

國駐劄本野特命全權大使及莫斯科駐在總領事代理平田知夫ノ電報ニ據レハ友好國及中立國ノ生産品ニ對スル原產地其他ノ證明ニ關スル規則ハ其實施ヲ猶豫シ浦鹽斯德、ニコラエウスク、アルハンゲリスクヨリ輸入スルモノニ付キテハ露曆七月一日(我七月十四日)ヨリ實施シ其他ノ地方ヨリ輸入スルモノニ付キテハ露曆六月一日(我六月十四日)ヨリ實施スルコトニ決定セリ(本月八日本欄内參看)(外務省)

○外國品ノ原產地證明規定ニ關スル露國商工業者ノ請願(六月二十二日官報)本件ニ關シ莫斯科駐在總領事代理領事平田知夫ヨリ去月二十七日附テ左ノ如ク報告アリ(去月二十五日本欄内參看)(外務省)

露國輸入品ニ對スル原產地其他ノ證明ニ關シテハ屢次報告セシ如ク右ニ關スル規則適用ヲ露曆本年六月一日マテ延期シ特ニ浦潮斯德、其他二港ヨリ輸入スルモノハ同七月一日マテ延期スルコト、爲リタルモ露國商工業者ニ於テハ右規定ハ甚シク不便ヲ醸スノミナラス商工業ノ發展ヲ阻害スルコト頗ル多ク且ツ在外露國領事又ハ海外輸出業者ハ該規定實施ニ對スル一切ノ準備ヲ缺ケルタメ非常ノ煩雜ヲ來シ從テ種々ノ行違ヲ生シ外國貿易ニ惡影響ヲ及ホスコト鮮少ナラストシ過般露都ニ於テ開催セル商業會議所代表者其他ノ協議會ニ於テ左ノ三項ヲ決議シ當局者ニ請願シタリ

- 一、本規定ヲ改正審議スルタメ關稅局ニ特別調査會ヲ設ケ而シテ委員トシテ商工業代表者ヲ參加セシムルコト

- 二、海外輸出業者ニ改正セララルヘキ新規定ヲ周知セシムルタメ露曆六月一日以後更ニ一定ノ期限内本規定ノ施行ヲ猶豫スルコト
- 三、關稅局内ニ本件ニ關スル各種ノ問題ヲ議スルタメ商業代表者其他ヲ委員トセル常置協議會ヲ設置スルコト

○露國へ輸入ノ外國品原產地證明ニ關スル特別取扱(六月二十六日官報)本件ニ關シ浦潮斯德駐在總領事代理領事野村基信ヨリ本月二十二日發テ左ノ如ク電報アリ(去月八日本欄内參看)(外務省)

露國へ輸入スル外國品原產地證明規則實施ノ場合特別取扱ニ關シ大藏大臣ヨリ命令アリタル趣ヲ以テ六月二十二日當地稅關長ヨリ大要左ノ通知アリタリ

- 一、獨、澳及土耳其其ニ對シ露國ト共同シテ交戰スル國ヨリ直接輸入セララル、貨物(小包ヲ含ム)ニ對シテハ原產地證明書ヲ提出スルニ及ハス
- 二、右聯合國ヨリ通過貨物トシテ他國ヲ經由シ輸入セララル、場合ハ發送地ニ於テ發給セル原產地證明書ニ在外露國公館ノ署名證明アレハ足ル
- 三、原產地證明ヲ要セサル第十條附屬品目中ニ左記貨物ヲ追加ス
銅「アルミニウム」、亞鉛、錫、鉛、安質母尼、鐵鑛、螢石、黃鐵鑛、硝酸、硫酸、鍊、鞣皮用材

第四 敵國臣民ノ特許權制限ノ件

露西亞國法令

○敵國臣民ノ特許權制限ニ關スル露國緊急勅令(四月二十四日官報) 本件ニ關シ在ニコラエウスク領事館事務代理外務書記生山口爲太郎ヨリ本月二日附テ以テ左ノ如ク報告アリ

(外務省)

今般露國政府ハ敵國臣民ノ特許權制限ニ關スル緊急勅令ヲ發布シタルカ同令ニ依レハ敵國臣民ニハ工業的發明又ハ改良ノ特許權ヲ與ヘス敵國臣民ヨリノ特許出願ハ之ヲ受理セス既ニ受理シタル特許出願ニ關シテハ其取扱ヲ停止シ既ニ與ヘラレタル特許權ハ其效力ヲ失フ敵國臣民ニ屬スル特許權ニシテ國防上必要ナルモノハ其效力ヲ失フコトナク無償ニテ國家ノ所有ニ歸ス商務大臣ハ關係陸海軍大臣ト協議ノ上斯ル特許權ノ表ヲ調製シ之ヲ同令發布ノ日ヨリ二箇月以内ニ工業法第七十六條ニ規定セル刊行物上ニ公告スルヲ要ス、本年一月一日マテニ敵國臣民ニアラサル者カ敵國臣民ヨリ取得シタル發明又ハ改良使用權ハ其效力ヲ保有シ國防上ノ必要ニ關係ナキ特許權ハ使用權ノ行使ニ必要ナル範圍内ニ於テ其效力ヲ保有シ國家ハ斯ル特許權ノ所有者ト看做サル、使用權ノ效力保有ヲ希望スル者ハ同令發布ノ日ヨリ一箇月以内ニ證據書類ヲ添ヘ其旨工務局ニ届出ツルヲ要シ工務局ハ使用權者及關係特許權ノ表ヲ調表シ之ヲ右期間終了後一箇月以内ニ工業法第七十六條ニ規定セル刊行物上ニ公告ス、使用權ノ利害關係人ハ該表公告ノ日ヨリ二箇年間司法手續ニ依リ使用權ノ所屬ヲ抗爭スルノ權利ヲ失ハサルコト、爲レリ

第五 外國人取締ニ關スル件

(一) 露國行旅券查證請求ニ關スル件

○露國行旅券查證請求方(六月二十五日官報) 本件ニ關シ同國駐劄本野特命全權大使ヨリ左ノ如ク電報アリ(外務省)

露國政府ハ六月十八日閣議ヲ以テ左ノ決定ヲ爲セリ

外國臣民カ在外露國公館ニ旅券ノ查證ヲ請フ場合ニハ(一)十歳以下ノ者ヲ除クノ外當該官廳ノ證明アル各自ノ寫眞ヲ旅券ニ添付スルコト(二)旅券所持者ノ人種別竝ニ其國臣民タルハ其出生以來ナルヤ否ヤ國籍變更ノ場合ニハ舊國籍竝ニ行先用務等ヲ指定スルコトヲ要ス

第六 糧食等ノ取締ニ關スル件

(一) 露國軍用糧食補充ノ法律

(第三輯第三四四頁參照)

(大正四年四月十二日附在浦潮斯德帝國總領事代理領事野村基信報告)

陸海軍用糧食品及馬糧補充ニ付テノ特殊方法實施ニ關スル法律

(露曆千九百十五年二月二十四日法令全集第六十四號)

大臣會議ハ憲法第八十七條緊急勅令ノ形式ニヨリ左ノ改正増補ヲナスコトヲ定ム

第一條 戰地以外ノ軍管區司令官ニ農務省會計検査院若クハ長官ノ命令ヲ受ケ居ル該所

屬地方廳ノ代表者及其地方長官ノ同意ヲ得テ左ニ規定スル行爲ヲナスノ權ヲ委任ス

甲、右軍管區管轄區域内ニ於テ軍隊用糧食品及馬糧買上價格ヲ定ムルコト

乙、市場ニ於テ必要ナル糧食品ノ供給不足ナル場合ニハ次ニ規定シタル特別條項ニヨ

リ之レガ爲メ同一手續ヲ以テ特ニ定メタル價格ヲ以テ徵發ヲ命ズルコト

(一)地方住民ハ其地方ニ於テ最廣ク發賣セラレ居ル新聞紙上ノ布告及地方ニ於ケル市郡警察ニヨリテ公開場所ニ揭示セラル、廣告ヲ以テ徵發ノ指定價格及條件ヲ通達セラルベシ

(二)第一條ニ示セル手段ニ關係ナク

イ、軍管區司令官ノ指令ヲ以テ其州ノ知事及第一條ニ記載セル所屬官省前記地方代表者ノ同意ヲ得テ同官ノ權限ヲ以テ定メラルベキ區域ヨリ關係アル糧食ヲ輸出スルノ禁制ヲ定ムルコトヲ得

ロ、指定ノ糧食品所有者ハ官ノ照會アルトキハ其所有セル糧食品ノ實際ノ數量ヲ地方官ニ申告スル義務ヲ有ス

(三)徵發スベキ糧食品ハ各品目若クハ容積又ハ重量ニヨリ軍管區司令官ノ定メタル價格ノ保管料ヲ仕拂ヒ其個人ノ責任ノ下ニ所持主ヲシテ保管セシムルコトヲ得

(四)徵發行爲ハ關係アル農務省ノ代表者之レニ參加シ該地方ニ於ケル官憲ノ文官ニ之

レヲ委任ス

(五)穀類徵發ノ必要ナル場合ニ於テ徵發ハ先ヅ市場現物金融機關ノ擔保品若クハ帝國銀行所轄貯穀倉及港竝ニ鐵道ノ貯穀倉ニ貯藏セラレアルモノ若クハ停車場及埠頭附近ニアル其他ノ倉庫ニ保管セラレアルモノニ對シ之レヲ行フコト

(六)徵發糧食品中播種用種子ハ其地方長官ノ申告ニ基キ其要求ヲ許可ス

第二條 左ノ行爲ハ其都度特ニ政府ノ許可ナクシテ之レヲナスコトヲ禁ズ

甲、糧食品馬糧ノ外國輸出

乙、該糧食品ノ卸賣ヲ營ム外國臣民ニ對スル該品ノ販賣

第三條 徵發セラレベキ糧食品及馬糧ヲ隱匿シタルモノ實際所有セル該種目ノ數量ニ關シ不正ナル申告ヲナシタルモノ竝ニ其都度特ニ許可ヲ得ズシテ該品卸賣ヲナス外國臣民ニ販賣シタルモノニ對シテハ隱匿、無申告、若クハ販賣セルモノ、價格(第一條ノ手續ニ依リ該品ノ上等品ヲ標準トシテ定メタル價格)ノ二倍ノ罰金ヲ課ス
糧食品及馬糧ヲ制規ノ許可ナクシテ外國ニ輸出シタルモノハ一年四ヶ月以内ノ禁錮ニ處ス本條ノ事件ハ地方裁判所ノ所轄ニ屬ス

第四條 陸軍大臣ニ現法令ノ適用手續ニ關スル解釋ノ爲メ相當ノ場合ニ戰地以外ニ在ル軍管區司令官ニ特別指令ヲ發スルコトヲ委任ス

千九百十五年二月十七日 裁可

露西亞國法令

(一) 莫斯科ニ於ケル物價調節計畫

(大正四年四月二十三日附在莫斯科帝國總領事代理領事平田知夫報告)

露國全部ニ亘リ戰爭ニ伴フ一般物價ノ騰貴益々甚ダシキヲ以テ中央政府ニ於テモ之レガ調節ニ關シテ種々計畫中ナルガ莫斯科市ニテハ此程次ノ數項ヲ決定シ其實行ニ著手シタリ

(一) 銀行ニ對シ生活上必需品ノ買占ヲ停止シ且ツ急速ニ其貯藏品ヲ處理セシムル爲メ大藏大臣ノ援助ノ下ニ適當ノ措置ヲ執ルコト

(二) 莫斯科自治廳(ウプラーウア)ニ於テ左記生活必需品ヲ一週間ニ要スル分量ダケ地方ニテ購入シ之レヲ市民一般ニ供給スルコト但シ其取扱額ハ五百萬留以內ニ限ル
燕麥、大麥、玉蜀黍、乾草、蕎麥、米、薪

(三) 燕麥ニ對スル代用品使用ノ必要ヲ一般ニ周知セシメ且ツ馬匹飼養ノ現況ヲ調査スルコト

(四) 莫斯科市長、市會議長、縣及郡自治廳長其他ノ地方公共團體代表者ヨリ成ル特別委員會ヲ設ケ左記ノ事項ヲ遂行セシムルコト

(イ) 莫斯科ニ於ケル生活必需品ノ供給能力ヲ調査スルコト

(ロ) 生活必需品ノ輸送ニ關シ他地方委員會ト協力スルコト

(ハ) 物價騰貴對抗計畫ヲ有效ナラシムルニ努力スルコト

(五) 一般物價調節機關トシテ關係各省大臣各市々長地方自治廳長商業會議所長其他公共

團體代表者ヨリ成ル特別帝國委員會設置ニ關シ政府ニ申請スルコト

(三) 露國ノ燃料取締令

(大正四年三月二十日附在莫斯科帝國總領事代理領事平田知夫報告)

露國ニ於ケル最近石炭其他ノ燃料缺乏ハ同國經濟界ニ鮮ナカラサル影響ヲ及ホシ需要者ノ恐慌ヲ醸セルコト甚シキモノアリシカ今般同國政府ハ燃料缺乏ノ狀況ニ鑑ミ各方面ニ對スル供給ノ調和ヲ圖ル爲メ左記三月十七日附敕令ヲ發布セリ同令ニ據レバ交通大臣ハ文武官憲ト共ニ燃料供給ニ關スル協同ノ處置ヲ執リ公私ノ同品貯藏高ヲ調査シ適宜各需要者ニ配布供給スル方法ヲ講ズルニ至リタルモノニテ民間營業者ハ稍々愁眉ヲ開キタル情勢ナリ輓近ドネツキ地方ニ於ケル石炭採掘高漸次減少シ昨年十一月一億六千萬封度ナリシモノ十二月ニハ一億四千三百萬封度ニ減シ更ニ本年一月ニ至リ一億三千五百萬封度ニ減退セリ然ルニ需要ハ毫モ從來ト異ナルナク却テ或種ノ工場特ニ軍需品ニ屬スル製造工場ノ如キハ其需要額ヲ増加セル有様ナレバ輸入品ノ杜絶ト相俟テ恐慌ノ状態ニ陥リタルヨリ之レガ救濟策トシテ同敕令ノ發布ヲ見タル次第ナリ而シテ營業者ハ此際鐵道輸送力ノ缺乏ヲ補充シテ各方面ニ輸送供給ノ便宜ヲ圖リ一部ノ鐵道ヲシテ石炭ニ代ルヘキ他ノ燃料例セバ石油ノ如キヲ使用セシメ石炭ノ貯藏額ヲ豐富ナラシメ且ツ炭坑ニ從事スル坑夫ノ輸送ニ特別補助ヲ與フルコト等ヲ最モ急務トスル旨警告シツツアリ

燃料供給ニ關スル勅令

戰爭ニ際シ陸海軍及交通ノ各機關竝ニ國防ノ目的ヲ以テ從事セル個人ノ各營業ニ對シ燃料供給ノ充實ヲ緩慢ナラシメザル爲メ交通大臣ニ對シ右ニ關スル左ノ權限ヲ賦與スルヲ必要ト認メ茲ニ左ノ件ヲ裁可ス

一、前記ノ各機關及各營業ニ對シ帝國内ニ於ケル他ノ需要者ノ需要額ヲ考量シ燃料供給ノ充實ヲ圖ル爲メ文武官憲ノ行動ヲ統一スルノ權限ヲ交通大臣ニ賦與スルコト

二、交通大臣ニ左ノ權限ヲ賦與ス

甲、一切ノ官衙私設營業所及個人ニ對シ燃料ノ貯藏高及需要額竝ニ受負者トノ契約ニ關スル報告ヲ徵スルコト

乙、交通大臣ニ屬スル官吏ヲシテ一切ノ官私立營業所工場及倉庫ニ就キ燃料貯藏高ヲ検査セシムルコト

丙、孰レノ官衙ヲ問ハズ其貯藏ノ燃料ハ交通大臣ノ命令ニヨリ他ノ官衙又ハ個人ノ營業所或ハ國防ニ從事セル個人ニ交付スルコト

三、燃料供給ノ爲メ將來必要ノ措置ヲ執ル場合本令ニ規定セザルモノハ交通大臣ニ對シ豫メ規定ヲ設ケ裁可ヲ請フノ權限ヲ賦與ス

四、戰爭地域内ニ於テハ最高總司令官ト協議シテ行動スルコト

元老院ハ直ニ本令施行ノ手續ヲ了スベシ

(四) 露國禁酒令ニ付テ

(大正四年三月十八日附在露帝國特命全權大使男爵本野一郎報告)

禁酒ニ關スル法令

露國政府ノ發布シタル禁酒ニ關スル法令ヲ舉ク其要項ヲ摘記スレバ左ノ如シ

其一 間接稅及官營酒精販賣本局令千九百十四年露曆五月五日附第二三〇四號
動員時ニ於ケル酒精販賣停止手續改正ノ件

千九百七年十一月二十六日附第六百六十一號竝千九百十年九月三十日附第二千二十三號訓令ノ追加トシテ當販賣本局ハ各消費稅局長ニ對シ今回海軍、大藏、內務各省トノ合議ヲ以テ動員時ニ於ケル酒精販賣停止手續ニ關シ發布シタル左記陸海軍下士卒戰時召集ニ關スル心得第四十八條乃至第五十二條ノ新規定ヲ心得置クヘキコトヲ訓令ス

第四十八條 集合地點竝ニ同地點ニ赴ク途中ニ在ル豫後備下士卒ノ秩序ノ維持ハ郡及市ノ警察官ニ委任セララル、モノトス同警察官ハ集合地點竝ニ其所屬部隊ニ赴ク前記下士卒ノ郡部地方ヲ旅行スル場合ニ於テ秩序ノ維持ニ關シ軍務官憲ニ對シ十分ノ協助ヲ與フヘキモノトス

酒精飲料密賣ニ對スル監視竝官營酒精販賣店及私營ノ酒販賣店ノ警戒ニ關シ特ニ注意ヲ拂フヘキモノトス

第四十九條 秩序安寧ヲ維持スル目的ヲ以テ動員ヲ施行セル郡部ニテハ官營酒精販賣店ノ全部並ニ私營酒販賣店(一等料理店、集會所及俱樂部ヲ除ク)ニ於ケル酒販賣ヲ動員令發布後召集セラレタル下士卒全部カ集會地點ヨリ所屬部隊ニ向テ出發スル迄(即チ集會所ヲ閉鎖スル迄)停止スヘキモノトス

豫後備下士卒(國民軍ヲ含ム)ノ乘車乘船ノ場合又ハ同軍隊輸送列車及船舶ノ到着又ハ停止スル場合ニ於テハ其鐵道停車場及埠頭並ニ同地點ヨリ一露里以内ニ在ル官營酒精販賣店及私營酒販賣店ニ於テハ酒ノ販賣ヲ停止スルモノトス

第五十條 第四十九條ニ據リ各郡ニ於ケル酒ノ販賣停止時日ハ動員令施行ノ場合軍管本部ニ於テ之レヲ定メ其執行ニ關シテハ縣知事ニ通牒スルモノトス

第五十一條 知事及警視總監ハ特別ノ事情ノ下ニ必要又ハ差支ナシト認メタル土地ニ於テハ第四十九條ニ規定ノ時日ニ先チ動員中ト雖自己ノ見込ヲ以テ酒販賣ヲ開始セシムルコトヲ得

第五十二條 第四十九條ニ據リ鐵道停車場及埠頭附屬食堂ニ於テ酒精販賣ヲ許ス時期ハ軍隊輸送計畫ニ準シ同輸送指揮官ニ於テ適宜之レヲ定メ鐵道長官及知事ニ通知ス同官等ハ停車場及埠頭ヨリ一露里以内ニ在ル酒販賣業ノ停止ニ關スル處置ヲ執ルベキモノトス

其二 千九百十四年露曆八月二十二日敕令(法令彙纂第一部第二百四十八號ノ二千三百四十八號)

戰爭終了迄帝國內ニ於テ使用セサルベキ酒精、酒及ウオーツカ類ノ販賣禁止ヲ延期ス

其三 市ニ於ケル麥酒販賣店並麥酒及蜜酒卸賣所開業手續改正ニ關スル法令(同上第一部第二百六十三號ノ二千四百四號)

憲法第八十七條ニ基ツキ關議ヲ以テ左ノ通り規定ス

一 消費税法第五百五十八條但書第一項ノ適用ヲ廢止ス

(註、本項但書ノ全文下ノ如シ、麥酒及蜜酒ノ卸賣所並ニ麥酒小賣店ハ第五百五十八條ノ手續ヲ經ルコト無ク營業鑑札稅ヲ納入シテ開業スルコトヲ得)

二、消費税法第五百五十八條ノ規定ハ本法令發布前各市ニ於ケル既存ノ麥酒販賣店及麥酒蜜酒卸賣店ノ所有主ニ與ヘタル營業許可期限滿了ノ日ヨリ同上販賣店ニ及ボスモノトス

其四 市ニ於ケル麥酒及「ポルテル」販賣許可ノ條件ニ關スル訓令(千九百十四年露曆十月二十日附第二千三百七十三號)

十月十三日關議裁可ノ事項ニ據リ千九百十四年十一月一日以降大藏大臣ノ定メタル條件ノ下ニ市ニ於テ麥酒及「ポルテル」ノ販賣ヲ許可スル權能ヲ同大臣ニ附與ス但シ戒嚴令施行地帶ニ屬スル土地ニ於テ右販賣許可ヲ與フルニハ相當軍務官憲ノ同意ヲ要ス

其五 各飲料販賣所ニ於ケル酒精類販賣禁止ニ關スル訓令(千九百十四年露曆十月二十日附第二千三百七十四號)

十月十三日關議裁可事項ニ依リ左ノ通規定ス戰爭終了時迄酒精販賣業ノ全部停止ニ關シ地

方自治團ノ請願ニ據リ飲料ヲ販賣スル一切ノ場處ニ於テ知事及警視總監ノ命令ニ據リ酒精ノ販賣ヲ停止セシム

其六 戒嚴令或ハ合圍令施行地帯ニ於ケル麥酒及「ボルテル」ノ販賣禁止ニ關スル訓令
(千九百十四年露曆十月二十一日附第二千三百七十六號)

十月二十日附第二千三百七十三號訓令追加トシテ最高總指揮官ノ命令ヲ以テ戒嚴令或ハ合圍令施行地帯ニテハ麥酒及「ボルテル」ノ販賣ヲ許可セズ

禁酒令公布前後ノ事情並ニ表面及裏面ニ於ケル理由

露國政府ガ今次禁酒令ヲ施行スルニ至レル事情ハ前記禁酒ニ關スル法令ニテ察知シ得ベキガ如ク其趣意ハ軍隊動員ノ成績ヲ良好ナラシメ且ツ兵卒ヲシテ飲酒ニヨル浪費ヲ避ケシメントスル一時的措置ニ外ナラズト雖然カモ爾來引續キテ禁酒令ノ一般ニ勵行セラレ居ルハ同令ノ精神ガ露國近時ノ社會的及政治的一大問題タル官營酒精販賣ノ廢止若クハ節減論ニ觸接スルニ外ナラザルナリ抑々右ハ第三議會以來ノ問題ニシテ第四議會第一會期ニ當リ上下兩院ニ於テ時ノ首相兼藏相ココフツオフ伯ノ財政計畫即チ官營酒精販賣業ヲ擴張シテ國庫ノ歲入ヲ増加セントスル財政的施設ニ對シ一大論争ヲ惹起シタルモノニシテ其本來ノ性質ヨリスレバ純然タル社會問題ナルモ一面ニ於テハ同伯ヲ排斥セントスル一種ノ政略問題タリシモノナリ而シテ其結果ココフツオフ伯辭職シ藏相ノ椅子ハ現任バルク氏ノ襲ク所トナリタリ大正三年二月十二日バルク氏ノ藏相就任ニ際シ露帝陛下ノ同氏ニ賜ハリタル詔敕ニ「國庫收入ノ安全ヲ圖ル爲ニ忠良ナル臣民多數ノ精神ト生活力トヲ頌廢セシムベカ

ラズ故ニ今後ノ財政々策ハ天惠無盡ノ富源及國民的生產力ヨリ國庫收入ノ途ヲ求ムル方針ニ出ヅルコト必要ニシテ節儉ヲ守リ生産力ヲ増進セシムルト共ニ國民ノ缺乏ヲ充足スルヲ以テ念トスベシ朕ハ上下兩院ガ官營酒精販賣ニ關スル法律ノ審査ニ當リ國民的及國家的生存上財政改革ヲ必要トシテ熱心ニ論議シタル事實ニ徵シ朕ガ赤子幸福ノ爲ニ一層此ノ改革ヲ進捗スルコト焦眉ノ急務ナリト信ズ云云」ノ語アリ

昨年七月埃塞事件益々紛糾シ露國ハ動員令ヲ施行スルヤ前項各法令ニ基ツキ酒精類及其他「アルコール」性飲料ノ販賣ヲ禁止シタリ然ルニ此ノ禁令ハ當ニ動員令ノ成績ヲ良好ナラシメタルノミナラズ一般社會ノ生活狀態ニモ亦好影響ヲ及ボシタリト稱セラル左レバ禁酒令施行期限ノ滿了セントスルヤ各地方自治團體ノ多クハ同令施行ノ延期ヲ唱道シ少クモ同令ハ今後戰爭終了迄續行セラルベキ狀態ニアリ尙コンスタンチン、コンスタンチーノウイチ太公殿下保護ノ下ニ在ル全露禁酒基督教徒勞動同盟ノ有力者エム、チュルイシエフ(前代議士)ハ「ウチーツカ」酒ノ販賣ヲ永久ニ禁止センコトヲ皇帝陛下ニ奏請シタルニ千九百十四年十月二十日皇帝ハ太公ニ宛テ「ウチーツカ」ノ官營販賣ハ之レヲ永久ニ廢止スベキ覺悟ナル旨傳ヘラレタリトノコトナリ

禁酒令實施ノ模様

軍隊ハ兎ニ角一般國民ニ對スル禁酒令ノ施行程度ハ各地方長官ノ手心ニテ寬嚴取捨區々一定セズ例ヘバ或ル地方ニテハ酒ノ種類ト時間及場處トヲ限リ販賣セシメ又或ル地方ニテハ右等ノ制限ヲ置カズ絕對酒類ノ販賣ヲ許可セザルガ如シ

禁酒令ニ對スル國民ノ感想並ニ軍隊ノ士氣ニ及ボセル效果
地方自治團等ノ發表スル所ニ由レハ國民一般ニ禁酒令ヲ歡迎スルガ如ク軍隊ノ士氣ハ概シ
テ旺盛ナルモ右ハ禁酒ト幾許ノ關係アリヤ不明ナリ

禁酒令ノ爲メ特ニ露國民ノ性行上ニ變化ヲ來シタリト認メラル、現象
發令以來街上殆ド泥醉者ヲ見ズ一般勞働者ヲシテ漸次勤勉力行ノ美風ヲ長ゼシメ現ニ今日
ニ在リテモ既ニ其效果ノ著大ナルモノアルガ如ク在莫斯科某製造家ノ直話ニ據レバ禁酒令
勵行以來其職工ノ勞働力大ニ増加シタリトノコトナリ故ニ露國政府ニシテ若シ永ク禁酒令
ヲ勵行スルコトヲ得バ瑞典ニ於ケルト同様遠キ將來ニ於テ確カニ其國民性ニ變化ヲ來スベ
キコトアルベシ

