

論題	「在日米国総領事報告—日清戦時下の居留清国人—」
著者	岩壁義光
掲載誌	神奈川県立博物館研究報告—人文科学— 第 14 号
ISSN	0910-9730
刊行年月	1988 年 (昭和 63 年) 3 月
判型	JIS-B5 (182mm × 257mm)

〈史料紹介〉

「在日米国総領事報告

—日清戦時下の居留清国人—」

岩 壁 義 光

〈解題〉

一、はじめに

明治二七年七月、日本は「脱亜」を標榜し朝鮮半島への勢力拡大を図り、朝鮮に対して旧来の宗主権を主張する清国との間に戦端を開いた。この戦争は、植民地化への危機の中で東アジアに於ける日清両帝国主義候補国の命運を賭けた戦いであったが、同時に帝国主義段階に入った欧米諸国の注視のもとで戦わざる得ないという歴史的背景から、近代国家間の西洋的秩序を合理化していた国際法を、両国は当然のことながら強く意識せざるえなかった。こうした国際法に係わる問題の一つに自国内に残る交戦相手国居留民の取扱問題があった。

全国の開港場のなかで最多の清国人居留民を抱える横浜は、初の本格的対外戦争の開始直後からその取扱問題に直面せざる得なかった。この件に関しては長崎県立長崎図書館や東京都公文書館などに

史料の一部が残存している。しかし直接関係する史料、例えば外務省記録「明治二七年七月～明治二八年八月 日清戦役ノ際本邦清国公使館及領事館ノ撤回並在留清国民保護方米国政府ニ於テ担保一件」(5/21/6)などの重要な一次史料の焼失により、その経過と実態については長く知ることができず等閑視されてきたのが実情である。⁽²⁾

開港以来、横浜は多くの中国人を受け入れてきたが、史料の絶対的な不足からその実態研究には、やや立ち後れの傾向があることを否めない。こうしたなかで今回ここに紹介する在横浜米国総領事報告は、日清開戦当時両国相互に残留することになった交戦相手国人保護につき、仲介的役割を果たした米国外交官の目を通じて見た、日本政府の対応と横浜の動向をよく今日に伝えている。またこの清国人取扱問題を通じて、現代に至る近代日本が形成した対アジア人観の一端をも伺い知ることが出来るように思われる。

二、日清開戦前後の横浜

交戦相手国人民取扱問題に付いて、筆者はすでに「日清戦争と居留清国人問題——明治二七年「勅令第百三十七号」と横浜居留地——」(『法政史学』三六 昭五九)を著わしており詳細は該稿に譲るが、史料の内容を説明する意味から、簡単に当時の横浜と居留清国人保護の内容について概観しておきたい。

在横浜米国総領事マクアイバー McIvor, N. W. の国務省秘書官補ウール Uhl, Edwin 宛第四七号報告とその付属文書 (August

to come to the Consulate General twice a day.

... In case difficult questions arise I shall accept as authority the report of the Government's protectorate under Minister Nishikawa's administration in Paris, unless varied by instruction from the Department or the Legation. ...

I have the honor to be
Sir,

Your obedient servant,
W. W. Dun,
Consul General.

総領事報告 No. 47.

6th, 1894) 及び、付録史料として掲載した秘書官グレシャム Gre-sham, W. Q. 宛在日公使ダン Dun, Edwin G 公使館報告 (July 23, 1894) によれば、日清間の戦争が不可避免的様相を帯びるなかで、最初に自国居留民保護を米国に依頼する意向を申し出たのは日本側であった。在日清国人については、明治二十七年七月九日、駐日清国公使汪鳳藻が同様の申し入れをダンに対し行なっている。その後、七月一三日日本側の意向は閣議決定を経て正式に米国に要請され、一九日に至り米国より清国が在清日本人に行なうのと同様の保護が

在日清国人に対しても行なわれるべく希望する旨の申し入れがなされ、次第に居留民保護の体制が整えられていった。

七月三十日、両国は国交を断絶したことで無条約国状態になり、相互に居留する交戦相手国人の保護は先の申し入れに従い米国に委ねられることになった。

在日清国人の場合、米国公使ダンは総領事マクアイバーに対し、日清両国が開戦となれば、米国領事館は日本政府の承諾の下に日本在留の清国人に対し至当な援助と堅実な保護を行なうよう命じた。即日この命令はマクアイバーから在大阪・神戸・長崎の各領事に通達されたのである。八月一日不幸にして両国は戦争状態に入ったため、米国による両国民に対する保護は実行に移された。しかし、米国が在日清国人に対して行なう保護の範囲には裁判管轄権 judicial jurisdiction が含まれないという大きな制約があった。マクアイバーは、在留清国人の中から賭博や阿片吸引者などの犯罪者が出ることでよって、横浜など外国人居留地内で日本官憲と清国人との衝突の可能性を強く懸念していた。このため日本国法に抵触する可能性の高い者と治安上問題のある者を選び出し、強制的に帰国させる提案を在横浜兼築地清国領事石祖芬に行い、この提案は石の賛成を得たのである。なお、その実行に際しては金銭的余裕の無い者には一般居留民から切符購入の寄付を募るという念の入れようであった。八月四日、こうして選別された五百人と自由意志による帰国希望者二二人の計七二二人は、当時南京町と称されていた中華街の関帝廟から波止場まで行進し、米国船オーシャニック号に乗船して帰国の

途についたのである。

米国による在日清國人保護と並行して、日本側は勅令を発し交戦相手国人民取扱いに指標を示すことに決した。これが八月四日に発せられた「勅令第百三十七号」である。

勅令第百三十七号

第一條 清國人民ハ本令ノ規定スル所ニ從ヒ帝國内從來居住ヲ許サレタル場所ニ於テ身體財産ノ保護ヲ受ル向後モ引續キ居住シ且其ノ地ニ於テ平和適法ノ職業ニ従事スルコトヲ得但帝國裁判所ノ管轄ニ服従スヘシ

第二條 前條ニ依リ帝國内ニ居住スル所ノ清國臣民ハ本令發布ノ日より二十日以内ニ其ノ居住地ノ府縣知事ニ申出テ住所職業氏名ノ登録ヲ請フヘシ

第三條 府縣知事ハ第二條ノ登録ヲ受ケタル清國臣民ニ對シ登録證書ヲ交付スヘシ

第四條 第二條登録済ノ清國臣民ハ其ノ居住地ヲ移轉スルコトヲ得但此ノ場合ニ於テハ先ツ其ノ登録證書ニ原居住地府縣知事ノ裏書ヲ受ケ新居住地へ到着後三日間ニ其ノ地府縣知事ニ申出テ更ニ第二條ノ登録ヲ受クヘシ

第五條 府縣知事ハ本令規定ノ登録ヲ請ハサル清國臣民ヲ帝國版圖外ニ退去セシムルコトヲ得

第六條 清國臣民ニシテ帝國ノ利益ヲ害スル所爲アル者犯罪ノ所爲アル者秩序ヲ紊亂スル者又ハ以上ノ嫌疑アル者ハ各法令ニ依テ處分スルノ外府縣知事ハ仍之ヲ帝國版圖外ニ退去セシムルコトヲ得

第七條 本令ハ帝國官廳並ニ臣民ニ雇用セラル、清國人ニモ適用ス

第八條 本令ハ交戦上ノ目的ノ爲ニ帝國軍衙ヨリ在留清國臣民ニ對シ發スル命令處分ニ關スルコトナシ

第九條 本令發布ノ後ニ於テ清國臣民ノ帝國版圖内ニ入ルコトヲ許スハ府縣知事ヲ經テ内務大臣ノ特許ヲ得タル者ニ限ル
第十條 本令ハ發布ノ日より施行ス⁽³⁾

この勅令は外務大臣陸奥宗光の草案を元に作成されたものであったが、この勅令に對し横浜居留地内では清國人と西欧人との両者から各々の利害に鑑み、勅令に反対する動きが起っていた。

総領事報告第五十号 (August 13th, 1894) によれば、マクアイバーは清國人が勅令を遵守せず自己環境を登録することを拒否している理由を次の三点と分析している。

- 一、登録を済ますと日本人と見なされ、対清戦争遂行のため日本人同様に重税を賦課される可能性がある。
- 二、日本の兵役を課せられる危険性がある。
- 三、清國人の希望にかかわらず、勅令第四条により府県知事の許可が得られなければ帰国は差し止められる可能性がある。

また、居留地の欧米人には清國人を料理人などの奉公人や買弁、会計人として雇用している者が少なくなかった。このため登録を嫌って帰国する清國人が続出することによって欧米人社会が受ける影響を非常に懸念し、この勅令の性格に疑惑を抱くものも少なくなかったのである。

こうした登録反対の動きのなかで、マクアイバーは大前提となる

THE CHINESE RESIDENTS IN JAPAN.

