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Folder 24

(29)

刑事訴訟第 審卷宗

首都高等法院

最 初 號	民 國 年 字 第 號
本 院 號	民 國 年 字 第 號

案 由

受東京國際法  
庭中國檢察官  
囑託訊問筆錄

主 任	原 審 法 院
推 事	
金 世 鼎	
官 記 書	
明 漢 斌	
檢 察 官	

受  
護  
人

殷汝耕

人

辯  
護  
人

附帶民事訴訟原告

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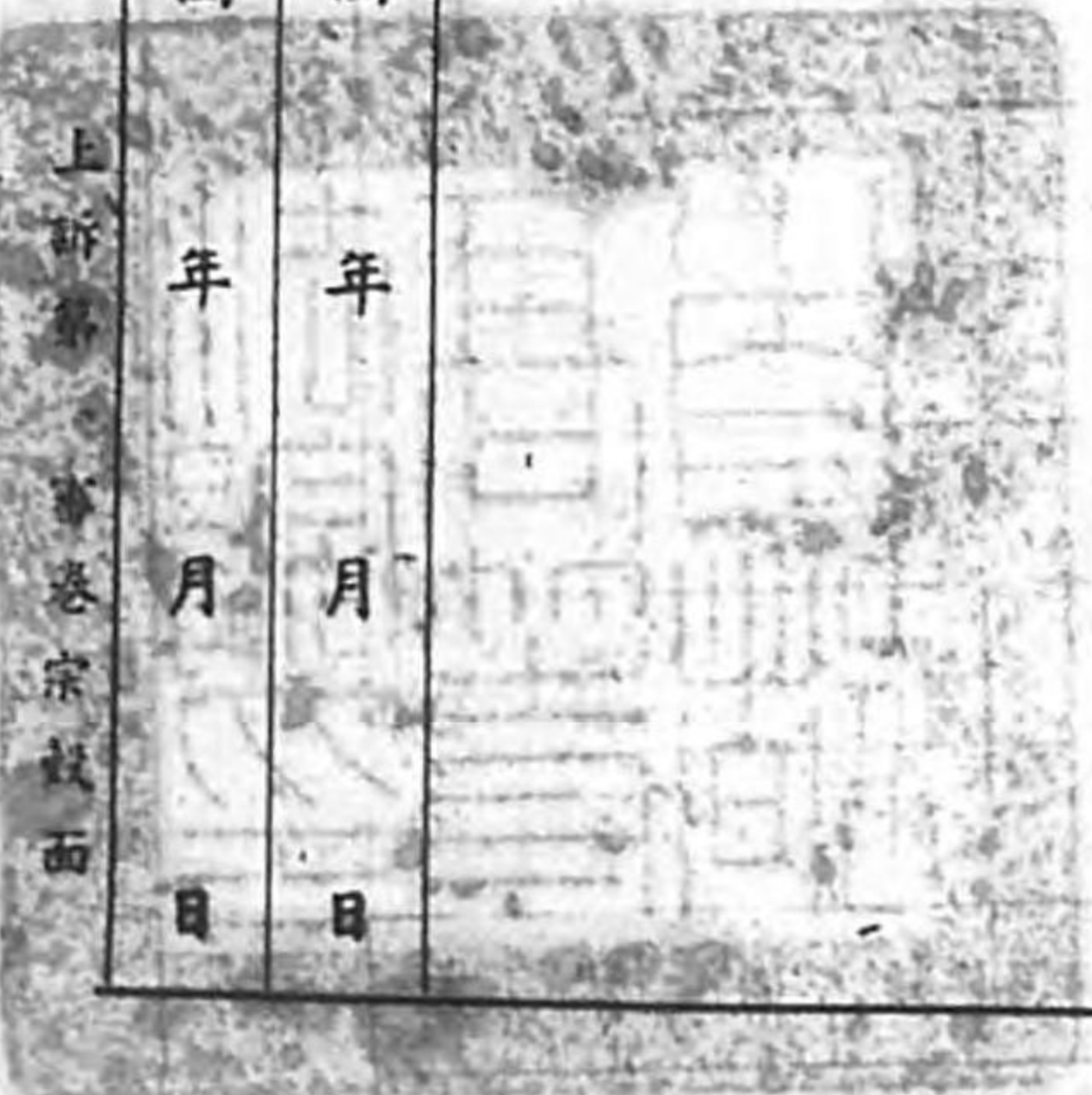
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上訴書 審卷宗 背面