禁酒令ノ露國財政上ニ及ボセル影響

酒精專賣ハ最近十數年來經常歲入中主要ナル財源タリシヲ以テ是ガ販賣禁止ノ及ボス影響
甚大ナラント思ハル、モ該禁止令ハ昨年下半年ニ至リテ發布セラレシモノナルヲ以テ同年
度豫算中酒精收益九億三千六百萬留即チ全歲入ノ二割六分ニ當ルモ同年度上半年ニ於テハ
豫定ノ收入アリシモノト認メラル

而シテ開戦以來ノ減收ヲ昨年度ニ比スルニ八、九月ニ於テ夫々五千八百萬及七千八百萬留ノ
減少アリタリ然レドモ國民ノ禁酒ハ國庫ヨリ國民ニ資金ヲ放散シタルニ同シク國民財政ノ
上ニ一大打擊ヲ與ヘタリト認ムベカラズ却テ禁酒ノ結果貯蓄ニ於テ例年ニナキ増加ヲナシ
タリ加之前記兩月ニ於ケル一般歲入ハ昨年度ニ比シ夫々一億六千八百萬及一億二千五百萬

留ノ減少ナルニ大藏大臣ハ戰爭ノ影響ノ經濟ニ及ボス程度ハ豫想セル如ク恐ルベキモノニ
アラズト曰ヘリ

次ニ右收入ノ缺陷ハ事局ニヨリ新ニ生ジタル種々ナル用途ノ支出ヲ併セ本年度ニ於テハ主
トシテ經費削減乃至増稅新稅或ハ剩餘金ヲ填補シツツアリ
今後ニ於ケル酒精專賣收益ニ關シテハ千九百十五年度ハ單一億四千四百萬留ヲ計上シ歲
入ノ四分七厘ノミトナセリ之レ一見多大ナル減額ナルガ如キモ一方支出ニ於テ從來ノ專賣
維持費二億四千六百萬留ニ對シ僅ニ一億六百萬留ヲ計上セシヲ以テ差引千九百十五年度ノ
酒精專賣收益ノ減額ハ六億五千五百萬留ナリトス

現ニ露國政府ノ貯藏セル酒精ノ數量價額及之レガ處分方法並ニ釀造家救濟ノ方法
現在露國政府ノ貯藏スル酒精類ノ數量ニ就テハ調査材料ノ據ルベキモノ無キヲ以テ正確ニ
其數ヲ知ルコト困難ナレドモ最近年度ニ於ケル露國政府ノ酒精製造高及其仕向ク數量ヲ檢
スレバ略ボ其數量ヲ推算シ得ベシ

千九百十年度乃至千九百十三年ニ於ケル酒精製造高ハ一年平均一億千七百萬「ウエドロー」
(一)「ウエドロー」ハ我六升八合餘)ニシテ其内飲料トシテ國內ニ消費セラル、數量九千百萬
「ウエドロー」、工業上ニ使用セラル、數量八百萬「ウエドロー」、外國ニ輸出セラル、數量千
萬「ウエドロー」及豫備貯藏高八百萬「ウエドロー」、又千九百十二年度內國各地ノ政府酒精
販賣所ガ飲料トシテ販賣シタル數量ハ九千六百五十二萬「ウエドロー」ナリ其月別販賣高次
ノ如シ

露西亞國法令

三七六

一月	二月	三月	四月	五月	六月	七月	八月	九月	十月	十一月	十二月
「ウエドロー」 八、八五、〇〇〇	六、〇一、〇〇〇	七、〇五、〇〇〇	七、〇三、〇〇〇	七、九三、〇〇〇	七、一七、〇〇〇	「ウエドロー」 六、九六、〇〇〇	七、六五、〇〇〇	九、三四、〇〇〇	九、八七、〇〇〇	九、〇五、〇〇〇	九、六四、〇〇〇

今回戦争ノ爲メ禁酒令ヲ施行シタルハ昨年七月中旬ナレバ爾來年末マデノ月數ハ約五ヶ月半ニシテ假ニ前表ヲ標準トナシ一ヶ月ノ酒精販賣數量約九百萬「ウエドロー」ヲ右月數ニ乘ズレバ四千九百五十萬「ウエドロー」トナル是レ即チ禁酒令施行以來年末マデノ賣殘數量ナリ其他戰時工業界ノ沈靜ニ伴フ工業用酒精販賣高（一年平均八百萬「ウエドロー」）ノ減少及外國輸出數量（一年平均千萬「ウエドロー」）ノ減少等ヲ推算スレバ前者ハ開戰以來約三割減トシテ百五十萬「ウエドロー」（此ノ割合ハ工業界一般ノ生産力低減率ト稱スルモノヲ標準トシタルナリ）又後者ハ六割減トシテ二百七十萬「ウエドロー」（酒精輸出地ノ主要ナルハ獨逸及土耳其ニシテ右兩國ハ輸出セラル、同品ハ約六割ヲ占ムルヲ以テ之レヲ標準ニ取リタルモノトス）竝ニ政府ノ豫備貯藏數量八百萬「ウエドロー」アルヲ以テ此ヲ合算スレバ政府ノ現在貯藏高總計六千七百七十萬「ウエドロー」トナリ而シテ之レガ價額ハ酒精ノ種類ニ據リ固ヨリ差等アレドモ飲料ニ用ヒラル、「ウチーツカ」酒一「ウエドロー」ノ價格ハ千九百二十年度ニ於テ八留五十四哥ナレバ單ニ飲料酒精ノ賣殘數量ニ對スル價額ノミニテモ四億二千

二百七十萬留ノ巨額ニ上ルヲ見ル

政府ノ貯藏スル殘存酒精ノ處分法ニ關シテハ目下尙成案ナキモノ、如シ二月二十四日當地新聞ノ報ズル所ニ據レバ大藏大臣バルク氏ハ千九百十六年度ニ於ケル酒精製造問題ニ關スル各般ノ施設事項ニ就キ閣議ニ提出スル所アリシトノコトニテ其提議ノ要領ハ「政府ガ突然酒精販賣ヲ停止シタル爲メ國庫ニ回收セラル、酒精ハ莫大ノ數量ニ上リ各倉庫ハ何レモ此等酒精ヲ以テ充滿シ些ノ餘地ナキヲ以テ千九百十四年度及千九百十五年度註文ノ大部分ハ今尙酒精製造場ノ倉庫ニ保管セラル、有様ニシテ政府ハ目下此等酒精ヲ工業上ニ使用セント熱心調査シツ、アリ若シ其目的ヲ達スルヲ得バ政府專賣酒精ノ需要ヲ喚起シ漸次其數量ヲ増加シ最近年度ノ製造額ヲ全部斯業ニ使用セシムルコトヲ得ベキモ然カモ斯ノ域ニ達スルニハ今後若干年所ヲ閱セザルベカラズ事情右ノ如クナルヲ以テ大藏省ハ千九百十六年度ニ於ケル酒精ノ製造ニ著手セザルコトヲ提言シ置クモノナリ」云々尙大藏省ハ廣ク工業上ニ酒精應用ノ途ヲ發見セントノ目的ヲ以テ不日國際懸賞法ヲ設ケ善ク新應用法ヲ募集スベシトノコトナリ以テ露國政府ノ酒精處分ニ對スル方針ヲ察スベキナリ

備考 露國ニ於ケル酒精ノ用途ハ飲料七割七分、工業用六分八厘ナルニ獨逸ニ於テハ飲料五割四分、工業用四割六分ニ相當ス依テ此際露國ニ於テモ酒精ノ用途ヲ工業界ニ擴張スベシトノ議論ハ目下民間經濟家中ニモ盛ニ唱道セラルル所也

酒精釀造家救濟ノ方法ニ關シテハ政府ハ未ダ何等ノ措置ヲ執ラザルガ如シ但シ右救濟策ニ關シ政府專賣酒精ノ製造ヲ請負ヒ來レル釀造業者會議ノ希望條件ナルモノヲ見ルニ政府ハ

各釀造業者が禁酒令公布前ニ準備シタル材料及他ノ經費ニ對シ損害賠償ヲ爲スベシト云フニアリ元來是等釀造業者が政府ノ請負ヲナシテ釀造スル酒精ノ原料ハ其四分ノ一ハ穀物ヲ用ヒ他ハ總テ馬鈴薯ヲ用ユルモノトス穀物ハ保存ニ堪ヘ且ツ他ニ使用ノ途ヲ發見スルコト雖カラズト雖モ馬鈴薯ニ至リテハ保存日數ニ限リアリ多量ノ蓄積ヲ一時ニ他ニ向テ使用セシムルコト能ハザレバ國庫ハ前者ニ對シテハ酒精一「ウエドロー」ノ原料ニ對シテ十哥乃至二十哥(手附金ヲ含ム)ヲ賠償シ後者ニ對シテハ同二十五哥ヲ賠償スベシト云フガ該會議ノ議決シタル希望條件ナリトス右ハ酒精釀造者救濟ニ關スル事項ナルガ更ニ酒精販賣ニ從事スル大藏省ノ雇員等ヲ解雇スルニ付テハ大藏大臣ハ本年露曆一月七日訓令第二千四百十號ヲ以テ一時賜金ヲ下附スルコトトナシ閣議ハ其資金トシテ國庫ヨリ百九十萬留ヲ支出スルコトニ決セリ

禁酒令ノ露國工業及農業ニ及ボセル直接間接ノ影響及其程度

大藏省ノ發表スル所ニ依レハ禁酒令施行ノ結果勞働生産力ノ増加著ルシク各地方ヨリ來ル報告ヲ綜合スルニ禁酒ノ結果勞働者ノ遊興ニ耽ルモノ大ニ減少シ生産力増加ノ程度ハ三割乃至五割ナリト

南露及高加索地方ニ於ケル葡萄酒釀造業ニ對スル露國政府ノ措置

本項ニ關シ露國政府ハ未タ何等ノ保護的措置ヲ執リタルコトナシ但シ目下商工省ハ大臣官房長議長トナリ各省代表者會議ヲ開キ禁酒令施行ノ結果窮狀ニ陥レル製酒業者及麥酒製造業者保護策ニ就キ協議シツツアリ同會議ニハ右代表者ノ外當業者代表者各市區ノ自治團代

表者等モ參加シ而シテ其決議事項ハ閣議ニ附シ更ニ論議スルトノコトナレハ造酒業者ニ對スル保護法ハ早晚具體的ニ確定スルニ至ルヘシ

禁酒令ノ將來ニ對スル豫想

第二項既說ノ通り露帝陛下ハ政府ノ酒精販賣ヲ永久ニ廢止セラレントスル意見ナレハ「ウチーツカ」ノ官營販賣所ハ今回ノ禁酒令ヲ期トシテ或ハ絶對ニ閉鎖セラルルニ至ルヘキカ但シ大藏省ニテハ本年度ノ豫算面ニ於テ右販賣所ノ半數ヲ閉鎖シタリ葡萄酒及麥酒等ニ至リテハ現今ト雖地方ニ由リ其賣買ニ制限ヲ置カサル程ナレハ之ニ對シテハ平和克復後一般ニ禁酒令ノ解除ヲ見ルヘキハ疑ナキ所トス

(五) 露國ニ於ケル染料工業 (六月二十八日官報)

本件ニ關シ同國駐劄本野特命全權大使ヨリ本月二十三日發テ以テ左ノ如ク電報アリ(外務省)

染料工業ニ關シ(一)客年中莫斯科ノ七十一工業家ハ共同シテ資本五百萬留ノ化學工業會社ヲ設立シウオルガ河畔ニ一染料會社ヲ設ケ目下其製品ハ全部陸軍省ニ納メツツアリ同會社ハ南露ニ二大工場ヲ設立ノ計畫中ニテ同工場ハ莫斯科工業家ノ需要ヲ充タスニ足ル

ヘシ(二)五十萬留ノ資本ヲ有スル一化學藥劑品會社近頃急ニ設立セラル(三) Ivanow
wodnesensk ノ工業家ハ三十萬留ノ資本ヲ以テ化學品會社設立ヲ計畫シツツアリ

伊太利國法令

伊太利國法令

第一 海上捕獲規定ニ關スル件

○伊國海上捕獲規定中貨物ニ關スル注意(六月二十八日官報)
本件ニ關シ同國駐劄林特命全權大使ヨリ本月二十二日發テ以テ左ノ如ク電報アリ(外務省)
伊國政府ノ發布セル海上捕獲規定中條件附戰時禁制品ハ中立港ニ航行スル船舶ニ載積セラル、モ若シ貨物受取人ヲ指定セサルトキハ該貨物ハ捕獲セラル、規定アリ戰時禁制品目ハ郵送スヘキモ右規定ニ關シ本邦當業者ノ注意ヲ要ス

第二一 アドリアチツク海ノ埃國沿岸島嶼等封鎖ノ件

○伊國封鎖宣言(五月二十九日官報)
伊國政府ハアドリアチツク海ノ埃國沿岸島嶼竝ニアルバニア國沿岸島嶼全部ニ對シ封鎖ヲ宣言シ本月二十六日ヨリ效力ヲ生セシムル旨伊國駐劄林特命全權大使ニ對シ公式ニ通牒シタル趣同大使ヨリ電報アリ(外務省)

○封鎖區域ニ於ケル船舶退去期間ノ件(在伊林大使電報六月五日着)

伊太利國法令

境國沿岸封鎖ニ關シ伊國政府ハ十日間ノ期限ヲ與ヘ封鎖區域ヨリ船舶ノ退去ヲ命シ各政府ヨリ右ヲ該地方ニ於ケル官憲ニ通知シ且其通告日附ヲ伊國政府ニ通告方依頼セリ

第三 輸出禁止品ノ件

○伊國輸出禁止品追加 (五月二十日官報)

本件ニ關シ同國駐劄林特命全權大使ヨリ本年三月二十七日附ヲ以テ左ノ如ク報告アリ (去月二日本欄内參看) (外務省)

伊國政府ハ本年三月二十三日附勅令第二百九十七號ヲ以テ更ニ左記ノ諸商品ノ輸出ヲ禁止ス

- 一 鑽石
- 二 「セラフィン」
- 三 Ceresina
- 四 「ステアリン」
- 五 蠟燭類
- 六 「クローム」鹽 (Sali di Cromo)
- 七 各種ノ鞣革用材料 (Materie Con-
- 八 硫化「アルミニウム」 (Solfato di Alluminio)
- 九 「セメント」
- 十 「セルローゼ」 (Cellulosa)
- 十一 化學肥料

○伊國輸出禁止品追加 (六月十七日官報)

本件ニ關シ同國駐劄林特命全權大使ヨリ本年四月十七日附ヲ以テ左ノ如ク報告アリ (去月二十日本欄内參看) (外務省)

伊國政府ハ千九百十五年四月十五日附勅令第四百六十八號ヲ以テ更ニ左記諸品ノ輸出ヲ

禁止シタリ

- 一、「ナフタリン」及「ニトロナフタリン」
- 二、硝酸「アンモニヤ」
- 三、加里明礬及加里鹽
- 四、金屬ノ酸化物
- 五、椰子油

○伊國輸出禁止品追加 (六月二十六日官報)

本件ニ關シ同國駐劄林特命全權大使ヨリ去月九日附ヲ以テ左ノ如ク報告アリ (本月十七日本欄内參看) (外務省)

伊國政府ハ千九百十五年五月六日附勅令第五百八十六號ヲ以テ更ニ左ノ諸商品ノ輸出ヲ禁止シタリ

- 一 硫黃
- 一 植物油類
- 一 襪類
- 一 純酒精

第四 伊國ノ穀價調節策

(大正四年三月三十一日附在伊帝國特命全權大使男爵林權助報告)

伊太利國法令

小麥ノ産額並ニ輸入額

三八四

伊太利國民經濟ノ中心ハ農産物ニアレトモ國民ノ需要スル穀物ハ國內ノ産額ノミニテハ十分ナラス故ニ小麥ノ輸入毎年約千萬「カンタロ」ニ達スルノ現状ナリ左ニ小麥ノ産額並ニ輸入額ヲ示サン

伊太利國內小麥産額

一九〇九年	五一、八一三、〇〇〇	一九一二年	四五、一〇二、〇〇〇
一九一〇年	四一、七五〇、〇〇〇	一九一三年	五八、四五二、〇〇〇
一九一一年	五二、三六二、〇〇〇		

(單位「カンタロ」)

小麥ノ輸入額

一九〇九年	一、三三二、九八〇 ^噸	一九一二年	二九九、六〇五、四七〇 ^{リッラ}
一九一〇年	一、四四一、七四八	一九一三年	三〇九、四〇八、六二〇
一九一一年	一、三九一、一三〇		二九七、二二二、七四〇
一九一二年	一、七八九、六九九		三九九、七三七、三三〇

伊國ハ毎年國內産額ノ約五分一乃至四分一ノ小麥ヲ輸入スル必要アリ隨テ小麥ノ價格如何ハ伊國々民經濟上ニ多大ノ影響ヲ及ホスモノトス

歐洲ノ戰亂ニヨリテ歐洲諸國ニテハ小麥ノ需要激増シ其他種々ノ原因ニヨリ穀價ノ暴騰ヲ

來セリ其概況ヲ見ルニ伊國ゼノア市場ニテハ左ノ如キ變動ヲ示セリ

(但し「カンタロ」ニ付)

一九一三年七月十一日	二九、〇〇	一九一四年十二月十五日	三二、七五	
一九一四年七月十一日	二六、〇〇	同	二月二十九日	三三、七五
同	八月二十一日	同	三月十八日	三六、二五
同	九月四日	同	一九一五年一月六日	三六、二五
同	九月十五日	同	一月十五日	四〇、二五
同	十月二日	同	二月四日	四〇、〇〇
同	十月十六日	同	三月八日	四三、〇〇

即チ戰亂以後小麥ノ相場ハ約六割五分ノ騰貴ヲ見タル次第ナリ勿論ゼノアノ相場ハ倫敦市場ノ相場ニ比シ常ニ高位ニアリ右ハ爲替相場、運賃、金利、關稅等ノ關係ニ基因スルモノトス

戰亂ニヨレル穀價ノ騰貴ト其原因

穀價騰貴ノ原因ニ關シテハ種々ノ說アレドモ要スルニ戰亂ニ基因セルモノト云フコトヲ得ベシ

供給市場ノ減少 戰亂ノ結果小麥供給市場ノ減少セルハ著明ナル事實トス即チ輸入小麥ノ産地ヲ見ルニ千九百二十年度ノ統計ニヨレバ小麥ノ輸入額百七十八萬九千餘噸ハ主トシテ左ノ市場ヨリ供給セラレタルモノナリ

伊太利國法令

三八五

伊太利國法令

供給國

數量

露西亞

七九三、八八九

羅馬尼

五〇二、二五九

供給國

三八六

亞爾然丁

一七六、〇八五

濠太刺利亞

一〇八、三六四

戰爭ノ結果ダーダネルス海峽閉鎖セラレ露國及羅馬尼ヨリノ輸入杜絶シ且ツ濠洲ヨリノ輸入皆無トナリシヲ以テ小麥ヲ輸入シ得ル國ハ亞爾然丁及北米合衆國ニ限ラル、ニ至レリ南北米ニ於ケル暴騰 南北亞米利加市場ニ於テハ歐洲諸國ノ需要大ナルヲ利用シ小麥價格ノ大騰貴ヲ見タリ今其一例トシテシカゴ市場ニ於ケル小麥相場ノ變動ヲ示セバ左ノ如ク暴騰セリ

一九一四年七月二十四日	一五、九二	一九一四年七月十一日	二二、二一
同 八月二十八日	二一、六八	一九一五年一月十五日	二七、三五
同 九月 四日	二三、一二	同 二月 五日	三一、三三
同 十月十六日	二一、一一	同 三月 八日	三〇、〇〇
同 十一月 六日	二一、九九		

(但シ「カンタロ」ニ付)

原產地ニ於ケル小麥相場ノ騰貴ハ當然輸入國タル伊國ニ於ケル相場ノ騰貴ヲ齎ラシタリ 運賃ノ騰貴 戰爭ノ結果運賃騰貴シ隨テ輸入小麥相場ヲ騰貴セシメタリ 戰爭ト同時ニ軍事輸送増加シ又戰時保險料上騰シ加之獨逸船ノ活動停止ノ結果商船數減少シ運賃暴騰セリ左ニ其一例ヲ示サンニ

一九一四年七月	一、〇〇	一九一四年十一月	二、七〇
同 八月	一、〇〇	同 十二月	四、〇〇
同 九月	一、五〇	一九一五年一月	六、〇〇
同 十月	二、〇〇	同 二月	六、五〇

ベノザイレス、セノア間小麥「カンタロ」ニ對スル運賃ノ平均

歐洲市場ニ於ケル穀價ノ高低ニ關シ運賃ガ重要ナル地位ヲ占ムルコトハ既ニリヴァプール穀物組合ノ研究ニヨリ明白ナルガ戰亂ノ影響トシテ運賃ノ暴騰セルコトハ伊國ニ於ケル小麥相場ヲシテ多大ノ騰貴ヲナサシメタル原因ノ一ナルコト證明ヲ俟タズシテ明ラカナリ 軍用糧食ノ買入 伊國ハ戰爭開始ト同時ニ中立ヲ宣言シタルモ其中立タルヤ武裝中立ニシテ著々軍備ノ充實ニ歩ヲ進メ萬一ノ場合ニ備フル爲メ軍用糧食ノ買入ヲナセリ該買入數量ハ不明ナルモ其額多大ニシテ其ノ結果伊國々内市場ニ於ケル穀價ヲ騰貴セシメタルハ明白ノ事實ナリトス

先般來伊國議會ニ於ケル穀價問題討議ノ際モ軍用買入ノ多大ナリシ爲メ國內ノ穀價ヲ暴騰セツメタル事實ハ多數ノ承認セル所ナリ 輸入穀類ノ減少 如上各種ノ事情ハ穀價上騰ヲ當然ナラシムルモノナルニ加ヘテ戰亂以後 輸入數量ノ減少セル事實モ亦穀價暴騰ノ原因ヲナセリ 前述各種ノ原因ニヨリ小麥ノ價格騰貴セル結果トシテ國民日常食用品タル麵麩ノ價格大ニ騰貴シタリ

從來各地ノ統計ヲ見ルニ小麥製麵粉一「キロ」ニ付三十「サンチーム」乃至五十「サンチーム」ノ價格ヲ示シ平均一「キロ」ニ付三十五或ハ四十「サンチーム」ノ相場ナリキ然ルニ戰爭以來原料タル小麥相場ノ騰貴ニヨリ麵粉ノ價格モ亦騰貴シ小麥一「カンタロ」ノ價格四十三「リ」ラ「ト」假定セバ小麥麵粉ノ上等ノモノハ一「キロ」五十九「サンチーム」下等ノモノハ一「キロ」五十三「サンチーム」トナル割合ナリ

麵粉ノ騰貴ハ戰爭以來左ナキダニ生活ニ困難セル衆民ノ生活ヲ一層困難ナラシメ生活難ノ聲ハ殊ニ勞働者社會ヨリ絶叫セラル、ニ至レリ加之社會主義者ノ煽動アリテ昨年末ヨリ本年ノ初メニ當リ伊國各地ニ騷擾ヲ起シ特ニ南伊ノ各地ニ於テハ失業多数ナルヲ以テ右ノ騷擾ハ容易ナラザル度ニ進ミタル所アリ其結果國內秩序亂レ時局ニ當リ國民一致ノ實ニ反スルヨリ政府當局ハ既ニ採リシ施設ニ加ヘテ各種ノ方策ヲ講シ以テ麵粉ノ騰貴ヲ防ギ生活難ヲ減少セント試ミタリ

而シテ政府ノ施設ハ穀價ノ調節ヲ圖リ國內ニ於ケル穀物ノ分配ヲ整理シ更ニ進テ穀物消費ヲモ調節スルノ方法ニ出テタリ左ニ各種施設ヲ詳述セン

穀價調節ニ關スル政府ノ施設

穀類ノ輸出禁止 戰爭開始ト同時ニ千九百十四年八月二日附テ以テ伊國政府ハ輸出禁止品ヲ指定シタルが穀物ハ第一位ニアリ以後三回ニ亘リ新ニ勅令ヲ以テ輸出禁止品目ヲ増加シ穀物ヲ以テ製シタル物品モ亦其輸出ヲ禁止スルニ至レリ
穀物關稅ノ低減並其後ノ全廢 伊國ニ於テハ種々ノ變遷ヲ經テ輸入穀物ニ對シ一定ノ關稅

ヲ賦課セルが該關稅ハ原價低廉ノ間ハ政府ニ收入ヲ與ヘ且ツ國內消費者ニ對シテモ多大ノ負擔ヲ與ヘザリシが原產地ニ於テ穀價騰貴セル場合ニハ關稅ノ負擔が國內消費者ニ影響スルトコロ大ナルヲ以テ伊國政府ハ穀價調節ノ必要ヨリ關稅ノ低減ヲ圖リ以テ穀價ノ騰貴ヲ防ガントシ千九百十四年十月十八日附勅令ヲ以テ同年十月二十日ヨリ千九百十五年三月三十一日迄ニ輸入スル穀類ニ對シ關稅ノ低減ヲ實行シタリ其關稅率左ノ如シ

品 目	低減關稅率	普通關稅率
小 麥一「カンタロ」ニ付	三、〇〇	七、五〇 ^リ
黑 麥	二、〇〇	四、五〇
燕 麥	二、〇〇	四、〇〇
大 麥	二、〇〇	四、〇〇
白玉蜀黍	三、〇〇	七、五〇
其 他	〇、五〇	—
小麥粉	五、二五	一一、五〇
黑麥粉	四、〇〇	六、五〇
燕麥大麥	四、〇〇	六、〇〇
白玉蜀黍	五、二五	九、五〇
其他玉蜀黍	二、〇〇	三、五〇
小玉 (Semolino)	七、〇〇	一五、五〇

伊太利國法令

三九〇

糠 (Crusca)	一、五〇	二、〇〇
小麥麵	七、五〇	一六、〇〇
麵麩及粗ビスケット	七、五〇	一六、〇〇

即チ小麥及小麥粉ニ關シテハ關稅ノ低減五割或ハ其レ以上ニ達セリ以上ノ關稅低減ハ穀物ノ輸入ヲ容易ナラシムルコトニアルハ明白ナリ故ニ穀物關稅ノ低減ハ伊國ノミ實行シタルニ非ズシテ歐洲各國モ同様ノ方法ニ出デタルノミナラズ更ニ一層進ミタル政策ヲ施ス國多カリシ故隨テ伊國ノ穀物輸入關稅低減モ左程ノ效果ヲ奏セリトモ思ハレザルニヨリ政府ハ更ニ穀物輸入關稅ノ全廢ヲ企テタリ