PUBLIC MEETING IN YOKOHAMA.

A largely attended public meeting was held in the rooms of the Chamber of Commerce on Thursday afternoon for the purpose of considering the present position of Chinese in the employ of foreign residents. Among those present were Messrs. J. Dodds, David Jackson, J. C. Budd, A. S. Garfi, A. J. Lines, R. D. Robinson, J. T. Griffith, E. Whittall, D. Fraser, J. F. Lowder, P. Syme Thompson, J. D. Hutchinson, A. H. Cole Watson, A. O. Gay, J. Holm, A. Conil, Ryle Holme, J. P. Mollison, James Walter, N. P. Kingdon, W. Ross, W. J. S. Shand, W. W. Tull, R. A. Wylie, H. J. Sharp, E. Leopold, A. J. Wilkin, G. Middleton, M. Kaufmann, C. Weinberger, and others.

ceived by Mr. David Jackson, of the Hongkong and Shanghai Banking Corporation, from Mr. McIvor, the Consul-General of the United States in this port. With your permission I will read it:

Consulate-General of the United States, Kanagawa (Yokohama), Japan.

To DAVID JACKSON, Esq. II. & S. B. C., Aug. 8th, 1894.

DEAR SIR,—I acknowledge the receipt of your communication of 7th August, making enquiry as to the meaning, effect, and application to be made of Imperial Ordinance No. 137 of the Japanese Government. Allow me to explain that my delay in answering your note has been caused by my absence in Tokyo. I would say that I am unofficially but satisfactorily informed that the purpose and intent of Ordinance 137 is simply to require registration in order that the police authorities may know where these non-belligerent subjects are living, their names and occupations, with a view of giving them that protection which the Government of Japan wishes to guarantee to non-belligerents in the interests of humanity.

The purpose of the Ordinance and the required registration seem to have been very generally misunderstood.

Chinese, the Japanese Government would not force those who registered to become Japanese subjects.

Mr. JACKSON—He is perfectly satisfied that all due protection will be afforded them. In a personal interview, Mr. McIvor assured me that the Chinese could rest perfectly assured that they would be efficiently protected by the Government. In answer to another question, Mr. JACKSON said the United States Consul-General had assured him that the Japanese Government would not interfere in any way with any Chinese leaving the country after he was registered. If the Chinese had to leave at a later period he was sure that they would have due notice, twenty days at the least, and no restriction would be placed upon their leaving for home.—(Hear, hear.)

Mr. LOWDER—I beg to move as a resolution, for the approval of this meeting, "That this meeting is of opinion that Chinese residents who elect to remain in Japan are receiving from the

居留清国人問題をめぐって開かれた横浜居留地会議の様態を伝える

"The Japan Weekly Mail" (Aug 11, 1894).

のは清国人の保護であり、自己環境の登録は非戦闘員への警察的保護の必要性から生まれたこと、清国人の自由を干渉したり過重な新税の賦課などありえないことなど、中華会館董事に書翰で回答し、その説得に成功している。しかし、その説得姿勢は日本側の勅令に対する説明とほぼ同一の方向であった。一方、彼は西欧人の抱いた不安を解消するため、八月九日開催された横浜居留地会議へ出席する香港上海銀行のダビッド・ジャクソン David Jackson へも同様の主旨の書翰を送り、同じくその懐柔に成功している。と同時に一般居留民の理解を得るた

め、その会議内容は翌日の横浜の外国語新聞数紙に掲載され、さらに懐柔の契機となったジャクソン宛マクアイバー書翰全文がその記事中に公表されたため、効果は予想以上に上がったようであった。勅令に対するマクアイバーの見解が明確に表わされているジャクソン宛書翰（八月八日付）を次に上げて、当時の居留地内の動向のまとめとしたい。

「拝復 本官は日本政府制定の勅令第三百三十七号に関して、その効果及び適用の意味を質した八月七日付貴翰を落筆致しました事を御報告申上ます。貴翰に関する回答の遅延は、本官出京中にて不在であった事がその理由であります。非公式ながら本官は以下のように満足して回答申し上げます。即ち勅令第三百三十七号の目的と意味するところは、日本政府として人道上から非戦闘員を保護する事を保障する目的で、警察当局が非戦闘員の住所、氏名、職業とを確認しておくために登録を求めたに過ぎないということであります。

該勅令の目的及び必須とされる登録は一般的に極めて誤解されている向きがあるように存じます。日本政府には該勅令に従う清国人を日本臣民とするといった意図も要求も全く無ければ、或る種の課税の意図も全くありません。即ち、日本政府は清国人に從來通りの状態で居留地内に在留を許可しようとしています。いわんや或る種の貿易免許の形式で税を徴収するという意図など存在いたしません。

現状では登録は清国人の身分により差別を生むことはあり得ません。尤も警官が在留清国人に与える保護の程度の差や、登録のための少出費は別として、もちろん日本政府は国際法に認められている如く法令の強制権を

有しておりますし、税の賦課は無いという保障もございませんが、本官の見るところ現在その意向は全く無いと理解しております。本官は敢えて次のようにお伝えいたします。当地の清国人取扱は寛大であり、保護に当たっております。当事務所の偽らざるところ、日本の居留地に残留している清国非戦闘員は完全に保護されており、命令による強制はその保護の目的のために施行されているようであり、このことに本官は満足致しております。

敬具

M. W. McIntyre

Consul-General]

このようなマクアイバーの活動によって、中華会館や欧米商人たちの間では登録を特に厭う動きは鎮静化していったようである。しかし、七百人以上が帰国したとはいえ総数二千名弱の清国人が居留する横浜では、締切一週間前に至っても僅か二百余名が登録を済ませたに過ぎなかった。この事実から、府県に自己の環境を申請し居留のための登録証を得させようとするこの勅令に対し、一般の清国人の間にはその真意に関して根強い不信感があったことは否定できない事実のようである。

さらに注目すべきは、在留清国人の居留必須条件として登録証を与える方法が、明治初年の在留清国人取締方法と類似している点である。具体的にいえば、明治七年に居留地内の清国人取締を目的に整備制定された「在留清国人籍牌規則」が、居留清国人の実態把握のため彼等の自己環境を関係府県へ申告させることを義務づけ、申告済みの者に対して「籍牌」と呼ばれた登録証を与えたことであ

る。この規則は、成立過程で「清国人民取締規則」⁽⁴⁾として審議されていたことから分かるように、個々の清国人の動向を知り、彼等を取り締まる上で大きな役割を演じるものとして期待されていた。その意味から、勅令第一三七号の清国人保護とは、形態としては籍牌規則が制定された明治七年当時に戻すものであった。しかし問題はその内実である。勅令第一三七号の実施にともない、内務省から秘密扱いで発せられた「訓第六〇五」⁽⁵⁾は、登録により日本人になるのではないかと在留清国人の懸念とは逆に、勅令の基本理念として「清國臣民ヲ以テ帝國臣民ト同一ノ國民權アルモノトシテ之ヲ保護スルノ主旨ニアラス」と、明確に述べている。さらに、彼等の地位は戦争によって「普通無條約國人民ニ比スレハ一層制限シタル地位ニ置カレタルモノ」と明記する。すなわち、在留清国人の地位は明治四年に締結された「日清修好条規」締結以前の状態にまで後退を余儀なくされることになったのである。ここには、飽くまでも在留清国人を敵国人として処していこうとする姿勢が、日本側に貫徹されていると言わざるを得ない。この戦争以降、日本各地で倍増されていた中国人蔑視の風潮は、清国に対する日本の戦勝意識に因るところが大きい。その一方蔑視を制度的に形成していった点にも留意しなければならないのではなからうか。

