸国皇帝ハ更ニ密使ヲ以テ露国皇帝ニ対シ從來兩皇室間ニ於ケル深交ナル關係ニ鑑ミ兩皇室ノ接近ヲ計リタキ旨申入アリタルモ露国皇帝ハ断然之ヲ拒絶シ給ヒ敢テ返答スル迄モナシト仰セラレ

タリ独国皇帝ガスノ如キ提議ヲナスニ至リタルハ全ク独逸国が戦争繼續ニ困難ヲ感シ来リタル明確ナル證據ナルヘシ云々ト内話セリ尚外務大臣ヨリ本件ニ付テハ英国大使以外ニハ未タ何人ニモ内話シタルコトナキ次第ナルモ是非秘密ニナシ置カレタシトノ注意アリタルヲ以テ右御含置相成タシ

## 事項一一 歐洲戦争ニ対スル米國ノ中立態度一件

九六九 一月二十五日 在米國珍田大使ヨリ  
加藤外務大臣宛

歐洲戦争ニ対スル米國ノ中立態度ヲ宣明セル  
「ブライアン」國務長官ノ書翰ニ関スル件

附記 大正三年十二月三十一日長谷川參謀總長ヨリ  
外務省宛  
英國海軍ノ中立國船舶取扱振ニ付米國政府ヨリ  
英國政府ヘ抗議ノ件

公第二五号 (二月十八日接受)

大正四年一月二十五日

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

歐洲戦争開始以來当國行政部ノ執レル中立態度ハ英仏同盟軍側ニ利益アル行動多シト当國独逸種米人側ノ非難少ナカラザルニ關聯シ去一月八日付ヲ以テ上院外交委員長「ミズリイ」州選出「ストーン」ハ非難ヲ生セル廉ヲ列挙シ國

一一 歐洲戦争ニ対スル米國ノ中立態度一件 九六九

務長官ノ弁明ヲ求ムルノ書信ヲ送リタルニ右ニ対シ國務長官ハ去二十日各事件毎ニ行政部ノ態度ヲ弁明シタル長文ノ書翰ヲ以テ之ニ答ヘ右書翰ハ昨二十四日公表セラレ候右書翰ノ内容ハ各種中立違反事件ノ要領并ニ当國中立態度ヲ良ク闡明スル所有之候間右ヲ記セル新聞切抜不取敢為御参考及御送付候 敬具

註 後出二月八日珍田大使發加藤外務大臣宛公第四九号附  
屬書参照

（附記）

大正三年十二月三十一日長谷川參謀總長ヨリ外務省宛

英國海軍ノ中立國船舶ノ取扱振ニ付米國政府ヨ

リ英國政府ヘ抗議ノ件

秘參謀第八九八号 (大正四年一月二日接受)

大正三年十二月三十一日

參謀總長

一一二九

欧洲戦争其八二三

倫敦發電報十二月三十一日午前十時五十分著

米國政府ハ二十九日英國政府ニ對シ開戰以來ニ於ケル英國海軍ノ中立國船舶ニ對スル取扱特ニ之ヲ自國港灣ニ引致シ臨檢スルヲ不法トナシ目下ニ於ケル米國産業ノ不振ハ直接英國ノ政策ニ歸スルモノトシ没収貨物賠償ノ如キハ到底無形上ノ不利ヲ償フ能ハサル旨ヲ指摘シ其取扱ノ改善ヲ求メタリ歐洲ニ於ケル彼我ノ戰鬪目下漸ク持久の傾向ヲ呈シ海上拿捕權ノ行使力戰局ニ及ホス影響益々顯著ナラントスル狀況ニ際シ本問題ノ解決ハ今後注目ノ価値アリ

九七〇 二月 八 日 在米國珍田大使ヨリ  
加藤外務大臣宛

米國ノ中立態度ヲ宣明セル國務長官ノ書翰ニ関

スル件

附屬書一 一月八日「ストーン」上院外交委員長ヨリ

國務長官宛書翰

一一月二十日國務長官ヨリ「ストーン」上院

外交委員長宛書翰

公第四九号 (三月五日接致)

which I have received numerous letters to the same effect from sympathizers with Germany and Austria. The various grounds of these complaints may be summarized and stated in the following form:

1. Freedom of communication by submarine cables, but censorship of wireless messages.
2. Submission to censorship of mails and in some cases to the repeated destruction of American letters found on neutral vessels.
3. The search of American vessels for German and Austrian subjects—
  - (a) On the high seas.
  - (b) In territorial waters of a belligerent.
4. Submission without protest to English violations of the rules regarding absolute and conditional contraband, as laid down—
  - (a) In the Hague Conventions.
  - (b) In international law.
  - (c) In the Declaration of London.
5. Submission without protest to inclusion of copper in the list of absolute contraband.
6. Submission without protest to interference

大正四年二月八日

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

去月二十五日付公第二十五号ヲ以テ不取敢新聞切抜御送付致シ置候本件國務長官回答書翰ノ義上院外交委員長「ストーン」ノ右ニ関シ國務長官ニ致シタル問合ハセト一併上院關係文書トシテ印刷セラレタルモノ入手ニ付右及送付候也 敬具

(附屬書一)

一月八日「ストーン」上院外交委員長ヨリ國務

長官宛書翰

LETTER OF SENATOR STONE.

January 8, 1915.

Dear Mr. Secretary: As you are aware, frequent complaints or charges are made in one form or another through the press that this Government has shown partiality to Great Britain, France, and Russia as against Germany and Austria during the present war between those powers; in addition to

with American trade to neutral countries—

- (a) In conditional contraband.
  - (b) In absolute contraband.
7. Submission without protest to interruption of trade in conditional contraband consigned to private persons in Germany and Austria, thereby supporting the policy of Great Britain to cut off all supplies from Germany and Austria.
  8. Submission to British interruption of trade in petroleum, rubber, leather, wool, etc.
  9. No interference with the sale to Great Britain and her allies of arms, ammunition, horses, uniforms, and other munitions of war, although such sales prolong the war.
  10. No suppression of sale of dumdum bullets to Great Britain.
  11. British warships are permitted to lie off American ports and intercept neutral vessels.
  12. Submission without protest to disregard by Great Britain and her allies of—
    - (a) American naturalization certificates.
    - (b) American passports.