千九百十五年一月三十一日附勅令第五十號第一條ハ同年二月一日ヨリ六月三十日ニ至ル期間ヲ限リ小麥其他ノ穀物並ニ穀粉ニ對スル輸入關稅ヲ全廢スル旨ヲ規定シタリ之レ穀物ノ輸入ヲ容易ナラシメ且ツ穀物ニ對シ課稅負擔ヲ免除シタルヲ以テ伊國國內ニ於ケル穀價ノ騰貴ヲ防グニ於テ多大ノ效果ヲ齎ラシタルヤ論ナシト雖一方穀物市場ノ制限ト外國爲替市場ノ常規ヲ逸セルニ加ヘ運賃相場ノ暴騰ハ個々商人ノ穀物買入ヲ困難ナラシムルコト少ナカラザルヲ以テ政府ハ更ニ穀價調節策ニ一步ヲ進メ此等ノ困難ヲ排除セント試ムルニ至レリ其方策タルヤ政府自ラ穀物ノ買入ヲ計畫スルト同時ニ穀物輸入ニ對シ運賃ノ低廉ヲ保證スルニ存ス

運賃低減ノ施設 政府ハ輸入穀物運送ニ對シ運賃ノ暴騰ヲ防グ爲メ船舶ノ徵發ヲ實行シタリ千九百十五年一月二十一日附勅令第二十九號ニヨレバ國家ノ必要及公共ノ利益ニ鑑ミ政

府ハ該勅令ニ定メタル規則ニ準據シテ船舶ノ徵發ヲナシ得ルノ權能ヲ有ス(第一條)

船舶徵發ニ關スル規定ノ概要ヲ述ベンニ徵發ハ國內及殖民地ニ於テハ海軍大臣或ハ其代表者又ハ地方港務官外國ニ於テハ領事或ハ艦長之レヲ命ス

徵發シタル船舶ニ對スル報酬ハ最近十五日間ノ平均運賃ヲ基礎トシテ決定シ該目的ノ爲メ海軍省ニ船舶徵發委員會ヲ組織ス(第四條)

其他徵發ノ通告、船員トノ契約、保險、返還等ニ關スル詳細ノ規定アルモ該勅令本來ノ目的ハ運賃ノ暴騰ヲ防グ爲ニシテ必要ト認メタル場合ニハ政府ニ於テ船舶ヲ徵集シ之ニ對シテハ相當ノ運賃ヲ與フルニアリ而シテ政府ノ本勅令ニヨリ船舶ノ徵發ヲナシ得ルコトヲ規定スルニ至リタル動機ハ主トシテ輸入穀類ノ運賃暴騰ヲ防ギ以テ穀價ヲ調節セントスルニ存ス而シテ穀價ノ高低ニ付キ運賃ハ重要ナル關係ヲ有シ且ツ該運賃ハ昨年十月以來暴騰ヲ見タルノ事實ニ鑑ミ政府ノ施設ハ穀價調節策ノ手段トシテ其要ヲ得タルモノト云フベシ但シ右ノ施設ヲ爲サザル可ラザルニ至リタルコトニ就テハ批評ノ岐カル、所ナリトス

外國市場ニ於ケル買入 先般來議會ニ於テ穀物問題議事日程ニ附セラル、ヤ議論百出政府ヲ攻撃シタリ其際ニ於ケル農商工務大臣ノ答辯ハ伊國內ニ於ケル穀物ノ不足セザルコト並ニ政府ガ不足ヲ告ゲシメザル様施設スベキコトヲ宣シ且ツ政府ハ海外ニ於テ小麥約二百萬「カンタロ」ヲ買入レ目下輸送中ナル旨ヲ述ベタリ右買入額ノ大部分ハ軍用ニ向ケラル、モノナレドモ國內穀物在高チ増加シ間接ニ穀價調節ニ有效ナルヤ論ナシ只政府ノ買入ノ際採リタル方法ハ判明セズ

伊太利國法令

三九一

右ノ諸施設ハ時局ニヨリ生シタル穀價ノ騰貴ヲ調節スル爲メ政府ノ採レルモノニシテ主トシテ穀物ノ輸入ヲ容易ナラシメ且ツ伊國ニ於ケル穀物ノ存在高チ大ナラシメ以テ穀價ノ暴騰ヲ防ガントスルニアリ

穀類分配上ノ施設

前述ノ施設ニヨリ若シ海外ヨリノ輸入容易トナリタリトスルモ多クハ北部伊太利ニアルセノア港ニ著スルヲ以テ更ニ之レヲ國內各地ニ分配スル時ハ運賃等ノ關係ヨリ價格增高ノ虞アリ尙穀價ノ暴騰ヲ恐レ或一地方ニ於テ多量ニ穀物ノ買占チナサンカ他地方ニ於テハ穀物ノ缺乏ニヨリ自然價格ノ騰貴ヲ見ルコト、ナルベシ故ニ之ニ對スル豫防策トシテ穀物分配上ニ何等カノ施設ヲナス必要アルコト明白ナリ伊國政府ハ該事由ニ基キ種々ノ施設ヲナスニ至レリ其主要ナルモノハ第一國內各地ニ於ケル穀類在高ノ調査、第二國內水陸運送ニ對シ便宜ヲ與フルコト、第三國內各地ニ於テ穀類購入分配均衡ヲ保ツ爲メ公共團體ヲ組織スルコト等ナリ

穀類國內在高ノ調査 國內ニ於ケル穀物分配ノ均衡ヲ保ツ爲メ國內ニ於ケル穀物在高チ知ル必要アルヲ以テ政府ハ千九百十五年一月三十日附勅令第五十號第五條ニヨリ内務大臣ニ該調査ノ權能ヲ賦與シタリ即チ『内務大臣ハ必要ト認ムル時並ニ必要ト認ムル場所ニ於テ小麥粉其他穀類ノ倉庫及貯藏所ニ存スル在高調査ヲ命ズル權能ヲ有ス該調査ノ施行ニ服從セザルモノハ刑法ニ規定セル刑罰ニ處セラルベシ』ト此規定ニヨリ内務大臣ハ隨時各地方ノ穀類在高チ調査スル權能ヲ有スルコトナレリ蓋シ伊國ニテハ戰亂以後各地方多クハ穀

類在高チ異ニセルニモ拘ハラズ穀價ノ騰貴ヲ恐レテ之レヲ賣捌カザリシヨリ或ル地方例ハ北部伊太利ノ如キ穀類ノ貯藏高多キモ他ノ地方例ハ南部伊太利ノ如キ其貯藏高頗ル少ナキ状態ヲ呈シ爲ニ或ル地方ノ如キハ勞動者騷擾ヲ惹起スルニ至レリ隨テ政府ハ斯カル弊害ヲ除ク爲メ各地ニ於ケル穀類在高ノ調査ヲ命ジ得ル方法ヲ施セルハ在高過多ノ地ヨリ在高不足ノ地ニ分配ヲナスノ趣旨ナリ

穀類運賃ノ低減 政府ハ國內穀類輸送ニ就キ鐵道並ニ補助航路ノ運賃低減ヲ命ジタリ政府ハ國內ニ於ケル穀類在高チ調査シタル結果一地方ヨリ他地方ヘ穀類分配ヲナスヲ適當ト認ムルニ於テモ運送費ノ爲メ穀價ノ騰貴ヲ來サンコトヲ恐レ國內輸送ニ關シ實ニ穀類ニ對シテハ特ニ運賃低減ヲ命ズルニ至リ千九百十五年一月三十一日附勅令第五十號第三條及第四條之レヲ規定セリ第三條ニヨレバ「千九百十五年六月三十日迄土木大臣ハ國內ニ於ケル小麥及小麥粉ノ鐵道輸送ニ對シテ現行運賃率ヲ五割低減シ以テ輸送ヲ容易ナラシムルニ必要ナル方法ヲ講ズルノ權能ヲ有ス該權能ハ輸入小麥ノ輸送ニ對シテモ之レヲ附與セラルベシ」ト又第四條ニヨレバ「右ト同期間海軍大臣ハ補助航路ニヨル小麥及小麥粉輸送ニ對シテハ協定ニ準シ現行運賃率ヲ五割迄低減セシメ且ツ必要ノ場合ニハ穀類輸送ノ爲メ特別航海ヲナスベキノ旨ヲ命ズル權能ヲ有ス」ト而シテ伊國鐵道院ハ該敕令ニ基キ二月一日ヨリ穀類輸送ニ對シテ運賃ノ五割減ヲ實施シタルノミナラズシリヤヘノ輸送ニ對シテハ更ニ特典ヲ與フルコトトセリ

穀類ノ購入及分配ニ關スル組合ノ組織 政府ハ國內各地方ニ於テ穀類ノ購入及分配ヲ容易

ナラシムル爲メ地方團體間ニ組合ヲ組織シ得ルコトトセリ
 如上穀價騰貴ニ鑑ミ政府ハ一方穀價ノ高低ニ關係アル各種ノ事項ニ對シ種々ノ施設ヲ爲ス
 ト同時ニ他方國內各地ニ於テ地方團體自ラ穀類ヲ購入シ且ツ之レヲ分配スル爲メ特別ノ機
 關ヲ設クルノ要ヲ感シ千九百十四年十二月二十日附敕令第千三百七十四號ヲ以テ穀類ノ購
 入分配ノ爲メ地方團體間ニ組合ヲ組織シ得ルコトヲ規定シタリ該敕令ニヨレバ『右組合ヲ
 組織シ得ル團體ハ商業會議所、縣、郡ノ首府及人口一萬以上ノ町村トス以上ノ團體ハ穀物
 購入、分配ノ爲メ組合ヲ組織シ得該組合ハ縣知事令ヲ以テ承認セラル』(第一條)『該組合ヲ
 組織スル各團體ハ二名ノ代表者ヲ出シ委員會ヲ組織ス而シテ組合ノ事務ハ委員會ノ決議ニ
 基キ委員會會長及二名ノ委員ヨリ組織セラレタル特別委員會之レヲ施行ス』(第二條)『組合
 ハ公益ヲ目的トスルヲ以テ利益ノ獲得ヲナスコトヲ得ズ』(第四條第一項)『但シ穀類ノ無償
 分配ヲナスコトヲ得ズ』(第五條)『隨テ組合ハ慈善ヲ目的トスルモノニアラズ又營利ヲ目的
 トスルモノニモ非ザル一種ノ公益團體ナリト云フベシ』(第六條)『該代價ハ
 合ヨリ分配スル穀類ニ關シテハ組合ニ於テ其代價ヲ規定スルコトヲ得』(第六條)『該代價ハ
 穀物ノ原價ニ倉庫、輸送及分配ニ要スル費用及資金利子ヲ加算シタルモノニヨル』(第四條
 第二項及千九百十五年一月三十一日附勅令第五十二號第三條)『右穀類賣價ハ公益ヲ目的
 シテ決定セラレタルモノナルヲ以テ其賣價維持ヲ嚴守セシムルノ要アリ隨テ右賣價ニ違反
 シテ賣買スルモノアル場合ハ町村長及警察官吏ニ之ヲ監督セシム』(第六條末項)叙上ノ如
 キ規定ニ從ヒ國內各地方ニ於テ穀類組合ヲ組織スルコトヲ許可シタルガ政府ハ其成立ヲ容

易ナラシムル爲メ組合ノ組織ニ對シ財政上ノ便宜ヲ與ヘタリ右勅令第七條ニヨレバ穀類組
 合ノナス法律行爲ニ對シテハ印紙稅及登記稅ヲ免除シ又第八條ニヨレバ組合ノ穀類購入ノ
 爲ニ必要ナル資金ニ對シテハ伊國三兌換券發行銀行ヨリ特別ノ條件ヲ以テ信用ニヨリ融通
 スベキ旨ヲ規定セリ更ニ此點ニ關シテ伊國政府ハ千九百十五年一月三十一日附勅令第五十
 二號ヲ以テ詳細ノ規定ヲナセリ其要點ヲ示セバ左ノ如シ

『伊國三兌換券發行銀行ハ千九百十五年八月末日迄各縣穀類組合長ノ振出セル爲替手形及
 組合ノ穀類ニシテ倉庫ニ保管セララルモノニ對スル倉庫證券ニ對シ割引ヲナス義務ヲ有
 ス』(第一條)『尙該業務ハ兌換券發行銀行支店ニシテ特定セラレタルモノニ於テモ亦之レヲ
 行フ』(第二條)『穀類組合長ノ振出ス爲替手形ハ右ノ特權ヲ有スルト同時ニ一定ノ規則ヲ遵
 守スベシ即チ(第一)該爲替手形ノ額面ハ實際ノ購入穀物價格ヲ超過シ得サルコト(第二)
 爲替手形ニハ勅令ニヨリ割引ヲ受クル權アルモノナルコトヲ記入スルコト(第三)期限ハ三
 ヲ月ヲ超ユル能ハズノ三條件ナリ』(第四條)『該爲替手形ニ對スル割引請求ハ縣知事ノ承認
 ナ要ス』(第五條)『割引料ハ四分五厘ヲ超ユルコト能ハズ』(第五條)『組合ノ穀類保管ハ之レ
 ナ保稅倉庫ニ委託スベク保稅倉庫存立セザル地方ニ於テハ地方倉庫、私立倉庫ニシテ縣知
 事ノ承認ヲ經テ組合長ノ選定シタルモノ之レヲ司ル』(第七條)『組合ノ穀類保管者ハ貨物ノ
 受領且ツ兌換券發行銀行又ハ其支店ノ承認アルニ非ザレバ保管貨物ノ全部又ハ一部ヲ倉庫
 ヲリ出サザル旨ノ宣言書ヲ提出シ知事ノ承認ヲ受クベシ』(第七條)『兌換券發行銀行ハ資金
 融通ニ對スル代價トシテ穀類組合ノ當座勘定ヲ取扱フ組合ノ預金ハ年利四分五厘トス且ツ

倉庫ニ對スル組合ノ債權債務ニ關スル業務モ亦之レヲ司ル』(第五條及第七條)穀類組合ハ如上ノ特權ヲ有スルト同時ニ其業務施行ニ關シ多少ノ規則ヲ遵守スベキコトナレリ
穀類組合ハ其縣ニ於ケル一月間ノ穀類ニ對スル需要ノ見込ヲ算定シ市況ニ鑑ミ有利ナル方法ニヨリ穀類ノ需要ニ對シ必要ナル量ヲ購入スルコトニ考慮セザル可カラズ『組合ノ諸規定事項ハ直ニ之レヲ縣知事ニ通知スルト同時ニ割引ヲ請求スル銀行ニ報告スルヲ要ス蓋シ右諸規定ヲ縣知事が承認セシ場合ハ銀行モ亦之レヲ承認スルヲ要スレバナリ』(第三條)右ノ如キ條件ノ下ニ穀類組合ハ伊國各縣ニ設置セラルルニ至リ該設置ニ關シテハ伊國三兌換券發行銀行ニ於テ財政上多大ノ援助ヲ與ヘタルガ如シ

生活必要品製造上ノ規定

前述ノ如ク伊國政府ハ時局ニヨリ穀價ノ騰貴ヲ調節センガ爲メ穀類ノ輸入ヲ容易ナラシムル策ヲ講シ且ツ國內ノ分配ヲ便利ナラシムル爲メ海陸運送費ノ低減ヲ實施シ更ニ穀類ノ購入分配ヲナス目的ニテ公益團體ノ設置ヲ許可スル等種々ノ方法ニヨリ穀類ノ需要ヲ豐富ニシ穀類ノ騰貴ヲ防ギ生活難ノ漸次甚シクナランコトヲ防ガントセルガ政府ノ施設ハ之レニ停ラズ更ニ一步ヲ進メテ國民生活ノ内容ニ入り生活必要品ノ製造ヲサヘ規定スルニ至レリ伊國政府ハ時局ニ鑑ミ伊國ニ於テ可成穀類ノ供給ヲ豐富ナラシメン爲メ小麥粉ノ節約ヲ圖ラントシ麵粉製造ニ關シ細則ヲ設ケタリ即チ三月二十一日以後ハ特別ナル一種ノ麵粉ノ外製造販賣シ得ザルコトヲ規定シタリ千九百十五年三月七日附閣令ニヨレバ本年三月二十一日以降伊國內各地ニ於ケル小麥粉製ノ麵粉ハ從來手造リ麵粉(Pane casalingo)トシテ知らレ

タルモノニ限り製造販賣ヲ許可スルコトナレリ該制限ハ小麥粉ノ節約ヲ目的トセルモノニシテ新規定ノ麵粉製造ニ用ユル小麥粉ハ製粉ノ際用キタル小麥ノ量ノ八割ヲ包含セザル可ラズ從來良質ノ麵粉ヲ製造スルニ當リテハ製粉ノ際用キタル小麥量ノ五割乃至六割ヨリ包含セザル細粉ヲ用キタルガ爾後小麥麵粉ハ原料タル小麥ノ八割ヲ含ム小麥粉ヲ以テ製造セザル可ラザルコト、ナレリ隨テ廢棄セラル、小麥ノ分量減少シ同一量ノ小麥ヲ以テ以前ヨリ多量ノ麵粉ヲ製造シ得ルコト、ナリ之ニヨリテ小麥ノ節約ヲナシ得ルコト、ナレリ尙『右ノ麵粉ハ一個五百瓦ヲ超ユル可ラズ且ツ製造シタル時ヨリ十二時間ノ後三割五分以上ノ水分ヲ含ム可ラズ』(第一條)ト該規則ニ例外ヲナスモノハ(一)麵類、菓子類、ビスケット等ノ製造ニ要スル小麥粉(二)玉蜀黍、燕麥及其他小麥ニ非ラザル原料ニヨリ製セラレタル麵粉(三)地方ノ習慣トシテ從來製造シタル各種ノ粉ヲ混合セル麵粉(第三條)ノ三トナス次ニ『病院、養生院及ビ私宅療養ノ患者ニ對シテハ醫師ノ證明ヲ以テ知事ニ於テ特ニ麵粉ノ製造ヲ許可スルコトヲ得、但シ該分量ハ一患者ニ對シ一日二百瓦ヲ超ユルコトヲ得ズ』(第二條)トス又『本閣令ノ施行ニ關シテハ市町村醫、工業土木検査官、衛生委員、物價詮衡委員、警察官之レヲ監督ス』(第四條)『若シ本規定ニ違反スル者アル時ハ衛生法ノ規定ニヨリ處罰セラル』(第八條)小麥製麵粉ノ製造ヲ一種ニ限りタル目的ハ小麥消費量ノ節約ニ存スルガ果シテ前述ノ施設ハ其期待スル所ニ應ズベキヤ否ヤニ關シテ大ニ議論ノアルトコロナリ實施以來日淺ク其效果如何ヲ判定シ得ルノ時期ニ達セズ伊國ニ於ケル或ル經濟學者ノ計算ニヨレバ其效果ハ小麥ノ消費量ヲ節約シ穀價調節上大ニ利益アルモノ、如シ

伊國ニ於テ毎月消費スル小麥ノ量ハ約五百萬「カンタロ」ニシテ小麥製「パン」チ一種トセル結果麵麩製造ニ要スル小麥量ハ二割節約セラレ麵類、菓子類等ノ製造ニヨリ其節約量ハ減少スルモ尙約一割ノ節約ヲナシ得ルトセバ大ナル誤ナカルベク即チ毎月約五十萬「カンタロ」ノ小麥ヲ節約シ得ベシ而シテ毎月五十萬「カンタロ」ノ小麥ヲ節約シ得バ次ノ收穫期迄ニ必要ナル小麥ノ數量モ大ニ減少スベク隨テ輸入ヲ要スル量モ減ズベク伊國經濟上好結果ヲ齎スベシ穀價調節ノ點ヨリ見レバ麵麩製造ニ對スル伊國政府ノ執レル施設ハ其要ヲ得タルモノト云フベシ

政府ノ施設ニ對スル政治家、學者ノ批評

戰亂以來穀價調節ノ爲メニ伊國政府ノ講シタル施設ハ大要右ノ如クナルガ伊國ニ於テハ政治家及ビ學者間ニ議論多ク政府ノ政策ニ對シ攻撃スルモノ少ナカラズ其大要ヲ述ブレバ攻擊ノ中心タル政府ノ施設ハ遅レタリト云フニアリ戰爭開始後直ニ Nuova Antologia ノ主筆 Fevans 氏ハ歐洲戰爭ノ結果各國ハ穀物購入ヲ圖ルベク穀價ノ騰貴ハ自然ノ現象トナルベキヲ以テ此際伊國ニ於テモ政府ノ干渉ヲ必要トスベク中央ニ委員會ヲ設ケ之レニ廣キ權能ヲ附與シテ穀類供給問題ヲ其他ノ戰爭經濟問題ト共ニ最良ノ解決ヲナスヲ適當トスル旨ヲ唱ヘタリ然レドモ政府ハ漸ク十月ニ入り穀類關稅ノ低減ヲ行ヒ其他ノ諸施設ハ昨年未ヨリ本年ノ初ニカケ漸ク實施セラル、ニ至リタルヨリ見レバ政府ノ施設ヲナスニ至リシ動機タル主トシテ各地方ニ於ケル穀價騰貴ヨリ生シタル騷擾ニアルガ如シ若シ果シテ然ラバ政府ノ諸施設ハ當初ヨリ一定ノ確固タル戰時經濟方針アリテ之レヲ時宜ニヨリ實施シタルモ

ノニ非ズシテ當初ハ左程注意ヲ拂ハザリシモ地方ノ騷擾ニヨリ内政ノ必要上急ニ諸般ノ方策ヲ講ズルニ至リタルモノト云フベシ故ニ政府ノ施設ハ既ニ時期ニ遅レタリシ感アリ若シ政府ニシテ戰爭當初中央委員會ヲ組織シ直チニ外國市場ニ於テ小麥類ノ購入ヲ企圖スルコト英佛兩國政府等ノ如クナリシナラバ小麥ノ相場尙三十「リラ」ニ至ラザル時ニ於テ購入シ得タルベク從ツテ穀價ノ暴騰ヲ見ルニ至ラザリシナラントハ伊國ニ於ケル各方面ノ人士ガ政府ヲ攻撃スル點ニシテ蓋シ尤モナル議論ト云フベシ政府ハ漸ク昨千九百十四年末ニ至リ漸ク穀類購入分配組合ノ設立ヲ圖リ地方團體ヲシテ穀類供給ノ任ニ當ラシメントシタルハ時期既ニ遅レタリト云フベシ尙且ツ穀物組合ニシテ其任務ヲ盡サントナスモ現時ノ組織ニテハ其實行至難ナリ蓋シ穀類商業タル全然世界的ナルヲ以テ市價ノ變動ハ各國ニ影響ス故ニ穀類商業ハ頗ル複雑ヲ極メ新タニ組織セラレタル穀類組合ヲ以テ直ニ此ノ複雑ナル穀物商業界ニ於テ穀類購入ノ任ニ當ラシムルヲ欲スル如キハ事頗ル滑稽ニ屬ス勢ヒ穀類組合ハ穀類購入ニ關シテ專門家タル穀類輸入商ニヨラザル可ラズ而シテ伊國ニ於ケル大輸入商ハ多カラズ故ニ是等ノ商人ハ多數ノ穀類組合間ニ連絡ヲトリ以テ有利ノ購入ヲナシ得ルヤ否ヤ頗ル疑問ナリト云フベシ若シ政府ガ穀類組合ノ組織ヲ許スト同時ニ國內ノ諸組合ヲ統一シ中央組合ヲ設ケテ穀類購入ノ任ニ當ラシメ地方ノ組合ハ單ニ穀類ノ均等分配ノミヲ司ルコト、セバ或ハ政府ノ欲スル目的ヲ達スルコト容易ナリシナラントモ想像セラル而シテ右ノ如キ例ハ既ニ佛國ニ存在シ其運用圓滿ニシテ活動宜シキヲ得爲メニ佛國ニ於ケル穀價調節上多大ノ效果ヲ與ヘシ事實ハ吾人ノ眼前ニアルコト

ナレバ單ニ空論ニ非ラザルコトヲ證スベシ而シテ伊國政府ノ執リタル諸施設中小麥製ノ麵
麩ノ製造ヲ一種ニ限リタルノ點ハ蓋シ英斷ニシテ適當ノ策ナリ尙今少シク時期ノ早カリシ
ナランニハ其ノ效果一層大ナリシナラントハ多數ノ認ムル所ナリ
要之伊國政府ハ時局ノ結果穀價騰貴シ國民ノ生活困難トナランコトヲ防ガントシテ遅レバ
セナガラ各種ノ施設ニヨリ其害ヲ除カント腐心シツ、アルモノト云フベシ

獨逸國法令

獨逸國法令

第一 海上捕獲規定改正ニ關スル件

(一) 千九百十四年十月十八日、十一月二十三日及十二月十四日附戰時禁制品品目ノ追加(譯文)

(第三輯第四四八頁以下參照)

獨逸國ニ於ケル戰時禁制品品目表ノ改正

(一九一四年十二月二十二日英國官報ニ依ル)

獨逸國政府ハ這回ノ戰爭繼續中戰時禁制品トシテ取扱フ品目ニ關シ昨年十月十八日附命令ヲ以テ千九百九年倫敦宣言第二章所定ノ品目表ヲ其儘採用シタル次第ハ既ニ昨年十月二十二日附外務省告示第三十八號ヲ以テ公示セラレタルカ爾後右品目ニ左ノ追加アリタリ

一 千九百九年九月三十日ノ捕獲規程ニ對スル追加(千九百十四年十月十八日獨逸官報) 右捕獲規程第二十三條ニ左ノ二號ヲ加フ

十五 工作セサル銅

獨逸國法令

十六 鉛板、鉛塊、鉛管

二 燃料ヲ條件附戰時禁制品トシテ取扱フ件ニ關シ千九百十四年十一月十七日附宣言
千九百九年九月三十日ノ捕獲規程第二十三條第九號ハ左ノ如ク解スヘキモノトス

「リグナム、ヴァイター」(Lignum vitae) 紫檀 (Palisander) 黑檀 (Ebony) 及其ノ他外國產ノ堅木 (Hard foreign woods) ナ除キ加工セサル又ハ粗製ノ木材ハ燃料トシテ使用スルコトヲ得ヘク且實際或事情ノ下ニ燃料トシテ使用セラルルヲ以テ條件附戰時禁制品ト認ムヘキモノトス(加工セサル又ハ外皮ヲ剥キタル (In the rough or without bark) 鑛抗用木材及製紙用木材 (Mining lumber and Paper woods) ナ含ム) 但手工ヲ加ヘ又ハ機械ヲ以テ加工シタル爲著シク價格ヲ増加シタル木材ニシテ右ノ加工ニ由ル商業的價格ノ増加カ燃料トシテ使用ニ適セサル程度ニ達シタル時ハ之ヲ燃料ト認メス

三 千九百九年九月三十日ノ捕獲規程ニ對スル追加 (千九百十四年十一月二十三日獨逸官報)

千九百十四年十月十八日附命令ニ對スル追加トシテ千九百九年九月三十日ノ捕獲規程ニ左ノ二號ヲ加フ

十七 加工セサル又ハ加工セル (殊ニ切斷シ、挽キ、削リ、溝彫リタル) (Partially hewn, sawn, planed, grooved) 一切ノ木材、「シリンダー、タール」(Cylinder tar)
十八 硫黃、粗製又ハ精製ノ硫酸

四 千九百九年九月三十日ノ捕獲規程ニ對スル追加 (千九百十四年十二月十四日獨逸官報)

千九百十四年十一月二十三日附命令ニ關聯シ千九百九年九月三十日ノ捕獲規程第二十三條ニ更ニ左ノ二號ヲ加フ

十九 「アルミニウム」
二十 「ニッケル」

(註捕獲規程第二十三條ハ條件附戰時禁制品々目表ニ關スル規定ニシテ倫敦宣言第二十四條ノ品目表ト全然同一ナリ)

(二) 千九百十五年四月十八日附ノ改正

(第三輯第三八八頁以下參照)

(千九百十五年四月二十二日「フランクフルテル、ツァイツング」)

ÄNDERUNG DER DEUTSCHEN PRISENORDNUNG.