2953

查：在七上事變前，即民國廿四年有奉天特務

机关及日人土肥原立郎即廿四年十月由奉天到

東北來活動。

問：怎樣活動的呢

答：詳細情形却不知道，不過我曉得土肥原與北寧

鐵路局長陳延生時常有來往。以奉天

蕭爾振瀛先生口中告訴我，說日本當時在華

北安、木柰哲元宣佈華北自治即五省的情

形。

問：木柰情形怎樣呢

刑 事 訴 訟 審 限 表



依照刑事訴訟審限規則制定

備 考	承辦人	日 月 年	日 月 年 犯 護	案 由 民 國 年 度 ( ) 字 第 號  一 案
	員 姓 名	日 月 年	據 證 卷 人 收 接 日 月 年 詢 諮 或	
	金世鼎 胡漢斌	日 月 年	日 月 年 狀 書 收 接	
		日 月 年	法 審 再 訴 再 有 知 日 月 年 因 原 定	
		日 月 年	日 月 年 算 起 問 期	
		日 月 年	期 日 年 另 行 起 算	
			款 條 何 則 規 本 依	
		日 月 年	期 日 限 展 准 核	
		日	數 日 限 展 准 核	
		日 月 年	期 日 結 終	
		日	數 日 結 終 至 受 收 自	
		日	款 一 第	
	日	款 二 第		
	日	款 三 第		
	日	款 四 第		
日	款 五 第			
日	款 六 第			
日	款 七 第			
日	款 八 第			
日	計 合	日 數		
日	數 日 案 本	一 案		
	限 逾 否 是	案		