ところで、強制的に帰国させられた人々の中には再度日本への渡航を希望する者も少なくなかったようである。総領事報告第七七号(November 21, 1894)は、国外退去したと思われる清国人が、日本に再渡航する動きがあるとして中華会館が大混乱となったことを

伝えている。中華会館ではこうした事件の発生を防ぐため、マクアイバーに清国人の来日を禁止する回覧の草稿を示し、これを日本向け定期船の発着場がある清国の各開港場に掲示することを依頼している。こうした事実は、戦時下でさえ日本への再入国を希望した清国人が存在したこと、さらに自然の理だが、米清両外交官の合意に因って帰国者選定が行なわれたため清国人社会には反発もかなりあったのではないかということを、今日の我々に伝えてくれている。と同時に、こうした外部からの刺激に瞬時に反応して自らの社会の保全に努めようとする行動のなかに、勅令第一三七号体制の中で横浜居留地の清国人社会が極めてデリケートな集合体になっていたことをも我々に十分想像させるのである。

以上のように、明治二七年後半期に限定されるが今回ここに掲げた在日総領事報告は、日清戦争期の横浜に生きた清国人の姿を知る一史料としてきわめて有益であり、かつ興味深いものである。

〔注〕

- (1) 例えば長崎県立長崎図書館所蔵「日清交戦一件書類」上下（明治二七年六月～明治二八年五月）、東京都公文書館蔵「公使館撤回及保護」〔明治二十七年第一種 官房文書別 外務〕など。
 - (2) 直接この問題を論じた文献として、有賀長雄『日清戦役国際法論』全（陸軍大学校、明治二九）に収録された「第三章、開戦以後日本在留清国臣民ノ保護」。また、本文に紹介しているが拙稿「日清戦争と居留清国人問題——明治二七年『勅令第三百三十七号』と横浜居留地——」〔『法政史学』三六〕。
- 一方、清国に残留した日本人の保護については瀬川善信「日清戦

争における居留民保護問題——在清公館引揚との関連において——」〔埼玉大学紀要〕社会科学編二四）。

- (3) 「勅令第三百三十七、一、帝国内ニ居留スル清国臣民ニ関スル件ヲ定ム」〔国立公文書館蔵『公文類聚』24-11-鑑686〕
- (4) 外務省記録「在留清国人民籍牌規則並ニ実施一件」（外務省外交史料館蔵 3-9-5-1）
- (5) 東京都公文書館蔵「公使館撤回及保護」〔明治二十七年第一種 官房文書別 外務〕

〈史料〉

ここに紹介する史料は、米国公文書館に所蔵されている総領事報告である。本稿では“The National Archives; Consular Despatches: Kanagawa 1861-1897 N. A. 135 Roll 20, Volume 20 January 13, 1893-August 29, 1894. Roll 21, Volume 21 September 3, 1894-June 30, 1896”（神奈川県文化資料館所蔵マイクロフィルム）を利用した。また、No. 47 の付録史料として上げた公使館報告は“The National Archives; Despatches from United Minister of Japan: No. 133, Roll 67.”（横浜開港資料館蔵）を利用した。

今回紹介した史料ナンバーは

- (史料一) No. 47 (August 27, 1894)
- * (付録史料は公使報告 No. 113 (July 23, 1984))
- (史料二) No. 48 (August 6, 1894)
- (史料三) No. 50 (August 13, 1894)
- (史料四) No. 77 (November 28, 1894)

<史料1>

Secretary of State
Aug, 27, 1894

No. 47

Consulate-General of the United States, Kanagawa, Japan,
August 6th, 1894

Mr. N. W. McIvor

To the Department of State.

Subject:

Protectorate over Chinese subjects in Japan:

Abstract of Contents.

Enclosing Minister's instruction and telegram to Consul General; Consul General's instruction to Consul at Osaka and Hiogo and Nagasaki; and Chinese Consul's communication, all relating to the protectorate over the Chinese subjects in Japan.

No. 47

Consulate-General of the United States, Kanagawa, Japan,
August 6th, 1894

Honorable Edwin F. Uhl,

Assistant Secretary of State, Washington, D. C.

Sir:

I have the honor to report that on the 30th day of July I received from the Minister of the United States at Tokio on instruction announcing that our Government would extend its protection to Chinese subjects resident in Japan in case war should be declared between the two nations, a copy of which instruction is enclosed marked "enclosure 1.". Later, on the 1st day of August, I received from the Minister a telegram announcing that a state of war existed, a copy of which is enclosed marked "Enclosure 2.". I gave instruction to the Consuls at Hiogo and Nagasaki in each case on the receipt of instructions from the Minister, copies of my instructions being enclosed marked respectively, "Enclosures 3 and 4". Upon the receipt of the telegram, Enclosure 2, I notified the Chinese Consul at this port that, under instructions received from my Government, I was ready, upon his request, to receive the archives of his Consulate and, whenever he should lower his flag, to extend the Consular protection of the Government of the United States to Chinese subjects within my district, but that, under my instructions, I could assume no judicial jurisdiction over his countrymen.

Several personal interviews followed this communication. I was importuned, at various times, to assume judicial jurisdiction on the ground that our protection without it, would

be, comparatively, of little advantage to the Chinese. I explained that I could only act within the instructions given me by my Government through its Legation, and that in my opinion, under the treaties, it would be impossible for our Government to instruct me to assume judicial jurisdiction without the request or at least consent of the Japanese Government first obtained.

The laws of Japan against gambling and the sale and use of opium are very severe and very strictly enforced. These laws, under the extraterritoriality provisions of the treaties, have not been enforced against the Chinese. I suggested to the Chinese Consul that, before I assumed charge, he should arrange to send all of his countrymen who were known to indulge in these abuses, as well as all disorderly characters apt to stir up a breach of the peace to China. I explained that I made the suggestion simply for the protection of the law abiding portion of the Chinese community since national prejudice was so strong. He fully agreed with me and set about raising a subscription to purchase tickets for those who could not afford to buy them. After I assumed charge, he notified me that he had made a list of 500 objectionable characters and received tickets for them, and that he wished to ship them on the S. S. "Oceanic" to sail August 4th. Since

I had been notified of some attempts to stone Chinese subjects, I demanded of the local authorities, a strong police escort for this party of 500, with 222 who were going voluntarily, from the Chinese temple to the dock. It was readily granted by the authorities, and the whole party went abroad without unpleasant incident, under my supervision and under police protection.

On the 2nd day of August, I received from the Chinese Consul the archives of his Consulate accompanied by a despatch, a copy of which I enclose marked "Enclosure 5".

At the time of the announcement of a state of war there were over 3000 Chinese residents in Yokohama, and about 80 in Tokio and 87 in Hakodate, the other two open ports in my district.

The Chinese Consul has been in the habit of communicating with his fellow-citizens through a committee of five of his most responsible citizens. Since the Chinese, individually, do not seem to understand that they are under Japanese judicial jurisdiction, and with the purpose of cutting off frivolous complaints, I have arranged that this committee is to remain in charge and complaints of Chinese are to be submitted to me only through that body.

I have explained fully to the Japanese Governor of the

Ken (Province) that our Government, because it had assumed a protectorate over the Chinese, must not be understood to have arrayed itself on either side of the contest, that it had assumed the same protectorate over the Japanese in China, and was simply acting as the friend of good order and civilization in offering Consular protection to the non-belligerent subjects of both powers within the territory of the other, that in doing this it was aiding Japan in her effort to show to the world that, even in time of war, her civilization was such as to allow her to follow the suggestions of humanity. He received the statement most pleasantly and the native papers which I have had translated, have given this view great prominence, according to our Government a position of the greatest dignity in the family of the nations.

The Chinese Minister and Consul with their junior officers are here under special police protection requested by me, and expect to remain until the 11th instant.

Prejudice and race hatred runs high amongst the lower classes against the Chinese, but the officials here are all unusually broad-minded and efficient men, and, while I have already had many complaints, I have, as far, found the officials most ready to right every wrong which we had thought of sufficient importance to present.

The Chinese Committee has furnished me an interpreter who is to come to the Consulate General twice a day.