Berlin, 21. April (Priv.—Tel. Chr. Frkst.) Die neue Verordnung betreffend die Abänderung der Preisordnung vom 30. September 1909 ist vom 18. April datiert und besagt:

In Vergeltung der von England und seinen Verbündeten abweichend von der

獨逸國法令

四〇三

Londoner Erklärung über das Seekriegsrecht vom 26. Februar 1909 getroffenen Bestimmungen genehmige ich für den gegenwärtigen Krieg die nachstehenden Abänderungen der Prisenordnung vom 30. September 1909 sowie ihrer Zusätze vom 18. Oktober, 23. November und 14. Dezember 1914.

An die Stelle der Ziffern 21, 23, 27, 33, 35, 40, sowie der Zusätze zur Ziffer 23 treten folgende Bestimmungen:

21. Als Kriegskonterbande werden die nachstehenden, unter der Bezeichnung "Absolute Konterbande" begriffenen Gegenstände und Stoffe angesehen:

1. Waffen jeder Art mit Einschluss der Waffen für sportliche Zwecke und ihre als solche kenntlichen Bestandteile;
2. Geschosse, Kartuschen und Patronen jeder Art sowie ihre als solche kenntlichen Bestandteile;
3. Schiesspulver und Sprengstoffe jeder Art;
4. Geschützrohre, Lafetten, Protzen, Munitionswagen, Feldküchen, Backofenwagen, Proviantwagen, Feldschmieden, Scheinwerfer, Scheinwerfergerät und ihre als solche kenntlichen Bestandteile;
5. Entfernungsmesser und ihre als solche kenntlichen Bestandteile;
6. Doppelgläser, Fernrohre, Chronometer und nautische Instrumente aller

Art;

7. Militärische als solche kenntliche Kleidungs- und Ausrüstungsstücke;
8. Für den Krieg benutzbare Reit-, zug- und Lasttiere;
9. Militärisches als solches kenntliches Geschirr jeder Art;
10. Lagergerät und seine als solche kenntlichen Bestandteile;
11. Panzerplatten;
12. Blei in Blöcken, Platten oder Röhren;
13. Stacheldraht, sowie die zu dessen Befestigung und Verschneidung dienenden Werkzeuge;
14. Weissbleche;
15. Kriegsschiffe und sonstige Kriegsfahrzeuge, sowie solche Bestandteile, die nach ihrer besonderen Beschaffenheit nur auf einem Kriegsfahrzeug benutzt werden können, Schiffsbleche und Schiffan Stahl;
16. Unterwasserschallsignalarparate;
17. Luft- und Flugfahrzeuge aller Art, deren als solche kenntlichen Bestandteile sowie Zubehörstücke, Gegenstände und Stoffe, die erkennbar zur Luftschiffart oder zu Flugzwecken dienen sollen;
18. Werkzeuge und Vorrichtungen, die ausschliesslich zur Anfertigung und

Ausbesserung von Waffen und Kriegsmaterial hergestellt sind ;

19. Drehbänke jeder Art ;
20. Grubenholz ;
21. Kohlen und Koks ;
22. Flachs.

23. Als Kriegskonterbande werden folgende für kriegerische wie für friedliche Zwecke verwendbare, unter der Bezeichnung relative Konterbande begriffene Gegenstände und Stoffe angesehen ;

1. Lebensmittel ;
2. Fournage und Futtermittel jeder Art ;
3. für militärische Zwecke geeignete Kleidungsstücke, Kleidungsstoffe und Schuhwerk ;
4. Tierische Wolle, roh oder bearbeitet, sowie wollene Streichgarne und Kammgarne ;
5. Gold und Silver, geprägt und in Barren, sowie Papiergeld ;
6. Für den Krieg verwendbare Fuhrwerke jeder Art und ihre Bestandteile, insbesondere alle Kraftfahrzeuge ;
7. Gummiräder für Kraftfahrzeuge, sowie alle Gegenstände und Stoffe, die

besonders bei der Herstellung oder Reparatur von Gummirädern verwendet werden ;

8. Kautschuk und Guttapercha und die daraus hergestellten Waren ;
9. Festes oder rollendes Eisenbahnmaterial, Telegraphen- Funkenentelegraphen- und Telephonmaterial ;
10. Feuerungsmaterial, ausgenommen Kohlen und Koks, Schmierstoffe ;
11. Schwefel, Schwefelsäure, Salpetersäure ;
12. Hufeisen und Hufschmiedegerät ;
13. Folgende Erze, Wolframerze (Wolframit und Scheelit), Molybdaen, Nickel, Chrom, Haematit Eisen, Mangan, Blei, Erz ;
14. Folgende Metalle : Wolfram, Molybdaen, Vanadium, Nickel, Selen, Kobalt, Haematitroheisen, Mangan, Aluminium, Kupfer ;
15. Antimon sowie seine Schwefelverbindungen und Oxyde ;
16. Eisenlegierungen (Ferro-Verbindungen) einschliesslich Wolfram, Molybdaen, Mangan, Vanadium, Chromeisen ;
17. Geschirr und Sattelzeug ;
18. Leder, zugerichtet und nicht zugerichtet, sofern es brauchbar ist für Sattlerei, Geschirr, Militärschuhzeug oder militärische Kleidungsstücke ;

19. Gerbstoffe aller Art, einschliesslich der beim Gerben gebrauchten Extrakte;

20. Hölzer jeder Art, roh oder bearbeitet (insbesondere auch behauen, gesägt, gehobelt, genietet), ausgenommen Grubenholz, Holzkohlenteer;

21. Schiffe, Boote und Wasserfahrzeuge jeder Art, Schwimmdocks und Vorrichtungen für Trockendocks sowie ihre Bestandteile.

27. Als Kriegskonterbande können die nachstehenden Gegenstände nicht erklärt werden:

1. Rohbaumwolle, Rohseide, rohe Jute, roher Hanf;

2. Harz, Lack, Hopfen;

3. rohe Felle, Hörner, Knochen und Elfenbein;

4. natürlicher und künstlicher Dünger;

5. Erde, Ton, Kalk, Kreide, Steine mit Einschluss des Marmors, Ziegelsteine, Schiefer und Dachziegel;

6. Porzellan und Glas;

7. Papier und die zu seiner Herstellung zubereiteten Stoffe;

8. Seife, Farbe mit Einschluss der ausschliesslich zu ihrer Herstellung bestimmten Materialien und Firnis;

9. Chlorkalk, Soda, Aetznatron, schwefelsaures Natron in Kuchen, Ammoniak, schwefelsaures Ammoniak und Kupfervitriol;

10. Maschinen für Landwirtschaft, für Bergbau, für Textilindustrie und für Buchdruckerei;

11. Edelsteine, Halbedelsteine, Perlen, Perlmutter und Korallen;

12. Turm- und Wanduhren, Standuhren und Taschenuhren ausser Chronometern;

13. Mode- und Galanteriewaren;

14. Federn jeder Art, Haare und Borsten;

15. Gegenstände zur Wohnungseinrichtung und zum Wohnungsschmuck, Bureauöbel und Bureaubedarf.

33. Sofern die Umstände dem nicht widersprechen, ist die in Ziffer 32 bezeichnete feindliche Bestimmung anzunehmen:

a) Wenn die Sendung an eine feindliche Behörde oder den Agenten einer solchen, an einen Händler, von dem feststeht, dass er Gegenstände der fraglichen Art oder Erzeugnisse aus ihnen der Streitmacht oder den Verwaltungsstellen des feindlichen Staates liefert, gerichtet ist;

b) wenn die Sendung an Order oder an einen aus den Schiffspapieren nicht

ersichtlichen Empfänger oder an eine Person, die sich im feindlichen oder vom Feinde besetzten Gebiet aufhält, gerichtet ist;

c) wenn die Sendung noch einem befestigten Platze des Feindes oder nach einem Platze, der der feindlichen Streitmacht als Operations- oder Versorgungsbasis dient, bestimmt ist.

Kaufahrtschiffe selbst sind nicht schon um deswillen als für die feindliche Streitmacht oder für Verwaltungsstellen des feindlichen Staates bestimmt anzusehen, weil sie sich auf der Fahrt nach einem der zu c) bezeichneten Plätze befinden.

35. Gegenstände der relativen Konterbande unterliegen der Beschlagnahme nur auf einem Schiffe, das sich auf der Fahrt nach dem feindlichen oder vom Feinde besetzten Gebiet oder zur feindlichen Streitmacht befindet und das diese Gegenstände nicht in einem neutralen Zwischenhafen ausladen soll, d. h. in einem Hafen, den das Schiff vor dem Erreichen jenes Zieles anzulaufen hat.

Die Einschränkung des Abs. 1 findet keine Anwendung:

- a) wenn die Voraussetzungen der Ziffer 33b vorliegen, oder
- b) wenn das Schiff nach einem neutralen Lande bestimmt ist, von dem feststeht, dass die feindliche Regierung von dort Gegenstände der fraglichen Art bezieht.

40. Auf Grund einer früher ausgeführten, aber bereits vollendeten Beförderung von Konterbande kann eine Anbringung nicht bewirkt werden. Hat jedoch das Schiff Konterbande entgegen den Angaben seiner Schiffspapiere dem Feinde zugeführt, so unterliegt es der Anbringung und Einziehung bis zur Beendigung des Krieges.

Diese Verordnung tritt mit ihrer Verkündigung in Kraft.

右ノ譯文

獨逸海上捕獲規程ノ改正

(千九百十五年四月廿二日「フラ
ンクフルテル、ツアイツング」)

千九百九年九月卅日發布獨逸海上捕獲規程ニ關スル改正規程本年四月十八日附テ以テ公布セラル

英國及其ノ聯合國カ海戦法規ニ關スル千九百九年二月廿六日ノ倫敦宣言ニ違背セル規定ヲ設ケタルニ對シ之カ報復トシテ獨逸ハ現戰役中千九百九年九月卅日公布ノ海上捕獲規程竝ニ千九百十四年十月十八日同十一月廿三日及同十二月十四日公布ノ追加規程中左ノ通り改正ス

第二十一條、第二十三條、第二十七條、第三十三條、第三十五條、第四十條及第二十三條補則ニ代フルニ左ノ諸條ヲ以テス

第二十一條 左ニ掲クル物件及材料ハ絕對的禁制品ノ名義ノ下ニ之ヲ戰時禁制品ト看做ス

一、一切ノ武器(狩獵用ヲ含ム)及其組成品タルコト明ナルモノ

二、一切ノ彈丸、裝藥、彈藥包、及其ノ組成品タルコト明ナルモノ

三、一切ノ火藥及爆發物

四、砲身、砲架、前車、彈藥車、野戰庖厨車、野戰麵燒竈、軍用運搬車、野戰鍛冶器、

探照燈及其ノ附屬具並其ノ組成品タルコト明ナルモノ

五、距離測定器、及其ノ組成品タルコト明ナルモノ

六、雙眼鏡、望遠鏡、「クロノメートル」及各種ノ航海用具

七、軍用タルコト明ナル被服及武裝具

八、戰爭ノ用ニ供スルヲ得ヘキ乗用、挽用、及駄用ノ獸類

九、軍用タルコト明ナル一切ノ馬具

十、陣營具及其ノ組成品タルコト明ナルモノ

十一、甲鐵鈹

十二、鉛塊、鉛板、及鉛管

十三、刺アル鐵線及其ノ架設又ハ切斷ノ用ニ供スヘキ器具

十四、葉鐵

十五、軍艦及戰鬪用舟艇並特ニ上記艦艇ニ限り使用シ得ヘキコト明ナル組成品、造船

用鋼鈹

十六、水中音響信號器

十七、各種ノ氣球、航空機及其ノ組成品タルコト明ナルモノ並氣球及航空機用ニ供セラルルモノト認ムヘキ附屬品、物件及材料

十八、武器及軍用材料ノ製造及修理ノ爲專ラ製作セラレタル機械及裝置

十九、一切ノ旋盤

二十、坑道用木材

二十一、石炭及「コークス」

二十二、亞麻

第廿三條 戰爭用ニモ亦平時用ニモ供スルヲ得ヘキ物件及材料ニシテ左ニ掲クルモノハ條件附戰時禁制品ノ名目ノ下ニ之ヲ戰時禁制品ト見做ス

一、糧食

二、一切ノ芻秣及獸類飼料品

三、軍用ニ適スル衣服、被服用織物及靴類

四、粗製又ハ加工獸毛、並獸毛製梳絲及毛絲

五、金銀貨幣、地金銀及紙幣

六、戰爭ノ用ニ供シ得ヘキ一切ノ車輛及其ノ組成品殊ニ發動機ヲ有スル車輛

獨逸國法令

四一四

七、發動機ヲ有スル車輛用護謨輪並護謨輪ノ製造及修理ノ爲ニ特ニ使用セラルル一切ノ物件及材料

八、「カウチユーク」、「ガタバーカ」及其ノ製作品

九、鐵道ノ固定又ハ運轉用材料並電信、無線電信及電話ノ材料

十、石炭及「コークス」以外ノ燃料、機械潤滑用材料

十一、硫黃、硫酸、硝酸

十二、蹄鐵及蹄鐵用器具

十三、左ノ鑛石

「ウオルフラム」鑛、「ウオルフラム」鐵鑛及重石、「モリブデン」鑛、「ニッケル」鑛、

「クローム」鑛、赤鐵鑛、滿俺鑛、鉛鑛

十四、左ノ金屬

「ウオルフラム」、「モリブデン」、「ヴァナディウム」、「ニッケル」、「セレン」、「コバルト」、赤鐵鑛製銑鐵、滿俺、「アルミニウム」、銅

十五、安質母尼並其ノ硫化物及酸化物

十六、鐵ノ合金（「ウオルフラム」鐵、「モリブデン」鐵、滿俺鐵、「ヴァナディウム」鐵、

「クローム」鐵ヲ含ム）

十七、輓用及鞍用ノ物件

十八、整理シ又ハ整理セサル革ニシテ鞍具、輓具、軍用靴類又ハ軍用被服用ニ供セラ

レ得ヘキモノ

十九、各種ノ製革材料、（調革ニ際シ使用セラルル「エキス」ヲ含ム）

二十、坑道用木材以外ノ加工セサル又ハ加工シタル各種ノ木材（殊ニ切り、挽キ、削リ、

溝彫リタルモノ）、木炭「タール」

二十一、一切ノ船舶、舟艇、浮船渠ノ部分並其ノ組成品

第廿七條 左ノ物件ハ之ヲ戰時禁制品ト宣言スルコトヲ得ス

一、生綿、絹絲、黃麻、苧麻

二、樹脂、漆、「ホップ」

三、生皮、角、骨及象牙

四、天然及人造肥料

五、土、粘土、石灰、白堊、石材（大理石ヲ含ム）、煉瓦、^{スレート}板石及瓦

六、磁器及玻璃器

七、紙類及其ノ製造用ニ作ラレタル材料

八、石鹼、彩料（専ラ之ヲ製造スルノ用ニ供スヘキ材料ヲ含ム）及洋漆

九、格魯兒石灰、曹達、苛性曹達、「ソールト」、ケーキ、安母尼亞、硫化安母尼亞及

硫化銅

十、農業用、鑛業用、紡織用及印刷用機械

十一、貴石、准貴石、眞珠、眞珠母、及珊瑚

獨逸國法令

四一五

十二、掛時計、置時計及「クロノメートル」以外ノ懷中時計

十三、流用品及好奇心品

十四、各種ノ羽毛、毛髮及剛毛

十五、家具用及室内裝飾用品、事務所用器具及事務所用需品

第三十三條 諸般ノ情況ニ依リ反證ヲ舉ケサル限ハ左ノ場合ニ於テハ第三十二條ニ規定セ
ル敵タル仕向地チ有スルモノト推定ス

(a) 輸送物件ニシテ敵國官憲若ハ其ノ代表者ニ仕向ケラレタルトキ又ハ此種ノ物件若
ハ其ノ製作物チ敵國軍隊若ハ行政廳ニ供給スルコト著明ナル商人ニ仕向ケラレタ
ルトキ

(b) 輸送物件ニシテ指圖人渡ト爲シタルトキ、若ハ船舶書類ニ於テ荷受人ノ何人ナル
カ明白ナラサルトキ又ハ敵國領土若ハ敵國占領地ニ在スル者ニ仕向ケラレタル
トキ

(c) 輸送物件ニシテ防備アル場所又ハ敵國軍隊ノ策源地若ハ補給基地タル場所ニ仕向
ケラレタルトキ

商船自體ハ(c)號ニ掲グル場所ノ一二向テ航行スルノ故ノミチ以テ敵軍又ハ敵國官憲ニ
仕向ケラレタルモノト認ムルヲ得ス

第三十五條 條件附戰時禁制品タルヘキ貨物ハ敵國領土、敵ノ占領セル領土若ハ敵國軍隊
ニ向ケ航行スル船舶内ニ在リ且之ヲ中間ノ中立港即チ船舶カ目的地ニ到達スル以前ニ寄

港スル港ニ陸揚セサル場合ニ非サレハ之ヲ拿捕スルコトヲ得ス

第一項ノ制限ハ次ノ場合ニ於テ之ヲ適用セス

(a) 第三十三條 (b) ニ豫定セル場合

(b) 敵國政府カ中立國ヨリ此種ノ物件ヲ得ツツアルコト明カナル場合ニ於テ船舶カ該
中立國ニ仕向ケラレタル場合

第四十條 曩ニ履行シ且現ニ終了シタル戰時禁制品輸送ノ理由チ以テ拿捕ヲ行フコトヲ得
ス但シ船舶ニシテ其ノ船舶書類ノ記載ニ反シテ戰時禁制品チ敵ニ輸送シタルトキハ該船
船ハ戰爭終結迄之ヲ拿捕抑留ス
本規程ハ發布ノ日ヨリ之ヲ施行ス

第二 海戰法規ノ適用ニ關スル件

(一) 英獨兩國ノ交戰權行使ヲ緩和スルコトニ關シ英獨兩
國ニ宛テタル米國政府ノ二月二十二日附同文提議及
英獨兩國ノ回答

(本輯米國法令第二中立態度ニ關スル件(四)參照)

(一) 英國近海ヲ交戦區域トスル獨國ノ二月四日附宣言ニ關スル米國政府ノ交渉

(本輯米國法令第二中立態度ニ關スル件(六)參照)

(二) 英國海軍カ獨米間ノ軍需品貿易ヲ阻礙スルコト竝米國ヨリ聯合軍側ニ軍需品ヲ供給スルコトニ關スル獨米間ノ交渉

(本輯米國法令第二中立態度ニ關スル件(七)參照)

(三) 獨船「ヨーデンワルド」號抑留ニ關スル獨國政府ノ抗議及英船「ファラバ」號擊沈ニ關スル同政府ノ言明

(本輯米國法令第二中立態度ニ關スル件(八)參照)

(四) 米船「フライ」號擊沈事件損害賠償支拂ニ關スル米獨兩政府ノ交渉

(本輯米國法令第二中立態度ニ關スル件(九)參照)

(五) 英船「ルシタニヤ」號擊沈ニ關スル件

(本輯米國法令第二中立態度ニ關スル件(十)參照)

(六) 獨船「プリンツ、アイテル、フリードリヒ」號ノ武装解除

(本輯米國法令第二中立態度ニ關スル件(十一)參照)

(七) 北海及英佛兩國近海ノ通航問題ニ關シ獨蘭兩國ノ交渉

(本輯蘭國法令第二中立態度ニ關スル件(一)(二)參照)

第三 食料品其他軍需品販賣取締ノ件

(一) 食料品ノ政府專賣

(第三輯第四六三頁以下參照)

(イ) 獨逸食料集配規則ノ更正

(大正四年二月二十六日附在蘭帝國特命全權公使幣原喜重郎報告)

獨逸ニテ穀類及肉類集配ニ關スル規則ヲ制定シタルコトハ曩ニ報告セシカ其條項中重大ナル結果ヲ生ゼシメシモノアリソハ從來輸入セル穀類ハ一應公共團體又ハ穀物會社ニ收集スレトモ總テ一般人民ノ需要ニ充ツルモノニシテ軍隊又ハ政府用ニ供スルモノニ非サルコト勿論ナリシト雖中立國ヲシテ獨逸ニ輸入スル穀類カ如何ナル場合ニテモ獨逸官憲又ハ軍ノ需要ニ供スルコトナク隨テ國際法上戰時禁制品ト認ムヘキモノニ非サルコトヲ明瞭ナラシムル爲メ今回該規則ノ一部ニ變更ヲ施シ二月六日附聯邦議會命令ヲ以テコレヲ發布シ同時ニ北米合衆國政府ニ對シ同國ヨリ直接若クハ間接ニ獨逸ニ輸入スル食料品ハ如何ナル方法ニテモ獨逸官憲又ハ軍ノ需要ニ供スルコトナク全然人民ノ自由取引ニ委スル旨公式ニ通牒シタル趣ナリ

(ロ) 馬鈴薯現在高調査令

(大正四年三月八日附在蘭帝國特命全權公使幣原喜重郎報告)

大正四年三月六日發行獨逸官報ニ據レバ今般同國ニ於テハ馬鈴薯現況調査方ニ關シ同四日附聯邦議會命令ヲ以テ左ノ趣旨ノ規定ヲ設ケタリ

三月十五日ニ於テ現ニ五十基瓦以上ノ馬鈴薯ヲ貯藏スル者ハ同十七日迄ニ所在地ノ當該

官廳ニ其貯藏額ヲ申告スルノ義務アリ(第一條第一項第三項及第三條第一項)右調査期日タル十五日ニ輸送中ノ馬鈴薯ニ付テハ其荷受人ニ於テ受取次第之レヲ申告スベシ(第一條第二項)五十基瓦以下ノ貯藏額ニ付テハ申告義務ナキモ各邦中央官廳ニ於テ右五十基瓦以下ニ付テモ申告義務アリトスルトキハ此ノ限ニ在ラズ(第一條第三項)各邦中央官廳ハ申告貯藏額ヲ千九百十五年三月二十九日迄ニ帝國統計局ニ通報スベシ(第三條第二項)當該官廳又ハ其委任ヲ受ケタル官吏ハ馬鈴薯貯藏ノ疑アル場所ヲ臨檢シ且ツ申告義務者ノ帳簿ヲ檢查スルコトヲ得(第四條)帝國宰相ハ來ル四月又ハ五月ニ於テ今回ノ規定ヲ準用シテ第二回ノ調査ヲ行フコトヲ得(第七條)

右規則ノ發布ニ至レル理由トシテ「フランクフルターツアイツング」ノ掲ケル所左ノ如シ
千九百十四年度馬鈴薯ノ收穫ハ前年度ニ比シ著ルシク遜色アリシガ其需要ハ食糧ニ關スル從來ノ諸規則ノ結果却テ激増セルヲ以テ政府ニ於テハ一方馬鈴薯ノ供給ヲ圓滑ニシ他方其畜類ノ飼料ニ供セラル、ヲ制限セムガ爲メ曩ニ馬鈴薯ノ最高價格ヲ引上ケルノ命令ヲ發布セシ處爾後ノ經過ニ徴スルニ該命令ノ目的ハ少シモ達セラレザルノミナラズ偶々以テ投機者流ヲシテ賣惜ミニヨリ更ニ價格ノ騰貴ヲ豫想セシムルニ至リ結局巨額ノ馬鈴薯ハ死藏セラレ柏林市ノ如キハ其供給難ヲ告グルノ狀況ニ在リ此ノ時ニ當リ國內馬鈴薯ヲ一般ニ差押フルハ手續上ノ困難アリ到底實施スル能ハザルヲ以テ此ノ際救濟策トシテ不取敢國內馬鈴薯ノ現況ヲ調査シ次ニ馬鈴薯ノ集積セル部分ニ向テ公用徵收ヲ行ヒ而シテ新ナル小賣相場ヲ劃定スル外ナカルベシト云々

(ハ) 大麥ノ集配取締

(大正四年三月十二日附在蘭帝國)
特命全權公使幣原喜重郎報告

獨逸ニ於テ曩ニ麥類及麥粉ノ集配ニ關スル規則ヲ設ケ官營的施設ヲ開始シタル旨ハ既ニ報告セシモ右麥類ノ内ニハ大麥 (Gerste) ナ包含セザリシガ今回大麥ニ關シテモ同様其集配ヲ官營トナシ三月十日同國官報ヲ以テ之レヲ公布セリ

(ニ) 獨逸政府ノ食料米配給

(大正四年四月二十六日著在瑞典)
帝國特命全權公使内田定植電報

米ノ投機賣買ヲ防グ爲メ獨逸聯邦議會ハ命令ヲ以テ消費者小賣商消費組合等ヲ除キ米ノ所有者ヲシテ四月二十六日現在高キ四月二十九日迄ニ中央購買會社ニ届出テシメ同會社ハ一週間内ニ強制買入ヲナシ得ルコトトセリ

(ホ) 穀物在荷調査ニ關スル命令

(在ストックホルム内田)
公使電報五月四日着

獨逸政府ハ新ニ全國穀物在荷調査ノ爲五月八日ヨリ九日ニ亘ル夜間二十五「キロ」以上ノ小

麥裸麥大麥燕麥並此等穀物ノ粉及其混合品ヲ保有スルモノニシテ其數量ヲ届出テシムル命令ヲ發シタリ是迄在荷ヲ隱匿セルモノモ今度届出ツレハ所罰ヲ免セラレ

(ヘ) 麥及砂糖ノ賣買禁止

(大正四年六月二十四日著在瑞典)
帝國特命全權公使内田定植電報

獨逸政府ハ六月十七日以後本年獨逸國ノ收穫ニ屬スル麥、動物飼料及砂糖ノ賣買契約ヲ禁止シ既ニ成立セル契約モ亦無効トスル命令ヲ發シタリ

(ト) 獨逸ノ國民給養施設

(大正四年四月十七日附在蘭帝國)
特命全權公使幣原喜重郎報告

獨逸ニテハ國民給養問題ニ付各般ノ施設ヲ怠ラズ殊ニ最近ニ於ケル左記施設ノ如キハ注目ニ値スルモノナリ
●家畜飼料 從來家畜ノ飼料ハ外國ヨリノ輸入ニ俟ツモノ頗ル多額ナリシガ今ヤ其供給杜絶セルノミナラズ一方穀類、馬鈴薯等ヲ民食ニ充ツル爲メ是レ亦出來得ル限り節約ヲ加フルノ必要アリ旁々家畜ノ飼料ニ付テモ其需要ト供給トヲ調節スルノ必要アリ由テ今回飼料所持者及製造者ヲシテ其所持高若クハ製造高ヲ在伯林ノ一配給機關(會社組織)ニ申告セシ