13. Change of policy in regard to loans to belligerents:
  - (a) General loans.
  - (b) Credit loans.
14. Submission to arrest of native-born Americans on neutral vessels and in British ports, and their imprisonment.
15. Indifference to confinement of non-combatants in detention camps in England and France.
16. Failure to prevent transshipment of British troops and war material across the territory of the United States.
17. Treatment and final internment of German steamship *Geier* and the collier *Locksun* at Honolulu.
18. Unfairness to Germany in rules relative to coaling of warships in Panama Canal Zone.
19. Failure to protest against the modifications of the declaration of London by the British Government.
20. General unfriendly attitude of Government toward Germany and Austria.

LETTER OF SECRETARY OF STATE.

Department of State,

Washington, January 20, 1915.

Dear Mr. Stone: I have received your letter of the 8th instant, referring to frequent complaints or charges made in one form or another through the press that this Government has shown partiality to great Britain, France, and Russia against Germany and Austria during the present war, and stating that you have received numerous letters to the same effect from sympathizers with the latter powers. You summarize the various grounds of these complaints and ask that you be furnished with whatever information the department may have touching these points of complaint, in order that you may be informed as to what the true situation is in regard to these matters.

In order that you may have such information as the department has on the subject referred to in your letter, I will take them up serially.

(1) *Freedom of communication by submarine cables versus censored communication by wireless.*

The reason that wireless messages and cable

If you deem it not incompatible with the public interest I would be obliged if you would furnish me with whatever information your department may have touching these various points of complaint, or request the counselor of the State Department to send me the information, with any suggestions you or he may deem advisable to make with respect to either the legal or political aspects of the subject. So far as informed I see no reason why all the matter I am requesting to be furnished should not be made public, to the end that the true situation may be known and misapprehensions quieted.

I have the honor to be,

Yours, sincerely,

Wm. J. Stone.

Hon. William Jennings Bryan,  
*Secretary of State.*

(附圖表11)

一月二十日國務長官ヨリ「ストーン」上院外交

委員長宛書翰

messages require different treatment by a neutral Government is as follows:

Communications by wireless can not be interrupted by a belligerent. With a submarine cable it is otherwise. The possibility of cutting the cable exists, and if a belligerent possesses naval superiority the cable is cut, as was the German cable near the Azores by one of Germany's enemies and as was the British cable near Fanning Island by a German naval force. Since a cable is subject to hostile attack, the responsibility falls upon the belligerent and not upon the neutral to prevent cable communication.

A more important reason, however, at least from the point of view of a neutral Government, is that messages sent out from a wireless station in neutral territory may be received by belligerent warships on the high seas. If these messages, whether plain or in cipher, direct the movements of warships or convey to them information as to the location of an enemy's public or private vessels, the neutral territory becomes a base of naval operations, to permit which would be essentially unnatural.

As a wireless message can be received by all stations and vessels within a given radius, every message in cipher, whatever its intended destination, must be censored; otherwise military information may be sent to warships off the coast of a neutral. It is manifest that a submarine cable is incapable of becoming a means of direct communication with a warship on the high seas. Hence its use can not, as a rule, make neutral territory a base for the direction of naval operations.

(2) *Censorship of mails and in some cases repeated destruction of American letters on neutral vessels.*

As to the censorship of mails, Germany as well as Great Britain has pursued this course in regard to private letters falling into their hands. The unquestioned right to adopt a measure of this sort makes objection to it inadvisable.

It has been asserted that American mail on board of Dutch steamers has been repeatedly destroyed. No evidence to this effect has been filed with the Government, and therefore no representations have been made. Until such a case is present-

brought to the attention of the offending Government with a declaration that such procedure, if true, is an unwarranted exercise of jurisdiction over American vessels in which this Government will not acquiesce.

An American private vessel entering voluntarily the territorial waters of a belligerent becomes subject to its municipal laws, as do the persons on board the vessel.

There have appeared in certain publications the assertion that failure to protest in these cases is an abandonment of the principle for which the United States went to war in 1812. If the failure to protest were true, which it is not, the principle involved is entirely different from the one appealed to against unjustifiable impressment of Americans in the British Navy in time of peace.

(4) *Submission without protest to British violations of the rules regarding absolute and conditional contraband as laid down in The Hague conventions, the declaration of London, and international law.*

There is no Hague convention which deals with

ed in concrete form, this Government would not be justified in presenting the matter to the offending belligerent. Complaints have come to the department that mail on board neutral steamers has been opened and detained, but there seem to be but few cases where the mail from neutral countries has not been finally delivered. When mail is sent to belligerent countries open and is of a neutral and private character it has not been molested, so far as the department is advised.

(3) *Searching of American vessels for German and Austrian subjects on the high seas and in territorial waters of a belligerent.*

So far as this Government has been informed, no American vessels on the high seas, with two exceptions, have been detained or searched by belligerent warships for German and Austrian subjects. One of the exceptions to which reference is made is now the subject of a rigid investigation, and vigorous representations have been made to the offending Government. The other exception, where certain German passengers were made to sign a promise not to take part in the war, has been

absolute or conditional contraband, and, as the declaration of London is not in force, the rules of international law only apply. As to the articles to be regarded as contraband, there is no general agreement between nations. It is the practice for a country, either in time of peace or after the outbreak of war, to declare the articles which it will consider as absolute or conditional contraband. It is true that a neutral Government is seriously affected by this declaration as the rights of its subjects or citizens may be impaired. But the rights and interests of belligerents and neutrals are opposed in respect to contraband articles and trade and there is no tribunal to which questions of difference may be readily submitted.