In case difficult questions arise, I shall accept as authority the report of the Government's protectorate under Minister Washburn's administration in Paris, unless varied by instruction from the Department on the Legation.

I have the honor to be

Sir,

Your obedient servant,

N. W. McIvor,

Consul General.

Enclosures;

No. 1. Minister Dun to Consul General McIvor Instruction

No. 80.

No. 2. Telegram-Minister Dun to Consul General McIvor.

No. 3. Instruction-Consul General McIvor to Consul Smithess.

No. 4. Instruction-Consul General McIvor to Consul Abercrombie.

No. 5. Communication from Chinese Consul She' to Consul General McIvor.

[Enclosure No. 1, with Despatch No. 47. Kanagawa]

No. 80.

(Copy)

Legation of the United States

Tokio, July 30, 1894

N. W. McIvor, Esq.,

United States Consul General, Kanagawa (Yokohama)

Sir;

This Legation acting under the authority of the Department of States and with the assent of His Imperial Japanese Majesty's Government, will in the event of war between the Empire of Japan and that of China, take under its protection all subjects of the Chinese Empire residing within Japanese territory.

Under the circumstances, and in the event of war, it will be duty of the Consular Agents of the United States in Japan to give every proper assistance and protection consistent with the functions with which they have been charged, and the proper discharge of their own duties, to Chinese subjects residing within their jurisdictions, but they are not authorized in any case, to exercise jurisdiction in their judicial capacities over Chinese subjects.

Should the business of the Chinese Consulates at the open ports require it, a clerk, or clerks, should be furnished the Uni-

ted States Consulate General and Consulates by the Chinese authorities to perform the clerical work connected therewith, and to act under your direction and that of the Consuls. If requested to do so, you and the Consuls at Hyogo and Nagasaki will take charge of the archives of the Chinese Consulates at your respective ports.

The form of your signature to any certificate issued under this instruction should be as follows;

"Consul General- or Consul- of the

"United States in charge of the

"affairs of the subjects of the

"Chinese Empire at (name of port)".

You will please communicate this instruction to the United States Consuls at Hyogo and Nagasaki.

In the event of war I shall at once notify you of the fact by telegraph.

I am, Sir,

Your obedient servant

(sgd) Edwin Dun

[Enclosure No. 2, with Despatch No. 47, Kanagawa]

(Copy of telegram)

United States Consul General,

Yokohama

Tokyo. 8, 1st, 1894. H8 M5 AM

Japanese Government notifies me state of war exists, you will act on instruction number eighty of July thirtieth.

Dun Minister

[*Enclosure No. 3, with Despatch No. 47, Kanagawa*]

(Copy)

No. 308. July 30, 1894

E. J. Smithess, Esquire,

Consul of the United States,

Osaka and Hiogo.

Sir;

Herewith I enclose for your information a copy of a letter, No. 80 of this date, addressed to me by the Minister of the United States at Tokio, relative to protection to be given to Chinese subjects within this Empire in the event of war between Japan and China.

I am, Sir,

Your obedient servant

(sgd) N. W. McIvor,

Consul General

Telegram

No. 313. Yokohama Aug 1st, 1894.

American Consul, Kobe

Japanese Government notifies Minister Dun State of war exists, you will act on Ministers instruction number 80, copy sent you-

McIvor

Consul General

[*Enclosure No. 4, with Despatch No. 47, Kanagawa*]

(Copy)

No. 309. July 30, 1894.

A. H. abercronsbie, Esquire

Consul of the United States

Nagasaki

Sir;

Herewith I enclose for your information a copy of a letter No. 80 of this date, addressed to me by the Minister of the United States at Tokio, relative to protection to be given to Chinese subjects within this Empire in the event of war between Japan and China.

I am, Sir

Your obedient servant.

(sgd) N. W. McIvor

Consul General

Telegram

No. 312

Yokohama Aug 1st, 1894.

American Consul, Nagasaki

Japanese Government notifies~

Minister Dun state of war exists, you will extend Consular protection to Chinese residents taking charge of archives, but not exercising judicial function. See my mail number 309.

McIvor

Consul General

[*Enclosure No. 5, with Despatch No. 47, Kanagawa*]

N. I. C M Consulate

Yokohama

2nd 7th Moon 20th Year of Kuang Hsü

No. 3

2nd August 1894.

Dear Sir and Colleague;

It was with heartfelt gratitude that I received your despatch of the 30th instant, informing me that you will extend your protection to the Chinese subjects resident in Japan.

Having been instructed by our Minister in Tokio that we are recalled by an Imperial Edict, I have the honor to transmit to you the archives of this Consulate, the Register of the

Names of Chinese subjects in Yokohama and Tsukiji, the Register of the Properties owned by Chinese subjects and a copy of the Forms of Passports to be issued to Chinese subjects entitled to go to the United States, a list of which is herewith enclosed.

Being firmly confident of your high spirit of justice and sympathetic feelings to all without regard to nationality, it gives me great pleasure to think that my country-men are placed under the protection of so efficient a guardian.

I have the honor to be, Dear

Sir and Colleague

your most obedient servant.

(sgd) J. F. Shi

Consul

石 祖 芬

N. W. McIvor, Esquire,

Consul General of the United States of America

Yokohama

List

- | | |
|-----------------------------------|---------------|
| 1. Archives | six cases |
| 2. Register of Names | three volumes |
| 3. Register of Property | two volumes |
| 4. Forms of passport to the U. S. | one copy |

5. Proceedings of unsettled cases seven rolls

(参考史料：在日米国公使報告

1894年7月23日東京発国務省秘書官宛)

Copied Foreign Relations.

THE DEPARTMENT OF STATE
AUG 16. 1894 RECEIVED

No. 113.

Legation of the United States, Tokyo, Japan, July 23, 1894.

Mr. Dun

To the Secretary of State.

Subject:

China's request that her subjects in Japan receive the protection of the United States in the event of a war between Japan and China.

No. 113.

Legation of the United States, Tokyo, Japan, July 23, 1894.

Honorable W. Q. Gresham, Secretary of State, Washington.

D. C.

Sir,

On the 19th instant I was visited by Mr. Wong, the Chinese

Minister at this Court, and informed by him that negotiations for an amicable arrangement of the differences between his government and that of Japan in connection with Korean affairs having failed, war between the two countries was inevitable, and that he had been instructed by his government to request me, upon the withdrawal of the Chinese Legation from Japan, to take charge of the archives of that Legation and to afford the protection of the United States to such Chinese subjects as should remain in Japanese territory after the commencement of hostilities between the two countries.

I informed Mr. Wong that a similar request had been made of my government by Japan in behalf of Japanese subjects in China, and that, doubtless, my government would be willing to use its good offices in Japan for the protection of China's archives and subjects, provided the Japanese government should give its assent to the arrangement. At the same time I took occasion to explain to my colleague the nature of the protection that could be afforded, and to make this clear to him referred to Mr. Washburn's action in Paris during the Franco-German war of 1870, which had met with the approval of my government.

I informed him that our Consuls could not assume judi-

cial jurisdiction over Chinese subjects in any case, and that the protection would be in the nature of friendly intervention in case such intervention should become necessary to protect his nationals in person and property from hardship or harsh treatment.

After my interview with Mr. Wong, I at once visited the Foreign Office here and, in the absence of Mr. Mutsu, was received by Mr. Hayashi, Vice Minister for Foreign Affairs.

I informed Mr. Hayashi of the conversation I had had with Mr. Wong, and asked him if the Japanese Government would consent to the protection asked for by the Chinese Minister being afforded. Mr. Hayashi replied that his government would be much gratified if the United States would afford the protection asked for by China, particularly so, as his government would, that day, instruct the Japanese representative at Peking to make a similar request of Mr. Denby, our chargé d'Affaires at that Court, in behalf of Japanese residents in China. Mr. Hayashi further informed me that, in his opinion, war was inevitable, and that hostilities might begin at any moment.

Upon my return from the Foreign Office, I despatched to you my cypher telegram of the 19th instant, the reading of which I have the honor to enclose herewith.

Being ignorant of instructions that you may have sent Mr. Denby relative to our protection of Japanese in China, and in order to prepare him for the request that I knew would be made of him that day. I deemed it prudent to inform him, in advance, of the request that the Japanese representative was instructed to make of him. I therefore despatched to him a cypher telegram the reading of which I have the honor to enclose herewith.