獨逸國法令

四二四

メ該機關ハ各種飼料ノ買入及配給ヲ一手ニ引受ケ帝國宰相ノ定ムル細則ニ隨ヒ地方團體其他ノ機關ヲ通シ之レヲ配給スルコトトセリ

馬鈴薯 獨逸ニテハ這般國內馬鈴薯ノ在高調査ヲ行ヒシモ嚴寒ノ爲メ貯藏害ヲ開ク能ハザリシ個所多キ等ノ事情ヨリ満足ナル結果ヲ得ザリシ由ナルガ今回愈々國內ニ於ケル馬鈴薯ノ配給ニ關スル規則ヲ設ケルニ至レリ右ニ據レバ帝國宰相ニ隸屬スル委員組織ノ一中央機關ヲ設ケテ右配給ヲ管掌スル任ニ當ラシメ尙地方團體ヲシテ之レニ協力補助セシメ又右配給ニ際シテハ殊ニ細民ノ需要ヲ顧慮セシムルコトトシ又地方團體ニシテ其區域内ニ必需ノ數量ヲ貯藏セズ又之レヲ買入ルルコトヲ得ザルトキハ中央機關ニ事情ヲ申出デシメ中央機關ハ右ノ申告ヲ考慮シタル上必要ノ場合ニハ更ニ他ノ地方團體ニ之レガ供給ヲ命ズルコトヲ得ベク尙中央機關ハ一地方團體ヨリ該機關若クハ他ノ地方團體ニ提供スベキ馬鈴薯ノ高チ定ムルコトトナセリ

田畑ノ耕作 獨逸壯丁ノ兵役ニ服シタル結果之レヲ成行ニ放任センカ田畑ノ耕作十分ナラズ隨テ必要ノ收穫ヲ擧ゲ難キ懸念尠ナカラザルニヨリ今回同國ニテハ右ノ事態ヲ救済スル爲メ規則ヲ發布セリ同規則ニ據レバ行政官廳ハ土地耕作權者ニ對シ全段別耕作ノ意アリヤ一部耕作ヲ中止スルノ意アリヤ又ハ耕作ニ關シテ如何ナル計畫ヲ有スルヤニ付申告ヲ命ズルコトヲ得ベク耕作權者ニシテ耕作ヲ中止シ又ハ耕作ノ計畫ヲ明示セズ若クハ右申告ヲ怠ルモノアルトキハ地方團體ハ千九百十五年末日ヲ超過セザル期間其土地ノ全部又ハ一部ヲ引受ケ戰時事態ノ許ス限リ善長ナル經營ノ原則ニ隨ヒ該土地ヲ利用スベキコトトセリ

(一) 食料品ノ價格制定

麵麩ノ最高價格制定

(大正四年四月二十六日著在瑞典帝國特命全權公使内田定植電報)

伯林市ハ麵麩ノ最高價格ヲ定メ四月二十六日ヨリ實行ス

獨逸穀價引下

(大正四年五月十三日著在瑞典帝國特命全權公使内田定植電報)

獨逸戰時穀物會社ハ五月十五日以後各種麥粉ノ價格ヲ平均一噸ニ付三十七乃至五十麻克引下ケルコトトセリ特ニ小麥粉ハ在荷潤澤ニ付貧民ノ資力ニ應ズル迄引下ケルト云フ

(二) 食料問題ノ經過

(イ) 獨逸ノ食料節約ニ就テ

(大正四年二月十六日在蘭帝國特命全權公使幣原喜重郎報告)

獨逸ニテハ國內ニ於ケル食料ノ缺乏ヲ恐レ之レガ救済手段トシテ命令ヲ發シタルガ右命令發布ノ翌日同國半官報「キヨルニッセ、ツァイツンク」ガ從來ノ命令ノ效果(キヨルン市副市長

獨逸國法令

四二五

ノ投書)ト題シテ掲グル所ハ之レヲ他ノ新聞紙ノ所論ト對照スルニ殆ド其步調ナ一ニシ幾分今次施設ヲ要求スルニ至レル食料狀態ヲ説明スルニ足ルト考ヘラル、ニ付キ其要旨ヲ左ニ譯報ス

千九百十二年及千九百十三年ノ兩年ニ於ケル獨逸平均食料消費高 (單位噸)

品名	內國生産高	輸入超過高即チ內國供給ノ不足高
穀類(黑麥小麥馬鈴薯等).....	二七、三一七、七九一	二、二六三、六五四
植物性脂肪.....	一九二、一一七	一六五、四五〇
肉類其他動物性脂肪.....	三、三九五、四〇〇	九二〇、八〇〇
魚類.....	二一五、五七〇	三六一、三七七
牛乳生産品.....	一二、四三八、六〇〇	九、六二五、九〇〇
卵 子.....	二五六、八一二	一六九、一一〇

千九百十四年八月一日ヨリ千九百十五年同月同日ニ至ル戰爭年間ニ於ケル獨逸食料ノ需要

本件需要ハ千九百十二—三兩年ノ平均消費高ニ比シテ超過スルトモ減退スルモノニ非ズ其ノ理由ハ(一)全國人口六千六百萬ハ二分ヲ増加シテ六千八百萬トナリ(二)動員ノ當然ノ結果ハ食料ノ非集約的使用ヲ來シ(三)外國人ノ退去及軍隊ノ占領敵地ニ於ケル給養ハ之レヲ以テ獨逸人ノ歸郷並捕虜ノ收容ニ因ル內國消費ノ増加ヲ償フニ足ラザレバナリ
右ノ需要ヲ充ス爲該戰爭年間ニ存在スル食料品ノ量額

千九百十四年度ニ於ケル穀類收穫ハ千九百十二年及千九百十三年兩年ノ平均收穫ニ比シ一割ノ不作ニシテ即チ黑麥ノ八十一萬二千四百二十五噸、小麥ノ三十七萬五千六百四十六噸、馬鈴薯ノ百三十六萬二千三百四十五噸ノ減收ヲ見タルノミナテズ外國ヨリノ補給(前表輸入超過高)ハ殆ド皆無トナレリ

獨逸帝國統計ニ據レバ穀類中黑麥、燕麥ハ輸出超過ニシテ馬鈴薯ハ輸入超過ニハ相違ナキモ其輸入ノ目的主トシテ工業用ニ在ルヲ以テ食料品問題トシテハ暫ク之レヲ打算セザルヲ可トス只小麥ハ從來中立國(加奈陀、亞爾然丁)又ハ敵國(露國)ヨリ輸入シタルヲ以テ現下ノ戰爭狀態ニテハ到底其ノ供給ヲ得ルノ望ナキモノト推定セラレ

穀類以外ノ食料ハ內國生産ニ於テ減收ナカリシモ亦々外國ヨリノ補給(前表輸入超過高)ニ大打擊ヲ蒙レリ
肉類、牛乳製品、卵 子等ノ供給ハ豚(露國ニ仰ク)ヲ除クノ外主トシテ大陸中立國又同盟國(瑞典、丁、蘭、瑞西、澳)ニ之レヲ仰グヲ常トス

食料品利用ニ關スル從來ノ諸法規ノ效果

獨逸ニ於ケル食料品輸出禁止命令ノ效果ハ敵國ノ同様禁令ニヨリテ沒却セラレ更ニ前掲輸入超過額丈ノ不足ヲ來スニ至レリ只主要輸出品タル砂糖ハ輸出禁止ノ結果國內ニ堆積セリ幼畜ノ屠殺ヲ禁止又ハ制限スル命令(十月六日聯邦議會命令)ハ畜數ノ減退ヲ防グヲ目的トセル處之レガ爲メ幼豚著ルシク繁殖シ其保育ノ結果飼料トシテ料ラズモ一般人民ノ食料ヲ蠶食スルコト、ナレリ即チ千九百十四年十二月一日現在ノ豚數ハ同年八、九、十、十一

月ノ交首要屠殺所四十ヶ所ニ於テ三十六萬三千八百八十四頭ノ屠殺ヲ見タルニモ拘ハラズ尙前年同時期ニ於ケル頭數ニ超過シ隨テ例年ナラバ人民ノ食料ニ供セラルベキ穀物ノ五割ハ一方輸入飼料缺乏ノ折柄右畜類ノ飼料ニ供セラル、ニ至レリ

千九百十四年十月二十八日及千九百十五年一月五日附聯邦議會命令即チ穀類ノ飼料使用禁止、黑麥、小麥搗上正味割合ノ増加、黑麥粉ニ馬鈴薯ノ混和、バックワーン (Back Warten) ノ製造ニ關スル命令ハ幾分穀類ノ節約ヲ來セリ

A 黑麥、小麥ヲ飼料ニ供スルヲ禁ズル命令ニ依リテ得ラルベキ節約
小麥ノ飼料ニ供セラル、ハ少額ニ過ギザレドモ黑麥ノ飼料ニ使用セラル、高ハ千九百十二年及千九百十三年兩年ノ平均二百萬噸ニ達ス然ルニ千九百十四年度黑麥ノ收穫ハ一割減ニシテ其ノ飼料ニ供セラレ得ル額モ亦々假リニ一割減トスルトキハ年百八十萬噸即チ毎月十五萬噸ノ割合トナル

禁令ハ十一月四日チ以テ實施ニ至リタルモノナルガ故ニ八、九、十ノ三ヶ月ニ已ニ四十五萬噸ノ飼料使用ヲ見タル譯ニシテ而モ前述ノ如ク一方外國ヨリ飼料輸入杜絶シ他方豚數ノ増加アリ隨テ該三ヶ月間ニ尙少ナクトモ三割ノ使用増アリタリト見テ都合五十八萬五千噸ノ飼料ヲ消費セルモノナリ故ニ前述千九百十四年度飼料黑麥總高百八十萬噸ヨリ八、九、十ノ三ヶ月中ニ消費セラレタル五十八萬五千噸ヲ控除シ殘高百二十一萬五千噸ハ右新禁令ノ效力ニ依リ最早之レチ飼料ニ供スルコトヲ得ズシテ人民ノ食料ニ差向クルコトヲ得ル譯ナレドモ從來トテモ飼料トシテ統計ニ上レル穀類ノ五割ハ實際飼料ニ供セラレズシテ人民ノ食

料ニ供セラル、チ常トスルノ情況ナルニ顧ミ右禁令ノ爲メ節約セラレタル食料黑麥ノ高ハ前掲百二十一萬五千噸ノ五割即チ六十萬七千五百噸ナリトス

B 黑麥、小麥ノ搗上正味ノ割合ヲ増加シ及黑麥麵麩ニ馬鈴薯ヲ混ズルニヨリテ得ラルベキ節約
客年十月二十八日以來兩麥ノ節約ニ關シ種々ノ命令發布セラレタルガ今兩麥ニ付各千九百十二及三年ノ平均食料トシテ國內ニ於テ生産シタル高 (黑麥ノ七百五十九萬二千四百九十六噸、小麥ノ三百七十五萬六千四百六十噸) チ基礎トシテ右諸命令ノ來ル八月一日ニ至ル迄ノ效果ヲ衡レバ左ノ如シ

黑麥ニ付
(一) 四萬四千百噸 (客年十一月一日ヨリ本年一月一日ニ至ル搗上正味ノ割合増加及馬鈴薯ノ混和ニ依リ得ラルベキ節約)

(二) 二十八萬五千六百九十一噸 (本年一月一日ヨリ八月一日ニ至ル搗上正味ノ割合ヲ
(一) ヨリモ更ニ増加スルニ依リ得ラルベキ節約)

(三) 二十四萬六千六百四十五噸 (本年一月一日ヨリ八月一日ニ至ル馬鈴薯ノ混和ニ依リテ得ラルベキ節約)

合計五十七萬六千四百三十六噸ノ節約トナリ
小麥ニ付
二萬六千九百噸 (本年一月一日以後搗上正味ノ割合ヲ八割トスル命令ノ八月一日ニ至ル

效果)ノ節約トナル

蓋シ從來小麥ノ正味搗割ハ七割七分ニシテ之レヲ七割五分ト定ムル昨年十月二十八日ノ命令ハ實益ナク又小麥麵麩ニ一割ノ黑麥(昨年十一月四日以降本年一月十五日迄)若ハ三割ノ黑麥(本年一月十五日以降)ヲ混和スベキヲ定ムル命令モ黑麥ソレ自身已ニ人民ノ食料ナルニ顧ミ人民ノ食料全般ヨリ見ルトキハ節約ノ實益ヲ齎スモノニ非レバナリ
要スルニ黑麥、小麥ノ飼料使用禁止命令及其節約ニ關スル諸命令ノ效果ハ通計百二十一萬八百三十六噸ノ節約ヲ來スニ過ギズ次ニ「バックワールン」(Backward)ノ製造ニ關スル命令ノ效果如何ノ問題アレド其效力明ナラズシテ顧ミルニ足ラズ

結論

惟フニ從來ノ諸命令ノ效果ハ甚ダ薄弱ニシテ來ル八月一日ニ至ル迄黑麥、小麥ヲ通シ僅ニ百二十一萬八百三十六噸ヲ節約シ得ルノミニテ千九百十四年度ノ不作ニ因ル兩麥ノ減收百十八萬八千七十一噸ヲ償ヒ得ルニ過ギズ而シテ本年一月一日ノ現在高

黑麥	四、七六一、五二八 <small>噸</small>
小麥	一、〇七六、八一四
合計	五、八三八、三四二

ナレドモ兩麥毎月ノ消費高ハ合計百十一萬噸(黑麥ノ六萬三千噸、小麥ノ四萬八千噸)ナルヲ以テ八月一日ニ至ル迄通計七百七十七萬噸ノ消費トナリ結局百四十三萬六百五十八噸ノ不足ヲ來タシ即チ一ヶ月半分ノ不足ニシテ國內ノ在高ハ若シ此際有效ナル豫防策ヲ講ゼ

ザルトキハ來ル五月ノ半ヲ以テ消盡スル計算ナリ

(ロ) 食料問題ニ對スル獨逸ノ輿論

(大正四年三月六日附在佛帝國特命全權大使男爵石井菊次郎報告)

獨逸ニ於ケル食料ノ缺乏ニ關シ同國ノ諸組合又ハ新聞ニ於テ論述警告スル所ヲ抄録シテ左ニ掲ケ

「フランクフルト」新聞ノ所說 二月初旬發行ノ「フランクフルテル、ツアイツング」紙ハ左記ノ詳説ヲナセリ

我が敵ハ單ニ兵力ヲ以テ我ト戰フノミナラズ平和ヲ強ユル爲メ先ヅ我ヲ餓エシメントス英國ノ我等ヲ餓エシメ得ベシト期待セルハ彼ノ誤算ニシテ我が組織的能力ヲ低價ニ見積リ過ギタルニヨル

獨逸ガ現ニ交戰國トナレル國々及英國ノ爲メ運輸ノ途ヲ絶タレ居ル國々ヨリ多量ノ小麥ヲ輸入セシハ事實ナリキ吾人ハ小麥消費量ヲ減ズルヲ得ベシ小麥ニ混和スルニ「ライ」麥馬鈴薯ヲ以テスルモ毫モ滋養力又ハ食味ヲ減セザレバナリ

軍事的ニ屈服セザル獨逸人ハ經濟的ニモ亦タ屈服セザル國民ニシテ吾人ハ個人的必要及日常生活上ノ習慣ニ對シ多少自制ヲ加フルヲ要ス二月一日以降獨逸國內現在ノ穀粉ハ市町村ニ又食用穀類ハ軍用穀類會社ニ押收セラル此クシテ食用穀類並ニ穀粉ノ濫費ヲ防止シ以テ

均一ニ各人ニ分配スルコト、ナルナリ
 開戰當時ノ氣候ハ幸收穫良好ナリシヲ以テ平作以上ノ收穫アリタリ故ニ若シ多量ノ減除ナ
 カリセバ次期ノ收穫期迄ハ人民ノ食用ニ不足ナキ筈ナリキ然ルニ東普魯西ノ一部ハ曩ニ露
 軍ノ爲ニ一時占領セラレ其收穫若干ヲ喪失シ次ニ白耳義國人ノ飢餓ヲ救フ爲ニ我が食用品
 ナ一時割譲スルノ餘儀ナキニ至レリ（尤モ其後米國ノ好意ニヨリテ此等窮民ヲ救助スルニ
 至リテ已ミタリシモ）右ノ外月ヲ逐フテ敵國捕虜ノ數増加シ今ヤ自國、佛國、露國、有色
 人種、英國等ノ捕虜ノ數六十萬人ヲ超エ又家畜用飼料ノ輸入杜絶ノ爲メ麵麩用穀類ヲ割除
 セザルヲ得ザルニ至レリ

右ノ如キ事情ナリシヲ以テ穀類ニ最高價格ヲ制定スル手段ノミニテハ到底今後食用ニ必要
 缺ク可カラザル穀類ノ減乏ヲ防止シ能ハザルヲ見タリ

今回創立ノ軍用穀類會社ハ未曾有ノ最大買入會社ニシテ其資本金五千萬麻ナリ同會社ハ差
 當リ全國市場現存ノ穀類二百五十萬噸ヲ買占ムルモノニシテ而シテ其資本者ハ左記團體ナ
 リ

各聯邦

人口十萬以上ノ都會……………二千百萬麻

多數ノ大興業者……………二千萬麻

穀類二百五十萬噸乃至三百五十萬噸ヲ買占ムル爲ニハ六億乃至七億麻ヲ要シ此購入資金ハ

「貸附金庫」ヘノ質入、同業組合中央金櫃部ノ保證ニ由リテ帝國銀行ヨリ融通ヲ受クルコト

ハナリ居レリ

現有ノ穀物百萬噸ヲ下ラザルベク舊臘十二月現在ノ計算ニ據ルモ穀類ノ現在量些少ナラズ
 故ニ吾人ハ安意現有ノ蓄積量ノミニテ以テ必要ヲ充足スルコトヲ得ヘシ但シ之レガ爲ニハ平
 常ノ食量ヨリ四分ノ一ヲ節減スルヲ切要トス

食券ノ發給 二月二十二日以降柏林及隣接市町村ハ總テ「麵麩切手」ヲ人民一般ニ發給シ人
 民ハ之レニ由リテ麵麩ノ買入ヲ爲スコトヲ得右ハ一人一週通用ノ切手ニシテ讓渡ヲ嚴禁シ
 二十五瓦、五十瓦、百瓦及二百五十瓦等ノ小口ニ分カレ合計ヲ二基瓦トナセリ

料理店ニテハ麵麩ヲ客ニ供スルコトヲ許サレズ客ハ箇々ニ持參スルヲ要ス

「ホテル」及「パンション」等ニテハ豫メ届出アル宿泊人ノ人數ニ對シ一日限リ通用ノ切手

（一人宛一日二百二十五瓦トス）ノ發給ヲ受ケ之レニ由リテ始メテ客ニ麵麩ヲ供スルヲ得

菓子業者總會ノ決議 二月中旬柏林麵麩菓子業者總會ヲ開催シタルガ席上司會者ノ演說要
 領左ノ如シ

菓子ハ極メテ少數ノ例外ヲ以テ總テ其製造ヲ禁止セラル Zwiagebäckle（ビスケットノ類）
 ハ一月二十五日布令ニ從ヒ斤量ヲ以テ（規定重量ノ範圍内ノ意ト思ハル）賣捌カルベク此
 外若干種ノ「麵麩菓子」モ製造販賣ヲ許容セラルドモ之レニ使用スル小麥及「ライ」麥粉ハ
 全量ノ一割ナルヲ要ス

Berliner Knüttel ト稱スル麵麩製品以下總テノ麵麩菓子ハ一切跡ヲ絶ツベシ而シテ僅ニ
 Semmeln ト稱スル小麥麵麩ハ七十五瓦ヲ限定トシテ製造ヲ許サル

要スルニ新布令ニ從ヘバ吾人ノ賣上方ハ少ナクモ平生賣上高ノ四分一ヲ減少スベシ左ナキ
ダニ打撃ヲ受ケ居レル折柄此上尙收益四分一ノ減少ニ耐ヘ得ルヤ否ヤハ今後ノ問題ナリト
ス

然レドモ吾人箇々ノ犠牲ハ公共利益ノ爲ニハ之レヲ忍バザルベカラズ若シ吾人ニシテ布令
ニ背戻スルガ如キコトアラバ政府ハ更ニ一段嚴密ナル措置ヲ執ルノ止ムナキニ至ランノミ
仍テ左ノ決議ヲ議定シテ曰ク

大伯林麵麩業者總會ハ茲ニ市民諸君ニ告グ

(前略)何人ト雖日々入用ナル程度以上ノ麵麩ヲ買入ルルコト勿レ是レガ爲ニ麵麩店ヲシ
テ賣品ノ不足ヲ訴フル場合ヲ生ズルノ虞アリ

多量ノ麵麩ヲ買蓄フルガ如キハ正ニ布令ノ精神ニ背戻ス此際各人ハ布令ノ精神ノ在ル所
ヲ諒知シ之レガ實行ニ支障ナキ様協力スルヲ要ス是レ決シテ箇々ノ個人的利益ナルノミ
ナラズ直ニ祖國ニ對スル奉公ノ途ナルベシ

職業組合ノ警告 伯林及隣接市町ノ職業組合委員ハ基督教職業組合及獨逸職業協會ト共同
シテ労働者一般ニ對シ大要左記ノ告知ヲ發表セリ

労働階級ニトリテ緊急問題アリ其ハ人民食用穀類ノ蓄積ハ十分ニシテ公正ナル分配ヲ行フ
ニ於テハ一統ノ食用ニ充足スベシ又官憲ノ布令ニテ已ニ明瞭セル如ク一週一人當リノ分配
量ニ基瓦ニシテ麵麩業者ニ於テハ準備充實セリ故ニ官憲ノ布令ヲ遵奉スルニ於テハ尙後食
料ノ不足ヲ憂慮スルニ及バズ

各労働者階級ニ於テハ麵麩買入ニ際シ先チ爭フテ麵麩店前ニ騷擾ヲ醸スコトナカラシムコト
ヲ要スト

(ハ) 獨逸ニ於ケル食料及原料問題

(大正四年三月十三日附在佛國帝國
特命全權大使男爵石井菊次郎報告)

戰期ノ長引クニ連レ獨逸ハ國民日需ノ食料品及兵器製造ニ必要ナル諸原料ノ缺乏ヲ感シ今
ヤ種々ノ方策ヲ運ラシテ之カ救濟ノ法ヲ講シツ、アリ左ニ本問題ニ關スル獨逸帝國政府施
設ノ梗概及之ニ對スル佛國識者所論ノ一斑ヲ述ヘントス

獨逸政府ノ施設

食物及原料ノ缺乏ヲ防遏センカ爲獨逸帝國政府カ實施セル諸種ノ方策ニ付テハ各種ノ報道
區々トシテ間々之カ真相ヲ識ルニ苦ムナキニ非ラサルカ其内最モ正確ナリト信セラレモノ
ノ概略ヲ次ニ掲ケントス

甲、食料品 帝國政府カ食料品ノ分配ニ付斷乎タル處置ニ出テント決セシハ昨年十二月ニ
行ヒシ食物大調査以後ノコトニ屬シ先ツ帝國食料品分配事務局ヲ設置シ次ニ各種食料品ノ
最高價格ヲ定メ燕麥、小麥、小麥粉、大麥及麵麩ヲ政府ノ專賣ト爲シ總テ食料品ノ徵發及
分配ニ關スル法規ニ違反セシ者ニハ嚴重ナル罰ヲ加フヘキヲ定メ大規模ノ分配政策ヲ實行
セント期セリ

帝國食料品分配事務局 十六名ノ聯邦議會議員並商業農業及市ノ代表者三名ヨリ組織セラレ食料品分配ニ關スル意見ヲ政府ニ建議スベキ職責ヲ有シ政府ハ同局ノ議定ニ基キ地方市町村團體ヲシテ直接徵發及分配等ヲ行ハシム隨テ此場合ニ於ケル右等地方自治團體ハ毫モ各個獨立自由ノ行動ヲ認メラズ一ニ政府ノ機關トシテ活動スルモノニテ換言スレバ食料問題ニ關シテハ聯邦モ市町村モ個々特別ノ存在ヲ認メラズ獨逸内ニハ唯々帝國ナル一團體存スルノミナリ

最高價格ノ決定 各種食料品ノ最高價格ハ政府之レヲ定メ而シテ政府ハ之レヲ以テ其徵發又ハ購入品ノ買上價格トナスガ故ニ一個私人ハ如何ナル場合ト雖政府ニ比シ不利益ナル地位ニ立ツコトナシ

燕麥ノ專賣 獨逸帝國政府ハ二月十五日ヲ期シ國內ノ總燕麥ヲ徵發シ三月一日ヨリ之レガ專賣ヲ開始セリ燕麥ノ徵發ニ際シ地方農民等ノ不平ヲ緩和スル爲メ所藏者一人ニ付百基瓦迄ハ徵發ヲ免除スルコトトナシ又專賣實施中ハ馬匹一頭一日ノ食用額ヲ三「リトル」トナシ唯將來粗糖及胡蘿蔔等ノ代用飼料ヲ以テ燕麥ヲ補充シ得ルニ至ル迄ノ期間特ニ「リトル」ヲ附加シテ合計四「リトル」ヲ支給スルコト、ス

獨逸政府ノ調査ニヨレバ現今國內ニ存在スル燕麥ハ次期ノ收穫期ニ至ル迄ノ軍馬々糧百五十萬噸ニサヘ充タザル由ニテ之レガタメ政府ハ昨年來切リニ強制徵發ヲ行ヒシガ餘リニ燕麥貯藏者ヲ誅求シ其不滿ヲ惹起センコトヲ虞レ平常一噸二百十四麻克ニテ買上ケ來リシヲ二百六十四麻克ニ改メ之レガ爲メ七千五百萬麻克ノ經費ヲ増加セリト云フ

伯林日々新報曰ク「獨逸内ノ馬匹總數ハ四百五十萬頭ニシテ獨逸ノ燕麥平均年收額八百萬噸ヲ以テセバ其飼養上決シテ不足ヲ生ズル筈ナキニ今回料ラズモ其缺乏ヲ發見シ急ニ之レガ救濟策ヲ講ズルガ如キハ畢竟官憲ニ先見ノ明ナキト此種ノ問題ニ付各省何レモ見ル所ヲ異ニシ例ヘバ帝國内務省ガ各種食料品ニ對スル政府ノ專賣ガ徒ラニ民心ヲ不安ナラシメ遂ニ士氣ヲ沮喪セシムルニ至ル無キヤヤ憂ヒ殊更平氣ヲ裝ヒシニ反シ普魯西王國商務省ノ如キハ本問題ヲ以テ全然物質的性質ヲ有スルモノト心得之レガ解決ニハ單ニ計數的方面ノミヲ考量シ毫モ國民ノ心理作用ヲ顧慮セザリシガ如キ二者ノ政策全然相乖戾シ知ラズ、
決ノ時期ヲ遲延セシメシモノナクムバアラズ」云々ト

小麥、小麥粉、大麥及麵麩ノ專賣 政府ハ二月一日ヨリ國內ニ在ル總テノ小麥、小麥粉及大麥ヲ徵集シ同十一日ヨリ一定額ヅ、之レヲ麵麩製造者又小賣商ニ分與シ以テ專賣法ノ定ムル所ニ從ヒ販賣セシムルコト、ナセリ而シテ其方法ハ先ヅ一般人民ヲシテ二月五日ヨリ同十日迄ノ間ニ所轄官憲ニツキ向後一ヶ月分即三月十日ニ至ル迄ノ食券ヲ請求セシメ人民ハ麵麩又ハ小麥粉購入ノ際必ズ此食券ヲ商舖ニ提示スベキコトニシタリ