The record of the United States in the past is not free from criticism. When neutral this Government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list, according to our conception of the necessities of the case.

The United States has made earnest representations to Great Britain in regard to the seizure and

detention by the British authorities of all American ships or cargoes bona fide destined to neutral ports, on the ground that such seizures and detentions were contrary to the existing rules of international law. It will be recalled, however, that American courts have established various rules bearing on these matters. The rule of "continuous voyage" has been not only asserted by American tribunals but extended by them. They have exercised the right to determine from the circumstances whether the ostensible was the real destination. They have held that the shipment of articles of contraband to a neutral port "to order," from which, as a matter of fact, cargoes had been transhipped to the enemy, is corroborative evidence that the cargo is really destined to the enemy instead of to the neutral port of delivery. It is thus seen that some of the doctrines which appear to bear harshly upon neutrals at the present time are analogous to or outgrowths from policies adopted by the United States when it was a belligerent. The Government therefore can not consistently protest against the application of rules which it

*with American trade to neutral countries in conditional and absolute contraband.*

The fact that the commerce of the United States is interrupted by Great Britain is consequent upon the superiority of her navy on the high seas. History shows that whenever a country has possessed that superiority our trade has been interrupted and that few articles essential to the prosecution of the war have been allowed to reach its enemy from this country. The department's recent note to the British Government, which has been made public, in regard to detentions and seizures of American vessels and cargoes, is a complete answer to this complaint.

Certain other complaints appear aimed at the loss of profit in trade, which must include at least in part trade in contraband with Germany; while other complaints demand the prohibition of trade in contraband, which appear to refer to trade with the allies.

(7) *Submission without protest to interruption of trade in conditional contraband consigned to private persons in Germany and Austria, thereby*

has followed in the past, unless they have not been practiced as heretofore.

(5) *Acquiescence without protest to the inclusion of copper and other articles in the British lists of absolute contraband.*

The United States has now under consideration the question of the right of a belligerent to include "copper unwrought" in its list of absolute contraband instead of in its list of conditional contraband. As the Government of the United States has in the past placed "all articles from which ammunition is manufactured" in its contraband list, and has declared copper to be among such materials, it necessarily finds some embarrassment in dealing with the subject.

Moreover, there is no instance of the United States acquiescing in Great Britain's seizure of copper shipments. In every case, in which it has been done, vigorous representations have been made to the British Government, and the representatives of the United States have pressed for the release of the shipments.

(6) *Submission without protest to interference*

*supporting the policy of Great Britain to cut off all supplies from Germany and Austria.*

As no American vessel so far as known has attempted to carry conditional contraband to Germany or Austria-Hungary, no ground of complaint has arisen out of the seizure or condemnation by Great Britain of an American vessel with a belligerent destination. Until a case arises and the Government has taken action upon it criticism is premature and unwarranted. The United States in its note of December 28 to the British Government strongly contended for the principle of freedom of trade in articles of conditional contraband not destined to the belligerent's forces.

(8) *Submission to British interference with trade in petroleum, rubber, leather, wool, etc.*

Petrol and other petroleum products have been proclaimed by Great Britain as contraband of war. In view of the absolute necessity of such products to the use of submarines, aeroplanes, and motors, the United States Government has not yet reached the conclusion that they are improperly included in a list of contraband. Military operations to-day

are largely a question of motive power through mechanical devices. It is therefore difficult to argue successfully against the inclusion of petroleum among the articles of contraband. As to the detention of cargoes of petroleum going to neutral countries, this Government has, thus far successfully, obtained the release in every case of detention or seizure which has been brought to its attention.

Great Britain and France have placed rubber on the absolute contraband list and leather on the conditional contraband list. Rubber is extensively used in the manufacture and operation of motors and, like petrol, is regarded by some authorities as essential to motive power to-day. Leather is even more widely used in cavalry and infantry equipment. It is understood that both rubber and leather, together with wool, have been embargoed by most of the belligerent countries. It will be recalled that the United States has in the past exercised the right of embargo upon exports of any commodity which might aid the enemy's cause.

(9) *The United States has not interfered with the sale to Great Britain and her allies of arms,*

last the German ambassador, by direction of his Government, presented a copy of a memorandum of the Imperial German Government which, among other things, set forth the attitude of that Government toward traffic in contraband of war by citizens of neutral countries. The Imperial Government stated that "under the general principles of international law, no exception can be taken to neutral States letting war material go to Germany's enemies from or through neutral territory," and that the adversaries of Germany in the present war are, in the opinion of the Imperial Government, authorized to "draw on the United States contraband of war and especially arms worth billions of marks." These principles, as the ambassador stated, have been accepted by the United States Government in the statement issued by the Department of State on October 15 last, entitled "Neutrality and trade in contraband." Acting in conformity with the propositions there set forth, the United States has itself taken no part in contraband traffic, and has, so far as possible, lent its influence toward equal treatment for all bel-

*ammunition, horses, uniforms and other munitions of war, although such sales prolong the conflict.*

There is no power in the Executive to prevent the sale of ammunition to the belligerents.

The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or by municipal status. It has never been the policy of this Government to prevent the shipment of arms or ammunition into belligerent territory, except in the case of neighboring American Republics, and then only when civil strife prevailed. Even to this extent the belligerents in the present conflict, when they were neutrals, have never, so far as the records disclose, limited the sale of munitions of war. It is only necessary to point to the enormous quantities of arms and ammunition furnished by manufacturers in Germany to the belligerents in the Russo-Japanese war and in the recent Balkan wars to establish the general recognition of the propriety of the trade by a neutral nation.

It may be added that on the 15th of December

ligerents in the matter of purchasing arms and ammunition of private persons in the United States.