Since the 19th the situation has not changed materially and, as negotiations between Japan and China are not entirely suspended, I am not devoid of the hope of a peaceful settlement of the differences between the two countries.

I have the honor to be

Sir

Your obedient Servant.

Edwin Dun

Enclosures;

1. Reading of telegram to the Secretary of State, dated July 19.
2. Reading of telegram to Mr. Denby, dated July 19.

[*Enclose 1 with Mr. Dun's No. 113.*]

Reading of a cypher telegram transmitted to the Secretary

of the State on July 19, 1894.

Tokio, July 19, 1894.

Gresham, Washington.

A war between Japan and China seems inevitable. Chinese Government requests me to take Chinese in Japan under the protection of the United States. Japan consents. Will you authorize me to do so. Denby will be requested to-day by Japanese Government to protect Japanese in China.

"Dun".

[*Enclose 2 with Mr. Dun's No. 113.*]

Reading of a cypher telegram transmitted to Mr. Denby, Chargé d'Affaires at Peking.

Tokio, July 19, 1894.

Denby, American Minister Peking.

You will be requested to take under the protection of the United States Japanese in China. Our government will consent if Chinese government will consent.

"Dun".

Telegram Received in Cipher.

From Tokio

July 24, 1894.

Ans'd by tel July 26.

Asked by mail July 30.

(注: 書き込み)

Received 9. 06. A. M.

Jul 28 1894.

Gresham.

Washington.

Japanese Minister at Washington D. C. has been recalled. Kukino (栗野か?...編者注) has been appointed. Sails for the United States August third. The change is made to facilitate negotiations of the treaty.

Dun.

<史料 2>

No. 48.

Consulate-General of the United States,

Kanagawa, Japan, 6th August, 1894.

Mr. N. W. McIvor,

To the Department of State.

Subject :

Rights and duties of Chinese subjects in Japan.

Abstract of Contents

Enclosing "Imperial Ordinance" defining the rights and duties of Chinese subjects remaining in the territory of Japan.

No. 48.

Consulate-General of the United States,

Kanagawa, Japan, 6th, August, 1894.

Honorable Edwin F. Uhl

Assistant Secretary of State, Washington, D. C.

Sir;

Since the accompanying despatch, Number 47, was written, the English daily paper which is supposed to be the official organ of the Japanese Government, has published an "Imperial Ordinance" defining the rights and duties of Chinese subjects remaining in the territory of Japan, copies of which ordinance, in duplicate, I have the honor to enclose for the information of the Department.

I have the honor to be,

Sir,

your obedient Servant

N. W. McIvor

Consul General

Enclosure; _____ As above

[*Enclosure with Despatch No. 48, Kanagawa,*]

IMPERIAL ORDINANCE

We hereby give Our Sanction to the following Regulations relating to Chinese subjects living in the Empire, and order the same to be promulgated.

(His Imperial Majesty's Sign-manual)

(Privy Seal)

Dated August 4th of the 27th year of Meiji

(August 4th, 1894).

(Countersigned)

Count Iro Hirobumi, Minister President of State; Count Inoue Kaoru, Minister of the Interior; Mutsumune Munemitsu, Minister for foreign Affairs; Yoshikawa Akimasa, Minister for Justice.

Imperial Ordinance, No. CXXXVII

Art. I. _____ Chinese subjects may, in accordance with the provisions of the present Regulations, enjoy the protection of their persons and property in those places in the Empire in which they have hitherto been permitted to reside, and may in future continue to reside in those places and to pursue peaceful avocations, provided that they shall be required to submit to the jurisdiction of the Imperial Courts of Law.

Art. II. _____ Chinese subjects who, in accordance

with the foregoing provision, intend to reside in the Empire, shall, within a period of twenty days computed from the day on which the present Regulations have been promulgated, notify the fact to the Governor of the Fu or the Ken in which they reside, and the name, residence, and avocation of every such Chinese subject shall be registered.

Art. III. _____ Every Chinese subject duly registered shall receive a certificate from the Governor of the Fu or the Ken in which he resides.

Art. IV. _____ Any Chinese subject registered in accordance with Art. II. may change the place of his abode, provided that in this case he shall first obtain on his certificate the indorsement of the Governor of the district he is leaving, and on his arrival in the district in which he intends to reside he shall, within three days, notify the fact to the Governor of that district and shall register in the new district in accordance with Article II.

Art. V. _____ Governors of Fu or Ken may cause Chinese subjects who do not register in accordance with the present Regulations to withdraw from the Japanese dominions.

Art. VI. _____ In case any Chinese subject should act in a manner detrimental to the interests of this Empire, or should be guilty of violating the laws of this Empire, or

should act in a manner prejudicial to the maintenance of good order, or should be suspected of any of the foregoing offences, the Governor of the Fu or Ken in which he resides has not only the power of taking ordinary legal proceedings against any such Chinese subject, but may, if he think fit, cause him to withdraw from the Japanese dominions.

Art. VII. _____ The present Regulations shall extend to those Chinese subjects who are employed in Government Offices or by subjects of the Empire.

Art. VIII. _____ The present Regulations are not connected with those orders which, for belligerent purposes, military officers of the Empire may issue concerning the Chinese subjects resident in the Empire.

Art. IX. _____ Subsequent to the issue of these Regulations, no Chinese subject shall be permitted to effect an entry into the Japanese dominions, except in the case of those who, through the medium of a Local Governor obtain a special license for such an entry from the Minister of the Interior.

Art. X. _____ The present Regulations shall come into force on the day of their promulgation.

<史料 3>

3RD ASSISTANT SECRETARY,
SEP 12 1894

No. 50.

Consulate-General of the United States,

Kanagawa, Japan, August 13, 1894.

Mr. N. W. McIvor

Aug 9/4/94

To the Department of State.

Subject:

Chinese subjects in Japan under American Consular Protection.

Abstract of Contents.

Encloses copies of Imperial Ordinance of correspondence with Chinese local committee, and of report of meeting of foreign residents, relative to registration of Chinese.

No. 50.

Consulate-General of the United States,

Kanagawa, Japan, August 13, 1894.

Honorable Edwin F. Uhl,

Assistant Secretary of State, Washington, D. C.

Sir;

I have the honor to report my further action in the matter

of the Chinese protectorate as follows:—

On the 4th of August the Japanese Government promulgated an Imperial Ordinance relative to Chinese residents, unofficial press copies of which I had the honor to enclose with my despatch No. 48, under date August 6th, 1894. This Ordinance seemed to me to be most humane and generous in its provisions, but the translations appearing in the several foreign papers all differed and none were official, I, therefore, refused, upon the request of Chinese and their American and English employers, to give an opinion as to the requirements of the Ordinance until I had received an official translation. The most ridiculous and unfounded statements were made, ever amongst foreigners, as to the requirements of the Ordinance, and the Chinese refused to register under it.

The three leading points on which the Ordinance was very generally misunderstood, even by foreigners, owing, I suppose, to the great difficulty in securing an accurate translation from Japanese into English (I have never known two translators to reach the same result) were, that by submitting to the requirement for registration, Chinese subjects would, 1st become liable to heavy taxes levied to carry on the war with China; 2nd would become Japanese subjects liable to military service; 3^d would, under Article 4, be unable to leave the

country later, if they should wish to do so, without the consent of the Governor of their prefecture. On the first point, I had private assurances from officials before writing any communication, and the second and third points of objection were such patent misconstructions as to require us assurance to place me in a position to answer them.