文 牛 目 錄 頁 數 文 件 目 錄 頁 數

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承辦人  
員姓名  
備考

金世鼎

胡漢斌

終結  
情形

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首都高等法院

首都高等法院用紙第 號

# 訊問筆錄

中華民國廿五年十月廿五日下午三時於首都  
第一地方法院審判廳

審判長 伍方引 殷世耕 八庭 並問姓 名 年 齡 等 項

答：殷世耕 五八歲 浙江平陽縣人 住北平前園是

辛卯月十六號

審判長 詢知本院受東京國際檢査庭中國檢察官囑

託訊問你關於日本人在華北的情形，這些你懂得

案件各關，你應該將你所知道的一切情形詳細

的說說。並告知其結之意義我為  陳述不實之處

答：是的

問：在七七事變前日本在華北的情形怎樣。

首 都 高 等 法 院 用 紙 第 號

查：在七七事變前，即民國廿四年有奉天特務

机关在日人土肥原立部廿四年十月由奉天到

業北來活動。

問：怎樣活動的呢

答：詳細情形我不知道，不過我曉得土肥原其北穿

鐵路局長陳冠生時常有來往。以奉天

蕭振瀛先生口中告訴我，日本當時在奉

天安，亦宋哲元宣佈華北自治

形。

問：安本田情形怎樣呢

答：安本田情形，大概是安以宋哲元宣佈五省自治

問：要木田情形怎樣呢

答：要木田情形，大概是：要叫宋哲元宣佈五省自治。

同時這派四個師團進駐山海關與古北口一帶，估  
動看情形當時是很嚴重的。

問：是土肥原指使的吧

答：大概是的，那時不答名的話，他就要用武力

來威脅，所以我們

問：你與土肥原見過幾次面

答：大約兩次，第一次在冀察東防共自治委員會宣佈  
以前，第二次在冀察東防共自治委員會宣佈以後，  
因為土肥原到通州來，那由見面的。



曰：第一次在什么地方见的呢？

老：在北平扶桑馆（日本领馆）见的，是民国十四

年十一月廿号左右，在见面时，他告诉我，说：关

於华北五省自治已向宋哲元方面进行，不

久即可宣布了。时事如此，势在必行，不能

再拖延了。他并同我说：关于你的停战区域

怎么办呢？我答称：我要和宋先生商量

一下，我当然也要宋先生一样的去作。放

是他又说：你们的政策已经决定了，如果你

他不宣佈的话，你们要自由行动的。

他不宣佈的話，我們也要自由行動的。

問：

你學士肥原見面後，分別時他怎樣告訴你呢？

答：

話是怎麼說的，我記不得了，不過我還記得他表

示很堅決，認為宣佈愈快愈好。

問：

第二次見面在通州甚么地方呢？

答：

因為他到我們黨中央防共自治委員會裡面

來會的面。

問：

你還說些甚么話呢？

答：

他告訴我說華北五省不久也要用另外一個

方式宣佈了。你他的情形怎樣，我說我也已

經宣佈了，因為我不過是轉敘給他一下。

白：既这抗斗出他很高兴的，对你又说些甚么呢。

答：我告诉他说，你们已经宣布了，你们的女界先锋

队，区域内的浪人，因此也要禁止他的非法的

运动了。

白：他怎么突然的呢

答：他说那古是啦。

白：你说些甚么。

答：我又要求他，以及你们的军队在那儿禁止在区

域内，也要禁止他的非法的行为，结果他何

都答应了呢。

都答應了。

問：以收是不是好了一些呢

答：我以收又向周來軍交涉了一番，結果到底是好了一些。

問：在蘇聯日本的特務機關是受土肥原的指揮吧。

答：詳細情形我不知道，不過他們都是有

聯繫的，同時日本的特務機關的組織與各特

務機關負責人的官階也不相象，有的是

大佐，有的是少將，也有中將的，如他知方面也

很自由，名不相同的。

問：從這以收就沒有見和了吧

高平書

答：是的

問：另外土肥原還作些什麼呢

答：土肥原跟我談，要在北平東邊設個特務機關，他覺

得山海關不如通州重要，把山海關的特務機關搬到通州來。

問：何時搬來的呢

答：大概是五、五年的春天吧。

問：在冀東宣佈自治後，對於華北五省自治他是在極活動的呢

答：以此的情形我不知道。

問：何梅協定是誰在那裡活動的呢

折法動時便

答：

以內的情形我不知道。

問：

何梅協定是誰在那裡活動的

答：

是酒井隆在那裡活動的

問：

土肥原在華北對於煙毒及走私很厲害吧

答：

關於色情形很複雜，都是些浪人在操縱。

問：

溥儀以及也昇刺東北去，你知道吧

答：

我在報上看見的

問：

是土肥原弄去的吧

答：

能見有此一說，不知確不確實。

問：

土肥原要華北五省自治，其目的何在呢

答：

當然是對中國不利的，我們那時的意思是

是起缓和一下，以免引起纠纷。

问：他的目的何在呢

答：依照梅津美治郎向何敬之提议书所要

求的内容看来，其目的大概不外（一）撤銷党

部，（二）取消黨化教育，（三）撤退华北駐軍，

（四）要求自以华北四省權利，其所以要求

华北自治的原因，即是欲建立三个自治政

府来满足他的慾望。

问：土肥原等的還有其他什么事呢

答：土肥原本人的事，我不太清楚，不过我记及有幾

白。土匪原來的還有些姑息事呢

答。土匪原來的事，我不太清楚，不過我記的有幾

件事是日本人做的。第一，我記的在冀東平潤縣  
潘家峪有兩千多中國男女老幼被日本人  
燒死，原因是因為八路軍逃到潘家峪之後，  
日本人去找，被八路軍打死了幾十個，於是日本  
人發怒，下令把全村男女老幼都集中到一  
個大房子裡去，然後用稻草燃燒，結果全被  
燒死，非常慘絕。時間大約是在廿九年吧。  
第二，在平遙安縣道化縣，大約距名城四十  
里遠的縣子，有一個地方叫魯任地帶，日本  
人把這地方的人都要集中，一切東西都不



準節走，等人走完了，他們把房子全燒光了，大約  
是在抗州年吧，受害的人一共七八萬人，後來病  
的死的不知好幾，亦很慘慘。關於這些事情  
太多，我知道是日本人作的，至於不是不是土  
肥原，我不知道。

白：他們作這些事來自目的，是希望你出來  
首先提倡一下，是也。

答：大概是的。

白：向你要求，由你身吧。

答：他們改礦業條例，那一切他們都是



答：

他叫我改礦業條例，那



一切他都是

自由行動的，例如官報電話，他也要用時，我  
隨意去用，我們問他時，他都是說：是軍用，  
因為軍用，我們不敢干涉他。

白：

軍用不敢干涉，民用是可以干涉的。

答：

民用那可以問他。

白：

板垣那時也在那裡嗎？

答：

板垣時間很早，大概是在民國廿三年以

前吧，等我走時，他已走了。

白：

日本浪人在華北弄去的白銀銀子吧？

答：

在宣佈自治以前，我還在作青島時代。



並且在我作行政督察委員時，曾經被報紙  
多。

白：此外浪人還作些甚麼呢？

答：還有計以開白麩館。這種黑錢的人想抽白麩

常把人家四孩子抱去作押，以收一定要保護孩子的  
家庭付錢來贖，贖款的多少，看孩子家裏的  
情形來決定。(二)開賭場。那時在各鄉鎮村  
都有賭館，外表上掛的是洋行牌，而實際  
上都是些賭場，因此經家高產的人比以  
皆自之。另外日本浪人有的還把手槍和槍