(10) *The United States has not suppressed the sale of dum-dum bullets to Great Britain.*

On December 5 last the German ambassador addressed a note to the department, stating that the British Government had ordered from the Winchester Repeating Arms Co. 20,000 "riot guns," model 1897, and 50,000,000 "buckshot cartridges" for use in such guns. The department replied that it saw a published statement of the Winchester Co., the correctness of which the company has confirmed to the department by telegraph. In this statement the company categorically denies that it has received an order for such guns and cartridges from or made any sales of such material to the British Government, or to any other Government engaged in the present war. The ambassador further called attention to "information, the accuracy of which is not to be doubted," that 8,000,000 cartridges fitted with "mushroom bullets" had been delivered since October of this year by the

Union Metallic Cartridge Co. for the armament of the English army. In reply the department referred to the letter of December 10, 1914, of the Remington Arms-Union Metallic Cartridge Co., of New York, to the ambassador, called forth by certain newspaper reports of statements alleged to have been made by the ambassador in regard to the sales by that company of soft-nosed bullets.

From this letter, a copy of which was sent to the department by the company, it appears that instead of 8,000,000 cartridges having been sold, only a little over 117,000 were manufactured and 109,000 were sold. The letter further asserts that these cartridges were made to supply a demand for a better sporting cartridge with a soft-nosed bullet than had been manufactured theretofore, and that such cartridges can not be used in the military rifles of any foreign powers. The company adds that its statements can be substantiated and that it is ready to give the ambassador any evidence that he may require on these points. The department further stated that it was also in receipt from the company of a complete detailed list of the

citizens to belligerent Governments.

(11) *British warships are permitted to lie off American ports and intercept neutral vessels.*

The complaint is unjustified from the fact that representations were made to the British Government that the presence of war vessels in the vicinity of New York Harbor was offensive to this Government and a similar complaint was made to the Japanese Government as to one of its cruisers in the vicinity of the port of Honolulu. In both cases the warships were withdrawn.

It will be recalled that in 1863 the department took the position that captures made by its vessels after hovering about neutral ports would not be regarded as valid. In the Franco-Prussian War President Grant issued a proclamation warning belligerent warships against hovering in the vicinity of American ports for purposes of observation or hostile acts. The same policy has been maintained in the present war, and in all of the recent proclamations of neutrality the President states that such practice by belligerent warships is "unfriendly and offensive."

persons to whom these cartridges were sold, and that from this list it appeared that the cartridges were sold to firms in lots of 20 to 2,000 and one lot each of 3,000, 4,000, and 5,000. Of these only 960 cartridges went to British North America and 100 to British East Africa.

The department added that, if the ambassador could furnish evidence that this or any other company is manufacturing and selling for the use of the contending armies in Europe cartridges whose use would contravene The Hague conventions, the department would be glad to be furnished with this evidence, and that the President would, in case any American company is shown to be engaged in this traffic, use his influence to prevent so far as possible sales of such ammunition to the powers engaged in the European war, without regard to whether it is the duty of this Government, upon legal or conventional grounds, to take such action.

The substance of both the ambassador's note and the department's reply have appeared in the press. The department has received no other complaints of alleged sales of dum-dum bullets by American

(12) *Great Britain and her allies are allowed without protest to disregard American citizenship papers and passports.*

American citizenship papers have been disregarded in a comparatively few instances by Great Britain, but the same is true of all the belligerents. Bearers of American passports have been arrested in all the countries at war. In every case of apparent illegal arrest the United States Government has entered vigorous protests with request for release. The department does not know of any cases, except one or two which are still under investigation, in which naturalized Germans have not been released upon representations by this Government. There have, however, come to the department's notice authentic cases in which American passports have been fraudulently obtained and used by certain German subjects.

The Department of Justice has recently apprehended at least four persons of German nationality who, it is alleged, obtained American passports under pretense of being American citizens and for the purpose of returning to Germany with-

out molestation by her enemies during the voyage. There are indications that a systematic plan had been devised to obtain American passports through fraud for the purpose of securing safe passage for German officers and reservists desiring to return to Germany. Such fraudulent use of passports by Germans themselves can have no other effect than to cast suspicion upon American passports in general. New regulations, however, requiring among other things the attaching of a photograph of the bearer to his passport, under the seal of the Department of States, and the vigilance of the Department of Justice, will doubtless prevent any further misuse of American passports.

(13) *Change of policy in regard to loans to belligerents.*

War loans in this country were disapproved because inconsistent with the spirit of neutrality. There is a clearly defined difference between a war loan and the purchase of arms and ammunition. *The policy of disapproving of war loans affects all governments alike, so that the disapproval is not an unneutral act.* The case is entirely different in

the matter of arms and ammunition, because prohibition of export not only might not, but, in this case, would not, operate equally upon the nations at war. Then, too, the reason given for the disapproval of war loans is supported by other considerations which are absent in the case presented by the sale of arms and ammunition. The taking of money out of the United States during such a war as this might seriously embarrass the Government in case it needed to borrow money and it might also seriously impair this Nation's ability to assist the neutral nations which, though not participants in the war, are compelled to bear a heavy burden on account of the war, and, again, a war loan, if offered for popular subscription in the United States, would be taken up chiefly by those who are in sympathy with the belligerent seeking the loan. The result would be that great numbers of the American people might become more earnest partisans, having material interest in the success of the belligerent, whose bonds they hold. These purchases would not be confined to a few, but would spread generally throughout the country, so that

the people would be divided into groups of partisans, which would result in intense bitterness and might cause an undesirable, if not a serious, situation. On the other hand, contracts for and sales of contraband are mere matters of trade. The manufacturer, unless peculiarly sentimental, would sell to one belligerent as readily as he would to another. No general spirit of partisanship is aroused—no sympathies excited. The whole transaction is merely a matter of business.

This Government has not been advised that any general loans have been made by foreign governments in this country since the President expressed his wish that loans of this character should not be made.