The Chinese had been instructed by their retiring Consul that they must take their orders and counsel from me. I explained to the Japanese officials, with the kindly and active assistance of our Minister, acting unofficially, that I could not promulgate an Ordinance as to the contents of which, I had no certain information; that I recognized that the **execution** of the Ordinance was a matter of judicial jurisdiction with which I had nothing to do, but the **notification** of it to the Chinese was a Consular matter which could be best effected through the officials whom the Japanese Government had consented should act as the medium of communication. The only objection raised by the officials was that it established a precedent against the full validity of publication in their own language in their "Official Gazette". I thought that no precedent would be raised except in cases where a protectorate existed, because it was solely in the ground of the protectorate that the request for the translation was made and

the granting of it could be made a precedent for no general requests. I called attention to the fact that the purpose of the Ordinance was, as far as I knew, a humane and charitable one but it did fix penalties for failure to comply with its terms, and its very charity and generosity would be defeated if every effort was not made to bring its provisions to the knowledge of those affected by it, who, under the new conditions, had no national representative and were almost all unable to understand Japanese. The point was conceded and orders were issued from the Foreign Office to local officials (Governors) to furnish to United States Consular officers official translations of all acts affecting the Chinese upon their taking effect. I received two translated copies of the Ordinance from the Governor of this Ken, one of which I enclose marked "Enclosure 1-". Upon receipt of these copies on the 8th day of August, 1894, I addressed two official communications (Nos. 340 and 341) to the Committee of the Chinese residents, copies of which I enclose marked "Enclosure 2-". As I have said, the Chinese, being let to believe that the Ordinance was most unfavorable to them, were preparing to leave the country to avoid registration. This more greatly concerned the foreign business men; since almost all the business houses here depend upon Chinese compradores

and accountants, and a meeting of the foreign Bankers and merchants was called to "consider the situation as to Chinese". I had some reason to believe from remarks that I had heard, that the meeting would develop into a sort of general criticism of the Japanese Government, in very insufficient and mistaken information; and, wherever I came in contact with American merchants, I advised their staying away, which, I believe, they did. Before the calling of this meeting was mooted, the Hongkong and Shanghai Banking Corporation had addressed a letter to me, as the local official representing the protectorate, asking for information as to the force and effect of the Imperial Ordinance. Having received the official translation, I replied by giving the Bank my construction of the Ordinance and such information as I had. After the meeting had been called the manager of the Bank addressed a note to me asking if I had any objection to his reading my letter at the meeting. I replied that I had no objection to his giving such publicity as he might see fit to the letter provided it was given in its entirety. The meeting was held on the afternoon of the 9th, I enclose press copies of the proceedings of the meeting, marked "Enclosure 3", from which you will see that the reading of the letter, closed the meeting very pleasantly, much to the satisfaction of the Japanese officials. I have since

received an unofficial note from Minister Dun stating that the acting foreign minister of the Japanese Government specially authorized him to say to me that I could officially make such a statement as was made in the letter as to the Government's intention in the matter of taxing the Chinese.

I have the honor to be,

Sir,

Your obedient servant,

N. W. McIvor,

Consul General

Enclosures:—

No. 1— Translation copies of the Imperial Ordinance.

No. 2— Copies of letters from Consul General McIvor to the Committee of the Chinese residents.

No. 3— Press copies of the proceedings of the meeting of Bankers and Merchants, held Aug. 9th -94.

[*Enclosure No. 1- Despatch No. 50 Kanagawa.*]

We hereby sanction the present Regulations relating to Chinese subjects residing in Japan and order the same to be promulgated.

(Privy Seal) (H. I. M's, Sign. Manual)

The 4th day, the 8th month, the 27th year of Meiji.

((Countersigned)

Count Ito Hirobumi,

Minister President of State.

Count Inouye Kaoru,

Minister of State for Home Affairs.

Mutsu Munemitsu,

Minister of State for Foreign Affairs.

Yoshikawa Akimasa,

Minister of State for Justice.

Imperial Ordinance No. 137.

Art. 1. Chinese subjects are authorised, subject to the provisions of this Ordinance, to continue to reside in these places in Japan where they have hitherto been permitted to reside and there to engage in all peaceful and lawful occupations with due protection of life and property, and subject to the jurisdiction of Japanese Courts.

Art. 2. Chinese subjects residing in Japan in accordance with the Preceding Article shall, within twenty days after the promulgation of this Ordinance, apply to the Governor of the prefecture where they reside, to register their residences, occupations and names.

Art. 3. Certificates of registration will be issued by the Governors of prefectures to Chinese subjects who register themselves in pursuance of the preceding Article.

Art. 4. Chinese subjects who register themselves according to Art. 2 shall be entitled to change their places of residence provided they obtain from the Governor of the prefecture where they are registered, visas upon the certificates of registration and apply to the Governor of Prefecture of their new residence within three days after arrival to be re-registered as prescribed by Art. 2.

Art. 5. The Governors of Prefectures may expel from the territories of Japan, Chinese subjects who fail to register themselves as required by this Ordinance.

Art. 6. Chinese subjects who injure the interests of Japan, commit offences, or disturb order, or are suspected of any of the above acts, shall, in addition to the penalties denounced for such acts, be liable to expulsion by the Governors of Prefectures from the territories of Japan.

Art. 7. The present Ordinance applies to Chinese subjects employed by the Japanese Government on subjects.

Art. 8. The present Ordinance does not affect the orders and measures of the Imperial Military Authorities which

may be issued against Chinese subjects residing in Japan in connection with warlike matters.

Ast. 9. Permissions to Chinese subjects to enter the territories of Japan after the promulgation of this Ordinance shall be limited to those specially granted by the Minister for Home Affairs through Governors of Prefectures.

Art. 10. The present Ordinance shall be enforced from the date of promulgation.

[*Enclosure No. 2- Despatch No. 50.*]

Copy

No. 340

United States Consulate-General,

Kanagawa, (Yokohama), Japan,

August 8th, 1894.

To the

Chinese Consular Committee representing Chinese residents of Yokohama.

Gentlemen;—

You are hereby notified that an Imperial Ordinance has been issued by the Japanese Government defining the rights and imposing certain duties, with regard to registration, on Chinese subjects remaining in the territory of Japan as non-

belligerents.

The Ordinance referred to is in the following words;—

“Imperial Ordinance No. 137.”

(注; Enclosure No. 1-Despatch No. 50と同様のため略す。)

You will see that the principal requirement made by the Ordinance is that Chinese subject shall register in the local Kencho office, giving their residences, occupations and names. I feel assured that this is required solely to allow the authorities to give that police protection which the Japanese Government wishes to afford to non-belligerents within her territory.

While, of course, the Imperial Government reserves its right, within the limits of International law and Comity, to make later enactments, or applications of this Ordinance, there is in this Ordinance, or covered by it, no intention to interfere in any way with your freedom or to impose any tax which you do not now pay.

I am satisfied that the Ordinance is enforced for your own protection. I, therefore, request that you take steps to see that every Chinese resident of Yokohama complies with the requirements of this Ordinance, as soon as possible, by applying for registration at the Kencho. Blank forms of application have been prepared and will be furnished to each applicant

at the Kencho.

Let me say that I consider it important that the requirements of the Ordinance be complied with promptly.

I am, Gentlemen,

Your obedient servant

(sgd) N. W. McLvor,

Consul General of the United States of America. In charge of the affairs of the subjects of the Chinese Empire at yokohama, (Kanagawa), Japan.

(Copy)

No. 341.

August 8th, 1894.

To the Chinese Consular Committee representing Chinese residents of Yokohama.

Gentlemen;—

It occurs to me to say in explanation of my communication of date today that there is no intention on my part to guarantee that no taxes will be levied on Chinese residents by the Japanese Government in the future. I would simply express the opinion that there is no such present understanding

or intention on the part of the local officials of the Japanese Government.

I would, also, add, since I understand that there is a misconception as to the meaning of the Imperial Ordinance that, there is not the slightest intention to force Chinese residents into the military service of the Japanese Government.

I am, Gentlemen

Your obedient servant

(sgd) N. W. McLvor

Consul General of the United States of America. In charge of (the affairs of 予) the subjects of the Chinese Empire at Yokohama (Kanagawa), Japan.

[*Enclosure No. 3- Despatch No. 50, Kanagawa.*]

(8月10日付新聞切抜史料……編者注)

FOREIGN MERCHANTS AND

THE CHINESE IN YOKOHAMA.

NOTE OF CONFIDENCE IN

THE JAPANESE GOVERNMENT.

A meeting of foreign bankers and merchants was held at

keil's Buildings yesterday afternoon (Aug. 9, 1894……書き込
ず) to consider "the present position of Chinese now in their
employ".