皆是。另外日本浪人有时还把手旗和统

土匪帮同在地方作恶。诸如此类的事情，  
实在不一而足。

问：土匪帮也要指挥他的吧

答：不是由土匪原直接指挥，在我地和地谈判  
之故，所以由日本浪人指挥，我地浪人亦经过  
两个月每月共向日方努力，方把浪人驱逐出境，  
总计得有回五千元之多。

问：土匪帮也可以指挥日本领事馆的吧

答：这我不清楚，不过就我地，他的地位很可  
以左右领事馆。

白：陈冠中现在在何处。

答：能说是死了，我获这个消息之后，很是奇怪。

我觉的他的身体很好，不应该死的。及后来才能说  
是被日本毒死的。

白：你在日本待的很久吧。

答：由光緒年間起，到  那时我才十七岁，到廿多

 回来，不过以发时还不来去，一共有十多年。

白：在日本那些学校和机构为呢。

答：起初在日本筑文学院第一高等学校中国学生预科

毕业，后又到东京高等师范，未毕业即回国了。民国又

畢業後又到東京高等學校。未畢業時即回來了。民衆又

利日本。改進早稻田大學。政治經濟科。民衆畢業。畢業後回國。不過以後畢業者。  
常有。

白 他的那條船是「日本通」是也

志 因為那時日本人情形很熱甚。所以都叫我

「日本通」。其實是我對日本情形熱甚的人過多。

白 回國以後這些苦公事呢

志 作過交通部航政司長。在上海

和政務司。兼辦航政。並兼管航政管理委員會。

會考。行政督察員。備兼本所共月



廿五年十月廿五日

審判長 馮知慶 訊人 殷世耕 被告 名 遂 押

中華民國三十五年十月廿五日

首都高等法院刑事第一庭

書記官 胡漢斌

審判長 推事 金世昇

首都高等法院

通用紙

10



訊問  
證人

結文 (訊問)

今為

鈞院 為受中國檢察官委託代訊一案  
到庭作證所為陳述均係真實絕無匿飾增減如有虛偽當  
負法律罪責此上  
首都高等法院

具結人

殷世耕 押

中華民國

廿二

年 十

月 廿五

日

注

意

刑法第一百六十八條於執行審判職務之公署審判時或於檢察官偵  
查時證人鑑定人通譯於案牘有重要關係之事項供前或供後具結而  
為虛偽陳述者處七年以下有期徒刑



THE RECORD OF INTERROGATION  
CONDUCTED BY JUDGE KING SHIH-TING  
OF THE NANKING HIGH COURT

Place: Temporary Court Room in the District Detention House inside the Jail of Nanking.

Time : 3 p.m. 25 October 1946.

By order of the Judge, the court attendant led Ying Ju-Ken into the court. Thereupon the Judge questioned the accused regarding his name, age, etc.

Answer: My name is Ying Ju-Ken. 58 years of age. My native place is Ping-Yang Hsien, Chekiang Province. My residence is House 16 Chien Yuan-An-Sze Hutung, Peiping.

The Judge told the accused, "At the request of the Chinese Prosecutor, the International Military Tribunal for the Far East, this Court interrogates you regarding Japanese activities in North China. This interrogation does not concern the case in which you are charged and tried as an alleged traitor. You should fully disclose before this Court everything within your personal knowledge." The accused was also told the meaning of signing a vouch for truth in his statements made in Court as well as due punishment for any falsehood therein. The accused then was ordered to proceed with his statement.

Answer: Yes.

Question: What was the situation of the Japanese in North China preceding the July 7th Incident (Lu-Kao-Chiao Incident)?

Answer: Before the July 7th Incident, in October 1935, Doihara, Chief of the Japanese Special Service Agency in Fen-Tien, arrived at North China from Fen-Tien to carry out his activities.

Question: How did he carry out his activities?

Answer: I do not know the details. But I understand there was then a close relation between Doihara and Cheng Chueh-Sen, Chief of the Peiping-Mukden Railway. Later I learned from Mr. Hsiao Chen-Ying that the Japanese made a demand upon General Sung Che-Yuan requesting him to declare the autonomy of the five provinces in North China.