(14) *Submission to arrest of native-born Americans on neutral vessels and in British ports and their imprisonment.*

The general charge as to the arrest of American-born citizens on board neutral vessels and in British ports, the ignoring of their passports, and their confinement in jails, requires evidence to support it. That there have been cases of injustice

of this sort is unquestionably true, but Americans in Germany have suffered in this way as Americans have in Great Britain. This Government has considered that the majority of these cases resulted from overzealousness on the part of subordinate officials in both countries. Every case which has been brought to the attention of the Department of State has been promptly investigated and, if the facts warranted, a demand for release had been made.

(15) *Indifference to confinement of noncombatants in detention camps in England and France.*

As to the detention of noncombatants confined in concentration camps, all the belligerents, with perhaps the exception of Serbia and Russia, have made similar complaints and those for whom this Government is acting have asked investigations, which representatives of this Government have made impartially. Their reports have shown that the treatment of prisoners is generally as good as possible under the conditions in all countries, and that there is no more reason to say that they are mistreated in one country than in another country



or that this Government has manifested an indifference in the matter. As this department's efforts at investigations seemed to develop bitterness between the countries, the department on November 20 sent a circular instruction to its representatives not to undertake further investigation of concentration camps.

But at the special request of the German Government that Mr. Jackson, former American minister at Bucharest, now attached to the American embassy at Berlin, make an investigation of the prison camps in England, in addition to the investigations already made the department has consented to dispatch Mr. Jackson on this special mission.

(16) *Failure to prevent transshipment of British troops and war material across the territory of the United States.*

The department has had no specific case of the passage of convoys of troops across American territory brought to its notice. There have been rumors to this effect, but no actual facts have been presented. The transshipment of reservists of all belligerents who have requested the privilege has

A longer period would have been contrary to international practice, which does not permit a vessel to remain for a long time in a neutral port for the purpose of repairing a generally run-down condition due to long sea service. Soon after the German cruiser arrived at Honolulu a Japanese cruiser appeared off the port and the commander of the *Geier* chose to intern the vessel rather than to depart from the harbor.

Shortly after the *Geier* entered the port of Honolulu the steamer *Locksun* arrived. It was found that this vessel had delivered coal to the *Geier* en route and had accompanied her toward Hawaii. As she had thus constituted herself a tender or collier to the *Geier* she was accorded the same treatment and interned on November 7.

(18) *Unfairness to Germany in rules relative to coaling of warships in Panama Canal Zone.*

By proclamation of November 13, 1914, certain special restrictions were placed on the coaling of warships or their tenders or colliers in the Canal Zone. These regulations were framed through the collaboration of the State, Navy, and War Depart-

been permitted on condition that they travel as individuals and not as organized, uniformed, or armed bodies. The German Embassy has advised the department that it would not be likely to avail itself of the privilege, but Germany's ally, Austria-Hungary, did so.

Only one case raising the question of the transit of war material owned by a belligerent across United States territory has come to the department's notice. This was a request on the part of the Canadian Government for permission to ship equipment across Alaska to the sea. The request was refused.

(17) *Treatment and final internment of German steamship "Geier" and the collier "Locksun" at Honolulu.*

The *Geier* entered Honolulu on October 15 in an unseaworthy condition. The commanding officer reported the necessity of extensive repairs which would require an indefinite period for completion. The vessel was allowed the generous period of three weeks to November 7 to make repairs and leave the port, or, failing to do so, to be interned.

ments and without the slightest reference to favoritism to the belligerents. Before these regulations were proclaimed, war vessels could procure coal of the Panama Railway in the zone ports, but no belligerent vessels are known to have done so. Under the proclamation fuel may be taken on by belligerent warships only with the consent of the canal authorities and in such amounts as will enable them to reach the nearest accessible neutral port; and the amount so taken on shall be deducted from the amount procurable in United States ports within three months thereafter. Now, it is charged the United States has shown partiality because Great Britain and not Germany happens to have colonies in the near vicinity where British ships may coal, while Germany has no such coaling facilities. Thus, it is intimated the United States should balance the inequalities of geographical position by refusing to allow any warships of belligerents to coal in the canal until the war is over. As no German warship has sought to obtain coal in the Canal Zone the charge of discrimination rests upon a possibility which during several

months of warfare has failed to materialize.

(19) *Failure to protest against the modifications of the Declaration of London by the British Government.*

The German Foreign Office presented to the diplomats in Berlin a memorandum dated October 10, calling attention to violations of and changes in the Declaration of London by the British Government and inquiring as to the attitude of the United States toward such action on the part of the allies. The substance of the memorandum was forthwith telegraphed to the department on October 22 and was replied to shortly thereafter to the effect that the United States had withdrawn its suggestion, made early in the war, that for the sake of uniformity the Declaration of London should be adopted as a temporary code of naval warfare during the present war, owing to the unwillingness of the belligerents to accept the declaration without changes and modifications, and that thenceforth the United States would insist that the rights of the United States and its citizens in the war should be governed by the existing rules of international law.

formance of its neutral duty to prevent all trade in contraband, and thus to equalize the difference due to the relative naval strength of the belligerents. No such obligation exists; it would be an unneutral act, an act of partiality on the part of this Government to adopt such a policy if the Executive had the power to do so. If Germany and Austria-Hungary can not import contraband from this country it is not, because of that fact, the duty of the United States to close its markets to the allies. The markets of this country are open upon equal terms to all the world, to every nation, belligerent or neutral.

The foregoing categorical replies to specific complaints is sufficient answer to the charge of unfriendliness to Germany and Austria-Hungary.

I am, my dear Senator,  
Very sincerely, yours,

W. J. Bryan.

Hon. William J. Stone,  
*Chairman, Committee on Foreign Relations,  
United States Senate, Washington, D. C.*

As this Government is not now interested in the adoption of the Declaration of London by the belligerents, the modifications by the belligerents in that code of naval warfare are of no concern to it except as they adversely affect the rights of the United States and those of its citizens as defined by international law. In so far as those rights have been infringed the department has made every effort to obtain redress for the losses sustained.