Among those present were: Messrs A. O. Gay, E. Leopold,
J. D. Hutchinson, L. Polford, T. J. Morris, J. Whittall, J. T.
Griffin, R. D. Robinson, J. Dodds, A. S. Garfit, M. H. R. Harris,
G. Syme Thomson, D. Fraser, N. P. Kingdon, J. F. Lowder, W.
G. Bayne, A. H. Cole Watson, D. Jackson, B. Howard, W. W.
Till, W. Ross, W. J. S. Shand, James Walter, J. P. Mollison,
C. P. Low, B. Sharp, G. W. Middleton, G. H. Allcock, O. Voigt,
A. J. Wilkin, H. J. Hohn, C. Weinberger, Kyle Holme, A. J.
Lines, M. Kaufmann and others.

On the motion of Mr. Kingdon, seconded by Mr. Shand, Mr.
Jackson was asked to take the chair, but as he was disin-
clined to do so, Mr. Dodds was moved to the chair by Mr.
Hutchinson, and took his seat.

The Chairman, having read the notice calling the meeting
said; In consenting to occupy the chair on this occasion I do
so simply to facilitate business. Hear, hear. For I think since
the meeting was decided upon the question has more or less
resolved itself and the position is now pretty clear. The Ja-
panese Government I think are quite within their rights in
promulgating the Ordinance as they have done. Of course it

was quite in their power to expel Chinese residents from the
country altogether, but recognizing the hardship and the many
inconveniences that this course would involve, they offered to
allow Chinese to remain on certain conditions. They are to ren-
der themselves amenable to Japanese law and they are invited
to register, so that the Japanese Government may be able to af-
ford them due protection. Those terms I think cannot be called
otherwise than liberal. As an employer of Chinese myself I
have advised my Chinese employees to accept the terms and
to register accordingly, but I understand that there are strong
fears among the Chinese generally, although I think they are
groundless or in any case they are exaggerated. I believe,
however, it might be reassuring to that section of the Chi-
nese if we adopted a suggestion I have heard made previous
to this meeting: that we appoint a Committee here from the
gentlemen assembled to confer with the American Consul
when necessity appears to arise in order to afford them addi-
tional protection. I therefore would open the discussion by
proposing that we appoint such a Committee from the mee-
ting now assembled. The question is now open to discussion
and to expression of opinion from those present.

Mr. Mollison- I think all present will agree with the re-
marks of the Chairman that everything that has been done

is liberal on the part of the Japanese. But before the discussion commences I think that an expression of opinion should be taken as to whether the members of the press should be allowed to remain. I merely put the question without saying anything further. I think you will all understand the reason.

The Chairman-That is a question for the meeting to decide.

Mr. Mollison- I have not made a proposition; I merely put it as a question.

The Chairman- It is for the meeting to say whether the pass should remain and report the proceedings or should retire. If any gentleman has anything to say on the subject we shall be glad to hear him, otherwise I shall put the question to the meeting.

Mr. Kingdon- I am rather of opinion that the press ought to remain; otherwise we shall have rumors and false reports as to what is passing here and we are not likely to say or discuss anything that is likely to give offence. Moreover the Japanese press ought not to have an opportunity of publishing false reports as to our meeting.

Mr. Bayne seconded the proposal that the press should be allowed to remain.

The Chairman- Personally I quite agree with the remarks that have fallen from Mr. Kingdon and that have been seconded by Mr. Bayne, but the matter is open to discussion and amendment.

Mr. Lowder- I think what this community has to complain of is not representation by the press but misrepresentation, and I believe this meeting is very glad to see the papers represented to-day.

Mr. Kingdon's proposal was put to the meeting and carried on a show of hands by a large majority.

The Chairman- As bearing on the question before the meeting Mr. Jackson has handed me a letter from Mr. McIvor, the U. S. Consul-General, which reads as follows; 15

Aug. 8th, 1894.

Dear Sir,- I acknowledge the receipt of your communication of 7th August, making enquiry as to the meaning, effect and application to be made of Imperial Ordinance No. 137 of the Japanese Government. Allow me to explain that my delay in answering your note has been caused by my absence in Tokyo. I would say that I am unofficially but satisfactorily informed that the purpose and intent of Ordinance 137 is simply to require registration in order that the police authorities may know where these non-belligerent subjects are living,

their names and occupations, with a view of giving them that protection which the Government of Japan wishes to guarantee to non-belligerents in the interests of humanity.

The purpose of the Ordinance and the required registration seem to have been very generally misunderstood. There is no intention or desire that the Chinese by submitting to it shall become Japanese subjects. There is no intention of imposing a tax; the Japanese Government even going so far as to allow them still to hold land in the Settlement under the conditions under which they have held it in the past. It is not intended even to impose a tax in the form of a trade license.

The registration then for the present will make no difference whatever in the status of the Chinese, except that the police will give them the better protection, and except a small registration fee which they will have to pay. Of course the Japanese Government reserves the right to enforce such later enactments as International Law may permit, and they do not guarantee that they will not impose taxes later, but as I understand it, they have at the present time no such intension. I would say that I am satisfied that their action as to Chinese here has been most generous, and that the honest wish of the officials is that non-belligerent Chinese within the territory of Japan shall be thoroughly protected, and every force

which they have at their command, I believe, will be used for the purpose.

I am, Sir,

Yours respectfully,

N. W. McIvor,

Consul-General.

Applause followed the reading of the letter.

Mr. Lowder- I think the letter you have just read ought to assure the minds of even the most unbelieving Chinamen and that in the present circumstances it would be quite undesirable to appoint any Committee to confer with the U. S. Consul-General. I consider the communication quite satisfactory from every point of view...(Applause).

Mr. Gay- I quite agree with Mr. Lowder, and I believe the Chinese only want an assurance from us here present that they are quite safe. They do not know themselves, and if the foreign merchants and bankers give expression to that opinion ... that the Chinese have nothing to fear and had very much better remain as, I believe, their employers mostly advise them to do, then I think that is all we ought to do here...(Applause).

The Chairman- In moving the appointment of a Committee I was only adopting a suggestion I heard outside and bring-

ing the question to a direct issue. I was not entirely in favor of a Committee myself, I simply wished to bring the question to a practical issue. I think that the protection promised by the Japanese is quite sufficient and I have advised my Chinnamen at all events to accept it.

Mr. Whittall did not think it was necessary to go on with the meeting any longer...(applause).

The Chairman-I think the meeting would be glad to hear any gentleman who holds contrary opinions; because they may open out difficulties that have not been apparent to those who think that the Ordinance promises everything that can be desired.

Mr. Walter-I think this meeting ought to urge upon the Chinese the advisability of registering. They think that if they register as Japanese subjects they cannot afterwards leave the country should they wish to do so. They are afraid that when they want to leave they will not be able to do so, and if this meeting assures them that they ought to register at once they will do so and the difficulty will be at an end. They have not registered up to now because they are afraid.

Mr. Whittall-Registration does not make them Japanese subjects, but is only to show where they may be found. I think if they were informed by their employers that they were

not Japanese subjects, but are simply to be registered for their own protection they would see the matter in its proper light.

The Chairman-It merely makes them amenable to Japanese law.

Mr. Mollison suggested that a translation of Mr. McIvor's letter be made and circulated among the Chinese as quickly as possible.

Mr. Budd brought forward a question as to whether the Chinese would be placed strictly under Japanese law, and instanced the consumption of *chandu* (opium) as a case in point, but subsequently withdrew his remarks.

Mr. Kingdon-Does the letter in any way explain that the American Consul affords certain protection to the Chinese in accordance with the first opinion that we had about it? Is he satisfied that that will be the action of the Japanese Government with regard to the Chinese?

Mr. Jackson-He is perfectly satisfied that the Japanese Government extends protection.

Mr. Lines-I have the personal assurance of Mr. McIvor that that will be the case. Whilst the Government do not absolutely guarantee, the Chinese may rest quite assured of their protection.

Mr. Jackson-Mr. McIvor also assures me that the question

of registration will not in any way interfere with the action of Chinese subjects ; if they wish to leave they may. If they do not register they must leave in 20 days.

Mr. Lowder- I beg to move a resolution : "that this meeting is of opinion that Chinese residents who elect to remain in Japan are receiving from the Japanese Government every assurance and every protection that can possibly be required by international law... (Hear, hear and applause).