Question: What are the conditions of the demand?

Answer: It was demanded that General Sung Che-Yuan declare the autonomy of the five northern provinces, and that four divisions of Japanese troops be stationed in areas between Shan-Hai-Kwang and Ku-Pei-Kao. So the situation then was quite serious.

Question: Was it instigated by Doihara?

Answer: Most probably by him. The Japanese threatened us with the application of force upon our rejection, so we were in a dilemma.

Question: How many times did you see Doihara?

Answer: About twice. The first time I met him before the Declaration of the East Hopei Anti-Commintern Autonomous Commission, after which I met him for the second time when he came to Tungchow.

Question: Where did you see him the first time?

Answer: Around the 20th November 1935 I met him in a Japanese hotel, named Fusokan, Peiping. He said, "I have approached General Sung Che-Yuan about the autonomy of five Northern China provinces, which will be declared very soon. Circumstances necessitate the declaration and it should not be delayed any longer." He further told me, "How about your peace zone?" I replied, "I have to consult General Sung and I shall do what he does." Then he said, "Our policy is already fixed. In case you refuse to declare it, we shall resort to free actions."

Question: What did he tell you when you were parting from each other?

Answer: I am unable to recall exactly what he said. But I do remember that he showed firm determination and insisted that the earlier the declaration the better.

Question: In your second meeting where did you see him in Tungchow?

Answer: He came to see us at the East Hopei Anti-Commintern Autonomous Commission.

Question: What did he tell you?

Answer: He said that the declaration of the Autonomy of the North China Five Provinces would be made in another way and inquired as to the circumstances in East Hopei. I told him that I had already made the declaration. I had to do so, though perfunctorily.

Question: He must have been quite satisfied then. What else did he say?

Answer: I told him that, with the declaration already made, the Japanese ronin should be banned from illegal activities in East Hopei.

Question: How did he reply?

Answer: He said, "Of course."

Question: What else did he say?

Answer: I also requested him to stop the illegal activities of Japanese troops in East Hopei to which he also agreed.

Question: Was the situation improved later?

Answer: Later, following our negotiations with the Kwantung Army, there was much improvement of the situation.

Question: Were the Japanese Special Service groups in East Hopei under the command of Doihara?

Answer: I do not know the details. The various Japanese special service agencies had connections with Doihara. Japanese special service agencies had different organizations and were directed by chiefs of varying ranks - ranging from captains to major generals and lieutenant generals.

Question: Was it a fact that you did not see Doihara again?

Answer: Yes.

Question: What else did Doihara do?

Answer: He told me that he wanted to set up a special service agency in East Hopei. He wanted to transfer the special service agency from Shan-Hai-Kwang to Tungchow because he considered the latter place more important than the former.

Question: When was the transfer made?

Answer: Around the spring of 1936.

Question: Following the declaration of the autonomy of East Hopei, what did he do for the autonomy of North China five provinces?

Answer: I do not know what happened after that.

Question: Who was the responsible person of the Ho-Umezu agreement?

Answer: It was Takashi Sakai.

Question: Were opium trafficking and smuggling very actively conducted by Japanese during Doihara's stay in North China?

Answer: This was very much complicated. Opium trafficking and smuggling were actively carried on by Japanese robain.

Question: Did you know that Fu-Yi was later transferred to the Northeast?

Answer: I read about it from the newspapers.

Question: Was Doihara behind the scene?

Answer: I heard something to that effect. But I cannot confirm it.

Question: What was Doihara's aim in demanding the autonomy of the North China five provinces?

Answer: Evidently it was unfavorable to China. And our idea then was to extenuate the situation by making concessions.

Question: What was Doihara's object?

Answer: According to the demands made upon General Ho by Umezu, his aims were as follows: 1. the elimination of the Kuomintang organization; 2. the abolition of Kuomintang education; 3. the withdrawal of Chinese troops from North China and 4. the acquisition of various rights and privileges in North China. The autonomy of North China was to satisfy his desires.

Question: What else did Doihara do?