(20) *General unfriendly attitude of Government toward Germany and Austria.*

If any American citizens, partisans of Germany and Austria-Hungary, feel that this administration is acting in a way injurious to the cause of those countries, this feeling results from the fact that on the high seas the German and Austro-Hungarian naval power is thus far inferior to the British. It is the business of a belligerent operating on the high seas, not the duty of a neutral, to prevent contraband from reaching an enemy. Those in this country who sympathize with Germany and Austria-Hungary appear to assume that some obligation rests upon this Government in the per-

九七一 三月十五日 在米國珍田大使ヨリ  
加藤外務大臣宛

米國ノ中立義務嚴守ニ関シ大統領ニ権能ヲ附与  
スル米國兩院合同決議送付ノ件

附屬書 右兩院合同決議

公第七七号 (四月八日接受)

大正四年三月十五日

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

去三月四日議會閉會間際ニ至リ國務省側ヨリノ希望ニ依リ  
米國中立義務嚴守ノ必要上米國領土及領水ヲ交戦國軍艦等  
ニ於テ需要品供給ノ根拠地トスルヲ妨止スル為大統領ニ対  
シ武力ノ使用ヲ許スノ趣旨ヲ有スル別紙兩院合同決議可決  
セラレ候間右為御參考及送付候追テ本合同決議ハ豫テ下院  
ニ於テ「ホブソン」議員、上院ニ於テ「ヒッチコック」議  
員等カ提案セルモ終ニ付議ヲ見ルニ至ラサリシ交戦國ハ一  
切ノ軍需品ノ輸出ヲ禁止シ得ヘキ権能ヲ大統領ニ与フルノ  
決議案トハ何等關係ヲ有セサルモノニ有之候 敬具

(附屬書)

米國兩院合同決議

(PUBLIC RESOLUTION—No. 72—63D  
CONGRESS.)

(H. J. Res. 439)

Joint Resolution to empower the President to better enforce and maintain the neutrality of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of

or insular, within the jurisdiction of the United States.

Approved, March 4, 1915.

九七二 四月二十二日 在米國珍田大使ヨリ  
加藤外務大臣宛

兵器彈藥ノ輸出禁止ヲ駐米独逸大使ヨリ米國政  
府ニ請求シ米國之ヲ拒絶ノ件

附屬書一 四月四日在米國独逸大使ヨリ米國國務長官  
宛書翰

二 四月二十一日米國國務長官ヨリ在米國独逸  
大使宛回答書

公第一三〇号 (五月十八日接受)

大正四年四月廿二日

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

英仏同盟軍側ニ於テ海上權ヲ制セル為當國ヨリ交戰國ニ對  
スル兵器彈藥ノ供給ハ事實上同盟軍ノミヲ利益スルノ結果  
トナリ又其結果ハ徒ラニ戰局ヲ延長セシメ無用ナル幾十萬

一一 歐洲戦争ニ對スル米國ノ中立態度一併 九七二

customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, in violation of the obligations of the United States as a neutral nation.

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all land and water, continental

ノ鮮血ヲ犠牲ニスルニ過ギズトノ理由ニ因リ當國政府ヲシ  
テ交戰國一般ニ對シ兵器彈藥ノ輸出ヲ禁止セシメントハ  
當國独逸側同情者並ニ独逸本國ヨリ齎ラス各種ノ報道ガ  
近時声ヲ揃ヘテ主張シ居ル所ニ有之候処駐米独逸大使ハ去  
四月四日付ヲ以テ附屬甲号覺書ヲ國務長官ニ送り独逸ヘノ  
食料品ノ輸入遮断ニ對スル英國ヘノ米國政府ノ抗議ハ何等  
効ナカリシト述べ又中立ノ真精神ヨリスルトキハ米國ハ兵  
器彈藥ノ輸出ヲ禁止スルヲ要スト主張シ先例トシテ客年二  
月四日米國大統領ガ墨國ヘノ武器輸出解禁ニ際シ「吾人ハ  
單ニ紙上ノ中立義務ヲ維持スルヨリモ中立ノ真精神ニ依リ  
兩交戰団体ヲシテ均等ノ地位ニ在ラシメサル可カラズ」ト  
言明セルヲ指摘シ更ニ進ンデ兵器ノ輸出禁止ヲ楯ニトリ同  
盟軍ヲシテ独逸ヘノ食料品ノ供給ヲ容認セシムルノ手段ヲ  
採ラントコトヲ希望スル旨ヲ暗示致シ居候

斯ク独逸大使覺書ノ趣旨ハ随分中立國トシテノ米國ノ權限  
内ニ立入レル感アルノミナラズ覺書中本國政府ノ訓令ニ因  
ル旨ヲ記載セズ又米國政府側ト打合ヲ遂ケズ該覺書全文ヲ  
四月十一日独逸大使館ヨリ發表シ且ツ之ト前後シ米國染物  
業団体ヲ代表スル委員ガ独逸ヨリノ染料ノ輸入杜絶セラレ  
タルニ關シ國務省ヘ意見ヲ上申セル序ニ独逸大使館ヲ往訪

一一四九

シタルニ独逸大使ハ之ニ向ヒ独逸染料ノ輸入杜絶ヲ救済スル方法ハ同盟軍側ノ对独商業封鎖ノ对抗手段トシテ米國ニ於テ同盟軍ヘノ兵器輸出ヲ禁止スルノ外ナシトノ煽動的言辭ヲ以テ答ヘタリト伝ヘラレ旁々独逸大使提出ノ覺書ハ多数ノ米國新聞紙上ニ於テ大ニ非難セラレ中ニハ同大使召還說ヲスラ相伝フルモノ有之候尤モ是等ノ非難ニ対シ独逸大使館ヨリハ右覺書ハ本國政府ノ訓令ニ依レルモノナルコト並ニ米國政府ニ於テモ嚮ニ米國船「フライ」号ニ対スル損害要請ノ請求ハ（四月十四日公第一〇六号参照）独逸側ニ諮ラズンテ公表シタル先例アリトノコトヲ指摘シ弁明ヲ試ミ候