食券ハ電車切符ニ似テ番號ヲ附シ麵麩一「リール」半ヲ購買シ得ルモノ同三「リール」、五「リール」及十二「リール」ヲ購求シ得ルモノ、四種ニ分チ人民一人一日ノ分配額ハ麵麩三百「グラム」(後之レヲ二百「グラム」ニ減セシト言フ)又ハ麥粉二百「グラム」ナルガ一ヶ月ノ食券ハ其中ニ於テ如何様ニモ使用シ得ベク唯如何ナル理由アリトモ右食券ノ増給又ハ追給ヲ請求シ得ザルモノトス故ニ人々ニヨリ食量ヲ異ニセル場合ニハ自然家族内又ハ仲

間中ニテ相補充調節スルノ要ヲ生ズルナリ
 尙本件ニ關シテハ分配額ヲ均等ナラシムル爲メ全國ヲ通ジテ麵麩ハ形狀ヲ同一ニ爲スベシト主張スルモノアリ柏林市旅館及料理店組合オツト、ストラウス氏ノ如キハ柏林日々新報紙上ニ於テ分配額ノ不足ナルコトヲ論シ又近頃分配額ノ減少セラル、ヤ一種ノ失望恐慌ヲ國民ノ間ニ起シツ、アリト報スルモノアリ

肉類及馬鈴薯ノ專賣 二關シテモ政府ノ專賣ヲ必要ナリト爲スモノ少ナカラザルガ主義上ハ兎モ角實際上肉類ハ分配ノ均等公平ヲ期スルコト頗ル難ク又馬鈴薯ハ大倉庫等ニ長期間保存スルコト容易ナラザルヲ以テ未ダ實施ノ運ニ至ラズ今日迄政府ノ執リシ處置ハ馬鈴薯ニ付テハ三月、四月及五月ノ十五日ヨリ十七日迄ノ間ニ於テ五十「キログラム」以上ノ所藏者ヲシテ其所有現額ヲ申出デシムルコト、ナシ又豚ノ飼養頭數ヲ三月十五日ヨリ四月十五日迄ノ間ニ調査セント決セシ事ノミナルカ「フォルウエルツ」紙ハ現今豚肉ノ甚ダシク缺乏セルコトヲ報ゼリ

麥酒釀造ノ制限 麥酒ニ關シテハ「フランクフォルト」新報ハ大麥ノ減退ヲ憂慮シテ麥酒ノ釀造高ヲ半減シタル事ヲ述ベ「ローカル、アンツアイゲル」紙ハ三月一日ヨリ平時ノ製造額ノ四割ニ減ズベキコトヲ報シ居レルガ減少額ノ數量ハ何程ナルニセヨ釀造額制限ノ行ハレツ、アルハ明白ナルガ如シ

罰則 食料品ノ調査又ハ徵發ニ際シ所藏額ヲ明示セズ隱蔽、詐告等ノ所爲アリシ者ニ對シテハ其隱匿物ヲ沒收シ又食物分配上詐リテ過當ノ配分ヲ受ケントセシ者ハ嚴罰ニ處セラル
 伯林日々新報ハ一兵士ノ妻女ガ夫ノ不在ナルヲ詐リ其分前タル食券ヲモ受ケントシテ發覺シ六ヶ月ノ禁錮ニ處セラレタルヲ報ゼリ

乙、原料品 獨逸ガ兵器及彈藥等ノ製造ニ必要ナル諸礦物及原料品ヲ始メトシテ國民經濟ノ存立ニ缺ク可カラザル各種材料ヲ缺乏セシメツ、アルハ公知ノ事實ナルガ其困乏ガ果シテ如何ナル程度ニ迄達シツ、アリヤノ實際數額等ニ關シテハ容易ニ明知スベカラズ唯ダフオンフリエーメ將軍ハ三月一日ノ北獨逸新報ニ獨逸ノ現狀ヲ包圍セラレタル都市ニ比較シテ原料品ノ缺乏ヲ公言セルノミナラズ獨逸帝國政府ハ二月十日ヨリ國內ニアル總テノ銅、錫、「ニツケル」、「アルミニウム」、「アンチモニー」及鉛ノ供託ヲ命ジ又三月十五日ヨリハ聯邦議會ノ發議ニヨリ護謨及石油ノ保存上遊歩用奢侈的自働車ノ使用ヲ禁止シ以テ二萬五千臺ノ自働車運行ヲ節約セント決セシ由ナレバ所謂原料品ノ窮乏モ日ヲ逐フテ激甚ナルモノ、如ク而シテ佛國識者中ニモポール、ルロア、ポリュー氏ドローネー氏等ハ食料問題ヨリモ寧ロ軍器及彈藥製造材料ノ缺乏ヲ以テ獨軍ヲ屈服セシムベキ重要問題ナリト唱へ同盟諸國ガ此方面ノ處置ニ付遺策ナカラント希望スト力説セリ

識者ノ評論

食料ノ分配及原料ノ保存ニ關スル獨逸政府ノ施設ハ計畫ノ雄大ナル調査ノ詳密ナル所謂獨逸流ヲ發揮シテ餘ス所ナシ而シテ其效果ニ至リテハ假令獨逸ノ諸新聞ガ殊更ニ樂觀セルガ如キモノ存セズトモ必ラズヤ次期ノ收穫期迄食物ヲ保續シ、兵戰ニ支障ヲ來タサザル程度ニ軍器及彈藥ヲ供給スルニハ十分ナルモノ、如ク現ニポール、ルロア、ポリュー氏ノ如キ

獨逸國法令

ハ昨年幾度カ暗ニ斯カル口吻ヲ漏シタルガエドモンド、テリー氏ヲ始メ輿論ノ大多數ハ其故意ニ出ヅルト否トナ問ハズ頗ル本問題ヲ重要視シ之レヲ以テ士氣ヲ振作セントスルニ似タリ

抑モ佛國ニ於テ此問題ガ公然論談セラレシハ昨年十月三日「アンステイテュー」ノ討論會上リシエ教授、エドモンド、テリー氏、テウーメルグ氏、ツヨルツ、ブロンデル氏等ガ獨逸ニ於ケル食料及原料缺乏ノ問題ノ早晚到來スベキコトヲ唱ヘシニ始マリ爾來之レニ付論説スル者其數ヲ知ラズ一々之レヲ擧ケ可クモ非ザレバ茲ニハ單ニ最近即チ三月上旬ニ於ケルホール、ルロア、ポリユー氏及エドモンド、テリー氏ノ論調ヲ摘録スルニ止メントス

エドモンド、テリーノ説 氏曰ク食物ノ缺乏ニ付テハ獨逸當局者中ニモ開戦ノ當時ヨリ既ニ之レヲ察知シ食料品ノ節約ヲ人民ニ勸告セシモノモ無キニアラザリシガ政府モ人民モ何レカト言ハバ口ニ節制ヲ唱ヘテ心ニ其無用ヲ信セシガ如キ状態ニテ曠日彌久何ノ爲ス所モナクシテ晩秋ノ季節トナリシニ戰期ノ延長、農作ノ不良等不測ノ禍變續出セシ爲メ南部ノ諸新聞先ヅ本問題ニ付キ輿論ヲ喚起セントシ熱論大ニ易メシヨリ當局者モ急ニ食料缺乏ノ救治策ヲ思立チ差當リ國內ニ在ル食料品ノ大調査ヲ開始シ今年一月十五日ニ至リ漸ク其結果ヲ告ゲシ所之レガ結果ハ意外ニ不良ニシテ若シ此儘ニシテ進マンカ到底次期ノ收穫迄國民ノ生活ヲ確保シ得ザルコト明白トナリシニヨリ茲ニ意ヲ決シテ食物專賣ナル非常手段ヲ執ルニ至リシナリ

抑モ獨逸政府今回ノ處斷ハ外ニ對シテ食料品ヲ以テ完全ナル意義ニ於ケル戰時禁制品ト做

シ敵國ヲシテ想フ存分密輸入食物ヲ禁遏スルヲ得セシメ以テ自國經濟ヲ愈孤立ノ境ニ陥ラシメシト共ニ内ニ向ヒテハ由々シキ社會問題ノ種子ヲ蒔キタルモノト謂フベシ何トナレバ四百萬餘ノ農家及食料品商店ヨリ諸穀物等ヲ徵發シ一々之レガ仕拂ヲ爲シ而シテ之レヲ中央倉庫ニ運搬シ更ニ再ビ其分配ヲ行ハンコト決シテ容易ノ業ニ非ズ況ンヤ國內ニハ人口十萬以上ノ大市五十二ヲ數ヘ商工業ノ不振ト共ニ失業者モ多カルベク隨テ富者ト貧者ト各相嫉視シ市民ハ分配額ノ少ナキヲ訴ヘ農民ハ徵發ノ過酷ナルヲ憤リ茲ニ各種社會階級間ニ激烈ナル紛争ノ生ズベキコト理ノ當然ナリ加之獨逸民ガ唯一ノ倚待トセル馬鈴薯昨年ノ收穫ハ一昨年ヨリ少ナキコト九千萬「キヤント」ナレバ之レガ消盡ノ時期モ遠キニ非ラザル可ク而シテ次期ノ收穫ハ八月末ニ非ザレバ望ム可クモアラズ同盟諸國ハ必ズヤ數ヶ月内ニ獨逸軍ノ意氣衰頹シテ再ビ進撃ノ勇ナキニ至ルヲ得ベシ」云々ト

ホール、ルロア、ポリユーノ説 氏曰ク「佛ト獨トハ面積相如キ獨ノ五十四萬八百五十七平方基米ニ對シ佛ハ五十三萬六千四百六十三平方基米ニシテ其差百分一二過ギザルガ人口ハ獨ノ六千八百萬人ニ對シ佛ハ四千萬人ニシテ一平方基米内ニ前者ハ百二十六人、後者ハ七十三人ノ住民ヲ有スルノミ是レ佛國ガ其食物ヲ自給自足シ得ルニ拘ハラズ獨逸ガ目下食料問題ニ惱マサレツ、アル所以ナリ

惟フニ千八百七十年戰役ノ際巴里ガ遂ニ落城スルニ至リシハ一面獨軍ノ砲火強烈ナリシニモ因ランガ亦巴里市ノ内外ニ居住セシ二百五十萬ノ住民ガ飢餓ナル大敵ト苦闘シ其極遂ニ死守ノ氣力ヲ喪ヒシニモ因ラズンバアラズ而シテ昨年八月下旬ヨリ九月上旬ニカケ獨軍ガ

巴里城下ニ急迫セシ際ニ敵將ノ或者ハ巴里要塞區域内ニ居住セル四百五十萬ノ住民ヲ困餓セシメント謀リシ由ナルガ斯ノ如キハ前年ノ實績ニ照シ無理ナラヌ思附キト言フ可キナリ然ラバ以上二百五十萬人又ハ四百五十萬人ノ住民ニ對スル計策ヲ六千八百萬人ニ對シ言ヒ得ベキヤト言フニ必ズシモ然リト言フ可カラズ二者ノ情況ガ甚ダシク相違セルニ著眼セバ其理由直ニ了解シ得ベケン

遮莫獨逸政府ガ今ニ至リテ急遽食料問題ノ解決ヲ企畫スルガ如キハ外ニハ敵國ノ侮ヲ受ケ内ニハ民心ノ恐慌ヲ起シ其禍害料ル可カラザルモノアリ抑モ現今獨逸ガ不足セル小麥ハ二百萬噸ニシテ一噸ノ價格約三百法ナレバ總計六億法トナリ之レニ爾餘ノ缺乏品例ヘバ穀類、罐詰、糧秣等ヲ合算トスルモ十二、三億法ヲ超エザル可ク若シ平時ヨリ豫メ此金額ヲ保險料ト看做シテ必要食物貯藏ノタメニ豫算ニ計上シ置キタランニハ今日ノ如キ苦痛ヲ感ゼザリシナルベク亦一步ヲ譲リテ論ズルモ若シ更ニ三箇月ダケ早く各種ノ方策ヲ實施セシナランニハ斯ク迄ノ狼狽ヲ爲サザリシナルベキニ今ヤ食料ノ外、銅、「ニッケル」、硝石、石油、護謨ノ如キ兵器彈藥製造ノ必需品迄ヲモ次第二消費シ盡サントスルハ急擊戰法ノ效果ヲ過信セシ結果ナラズトセズ

然レドモ戰勝ノ決定的要件ハ常ニ兵力ニアリ其他ノ事由中軍器材料ノ缺乏ノミハ直接兵力其者ト相關係スル所存スレバ敢テ之レヲ度外視スルヲ得ザレドモ食料問題ノ如キハ勝敗ノ間接的原因トシテ第二段ノ效力ヲ有スルニ過ギズ斷ツテ之レニヨリ勝敗ヲ決スベキニ非ラズト知ルベシ」云々ト吾人ノ見ルトコロヲ以テセバ獨逸ノ食料缺乏ニ付稍誇張的言議ヲ試

ミツ、アル佛國識者ト雖獨逸當局ノ計畫ガ常ニ精密ナル調査ノ後ニ樹立セラル、チ知ラザルニ非ザレバ本問題ヲ單ニ物質的又ハ計數的見地ヨリ論セバ何レモ「獨逸ハ次期ノ收穫迄必要食物ヲ支持シ得ベシト」ノ結論ニ達スルナランガ醜テ精神的又ハ社會心理的方面ヨリ觀察セバ殘存食料品ノ數額甚ダシク減少セシトキ萬一戰況ニシテ不良ナランカ如何ニ規律心及服從心ニ富ム獨逸人ト雖政府ノ指令ニ盲從シテ冷靜ナル態度ヲ保續シ得ザル可ク爰ニ於テカ内部ノ社會的紛爭ハ必然ノ運命トシテ爆發スルニ至ラン」ト信ズルモノ、如ク亦「ツユルナル、デ、エコノミスト」ノ如キハ「食料品ハ次期ノ收穫ニ到ラバ再ビ多額ノ供給ヲ得ベキモ軍需品製造ノ材料ハ一度消費セバ再ビ恢復シ得ザルモノナルヲ以テ一見後者ノ方前者ニ比シ頗ル重要ナルガ如キモ一ハ貯藏額ノ殘存セルモノアルニ拘ハラズ早くモ民心ニ不安ヲ感ゼシメ其動搖ヲ來スガ如キ虞頗ル多キニ反シ他ハ現存額ノ盡クル迄何等外部ノ恐慌ヲ起サシムルガ如キ憂ナク隨テ一概ニ前者ヲ閑却スベカラズ」ト論ツ、アリ

(二) 獨逸食料問題ノ順境

(在瑞典內田公使)
電報六月十日着

六月四日 Delbrück 普魯西議會ニ於テ獨逸ノ食料問題ハ既ニ解決セラレタリ五月十五日ノ統計ニ依レハ麥粉ノ在荷約七百萬 Doppelzentner ナル故多量ノ殘荷ヲ次キノ收穫年度ニ持越シ得ヘシ馬鈴薯ノ統計モ良好ニテ次キノ收穫迄人口一人ノ消費シ得ル分量平時ト異

獨逸國法令

四四四

ラス來年ノ收穫ニ關シテハ戰爭カ今後一年繼續スル場合ヲ顧慮シ麵麩ニ用フル麥及ヒ燕麥ニ付テハ最高價格及ヒ差押ノ主義ヲ維持セサルヘカラスト述ヘタリ伯林ニ於テハ六月七日ヨリ麥粉及ヒ麵麩ノ最高市價ヲ引上ケタリ

第四 輸出禁止品ノ件

○獨逸輸出及通過貿易禁止品(五月十五日官報)本件ニ關シ瑞典國駐劄内田特命全權公使ヨリ去月十五日附テ以テ左ノ如ク報告アリ(去月七日日本欄内參看)(外務省)

獨逸政府ハ本年三月十五日附テ以テ左ノ諸品ノ輸出及通過貿易ヲ禁止シタリ

石炭、無煙炭、「コーク」及人造燃料但シ石炭及褐炭製「ブリケット」ヲ含ム

鐵葉但シ厚サ〇、五「ミリメートル」以上ノモノ、自轉車及其部分品、發動機船舶(Kraftfahrzeugs)ノ部分品

木材及木製品(關稅表七四乃至八七及六一五乃至六二四)

「コルク」及「コルク」製品(關稅表六三五乃至六三七)

金剛砂、「ロール」及金剛砂

尙ホ獨逸新聞ハ右石炭ノ輸出禁止ハ獨逸ヨリ澳、伊、瑞、西及スカンヂナウイア諸國ヘノ輸出ヲ全然禁止スル意味ニアラスシテ政府カ軍事上ノ必要及國內ノ需要ニ準シ石炭ノ輸出ヲ調節スル手段ニ過キサル由記載セリ

○獨逸輸出及通過貿易禁止ニ關スル告示(六月二十六日官報)瑞典國駐劄内田特命全權公使ヨリ本件原文送付アリタルヲ以テ左ニ之ヲ譯載ス(去月十五日日本欄内參看)(外務省)

告示

兵器其他ノ輸出竝ニ通過禁止ニ關スル千九百十四年七月三十一日發布ノ勅令第二條ニ基キ本官ハ左ノ通告示ス

發電機、電氣發動機、廻旋變壓器、傳送器、頸狀電氣絡管及既製ノ鉛竝ニ變壓器ノ輸出竝ニ通過禁止ハ從來之ヲ船舶、探海燈及無線電信竝ニ電話用ニ供セラルヘキ上記各種ノ機械及設備ノミニ適用シタル處(千九百十五年二月十二日附帝國宰相告示中ノ第一參照)今後ハ之ヲ總テノ發電機、電氣發動機、廻旋變壓器、傳送器、頸狀電氣絡管及既製ノ鉛竝ニ變壓器ニ適用ス

千九百十五年四月十二日伯林ニ於テ

帝國宰相

命ニ依リ

リヒテル

告示

(第一)兵器、彈藥等ノ輸出竝ニ通過禁止(第二)軍需品ノ製造ニ使用セラル、原料品ノ輸出竝ニ通過禁止(第三)自働車及生鏽油、石炭乾溜液竝ニ總テ是等ヨリ製造セラレタル油ノ輸出禁止ニ關スル千九百十四年七月三十一日發布ノ勅令第二條ニ基キ本官ハ左

獨逸國法令

四四五

ノ通告示ス

左記物品ノ輸出並ニ通過ヲ禁止ス

空虚ナル或ハ充實セル各種鋼鐵瓶、寫眞鏡ヲ有スル或ハ有セサル寫眞暗筐、寫眞鏡用瞬間閉閉器、自働車用信號喇叭及「カボック」棉

千九百十五年五月二日伯林ニ於テ

帝國宰相事務代理 テルブリユック

告示

(第一)兵器彈藥等ノ輸出並ニ通過禁止(第二)軍需品ノ製造ニ使用セラル、原料品等ノ輸出並ニ通過禁止ニ關スル千九百十四年七月三十一日發布ノ勅令第二條ニ基キ本官ハ左ノ通告示ス

左記物品ノ輸出並ニ通過ヲ禁止ス

鞣酸(「タンニン」)、「ガルス」酸、「アンチモニー」鹽及其他ノ「アンチモニー」化合物、「アムモニア」鹽及其他ノ「アムモニア」化合物、「クローム」鹽及其他ノ「クローム」化合物、統計番號第三〇八號ニ當ル黃色血滲鹽(「フェルロ」藏「カリウム」)、「カリウムアイゼンチヤニユール」、「カリウムフェロチヤニド」、黃色靑酸加里、「チヤン」鐵「カリウム」粗絹(層絹絲、「シヤツペ」絹)、絹撚絲、「トウサア」絹、「ヅボン」用紺色染付木綿織物、生及燒陶土、鑄鐵盤及暖爐ノ破片、耐火煉瓦ノ破片、油布、關稅表第四五六番ニ當ル染色或ハ漂白シタル木綿織物

千九百十五年五月七日伯林ニ於テ

帝國宰相事務代理 テルブリユック

第五 對敵通商禁止ニ關スル件

(一) 露國人ノ營業ニ對スル強制管理

(第三輯第四八一頁以下參照)

(大正四年三月十二日附在蘭帝國特命全權公使幣原喜重郎報告)

獨國ガ佛國人ノ出資ニヨル營業ニ對シ強制管理ノ規則ヲ制定公布セル件ニ付テハ既ニ報告シ置キタル處今回同國ニ於テハ三月四日附命令(十日發行官報掲載)ヲ以テ報復ノ爲メ該管理規則ハ全部若ハ一部露國人ノ資本ニ依ル營業ニ對シテモ之レヲ準用スルコトトセリ

北米合衆國法令

第一 中立取締ニ關スル法令

- (一) 交戰國軍艦ヲシテ米國領水ヲ作戰基地トシテ使用セ
シメサルコトニ關スル件

(二月四日上下兩院ヲ通過シタル連合決議)

TEXT OF RESOLUTION.

The text of the resolution follows :

“ 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 collec-

tors of 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 of American registry or license 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 lands and water, continental or insular, within the jurisdiction of the United States.”

(一) 輸出貨物名ノ公表

(第三輯第四八六頁參照)

(大正四年四月二十二日附在米帝國
特命全權大使子爵珍田捨巳報告)

米國稅關ニテハ中立嚴守ノ精神ヨリシテ輸出貨物ノ内容等ヲ或期間公表セサルコト、セシカ其結果却テ交戰國軍艦ヨリ嫌疑ヲ受ケ通商上障害少ナカラサリシヲ以テ去二月十二日附大藏省達ヲ以テ之レヲ廢止セリ

第二 中立態度ニ關スル件

(一) 英國船ノ中立國旗使用ニ關スル英米兩國ノ交渉

(第三輯英國法令第三海戰法規ノ適用
ニ關スル件(一)第一〇七頁以下參照)

(イ) 交渉要領

(大正四年三月三日附報告)

歐洲戰亂ハ實ニ有史以來ノ大事變ナルト同時ニ其戰鬪方法ニ至テモ從來一般ニ認識セラレタル國際法規軌道ヲ逸出セルモノ頗ル少シトセス殊ニ海戰方面ニ於テハ英獨海軍力ノ懸隔甚シキ爲メ獨逸海軍ノ主力ハ始メヨリ全然閉塞ノ境ニ在リ其結果獨逸航海業ハ杜絶シ軍需品ハ勿論食料、工業用原料品等ノ輸入愈々困難トナリ而モ此戰略ニ基ク英國海軍ノ壓迫ハ日ニ益々嚴チ加フルト共ニ獨逸ニ於テモ之カ對抗策トシテ頻リニ潛航艇ヲ英國近海ニ放チ

英國ニ出入スル船舶ヲ脅威スルニ努メ二月四日ニ至リ遂ニ英國全周圍及佛國西北岸一帯ノ海上ヲ戰鬪地帯ト宣言シ此ノ地帯内ニ於ケル商船ハ敵船タルト中立船タルトヲ問ハス見當リ次第撃沈セントスルノ決意ヲ明ニシタリ之ニ對シ英佛兩國政府ハ報復手段ヲ講シ獨逸ニ向ヒ或ハ同國ヲ出タル貨物又ハ獨逸人所有ノ貨物ヲ運搬スル船舶ハ其貨物ト共ニ之ヲ抑留シ自國港ニ引致スヘキヲ宣言シタリ斯ノ如ク兩交戰者何レモ敵國ノ海上貿易妨害ニ腐心スルノ結果中立國ノ商業上ノ利益ニ及ホス影響ハ素ヨリ鮮少ナラス殊ニ米國ニ取リテハ其關係スル處頗ル重大ナルモアリテ自ラ英米間ノ外交問題トナリツツアリテ諸種ノ問題續發層起シ往々世上ノ視聽ヲ聳動シツツアリ是等諸問題ハ各般ノ見地ヨリシテ注意查詢ヲ要スルモノアルヲ以テ差向キ專ラ英米間ノ關係トシテノ視點ニ基キ其經過ニ關シ論セントス

交戰國商船ノ中立國々旗掲揚ノ件ニ關スル英米間ノ問題

大正四年(一九一五)一月三十日獨逸潛航艇 *U. 21* 號ハ突然愛蘭土海ニ現出シ三隻ノ英船ニ停船ヲ命シ船舶證書一覽ノ上船員ニ急遽退船ヲ命シタル後水雷ヲ以テ撃沈シ尙同日佛國 Havre 沖ニ於テ同シク潛航艇ノ襲撃ヲ受ケタル汽船二三アリ此報一度傳ハルヤ航海業者ハ大ニ警戒ヲ加ヘ船ノ出航ヲ中止シタルモノ尠カラス恰モ此時ニ當リリヴァプールニ向ヒ英國ニ近ツキツ、アリタル「キユーナード」汽船會社「ルシテニア」號ハ英國海軍々令部ヨリ無線電信ニテ米國々旗ヲ掲揚シテ入港スル様注意ヲ受ケ同船ハ其ノ注意ニ從ヒ二月六日無事リヴァプールニ入港セリ米國ニ於ケル輿論ハ爲ニ大ニ喚起セラレ國旗ノ神聖ヲ論シ又今後屢々同様ノ事件續發セハ其結果米國航海業ニ危險ヲ加フヘキヲ虞レ輿論沸騰セントス

ル模様アリシカハ英國政府ハ二月七日左ノ「ステートメント」ヲ發表シ本問題ニ關スル態度ヲ闡明シタリ曰ク

中立國旗ノ使用ハ或制限ノ下ニ於テハ戰爭ノ奇計 (Purse de Guerre) トシテ屢々實行セラレタル所ナリ商船カ其船籍國ノ國旗以外ノ國旗掲揚ノ唯一ノ效果ハ海上戰爭法規ニ關スル普通ノ義務ヲ履行セシメ拿捕處分又ハ捕獲審檢所ニ廻付スル前ニ船籍及其貨物ノ性質ノ調査ヲ餘儀ナクセシムルニアリ

英國政府ハ拿捕ヲ免ル、目的ヲ以テ外國船舶カ英國旗ヲ掲揚スルコトヲ適法ト認ム斯ル行爲タル管ニ國際公法ニ違反セサルノミナラス又此國ノ法律ニヨリ明ニ承認セラル、所ニシテ海上法 (Mercantile Shipping Act 1894) 左ノ規定アリ (第六九節第一頁)

「若シ英國船舶ヲ所有スル資格ヲ有セサル人ニヨリ全部又ハ一部ヲ所有セラル、船舶ニ英國旗ヲ掲揚シ其國籍ヲ假裝セントスルモノハ此ノ法律ノ規定ニ依リ罰金ニ處ス但シ交戰權ノ行使ニ依ル敵艦或ハ交戰國軍艦ノ拿捕ヲ免ル、目的ヲ以テ假裝シタルモノハ此限リニ非ス」

又一九一四年英國領事官ニ對スル訓令中ニ「拿捕ヲ免ル、目的ヲ有スル場合以外ニ不當ニ英國國籍ヲ假裝 (Assume) シタル船舶ハ拿捕セララルヘシ」トアリ交戰者ノ海上拿捕ヲ免ルヘキ奇計トシテ外國船舶カ英國旗ヲ掲揚スルコトニ對シ英國政府ハ抗議セス從テ又其反對ノ場合即チ英國船舶カ適當ノ場合ニ同一ノ目的ニ依リ中立國籍ヲ假裝シタリトテ國際法違反ノ行爲ニ非ス