Mr. Fraser seconded the proposal.

The Chairman- I think if that resolution is adopted it will dispose of the whole question that is before us to-day, and it will be for us to assure the Chinese in our employ that that is our opinion and to communicate to them Mr. McIvor's letter. I think that ought to allay all fears they may have of undue interference.

Mr. Kingdon suggested that the press should have the letter of Mr. McIvor printed in large type, and circulated among the Chinese employees so that the latter might take it as a guarantee of the U. S. Consulate.

The Chairman- I see no objection to that course, and may remark that beyond the letter which Mr. McIvor has written officially he has written another in which he says he has no objection to our giving publicity to his former note.

Mr. Lines- There is an important point to be noted, namely: that the Japanese reserve the exercise of their belligerent rights ; to-morrow or the next day or immediately after the expiry of the 20 days registration, they may enforce them upon the Chinese, forcing them either to become Japanese subjects or to leave the country. I think we ought to have an assurance that Chinese can remain in our employ so long as they do nothing against the laws of the country. Take out various firms and I think you will find that our Chinese are inoffensive people. All that they want is an assurance that they may remain here. In a personal interview with Mr. McIvor he tells me that the Japanese are exceedingly generous. I acknowledge it. I admit that they have done all in their power ; that they will exercise no harshness against the Chinese and that they have issued the most stringent regulations to their police officers to protect the Chinese. Can we ask more ? I say yes, we can. We can ask that Chinese in our employ may be allowed to remain with us so long as they are peaceably disposed and orderly. I think that could be put from this meeting.

The Chairman- I think with the assurance given by Mr. McIvor's letter we should be pushing the Japanese government a little too far. I should be personally against that course. I th-

ink they have shown themselves so reasonable hitherto that in the event of emergencies rendering it necessary that the Chinese should leave Japan they would give fair notice, and I do not think we can ask any more than they have already promised. I think we should be pressing them too far... (Hear, hear and applause)... and I do not think that would be wise or politic.

Mr. Lines- I agree with your remarks with this exception, that the meeting should not have been held unless we were prepared to go further: otherwise there was no reason for calling it. We do nothing but ascertain among ourselves our private opinions. That is not sufficient.

The Chairman- That is precisely what I said in my opening remarks; that now that sufficient light had been thrown on the situation there was no necessity for the meeting, but that as it had been called it would be just as well to go on with it and come to some conclusion. Really I do not think there was any necessity for calling it.

Mr. Lines- I propose with all deference that the meeting has been called unnecessarily and that the proceedings should be annulled.

The remarks of Mr. Lines had been received with increasing disfavor, and some one now called out "You won't get a se-

conder for that".

The Chairman- I do not think it is possible to annul what has already taken place and is already on record. I think the situation has been made much clearer by the holding of the meeting. We had not before us Mr. McIvor's letter, which has cleared the position very much. I think we may now assure our Chinese employees that they are likely to meet with every consideration at the hands of the Japanese authorities if they comply with the orders issued...(Applause).

Mr. Gay thought they had nothing to do now but to vote on Mr. Lowder's proposition.

The Chairman put the resolution to the meeting and it was carried new. con., several present abstaining from voting.

The Chairman declared that this terminated the proceedings, but Mr. Lowder, who was at first indistinctly heard, remarked with reference to the remarks that had fallen from Mr. Lines: I may say the action of the Japanese Government is quite in accordance with international law. They have shown themselves to be thoroughly well advised on the points of international law, and if ever the time should come when it is desirable to give the Chinese residents in Yokohama or Japan notice to leave, they may depend I think on at least one month's- possibly six months' notice (Applause).

A vote of thanks to the Chairman on the motion of Mr. Bayne brought the proceedings to a close.

<史料 4>

No. 77.

Consulate-General of the United States,

Kanagawa, Japan, November 28, 1894.

Mr. N. W. McIvor

To the Department of State.

Subject :

Chinese residents of Yokohama.

Abstract of Contents.

Transmits and explains copy of circular issued by local committee of Chinese residents warning certain of their countrymen against returning to Japan.

No. 77.

Consulate-General of the United States,

Kanagawa, Japan, November 28, 1894.

Honorable Edwin F. Uhl,

Assistant Secretary of State, Washington, D. C.

Sir :-

I have the honor to report further in the matter of the Protectorate over Chinese residents.

Referring to that clause of my report No. 47 under date 6th August, 1894, (page 3) in which the reasons are given for my suggestion made to the retiring Chinese Consul that those members of the Chinese community here whom he considered liable to cause a breach of the public peace, be sent to China, and in which the statement was made that the Consul (through instruction to the Guild or Committee) had voluntarily acted upon the suggestion and had caused many of his nationals to be sent to China;

I would say that the Committee has been much disturbed by the return of some of these persons, and submitted to me a draft of a notice which they wished to circulate in Chinese ports from which regular steamers sail to Japan, and wished me to forward to our Consuls in such ports, a copy of this draft is enclosed marked "Enclosure 1".

I objected to the form of the notice, as submitted, on the ground that I did not conceive that the assumption of the protectorate conferred upon me authority to issue instructions or orders to any Chinese subjects, and because I could not refuse the use of my good offices in behalf of any Chinaman

needing them on the ground stated, that the Guild had once paid his passage to China.

In the interest of good order, I was in sympathy with the purpose of the Committee, and suggested another form of the notice, which was adopted and issued by the Committee of the Guild.

I enclose a copy of this notices with translation attached, marked "Enclosure 2".

I have the honor to be,

Sir,

Your obedient servant

N. W. McIvor,

Consul General.

Enclosures;—

No. 1 Copy of a draft of a notice submitted by the Chinese Committee.

No. 2 Copy of the notice adopted and issued with translation.

(Copy)

[*Enclosure No. 1 with Despatch No. 77, Kanagawa.*]

Notice

We have received instructions from N. W. McIvor Esquire, U.

S. Consul General to notify all the Chinese, who have obtained their passage home from the Guild. If they should return to Yokohama we (the Committee) cannot protect them, for the Guild has given no passage money to no one except a vagrancy or a rowdy or no their own confession.

Should any of such person or persons may wish to return to Yokohama they better not waste their return passage for such person never could obtain his registration.

The following are the regulations;—

- 1.
- 2.
- 3.
- 4.

The Chinese Guild at Yokohama

Dated Kuang hsi 20th year oct.

[*Enclosure No. 2 with Despatch No. 77, Kanagawa.*]

茲奉

美理憲來文內開凡前者在中華會館領給川貨發遣回籍並違犯右錄五款論禁者欲來本埠概不允保護立即拘逐離境免至滋擾地方等情奉此理合佈告各 梓里知悉倘日前曾在本會館領貨回籍或犯新章及來埠無事業之人切不可來演庶免耗費來往川貨各宜自愛是所厚望

右錄 美理憲論禁諸款

一、凡販賣鴉片烟及吸食之人不准來埠

一、凡賭博爲生之人不准來埠

一、凡向買劄贓私貨之人不准來埠

一、凡游手好閒無業無靠之人不准來埠

一、凡不守正業即不遵約束之人不准來埠

光緒二十年拾月 日本橫濱中華會館謹佈

[*Enclosure No. 2 with Despatch No. 77, Kanagawa.*]

NOTICE

TO CHINESE SUBJECTS INTENDING TO
RETURN TO JAPAN

The Chinese Guild of Yokohama states that at the time, of the breaking out of hostilities between China and Japan, a large number of Chinese residents was sent to China at the expense of the Guild; this number included those engaged in the importation, sale or use of opium, those associated with a lettery or any gambling enterprise, these engaged in handling or dealing in stolen goods, these without employments and likely to become objects of charity, and these who were considered disorderly characters liable to cause a breach of the public peace.

The Guild learns that many of this number now intend to

make an effort to return to Japan, and, with the view of saving them the expense of a useless voyage, it assures them that they will, in all probability, be deported or forced to return to China upon their arrival here, since the good offices and assistance both of the Guild and of the United States Consul General, who is now in charge of the interests of Chinese subjects here, would be refused to any such applicant for a Japanese permit to remain.

Yokohama, Japan, November, 27th, 1894.