乍併米國政府ニ於テハ右独逸大使ノ覺書ヲ新聞紙上ニ見ユルカ如ク重視セズ四月廿一日附屬乙号回答書ヲ送り独逸覺書中ニハ其措辭或ハ米國政府ノ中立義務ニ関スル誠意ヲ疑ヘルモノニ非サヤト思ハルル余地フルヲ以テ最モ割切的確ニ米國ノ中立態度ヲ闡明スルノ必要アリト述ヘタル後從來米國ハ何レノ交戦國ニ対シテモ中立國トシテノ權利ヲ拋棄シタルコトナク又戦争ノ中途ニ於テ俄ニ態度ヲ變更シ交戦國ノ一方ニ対シ他方ト異ナリタル影響ヲ与フルトコロノ兵器彈藥ノ輸出ヲ禁止センカ右ハ却テ國際慣例ニ照ラシ中立

[Enclosure—Translation.]

# MEMORANDUM.

## IMPERIAL GERMAN EMBASSY.

Washington, D.C., *April, 4, 1915.*

The various British Orders in Council have one-sidedly modified the generally recognized principles of international law in a way which arbitrarily stops the commerce of neutral nations with Germany. Even before the last British Order in Council, the shipment of conditional contraband, especially food supplies, to Germany was practically impossible. Prior to the protest sent by the American to the British Government on December 28 last, such a shipment did not actually take place in a single case. Even after this protest the Imperial Embassy knows of only a single case in which an American shipper has ventured to make such a shipment for the purpose of legitimate sale to Germany. Both ship and cargo were immediately seized by the English and are being held in an English port under the pretext of an

違反トナルヘシトノ趣旨ヲ言明致候  
右御報告申進候 敬具

（附屬書一）

（甲号）

四月四日在米國独國大使ヨリ米國國務長官宛書翰

THE GERMAN AMBASSADOR TO THE  
SECRETARY OF STATE.

[Translation.]

No. A2841.]

## IMPERIAL GERMAN EMBASSY,

Washington, *April 4, 1915.*

Mr. Secretary of State:

I have the honor to deliver to Your Excellency the enclosed memorandum on German-American trade and the question of delivery of arms.

Accept, etc.,

J. Bernstorff.

order of the German Federal Council (Bundsrat) regarding the grain trade, although this resolution of the Federal Council relates exclusively to grain and flour, and not to other foodstuffs, besides making an express exception with respect to imported foodstuffs, and although the German Government gave the American Government an assurance, and proposed a special organization whereby the exclusive consumption by the civilian population is absolutely guaranteed.

Under these circumstances, the seizure of the American ship was inadmissible according to recognized principles of international law. Nevertheless the United States Government has not to date secured the release of the ship and cargo, and has not, after a duration of the war of eight months, succeeded in protecting its lawful trade with Germany.

Such a long delay, especially in matters of food supply, is equivalent to an entire denial.

The Imperial Embassy must therefore assume that the United States Government acquiesces in the violations of international law by Great Britain.

Then there is also the attitude of the United States in the question of the exportation of arms. The Imperial Government feels sure that the United States Government will agree that in questions of neutrality it is necessary to take into consideration not only the formal aspect of the case, but also the spirit in which the neutrality is carried out.

The situation in the present war differs from that of any previous war. Therefore any reference to arms furnished by Germany in former wars is not justified, for then it was not a question *whether* war material should be supplied to the belligerents, but *who* should supply it in competition with other nations. In the present war all nations having a war material industry worth mentioning are either involved in the war themselves or are engaged in perfecting their own armaments, and have therefore laid an embargo against the exportation of war material. The United States is accordingly the only neutral country in a position to furnish war materials. The conception of neutrality is thereby given a new

shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms or at least of utilizing it to protect legitimate trade with Germany, especially that in foodstuffs. This view of neutrality should all the more appeal to the United States Government because the latter enacted a similar policy toward Mexico. On February 4, 1914, President Wilson, according to a statement of a Representative in Congress in the Committee for Foreign Affairs of December 30, 1914, upon the lifting of the embargo on arms to Mexico, declared that "we should stand for genuine neutrality, considering the surrounding facts of the case\*.\*." He then held that "in that case, because Carranza had no ports, while Huerta had them and was able to import these materials, that it was our duty as a nation to treat (Carranza and Huerta) upon an equality if we wished to observe the true spirit of neutrality as compared with a mere paper neutrality."

If this view were applied to the present case, it would lead to an embargo on the exportation of arms.

purport, independently of the formal question of hitherto existing law. In contradiction thereto, the United States is building up a powerful arms industry in the broadest sense, the existing plants not only being worked but enlarged by all available means, and new ones built. The international conventions for the protection of the rights of neutral nations doubtless sprang from the necessity of protecting the existing industries of neutral nations as far as possible from injury in their business. But it can in no event be in accordance with the spirit of true neutrality if, under the protection of such international stipulations, an entirely new industry is created in a neutral state, such as is the development of the arms industry in the United States, the business whereof, under the present conditions, can benefit only the belligerent powers.

This industry is actually delivering goods only to the enemies of Germany. The theoretical willingness to supply Germany also if shipments thither were possible, does not alter the case. If it is the will of the American people that there

(秘傳轉印)

(ノ中)

臣民 | 十 | 日 米 國 總 領 事 館 在 米 國 領 事 館 大 使 館 回 答 書

# THE SECRETARY OF STATE TO THE GERMAN AMBASSADOR.

No. 1379.]