Answer: What Doihara personally did not quite clear to me. But I do remember something done by the Japanese. First of all, I recall that more than 2,000 Chinese civilians, men and women of all ages, were burned to death by the Japanese in Pan-Chia Kou, Feng-Jen Hsien, North Hopei Province. Several Japanese soldiers in search of the Chinese Eighth Route Army in Pan-Chia Kou were killed by the latter. To take revenge, the enraged Japanese concentrated all the villagers in a big house and set fire on the hay, thus killing all the villagers in a most tragical manner. It happened sometime in 1940. The second thing that I remember happened in a place named "unhabited zone" near Chien-An Hsien and Chen-Hwa Hsien approximately 20 Li away from the Great Wall. The Japanese gave orders that all the inhabitants of the "unhabited zone" should quit the place and leave all personal belongings behind. Following their departure the Japanese burned down all dwellings in the place. It was sometime in 1940 or 1941. There were about 70,000 to 80,000 victims. Many of them thus turned sick and died. Similar cases like these two done by the Japanese were too numerous for me to retell. Whether or not Doihara was directly responsible for them I do not know.

Question: Was it his object to make you a promoter of the autonomy of East Hopei?

Answer: Probably yes.

Question: He must have made quite a few demands upon you?

Answer: He asked me to revise the mining regulations which I refused to do. But they had a free hand in everything, such as the free use of the telegraph and telephone, under the pretext "for military purposes" - matters with which we dared not interfere.

Question: You did not dare to interfere with what was for military purposes. How about what was for civilian use?

Answer: On matters for civilian use we could negotiate with them.

Question: Was Itagaki then in North China?

Answer: Itagaki was in North China quite early, probably before 1933. When I went there he had left already.

Question: Did the Japanese ronin take away a large amount of silver from East Hopei?

Answer: Both during the time when I was special commissioner prior to the declaration of the autonomy of East Hopei and during my tenure of office as administration inspecting commissioner, I did discover many cases of silver smuggling.

Question: What else did the Japanese ronin do?

Answer: They opened narcotics dens where narcotics could be obtained by pledging kidnapped children who were released after payment of ransom scaled according to the financial strength of their families. The ronin also opened gambling dens in various towns and villages under the name of "Yang Hong" meaning "foreign firms". They also helped bandits to do evil deeds by renting them pistols.

Question: Did Doihara command the ronin?

Answer: They were not under the direct command of Doihara. Following our negotiations with the Japanese, the two months' joint efforts of the Japanese gendarmerie and the Chinese police finally dispelled the Japanese ronin from the area.

Question: Was the Japanese consulate under the influence of Doihara?

Answer: My idea about that is vague. BUT I think his power derived from his position then enabled him to influence the consulate.

Question: Do you know the whereabouts of Cheng Chueh-Sen?

Answer: I learned that he was dead. His death struck me as a great surprise because he was physically very strong. I did not believe the information until later I was told that he was poisoned by the Japanese.

Question: Did you study in Japan for quite a long time?

Answer: I went to Japan when I was 17 years old under the reign of Emperor Kwang-shu. I returned to China at the age of 20. After that, I visited Japan at frequent intervals during a period of ten years.

Question: Where did you study in Japan?

Answer: I first graduated from the preparatory school for Chinese Students at the First High School of the Koboo College in Japan. Later, I entered the Seventh High School. However, I returned to China without finishing my education in that high school. In 1913 I went to Japan again and entered the Waseda University as a student of political economy. In 1915, after my graduation there, I came back to China. Thereafter, I visited Japan quite often.

Question: Are you often known as a "Japan expert"?

Answer: They call me so because I am quite familiar with situations in Japan. In fact there are many people better acquainted with Japan than I am.

Question: What did you do after you returned to China?

Answer: I was Director of the Department of Navigation of the Ministry of Communications, Counsellor of the General Headquarters of the Revolutionary Army of China, Counsellor of the Shanghai Municipal City Government, Counsellor of the Executive Commission of the Peiping Office of the Executive Yuan, Executive Inspecting Commissioner, Chairman of the puppet East Hopei Anti-Commintern Autonomous Commission. Finally, when the Autonomous Commission was changed into the East Hopei Anti-Commintern Autonomous Government, I was the Chief of the Government.

Question: What else did you do?

Answer: I was once Member of the Economic Committee of the puppet National Government, Head of the puppet Canal Control Engineering Bureau and Chairman of the Board of Directors of the Shansi Sino-Japanese Coal Mining Corporation.

The above record was read in court to the accused who testified to its correctness and signed below:

Ying Ju-Ken (signed)

On the 25th day of October in the 35th year of the Republic of China.

Thereupon the Judge ordered that the accused be put back into custody.

On the 25th day of October in the 35th year of the Republic of China.

The First Criminal Court of the Nanking High Court.

Court Clerk Hu Han-Pin (signed)

Judge King Shih-Ting (signed)