國際法規戰爭ノ慣行及人道ノ教訓ニ依レハ拿捕ノ前ニ商船及其貨物ノ性質ヲ確カムヘキハ交戦者ノ義務ナリ獨逸ハ此義務ヲ無視スル權利ナシ獨逸カ宣言セル如ク船舶ヲ其乘組非戰鬪員及貨物ト共ニ擊破スルコトハ公海ニ於ケル海賊的行爲ニ非スシテ何ゾ」

要スルニ英國政府ノ態度ハ明カニシテ要ハ拿捕或ハ一層悲惨ナル擊沈ノ運命ヲ免レンカ爲メニスル奇計ハ國際法違反ニ非ス此行爲ニシテ米國或ハ他中立國ニ對シ危險ヲ與フルコトアリトセハ這ハ偏ニ獨逸海軍カ國際法規ノ定ムル臨檢處分ヲ無視スルカ爲メナリトテ全責任ヲ獨逸海軍ニ歸スルニアリ「タイムズ」ハ論說中ニ彼ノ「エムデン」號カペナンニ於テ露國軍艦旗ヲ掲ケテ進入シ佛露ノ艦艇ヲ奇襲擊沈セル事例ヲ援キ國旗ヲ詐用シテ攻撃ヲ敢テセル獨逸海軍ハ今ヤ何ノ面目アリテ此ノ「ルシテニア」號ノ行爲ニ抗議セントスルヤト反詰シタルハ蓋シ適言ト云フヘク當國新聞ハ一般ニ政府ノ「ステートメント」ヲ以テ正當ナリト擁護シタリ

然レトモ此行爲タル獨逸側ニハ一ノ有力ナル口實ヲ與ヘタリ獨逸ハ其ノ慣用手段ヲ用ヒ英國政府ハ其ノ船舶一般ニ米國旗掲揚ヲ命シタリト誇張シ中立國ノ輿論ヲ沸騰セシメンコトヲ圖リ又米國ニシテ其ノ自國旗ノ使用ヲ默認センカ是レ中立違反ナレハ之カ爲メ例令損害ヲ被ルモ抗議ヲ提出スルコト能ハサルヘシト唱ヘタリ其結果米國人心ハ漸ク動搖ヲ始メ再ヒ同様ノ事件發生センカ同國ノ輿論ハ高潮ニ達スヘク又實際米國船舶損害ヲ被リタル曉強硬ニ其賠償ヲ要求スルコト困難ナルヘキヲ説クモノアリ米國政府ニ於テモ此際世論ノ此趨向ヲ無視スル能ハサルモノ、如ク同政府ハ左ノ訓令ヲ在英米國大使「ペーシ」氏ニ發シ同氏ハ二月十一日之レヲ「サー、エドワード、グレー」氏ニ傳達シタリ

國務省ハ英國政府カ一月三十一日付ヲ以テ獨逸海軍ノ認識ヲ避ケンカ爲メ英國船ニ中立國旗ヲ掲揚スルコトヲ明カニ許容シタル件ニ關シ獨逸政府ノ二月四日付ノ宣言（英國沿岸封鎖ノ宣言）ニ接セリ國務省ハ同時ニ「ルシテニア」號船長カ英國海軍官憲ノ命令或ハ情報ニ依リ獨逸潛航艇ノ襲撃ヲ免レンカ爲メ英海岸ニ近クヤ米國國旗ヲ掲揚シタリトノ新聞報道ニ注意ヲ拂ヒ居レリ又今日ノ新聞紙上ニハ敵艦ノ拿捕又ハ攻撃ヲ免レンカ爲メ中立國國旗ヲ掲揚スルコトヲ辯護セル英國外務省ノ「ステートメント」（前記ノモノヲ指ス）報道セラル

以上ノ諸報道ヲ信ナリトシ米國政府ハ捕獲ヲ避クル目的ニテ中立國國旗詐用ノ適否ニ付テハ之レヲ後日ノ研究ニ讓リ茲ニハ只英國政府ニ對シ若シ其行爲ニシテ繼續セラレンカ米船及米人ニ與フル結果ノ如何ニ大ナルモアルカヲ謹告セント欲ス

中立國又ハ敵國ノ進撃ヲ受ケ接近シツ、アル敵ヲ欺瞞スル爲メニ中立國又ハ敵國ノ旗ヲ時々使用スルコトハ新聞紙ノ傳フル所ニ依レハ先例ノ認メテ適法トスル所ナル由ナレトモ米國政府ノ見ル所ニ依レハ以上ノ事實ト交戦國政府カ敵艦ノ出沒スル公海ノ幾部分ニテ一般ニ中立國旗ヲ掲揚スルコトヲ其商船ニ許容スルコト、ハ大ニ其趣ヲ異ニスルカ如シ中立國旗ノ一般使用ヲ正式ニ宣言スルハ其公海ヲ往復スル中立船舶ニ大ナル危險ヲ加フルモノナリ之レ其ノ掲揚スル旗ノ如何ニ拘ハラズ敵船ナリト假想セラレ、ノ虞レアレハナリ英國近海或範圍内ニ於テ獨逸海軍ハ活動ヲ爲スヘントノ宣言ニ鑑ミ米國政府ハ上

述ノ範圍ヲ航行スル英船カ一般ニ米國旗ヲ使用スルコトニ付非常ニ憂慮セリ獨逸ノ宣言ニシテ實施セラレンカ英國政府ノ採用セントスル此ノ方法ハ英國船ニ對シ何等ノ保護ヲ與ヘサルノミナラス米國市民ノ生命及其船舶ニ痛切且不斷ノ脅嚇ヲ與フルモノナリ依テ米國政府ハ英國政府カ獨逸ノ宣言ニ定メラレタル範圍ノ海面ニハ米國國旗ノ詐用ヲ禁止セラレンコトヲ期待ス

其實行ハ之等海上ニ航行スル友邦船舶ヲ危險ニ瀕セシムヘク且米國人ノ生命及船舶ニ對スル損傷ニ對スル責任ヲ英國政府ニ歸セサルヘカラサルニ至ルヘキヲ虞ル貴官ハ米國政府カ獨逸ノ宣言シタル戰鬪區域内ニ於ケル米國人ノ船舶及生命ノ安全ニ關シ深ク憂慮スル旨ヲ能ク英國政府ニ說示セラルヘシ

尙若シ獨逸海軍ノ宣言實施セラレタル曉米國ノ船舶及其人民ニ對スル危險ニ付テハ我政府ハ獨逸政府ニ對シ剴切ナル提議ヲナシツ、アルコトヲ申添ヘラルヘシ

以上米國政府ノ提議ハ獨逸ノ封鎖宣言ニ對スル抗議ニ比シ其ノ言辭甚々穩和ナリト稱セラレ獨逸ニ於テハ寧ろ惡感ヲ抱キタルカ如キモ當國輿論ハ甚々シク之レニ注意ヲ拂ハサリキ越テ二月十九日ニ至リ英國政府ハ回答覺書ヲ發シ直ニ新聞ニテ公表セリ大要左ノ如シ其ノ冒頭ニ米國政府ノ二月十一日付覺書ノ精神ヲ摘記シ次ニ述テ曰ク「獨逸政府ハ英國船ノ非戰鬪乘組員及乗客ノ生命救助ノ方法ヲ講スル機會タモ與ヘス一瞥ノ下ニ之ヲ水雷ニテ擊沈セント宣言シタリト諒解ス「ルシテニア」號カ歸航ノ際米國國旗ヲ掲揚セルハ實ニ此威嚇ノ結果ニ外ナラス同船カ其後米國ニ向ヒ出帆スルニ當リ同船ニテ歸國ノ途ニ就カントス

ル米國人船客ハ彼等ノ安全ヲ確實ニセンカ爲メ米國國旗ヲ掲揚センコトヲ要求シタリ其後閣下ヨリノ覺書ニ接シタルニ依リ英國政府ハ上述ノ要求ニ對シ如何ニ處スヘキヤニ關シ同會社ヘ何等助言シタル所ナク同船ハ英國國旗ノ下ニリヴァプール港ヲ出帆シタリト云フ

「ルシテニア」號ニ關シテハ更ニ喋々スルノ要ナシ英國海上法 (Merchantile Shipping Act)

ハ外國船カ拿捕ヲ免レンカ爲メニ戰時英國國旗ヲ掲揚スルコトヲ明カニ認容セリ他國ニ於テモ同様其ノ國旗使用ニ關シ同種ノ行爲ヲ認メ或ハ何等之ヲ禁止シ居ラサルヲ信スルカ故ニ英國政府ヲシテ英國船カ敵ノ捕獲ヲ避ケンカ爲メ外國々旗ヲ使用スルコトヲ禁止スル法律ヲ制定セシメントスルハ不條理ナリ獨逸政府ハ商船ヲ發見スルヤ其船員乗客及貨物ト共ニ擊沈セスンハ已マサラントス戰鬪的ト云ハンヨリ寧ろ海賊的トモ稱スヘキ行爲ヲ採ラントノ意向ヲ表明シタリ米國政府ハ蓋シ右ニモ拘ハラズ英國政府ヲシテ其ノ商船ニ對シ單ニ捕獲ヲ免ルルノミナラス擊破沈没ノ運命ヨリ遁ルヘキ方法ニシテ然モ從來許容セラレタルモノヲ今更放棄スヘキ命令ヲ發布センコトヲ公然要求スルコト能ハサルヘシ

英政府方中立ニ在ルトキハ交戰國船舶カ捕獲ヲ防ク方法トシテ英國國旗ヲ使用スルコトヲ許シ現ニ米國南北戰爭中米國 (United States) 船舶カ此便法ヲ用ヒタルコトアルハ記錄ニ存スル所ナリ今ヤ主客轉倒シタルニ英國船カ米國又ハ他ノ中立國ノ旗ヲ使用スル自由ヲ供與スルヲ欲セサルハ正當ト謂ヒ難シ英政府ハ其商船ニ對シ常ニ中立國旗ヲ使用シ捕獲或ハ擊破ヲ遁ルル目的以外ニモ之レニ賴ルヘキヲ戒告セントノ意向毫モ之ヲ有セス

交戰國軍艦カ商船ヲ捕獲スル前且 A fortiori ソレヲ擊沈スル前ニ其國籍及性質ヲ確ムヘキ

義務ハ廣ク一般ニ認メラルル所ナリ若シ其義務ニシテ格守セラレンカ假令英船上ニ中立旗ヲ掲揚スルトモ中立國ノ航海業ヲ危険ニ瀕セシムルカ如キ虞ナカルヘシ而シテ若シ中立國ニ對スル損害ニシテ以上義務ヲ無視シタルニ基因センカ其全責任ハ一ニ此義務ヲ無視シタル敵艦及如斯命令ヲ發シタル政府ニ懸ツテ存スルモノナリトノ意見ヲ保持ス

英國政府ノ態度ハ最初ノ「ステートメント」ト同一ニシテ決シテ中立國旗ヲ濫用セントスルモノニ非サルコト明瞭ニシテ其之レヲ敢テスルハ非常ノ場合ニ限ルトスルニアリ此主張ハ漸次米國輿論ノ認ムル所トナラントシツアル際獨逸ノ英國沿海封鎖ニ對スル期限切迫ト共ニ一般ノ神經ハ自ラ其方ニ集中シ本件中立國旗使用問題ハ自然ニ Background ニ置カラルニ至ラントス是レ實ニ二月二十日頃ノ形勢ナリトス

(ロ) 右ノ原文

(I) 二月七日附英國政府ノ「ステートメント」

(第三輯英國法令第三海戰法規ノ適用ニ關スル件(一)第一〇七頁以下參照)

(II) 二月十一日附米國政府ノ覺書

(英國外交文書 Miscellaneous No. 6, 1915.)

MEMORANDUM.

The American Ambassador called on Sir Edward Grey on the 11th February in consequence of the receipt from his government of telegraphic instructions which were made public in Washington on the 12th February, and which appeared in the London press on the following day, and, after discussing the points raised by the government of the United States, left the following memorandum:—

“The attention of the Secretary of State at Washington has been directed to certain statements which have appeared in the newspaper press regarding the reported action of the captain of the British steamship “Lusitania” in raising the flag of the United States as the vessel recently approached British waters in order to escape possible attacks by enemy submarines, and, in view of the announced purpose of the German Admiralty to engage in active naval operations in certain delimited sea areas adjacent to the coasts of Great Britain and Ireland, the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters, since the effect of such a policy might be to bring about a menace to the lives and vessels of American citizens.

“The Government of the United States therefore confidently trust that His

Majesty's Government will do all in their power to check the use by British vessels of the American flag in the sea area defined in the German declaration, since it appears to them that such a practice might endanger the vessels of a friendly Power navigating those waters.

“The American Government are making earnest representations to that of Germany touching the danger to American vessels and citizens which might result should the German Admiralty succeed in making their declaration effective.”
American Embassy, London,

February 11th, 1915.

(III) 右ニ對スル二月十九日附英國政府ノ回答覺書

(英國外交文書 Miscellaneous, No. 6, 1915).

MEMORANDUM COMMUNICATED BY SIR EDWARD GREY TO THE UNITED STATES AMBASSADOR, FEBRUARY 19TH, 1915.

The memorandum communicated on the 11th February calls attention in courteous and friendly terms to the action of the captain of the British steamship “Lusitania” in raising the flag of the United States of America when approaching British waters,

and says that the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters, since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens.

It was understood that the German Government had announced their intention of sinking British merchant vessels at sight by torpedoes, without giving any opportunity of making any provision for saving the lives of non-combatant crews and passengers. It was in consequence of this threat that the “Lusitania” raised the United States flag on her inward voyage. On her subsequent outward voyage, a request was made by the United States passengers who were embarking on board her, that the United States flag should be hoisted, presumably to ensure their safety. Meanwhile, the memorandum from your Excellency had been received; His Majesty's Government did not give any advice to the company as to how to meet this request; and it is understood that the “Lusitania” left Liverpool under the British flag.

It seems unnecessary to say more as regards the “Lusitania” in particular. In regard to the use of foreign flags by merchant vessels, the British Merchant Shipping Act makes it clear that the use of the British flag by foreign merchant vessel is permitted in time of war for the purpose of escaping capture. It is believed that,

in the case of some other nations, there is a similar recognition of the same practice with regard to their flags, and that none have forbidden it. It would, therefore, be unreasonable to expect His Majesty's Government to pass legislation forbidding the use of foreign flags by British merchant vessels to avoid capture by the enemy. Now that the German Government have announced their intention to sink merchant vessels at sight, with their non-combatant crews, cargoes, and papers, a proceeding hitherto regarded by the opinion of the world not as war, but as piracy, it is felt that the United States Government could not fairly ask the British Government to order British merchant vessels to forego the means—always hitherto permitted—of escaping not only capture, but the much worse fate of sinking and destruction. Great Britain has always, when neutral, accorded to the vessels of other states at war liberty to use the British flag as a means of protection against capture, and instances are on record when United States vessels availed themselves of this facility during the American civil war. It would be contrary to fair expectation if now, when the conditions are reversed, the United States and neutral nations were to grudge to British ships liberty to take similar action. The British Government have no intention of advising their merchant shipping to use foreign flags as a general practice, or to resort to them otherwise than for escaping capture or destruction.

The obligations upon a belligerent warship to ascertain definitely for itself the nationality and character of a merchant vessel before capturing it, and *à fortiori* before sinking and destroying it, has been universally recognized. If that obligation is fulfilled, hoisting a neutral flag on board a British vessel cannot possibly endanger neutral shipping; and the British Government hold that, if loss to neutrals is caused by disregard of this obligation, it is upon the enemy vessel dis-regarding it and upon the Government giving orders that it should be disregarded that the sole responsibility for injury to neutrals ought to rest.

Foreign Office, February 19, 1915.

(一) 「ウキルヘルミナ」號事件

(イ) 獨逸國ニ於ケル穀類供給官營ニ關スル敕令發布並
「ウキルヘルミナ」號事件

(大正四年二月八日附報告)

一月二十六日當國諸新聞ニ達シタル柏林電報(倫敦經由)ニ依レハ獨逸國政府ニテハ從來實行セル食料品節約ニ關スル諸命令カ十分ニ一般人民ニ遵守セラレサリシ爲來收穫期迄ノ食料品供給ヲ確保スル目的ヲ以テ一月二十六日以後小麥小麥粉及其他ノ穀類ノ私人間ノ賣

買ヲ禁止シ二月一日以後ハ總テ之ヲ政府ニ收用シ一般人民ヘノ供給ヲ直營スヘキ旨ノ命令ヲ發布シ又二月二日付維納ヨリノ來電(倫敦經由)ニ依レハ墺國政府ハ麵麩製造ニ五割以上ノ雜穀粉ヲ混入スヘシトノ命令ヲ發布セル由ナリ

蓋シ外國ヨリ獨墺兩國ヘノ食料品供給英國側ニ於テ制海權ヲ把握セシ結果接境中立國カ食料品ノ輸出ヲ禁止セルト相俟チ殆ント不可能トナレリト思考セラルル處嚮ニ中立國商業妨害ニ對スル英國ノ回答中ニ英國政府ニ於テ條件付禁制品タル食料品カ敵國一般人民ノ用途ニ仕向ケラルル場合ニハ捕獲權ヲキコトヲ主義ニ於テ容認シタルヲ見テ(尤モ英國政府ハ同時ニ今回ノ戰爭ニ於テ該主義ヲ無制限無條件ニ實行スル能ハサルコトヲ附言セルモ)恰モ本件ニ關スル英國政府ノ眞意ヲ試驗セントスルモノノ如ク當國セント、ルイス市 The W. L. Greene Commission Co. ナル者純然タル米籍船タル「ウイルヘルミナ」(Wilhelmina) 號ニ價格二十萬弗ノ穀類、肉類、乾果等ノ食料品ヲ積載シ一月二十二日漢堡港ニ向ケ紐育港ヲ出帆セシメ尙注意ノ爲メ在獨米國商店ヲ仕向人トシ且該貨物カ一般人民用ニ賣却セララルル様處辨スル爲ナリト稱シ荷主ヲ代表セル Brooking ナルモノヲ和蘭ロッテルダム經由仕向地ニ急行セシメタリ

然ルニ本件「ウキルヘルミナ」號ニヨル獨逸ヘノ食料品供給ニ對シ英國方面ニ於テハ之レヲ重大視シ全獨逸カ目下事實上軍ノ支配下ニアル以上國際法上該積載貨物ヲ捕獲スルノ權利アリト唱ヘシカ其後獨逸政府ニ於テ前記ノ如ク穀類供給官營ノ勅令ヲ發布シタルニ由リ「ウキルヘルミナ」積載貨物ハ捕獲スルコトニ決シタルモ該船舶カ右勅令發布前ニ出港セル相ノ言明ナルモノヲ以テ本點ヲ保障セリ

(ロ) 「ウキルヘルミナ」號事件ニ關スル米國政府ノ意見

(二月十六日附ヲ以テ英國政府ニ提出シタル公文)

(英國外交文書 Miscellaneous, No. 6, 1915).

MIR. PAGE TO SIR EDWARD GREY.

American Embassy, London,

February 16th, 1915.

Sir,

Pursuant to instructions from my Government I have the honor to make to you the following communication which I have just received by telegraph:—

“The Department notes that you have been informed by the British Government that the cargo of the American steamer ‘Wilhelmina’ has been sent to Prize Court, but is not yet unloaded. The Government of the United States, of course, has

no intention of interfering with the proper course of judicial procedure in the British Prize Courts, but deems it proper to bring to the attention of the British Government information which has been received in relation to the character and destination of the cargo, and to point out certain considerations prompting the supposition that the seizure may not be justified.

“This Government is informed that the W. L. Green Commission Company, an American corporation organised in 1891 which in the past has made extensive shipments of goods to Germany is the sole owner of the cargo, which consists entirely of foodstuffs consigned to the W. L. Green Commission Company, Hamburg, and that the company's manager now in Europe has instructions to sell the cargo solely to the civilian population of Hamburg. A copy of the ship's manifest has been submitted to this Government accompanied by a sworn statement from the company's manager, in which he represents that he was instructed to proceed to Germany to dispose of the cargo to private purchasers in that country, and not to any belligerent Government, nor to armed forces of such Government, nor to any agent of a belligerent Government or of its armed forces.

“According to well-established practice among nations, admitted as this Government understands by the Government of Great Britain, the articles of which the

‘Wilhelmina’s’ cargo is said to consist are subject to seizure as contraband only in case they are destined for the use of a belligerent Government or its armed forces.

“The Government of the United States understands that the British authorities consider the seizure of the cargo justified on the ground that a recent order of the Federal Council of Germany promulgated after the vessel sailed, requires the delivery of imported articles to the German Government. The owners of the cargo have represented to this Government that such a position is untenable; they point out that by a proposition of the order in question as originally announced, the regulations in relation to the seizure of food products are made inapplicable to such products imported after the 31st January, 1915. They further represent that the only articles shipped on the ‘Wilhelmina’ which are embraced within the terms of these regulations are wheat and bran, which constitutes about 15 per centum of the cargo, as compared with 85 per centum consisting of meat, vegetables, and fruits. The owners also assert that the regulations contemplated the disposition of foodstuffs to individuals through municipalities, that municipalities are not agents of the Government, and that the purpose of the regulations is to conserve the supply of food products, and to prevent speculation and inflation of prices to non-combatants.

“The German Government has addressed a formal communication to the Govern-

ment of the United States in relation to the effect of the Decree issued by the German Federal Council, and this Government deems it pertinent to call to the attention of the British Government a material portion of this communication which is as follows:—

“1. The Federal Council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on wheat, rye, both unmixed and mixed with other products, and also wheat, rye, oats, and barley flour.

“2. The Federal Council makes an express exception in section 45 of the Order; section 45 provides as follows:—

““The stipulations of this regulation do not apply to grain or flour imported from abroad after the 31st January.”

“3. Conjunctively with that saving clause, the Federal Council's Order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain special designated organisations by the importers, although that provision had for its object simply to throw imported grain and flours into such channels as supply the private consumption of civilians, and in consequence of that provision, the intent and purpose of the

Federal Council's Order, which was to protect the civilian population from speculators and engrossers, were fully met, it was nevertheless rescinded so as to leave no room for doubt.

“4. My Government is amenable to any proposition looking to control by a special American organisation under the supervision of the American Consular officers, and if necessary will itself make a proposition in that direction.

“5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government, but are self-administrative bodies, which are elected by the inhabitants of the Commune in accordance with fixed rules, and therefore exclusively represent the private part of the population, and act as it directs. Although those principles are generally known, and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

“6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively.”

“It will be observed that it is stated in this communication, which appears to confirm the contentions of the cargo owners, that a part of the Order of the German

Federal Council relating to imported food products has now been rescinded.

“This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the United States directly or indirectly which belong to the class of relative contraband, such as foodstuffs, will not be used by the German army or navy or by Government authorities, but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

“If the British authorities have not in their possession evidence other than that presented to this Government as to the character and destination of the cargo of the ‘Wilhelmina’ sufficient to warrant the seizure of this cargo, the Government of the United States hopes that the British Government will release the vessel together with her cargo and allow her to proceed to her port of destination.”

I have, &c.

WALTER HINES PAGE.

(ハ) 右ニ對スル英國政府ノ二月十九日附回答覺書

(英國外交文書 Miscellaneous, No. 6, 1915).

MEMORANDUM HANDED TO THE UNITED STATES AMBASSADOR,

FEBRUARY 19TH, 1915.

The communication made by the United States Ambassador in his note to Sir Edward Grey of the 16th instant has been carefully considered, and the following observations are offered in reply:—

2. At the time when His Majesty's Government gave directions for the seizure of the cargo of the steamship “Wilhelmina” as contraband they had before them the text of the decree made by the German Federal Council on the 25th January, under article 45 of which all grain and flour imported into Germany after the 31st January was declared deliverable only to certain organisations under direct Government control or to municipal authorities. The vessel was bound for Hamburg, one of the Free Cities of the German Empire, the government of which is vested in the municipality. This was one of the reasons actuating His Majesty's Government in deciding to bring the cargo of the “Wilhelmina” before the Prize Court.

3. Information has only now reached them that by a subsequent decree, dated the 6th February, the above provision in article 45 of the previous decree was repealed, it would appear for the express purpose of rendering difficult the anticipated proceedings against the “Wilhelmina.” The repeal was not known to His Majesty's

Government at the time of detention of the cargo, or, indeed, until now.

4. How far the ostensible exception of imported supplies from the general Government monopoly of all grain and flour set up by the German Government may affect the question of the contraband nature of the shipment seized is a matter which will most suitably be investigated by the Prize Court.

5. It is however necessary to state that the German decree is not the only ground on which the submission of the cargo of the "Wilhelmina" to a Prize Court is justified. The German Government have in public announcements claimed to treat practically every town or port on the English east coast as a fortified place and base of operations. On the strength of this contention they have subjected to bombardment the open towns of Yarmouth, Scarborough and Whitby, among others. On the same ground, a number of neutral vessels sailing for English ports on the east coast with cargoes of goods on the German list of conditional contraband have been seized by German cruisers and brought before the German Prize Court. Again, the Dutch vessel "Mauria," having sailed from California with a cargo of grain consigned to Dublin and Belfast, was sunk in September last by the German cruiser "Karlruhe." This could only have been justified if, among other things, the cargo could have been proved to be destined for the British Government or

armed forces and if a presumption to this effect had been established owing to Dublin or Belfast being considered a fortified place or a base for the armed forces.

6. The German Government cannot have it both ways. If they consider themselves justified in destroying by bombardment the lives and property of peaceful civil inhabitants of English open towns and watering-places, and in seizing and sinking ships and cargoes of conditional contraband on the way thither, on the ground that they were consigned to a fortified place or base, *à fortiori* His Majesty's Government must be at liberty to treat Hamburg, which is in part protected by the fortifications at the mouth of the Elbe, as a fortified town, and a base of operations and supply for the purposes of article 34 of the Declaration of London. If the owners of the cargo of the "Wilhelmina" desire to question the validity in international law of the action taken by order of His Majesty's Government, they will have every opportunity of establishing their case in due course before the Prize Court, and His Majesty's Government would, in this connection, recall the attention of the United States Government to the considerations put forward in Sir E. Grey's note to Mr. Page of the 10th instant as to the propriety of awaiting the result of Prize Court proceedings before diplomatic action is initiated. It will be remembered that they have from the outset given a definite assurance that the owners of the "Wilhelmina" as well as

the owners of her cargo, if found to be contraband, would be equitably indemnified.

7. There is one further observation to which His Majesty's Government think it right, and appropriate in the present connection, to give expression. They have not, so far, declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or Governments. In so acting, they have been guided by the general principle, of late universally upheld by civilised nations, and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants. This distinction has to all intents and purposes been swept away by the novel doctrines proclaimed and acted upon by the German Government.

8. It is unnecessary here to dwell upon the treatment that has been meted out to the civil population of Belgium and those parts of France which are in German occupation. When Germany, long before any mines had been laid by British authorities, proceeded to sow mines upon the high seas, and, by this means, sunk a considerable number not only of British but also of neutral merchantmen with their unoffending crews, it was, so His Majesty's Government hold, open to them to take retaliatory measures, even if such measures were of a kind to involve pressure on

the civil population—not indeed of neutral States—but of their enemies. They refrained from doing so.