DEPARTMENT OF STATE,  
Washington, April 21, 1915.

Excellency:

I have given thoughtful consideration to Your Excellency's note of the 4th of April, 1915, enclosing a memorandum of the same date, in which Your Excellency discusses the action of this Government with regard to trade between the United States and Germany and the attitude of this Government with regard to the exportation of arms from the United States to the nations now at war with Germany.

I must admit that I am somewhat at a loss how to interpret Your Excellency's treatment of these matters. There are many circumstances connected with these important subjects to which I would have

expected Your Excellency to advert, but of which you make no mention, and there are other circumstances to which you do refer which I would have supposed to be hardly appropriate for discussion between the Government of the United States and the Government of Germany.

I shall take the liberty, therefore, of regarding Your Excellency's references to the course pursued by the Government of the United States with regard to interferences with trade from this country such as the Government of Great Britain have attempted, as intended merely to illustrate more fully the situation to which you desire to call our attention, and not as an invitation to discuss that course. Yours Excellency's long experience in international affairs will have suggested to you that the relations of the two Governments with one another can not wisely be made a subject of discussion with a third Government, which can not be fully informed as to the facts, and which can not be fully cognizant of the reason for the course pursued. I believe, however, that I am justified in assuming that what you desire to call forth is

has acknowledged, as a matter of course, the right of visit and search and the right to apply the rules of contraband of war to articles of commerce. It has, indeed, insisted upon the use of visit and search as an absolutely necessary safeguard against mistaking neutral vessels for vessels owned by an enemy and against mistaking legal cargoes for illegal. It has admitted also the right of blockade if actually exercised and effectively maintained. These are merely the well-known limitations which war places upon neutral commerce on the high seas. But nothing beyond these has it conceded. I call Your Excellency's attention to this, notwithstanding it is already known to all the world as a consequence of the publication of our correspondence in regard to these matters with several of the belligerent nations, because I can not assume that you have official cognizance of it.

In the second place, this Government attempted to secure from the German and British Governments mutual concessions with regard to the measures those Governments respectively adopted for the interruption of trade on the high seas. This

a frank statement of the position of this Government in regard to its obligations as a neutral power. The general attitude and course of policy of this Government in the maintenance of its neutrality I am particularly anxious that Your Excellency should see in their true light. I had hoped that this Government's position in these respects had been made abundantly clear, but I am of course perfectly willing to state it again. This seems to me the more necessary and desirable because, I regret to say, the language which Your Excellency employs in your memorandum is susceptible of being construed as impugning the good faith of the United States in the performance of its duties as a neutral. I take it for granted that no such implication was intended, but it is so evident that Your Excellency is laboring under certain false impressions that I can not be too explicit in setting forth the facts as they are, when fully reviewed and comprehended.

In the first place, this Government has at no time and in no manner yielded any one of its rights as a neutral to any of the present belligerents. It

it did, not of right, but merely as exercising the privileges of a sincere friend of both parties and as indicating its impartial good will. The attempt was unsuccessful; but I regret that Your Excellency did not deem it worthy of mention in modification of the impressions you expressed. We had hoped that this act on our part had shown our spirit in these times of distressing war as our diplomatic correspondence had shown our steadfast refusal to acknowledge the right of any belligerent to alter the accepted rules of war at sea in so far as they affect the rights and interest of neutrals.

In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, Your Excellency seems to be under the impression that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude toward Germany. This Government holds, as I believe Your Excellency is aware, and as it is constrained to hold in view of the

present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in Your Excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to Your Excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that Your Excellency will realize the spirit in which I am drafting this reply. The friend-

ship between the people of the United States and the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from Your Excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and purposes of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept, etc.,

W. J. Bryan.

## 事項一二 雜 件

- 一 独国人ノ東支鉄道破壊計画一件
- 二 新嘉坡ニ於ケル印度兵暴動一件

一 独国人ノ東支鉄道破壊計画一件

九七三 一月十五日 在吉林森田領事ヨリ  
加藤外務大臣宛

独逸ガ馬賊ヲ教唆シ鉄道破壊ヲ企テ居ルヤノ情

報ニ関シ取調報告ノ件

附 記 大正三年十二月二十五日在中国日置公使発加  
藤外務大臣宛電報第八八二号  
独逸ガ滿蒙ノ馬賊ヲ教唆シ鉄道破壊ヲ企テ居  
ルヤノ情報ニ関シ取調方在滿各領事ヘ訓令ノ  
旨報告ノ件

機密公第七号

(一月二十一日接受)

大正四年一月十五日

在吉林

領事 森 田 寛 藏 (印)

外務大臣男爵 加藤高明 殿

(註)

客年十二月二十六日付貴電第一二二号ニ関シ馬賊ノ状況ニ

付テハ調査ヲ怠ラサル次第ニ有之候処御来示ノ如キ政治的  
色彩ヲ帶ブル馬賊ノ出沒ニ付テハ今日迄ノ処何等ノ情報ニ  
接セス唯豫テ御承知ノ通り当館管内中濛江、樺甸、敦化ノ  
各県ハ該匪賊ノ巢窟ニ有之奉天省内安図、撫松、海龍、東  
平、西安、西豊各県ヲ時々劫掠スル賊匪モ同一類ニ屬シ劉  
大哥子総頭目トナリ其下ニ劉漢臣、小白龍、鉄公雞、小霸  
王、一捉毛、庄東巴等ノ小頭目ヲ従ヘ部下ノ数左記ノ通ニ  
有之候(安図県四岔子巡警局調査)

劉 大 哥 子	百五十人
小 霸 王	五十人
鉄 公 雞	五十人
小 白 龍	五十人
劉 漢 臣	三十五人

目下主トシテ安図、撫松、樺甸、濛江ノ各県ヲ跋扈シ掠奪