9. When, subsequently, English towns and defenceless British subjects including women and children were deliberately and systematically fired upon and killed by ships flying the flag of the Imperial German navy, when quiet country towns and villages, void of defences, and possessing no military or naval importance, were bombarded by German airships, His Majesty's Government still abstained from drawing the logical consequences from this form of attack on defenceless citizens. Further steps in the same direction are now announced, and in fact have already been taken, by Germany. British merchant vessels have been torpedoed at sight without any attempt being made to give warning to the crew, or any opportunity being given to save their lives; a torpedo has been fired against a British hospital ship in daylight; and similar treatment is threatened to all British merchant vessels in future as well as to any neutral ships that may happen to be found in the neighbourhood of the British Isles.

10. Faced with this situation, His Majesty's Government consider it would be altogether unreasonable that Great Britain and her Allies should be expected to remain indefinitely bound, to their grave detriment, by rules and principles of which

they recognise the justice if impartially observed as between belligerents, but which are at the present moment openly set at defiance by their enemy.

11. If therefore His Majesty's Government should hereafter feel constrained to declare foodstuffs absolute contraband, or to take other measures for interfering with German trade, by way of reprisals, they confidently expect that such action will not be challenged on the part of neutral States by appeals to laws and usages of war whose validity rests on their forming an integral part of that system of international doctrine which as a whole their enemy frankly boasts the liberty and intention to disregard, so long as such neutral States cannot compel the German Government to abandon methods of warfare which have not in recent history been regarded as having the sanction of either law or humanity.

Foreign Office, February 19, 1915.

(二) 「ウイルヘルミナ」號載貨ニ關スル英米間交渉經過

(大正四年三月十五日附報告)

開戦以來英佛兩國ノ海上ヨリスル壓迫ハ漸々其度ヲ加ヘ獨逸ニ對スル食料其他ノ輸入ハ愈々困難トナリ同國ニ於ケル食料ノ不足ハ克ク次期收穫期迄支ヘ得ヘキヤ問題ニシテ爲メニ同國政府ハ種々ノ非常手段ニ訴ヘテ之レカ持續策ヲ講スルノ已ムナキニ至リタルヲ以テ方

法ノ如何ノ如何ヲ論セス他ヨリ供給ノ途ヲ求メサルヘカラス「ウイルヘルミナ」號事件ハ此ノ事情ニ胚胎セル一問題ナリトス

獨逸ハ在米獨人ヲ使曠シ米國船「ウイルヘルミナ」號ヲ傭船シテ之レニ穀物搭載ノ上在獨逸國米國人ヲ其荷受人トシ獨逸市民ニ供給スルヲ目的トスルモノナリト稱シ漢堡ヲ經テ之レカ輸入ヲ企圖シタリ

抑モ食料品ハ英國カ今回開戦當初制定シタル戰時禁制品目ニ依レハ條件付禁制品トナリ居ルルカ故ニ敵國軍隊ニ供給セラルヘキモノナルコト立證セラル、ニ非サレハ沒收スル能ハス然ルニ前記「ウイルヘルミナ」號ノ積載スル穀物ハ市民用ナリト稱セラル、カ故ニ同船ニシテ航行中英國海軍ノ發覺スル所トナルモ其載貨ヲ沒收スルハ困難ナルヘキ事情アリ且在米獨人等ハ頼リニ米國ノ輿論ヲ煽動シ以テ米國政府ヲ動カシ其ノ後援ヲ得ルニ於テハ英國政府モ其ノ手ヲ緩ムヘク遂ニ穀物輸入ノ目的ヲ貫徹シ得ヘキ望ミナキニ非サルヲ僥倖シ斯クハ英米兩國間ノ交渉案件タルヘキ「テストケース」ヲ提起シタルモノナリ果シテ豫期ノ如ク英國政府ニ於テ讓歩シ同船カ無事目的地ニ到着スルヲ得ハ今後獨逸市民用ノ爲メニスル食料ノ輸入ハ英國海軍ノ阻害ヲ被ラサルコト、ナルヘク其影響スル所決シテ鮮カラサルモノアリ英米兩國ニ於テモ大ニ世ノ注目ヲ惹キタリ然ルニ一月二十三日同船紐育出帆後獨逸政府ハ穀物及穀粉類ヲ官營トナスノ令ヲ發布シタルニ依リ同船載貨ノ性質ニモ影響スル所アリ英國政府ハ二月四日左ノ「ステートメント」ヲ發表シタリ

獨逸ノ新令ニ依レハ總テノ穀物及穀粉類ハ政府管掌ノ下ニ在リ從テ其輸入ハ獨逸政府又

ハ其ノ監督ノ下ニ在ル官廳ニ仕向ケラレタルモノト見ラルヘシ之レ新事態ヲ構成スルモノニシテ若シ「ウイルヘルミナ」號ノ載貨及目的地ニシテ豫期ノ如クナランニハ同船力中途ニ阻止セラレタル場合ニ其ノ貨物ヲ捕獲審檢所ノ審理ニ付シ獨逸新令ノ性質ヲ考查シ慎重審議ノ結果何分ノ決定ヲナスヘシ「ウイルヘルミナ」號ノ船體ニ對シ何等ノ措置ヲ取ラサルヘキハ疑ヲ容レス而シテ同船所有者ハ其ノ遲延ニ依リ生シタル損害ヲ補償セラヘク又荷送人モ英國政府ノ行爲ニ依リ被リタル損害ヲ補償セラルヘシ

今後英國政府ハ同様ノ貨物ヲ其船舶ト共ニ拿捕シ中立國人民ニ對シ何等ノ補償ヲモ爲サ、ルコトニ決定シタル旨新聞紙上ニ報道セラルレトモ右ハ全然虛報ニシテ從來ノ條規及慣行ヲ撤廢スルカ如キ決定ヲナシタルコトナシ獨逸政府力商船ヲ港ニ抑留シ又ハ其乘組員ニ對シ便宜ヲ供セス一般人民ノ生命ヲモ顧慮スルコトナク商船ヲ擊沈セントシ甚シキニ至テハ病院船襲撃ヲモ試ミントスルカ如キ獨逸政府ノ明カナル方針ニ鑑ミ英國政府ニ於テハ獨逸ノ商業ニ對シ報復的ニ一層強硬ナル方法ヲ取ラントノ問題ヲ惹起シタリ若シ夫レ此ノ如キ決定ニ達センカ其決定以前或ハ其ノ公表以前ニ出帆シタル中立國ノ船舶ニ對シテハ何等損害ヲ蒙ラサランメンカ爲メ適當ノ注意ヲ與フヘシ

然ルニ「ウイルヘルミナ」號ハ航海中暴風ノ爲メ損害ヲ被リ之レカ修理ノ必要上二月九日自ラ英國フアルマス港ニ入港セリ依テ中途阻止ノ問題ハ發生ヲ見スシテ止ミタレトモ英國政府ハ直ニ其ノ載貨ノ性質調査ニ着手シタリ
此時ニ當リ英國一般ノ輿論ハ同船搭載ノ食料品ハ敵國官憲ノ手ニ入ルヘキモノナレハ捕獲

ノ檢定ヲナスヲ當然ナリト論スルコト異口同音ニシテ米國新聞紙モ亦多ク異論ヲ挾マザリキ然ルニ米國政府ハ二月十六日該荷主ノ申請ニ基キ同船載貨ハ獨逸市民ノ爲メニ輸入セラレルモノニシテ萬一同貨物力沒收ノ檢定ヲ受ケタル曉ニハ米國政府ハ更ニ抗議スル所アルヘキ旨ヲ開陳シ且米國ヨリ供給スル食料品ノ分配ハ米國領事官監督ノ下ニ置カントノ獨逸政府ノ證言及穀類ノ政府管掌ハ單ニ國內ニテ產出セルモノニ限リ輸入食料品ハ此限リニ非サルヘキ旨在獨米國大使ヨリノ報告等ニ付キ英國政府ノ注意ヲ喚起シ他ニ特別ノ事由存セサル限リ英國政府ニ於テ沒收スルコト能ハサルモノナルコトヲ申入レ同船ノ速カニ解放セラレンコトヲ要求シタリ本件ハ前述ノ如ク一ノ「テストケース」ニシテ其成否ハ將來獨逸ノ食料輸入ノ難局ニ關スルコト甚大ナルモノアリ又獨逸系人ニ取リテハ排英思潮ノ挑發ニ好辭柄ヲ與ヘ彼等ハ獨逸新聞紙ト相呼應シテ英國ハ國際法ヲ無視シ獨逸ノ輸入路ヲ閉シ獨逸七千萬ノ市民ヲ餓死セシメントスル非道行爲ヲ敢テスルモノナリト呼號シ以テ米國ノ輿論喚起ニ努ムル處アリタリ然ルニ米國ニ於テハ比較的冷靜ニ本件ヲ看過シ獨逸力穀物及穀粉類ヲ官營トシ一般人民用ト軍隊用トノ區別ヲ設ケサル以上今後獨逸國ニ輸入セラル、穀類ハ之レ官用ナリ軍隊用ナリ戰爭用ナリサレハ敵國力食料品ヲ條件付禁制品トシテ沒收スルモ敢テ抗辯ノ餘地ナカルヘシトシ某新聞ノ如キハ「獨逸力一層公正ナル態度ニテ公廷（米國ノ輿論ヲ意味ス）ニ訴ヘンニハ吾人（米人）ハ公平ナル判決ヲ與フヘシ」ト説キ獨逸側ノ苦肉策モ遂ニ其ノ效果ヲ收ムル能ハサリキ此時ニ於ケル英國ノ輿論ハ政府ノ所見ヲ以テ是トスルニ一致セルハ蓋シ當然ナリ

越テ二月十九日英國政府ハ左ノ覺書ヲ在英米國大使ニ交付シ直ニ之ヲ發表セリ
二月十六日在英米大使ヨリ「サー、エドワード、グレー」ニ提出セラレタル公文通牒ニ慎重
考量ヲ加ヘタル結果左ノ意見ヲ開陳ス

英國政府カ「ウイルヘルミナ」號ノ載貨ヲ戰時禁制品トシテ拿捕スヘキ命ヲ發スルニ當リ
テハ一月二十五日付獨逸聯邦參事院令ノ全文ヲ案セリ同令第四五條ニ依レハ一月三十一
日以後獨逸ニ輸入セラルル總テノ穀物及穀粉類ハ政府直轄ノ團體或ハ地方廳ニノミ輸送
スヘキ旨規定セラレ「ウイルヘルミナ」號ノ目的港ハ漢堡ナリ同市ハ獨逸帝國ノ一自由市
ニシテ其行政權ハ市廳ニ賦與セラレ之レ英國政府カ「ウイルヘルミナ」號ノ載貨ヲ捕獲審
檢所ノ審檢ニ付セントスル所以ノ一ナリ

二月六日付命令ヲ以テ前記四五號ノ規定ハ廢止セラレタル由ノ報ニ接シタレトモ之レ
「ウイルヘルミナ」號ノ審檢ヲ困難ナラシムル目的ニ出タルモノナルコト明瞭ニシテ此改
正ハ「ウイルヘルミナ」號拿捕ノ際否今日迄英國政府ノ聞知セサリシ所ナリ

獨逸政府ノ制定セル穀物及穀粉類政府專賣ノ範圍ヨリ輸入食料品ヲ除外スルトセハ該貨
物ノ禁制品タル性質ニ如何ナル影響ヲ及ホスヘキカヲ考究スルハ捕獲審檢所ニ於ケル檢
定ニ依ルチ最モ適當トス

「ウイルヘルミナ」號載貨ヲ捕獲審檢所ニ廻付スルチ正當トスル理由ハ當ニ之レノミニ止
マラサルハ爰ニ一言スルノ要アリ獨逸政府ハ英國東海岸ノ總テノ町ト港トヲ要塞或ハ根
據地ト看做シテ取扱ハント聲明シ此論據ニ依リテヤーマス、スカーパー、ホイットビー

其他ノ防守セラレサル地ヲ砲撃シ又同一ノ理由ニ依リ獨逸巡洋艦ハ獨逸ニ於ケル條件付
禁制品目中ノ貨物ヲ搭載シテ英國東海岸ノ港ニ向ケ航行中ノ幾多中立船ヲ拿捕シ捕獲審
檢所ノ審檢ニ付シタリ又和蘭船「マリア」號ハ「ダブリン」及「ベルファスト」行ノ貨物ヲ搭載シ
米國カリフォルニアヨリ出帆シタルニ昨年九月獨艦「カールスルーヘ」號ノ擊沈スル所ト
ナレリ此行爲タル其貨物カ英國政府或ハ軍隊ニ仕向ケラレタルコト舉證セラレ且其假定
カ「ダブリン」及「ベルファスト」カ要塞或ハ軍事根據地ナリト認メラルルニ依リ實證セラレ
ニ及ンテ始メテ正當ナリト認ムルコトヲ得ヘシ

若シ獨逸政府カ英國ノ防守セラレサル地及海水浴場ニ於ケル無辜ノ民ノ生命財產ヲ擊破
シ又要塞或ハ根據地ニ仕向ケラレタリトノ理由ノ下ニ來航ノ船舶及條件付禁制品ナル貨
物ヲ拿捕或ハ擊沈スルチ正當トスルニ於テハ英國政府モ亦エルベ河口ノ要塞ニテ半ハ防
禦セラレタル漢堡ヲ要塞ニシテ且倫敦宣言第三十四條ニ掲ケル目的ノ軍事行動及兵站根
據地トシテ取扱フノ自由ヲ有スルハ當然ノ結果ナリ若シ夫レ「ウイルヘルミナ」號載貨ノ
持主ニシテ英國政府ノ命シタル行動ニ關シ國際上ノ當否ヲ爭ハント欲スルニ於テハ審檢
所ニ訴訟ヲ提起スルニ充分ナル機會アリ尙英國政府ハ外交交渉開始前ニ捕獲審檢所ノ審
理ノ結果ヲ俟タル様勸奨セル一月十日付在英米國大使宛「サー、エドワード、グレー」ノ
公文（戰時禁制品ニ關スル米國政府ノ提議ニ對スル回答）ニ付爰ニ米國政府ノ注意ヲ喚
起セントス尙「ウイルヘルミナ」號船主及其荷主（貨物カ禁制品ナリト決定セラレタル曉）
ハ衡平ナル補償ヲ受クヘシトノ當初ノ保障ヲ記憶セラレタシ

英國政府ハ今日ニ至ル迄食料品ヲ絕對禁制品ト宣言シタルコトナク又食料品カ敵軍或ハ敵國政府ニ仕向ケラレタルモノニ非サレハ之ヲ搭載セルノ故ヲ以テ何等中立船舶ニ干渉シタルコトナシ右ノ措置ヲ執ルニ當リテハ政府ハ文明諸國カ從來尊重シ遵奉シ來レル通則即チ一般人民ハ交戦者ノ待遇ヲ加ヘラレルコトナシトノ原則ニ基キタリ然ルニ此ノ待遇ノ區別ハ獨逸政府ノ宣言且實行シツツアル新規ノ主義ニ依リ全然没却セラレタリ茲ニ白國及獨軍占領中ノ佛國ノ市民ニ對スル取扱ヲ云々スルノ要ナシ英國官憲カ水雷ヲ布設スル以前ニ獨逸ハ公海ニ水雷ヲ散布シ以テ管ニ英國商船ノミナラス幾多中立國船舶ヲ其乗組員ト共ニ擊沈シタルニ依リ英國政府カ報復手段ヲ採ルハ自由ニシテ例令其手段タル敵國市民ニ對シ壓迫ヲ加フルカ如キモノナリトスルモ顧慮スル限ニ非ス然シ政府ハ未タ此手段ニ出テス

其後獨逸ノ軍艦カ防守セサル地ヲ砲撃シテ無辜ノ婦女子ヲ殺害シ或ハ空中ヨリ爆彈ヲ投下シテ無防禦ノ閑靜ナル村落ヲ襲撃スルニ當リテモ英國政府ハ其ノ不法攻撃ニ對シ論理上ノ結果ヲ與ヘサリキ然ルニ今ヤ獨軍ハ一層極端ナル手段ニ訴ヘンコトヲ宣シ既ニ之ニ着手セリ即英船舶一度發見セラルレハ其乗組員ニ警告ヲナサス又避難ノ機會タモ與ヘスシテ水雷ヲ發射シ甚シキハ英國病院船ニ對シ白晝水雷攻撃ヲ行ヒ將來ハ管ニ英國船ノミナラス英國近海ニテ發見セラルル中立國船舶ニ對シ同様ノ處置ニ出デント威嚇セリ若シ夫レ戰時法規ニシテ兩交戦國ニ於テ格守セラルレハ正當ト認ムヘキモ現今獨逸ノ爲ニ蹂躪セラレタルモノニ依リ此際英國政府及其同盟國カ甚大ナル損害ヲ被リツツ尙之ニ拘束

セラルヘキ理由ナシ斯ルカ故ニ英國政府ニシテ報復手段トシテ食料品ヲ絕對禁制品ト宣言シ又ハ獨逸ノ海外貿易ヲ妨害スルノ已ムナキニ至ルモ中立國ハ獨逸政府ヲシテ近世史ニ於テ法律上將タ人道上許容セラレサル戰鬪行爲ノ放棄ヲ強制スル能ハサル限リ戰爭ノ法規慣例ニ訴ヘ英國ノ行動ヲ非難セラレサランコトヲ期ス之レ國際法上ノ主義ハ獨逸カ今ヤ蹂躪セントスルカ故ニ戰爭ノ法規慣例モ全然其效力ヲ失墜シタレハナリ以上ノ覺書ハ管ニ「ウイルヘルミナ」號載貨處分ニ關スル意見ノミニ止マラス英國政府ノ獨逸宣言ニ對スル決意ノ一端ヲ諷示シタリト雖モ當時恰モ獨逸ノ封鎖宣言ノ實施期限ニ入りタル際ノコトトテ世人ノ注意ハ自ラ此ノ大問題ニ傾注シ本件交渉ハ「ルシテニア」號ノ國旗事件ト同様「バックグラウンド」ニ葬ラレントスルノ傾向アリ米國ニ於テモ多ク論評ヲ見ス捕獲審檢所ノ檢定ヲ見ル迄本件ニ關シ再ヒ交渉ナカルヘシト豫期セラレタリ之レ二月中ニ於ケル本件經過ノ大要ナリ

(ホ) 「ウキルヘルミナ」號事件ノ結末

(大正四年四月二十二日附報告)

本年一月獨逸行食料品ヲ積載シテ米國ヲ出帆シタル米國船「ウキルヘルミナ」號ハ二月十一日英國捕獲審檢所ノ手ニ付セラル、ニ至リタルカ英國政府ハ其ノ後發布セラレタル三月一日附獨逸全封鎖ニ關スル樞密院令實施ノ結果本件訴訟ハ對獨食料品供給ニ關シ何等價值ナ

キモノトナリタルヲ以テ三月十一日頃駐英米國大使ニ書面ヲ送り英國政府ハ本訴訟ヲ取下
ケ改メテ積載貨物ノ全部ヲ所有主ノ要求スル條件ノ下ニ鑑定ニ付シ鑑定人カ算定シタル價
格ヲ以テ買上クルコト、スヘキモ船體ニ對シテハ英國政府ハ其ノ積載貨物ヲ陸揚ケ後直チ
ニ出港スヘキヲ命令シタルニ拘ラス此ノ命ニ服セス貨物積載ノ儘今日ニ至ル迄停船セルモ
ノナルヲ以テ右停船ニ依ル損害ニ對シテハ賠償ノ責ニ任セサルヘキ旨ヲ通告シタルニ米國
政府ハ英國政府ノ此ノ提議ヲ米國關係者ニ傳ヘ關係者モ今日ノ時局ニ照シ此ノ處置ヲ以テ
已ムヲ得サルコト、爲シ英國政府ノ提議ヲ承諾シタルヲ以テ本件ハ右ニテ一ト先ツ落著ヲ
見ルニ至レリ

(一) 「ウキルヘルミナ」號ニ對スル賠償額決定

(五月六日ニューヨーク、ヘラルド)

\$ 430,000 FOR CARGO OF THE WILHELMINA.

London, Thursday, 4.27 A. M.—The owners of the American steamship Wilhelmina, according to the Daily Mail, have received what they have pronounced to be a handsome and generous settlement at the hands of the British government—namely, full value of the cargo at Hamburg at war prices, which was more than double the prices at English ports, as well as indemnity for delay, altogether approximating \$430,000. The original value of the cargo was estimated at \$180,000.

(三) 英國海軍ノ米國船及貨物ニ對スル交戰權行使ニ關スル米國政府ノ十二月二十八日附抗議

(英國外交文書 Miscellaneous, No. 6, 1915).

(第三輯米國法令第二中立態度ニ關スル件(三)第五〇七頁以下參照)

(イ) 米國政府ノ抗議公文

MIR. PAGE TO SIR EDWARD GREY.

American Embassy, London.

Sir,

December 28th, 1914.

Under telegraphic instructions from my Government, I have the honour to acquaint you that the present condition of American foreign trade resulting from the frequent seizures and detentions of American cargoes destined to neutral European ports has become so serious as to require a candid statement of my Government's views, in order that His Majesty's Government may be fully informed as to the attitude of the United States towards the policy which has been pursued by His Majesty's authorities during the present war. I am, therefore, directed to com-

municate to you the following statement and, at the same time, to assure you that it is made in the most friendly spirit and in the belief that frankness will better serve the continuance of cordial relations between the two countries than a silence which might be misconstrued into acquiescence in a course which my Government cannot but consider to be an infringement upon the rights of American citizens:—

“The Government of the United States have viewed with growing concern the large number of vessels with American goods destined to neutral ports in Europe which have been seized upon the high seas and taken into British ports. During the early days of the war this Government assumed that the policy adopted by the British Government was due to the unexpected outbreak of hostilities and the necessity of immediate action to prevent contraband goods from reaching the enemy. For this reason it was not disposed to judge this policy harshly or protest against it vigorously, although it was manifestly very injurious to American trade with the neutral countries of Europe. This Government, relying confidently upon the high regard which Great Britain has so often exhibited in the past for the rights of other nations, confidently awaited amendment of a course of action which denied to neutral commerce the freedom to which it was entitled by law of nations.

“This expectation seemed to be rendered the more assured by the statement of

the Foreign Office early in November that the British Government were satisfied with guarantees offered by the Norwegian, Swedish, and Danish Governments as to the non-exportation of contraband goods when consigned to named persons in the territories of those Governments, and that orders had been given to the British fleet and customs authorities to restrict interference with neutral vessel carrying such cargoes so consigned to neutrals after verification of ships' papers and cargoes.

“It is therefore a matter of deep regret that, though nearly five months have passed since the war began, the British Government have not materially changed their policy and do not treat less injuriously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce, which belligerents should protect rather than interrupt. The greater freedom from detention and seizure which was confidently expected to result from consigning shipments to definite consignees rather than ‘to order’ is still awaited.

“It is needless to point out to His Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations, and that the commerce between countries which are not belligerents should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect the national safety, and then only

to the extent that it is a necessity.

“It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged, and with no selfish desires to gain undue commercial advantages, that this Government is reluctantly forced to the conclusion that the present policy of His Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent, and constitutes restrictions upon the right of American citizens on the high seas which are not justified by the rules of international law or required under the principle of self-preservation.

“The Government of the United States do not intend at this time to discuss the propriety of including certain articles in its lists of absolute and conditional contraband which have been proclaimed by His Majesty. Open to objection as some of these seem to this Government, the chief ground of present complaint is the treatment of cargoes of both classes of articles when bound to neutral ports.

“Articles listed as absolute contraband, shipped from the United States of America and consigned to neutral countries, have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are, in the opinion of this Gov-

ernment, the American exporters of copper are further perplexed by the apparent indecision of the British authorities in applying their own rules for neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper, but, as this Government is informed, put in force a decree that shipments to Italian consignees or ‘to order’ which arrive in ports of Italy cannot be exported or transhipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British Foreign Office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy. Steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through the uncertainty as to the treatment it may expect at the hands of British authorities.

“The Government of the United States feel that they are abundantly justified in asking for information as to the manner in which the British Government propose to carry out the policy which they have adopted in order that the American

Government may determine the steps necessary to protect our citizens engaged in foreign trade in their rights and from the serious losses to which they are liable through ignorance of the hazards to which their cargoes are exposed.

“In the case of conditional contraband, the policy of Great British appears to this Government to be of equal international concern. As evidence, their attention is directed to the fact that a number of American cargoes seized consist of foodstuffs and other articles of common use in all countries which are admittedly relative contraband. In spite of the presumption of innocent use because destined to neutral territory, the British authorities made these seizures and detentions without, so far as the Government of the United States are informed, being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination as that term is used in international law. Mere suspicion is not evidence, and doubts should be resolved in favour of neutral commerce, not against it. The effect of trade in these articles between neutral nations resulting from interrupted voyages and detained cargoes is not entirely cured by reimbursement of the owners for the damages which they have suffered after investigation has failed to establish an enemy destination. The injury is to American commerce with neutral countries as a whole through the hazard of the enterprise and the repeated diversion of goods

from established markets.

“It also appears that cargoes of this character have been seized by the British authorities because of a belief that, though not originally so intended by the shippers, they will ultimately reach the territory of the enemies of Great Britain. Yet this belief is frequently reduced to a mere fear in view of the regulations (?) which have been decreed by the neutral countries to which they are destined on the articles composing the cargoes.

“That a consignment of articles listed as conditional contraband and shipped to a neutral port raises a legal presumption of enemy destination appears to be directly contrary to the doctrine previously held by Great Britain and thus stated by Lord Salisbury during the South African war: ‘Foodstuffs, though having hostile destination, can be considered as contraband of war only if they are for the enemy forces. It is not sufficient that they are capable of being so used. It must be shown that was in fact their destination at the time of their seizure.’

“In this statement of conditional contraband the views of this Government are in entire accord, and upon this historic doctrine, consistently maintained by Great Britain when a belligerent, as well as a neutral, American shippers were entitled to rely.

“The Government of the United States readily admit full responsibility of the belligerent to visit and search on the high seas the vessels of American citizens or neutral vessels of American citizens or neutral vessels carrying American goods, to detain them *when there is sufficient evidence to justify belief that contraband articles are in their cargoes*, but His Majesty's Government, judging by their own experience in the past, must realise that this Government cannot without protest permit American ships or American cargoes to be taken into British ports and there detained for the purpose of searching generally for contraband, or upon presumptions created by special municipal enactment which are clearly at variance with international law and practice.

“This Government believes and earnestly hopes His Majesty's Government will come to the same belief, that a course of conduct more in conformity with the rules of international usage, which Great Britain has strongly sanctioned for many years, will in the end better serve the interests of belligerents as well as those of neutrals.

“Not only is the situation a pitiful one to the commercial interests of the United States but many of the great industries of this country are suffering because their products are denied long-established markets in European countries which, though neutral, are contiguous to the nations at war. The producers and exporters steam-

ship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade which is gradually but surely destroying their business and threatening them with financial disaster.

“The Government of the United States, still relying upon the deep sense of justice of the British nation, which has been so often manifested in the intercourse between the two countries during so many years of uninterrupted friendship, expresses confidently the hope that His Majesty's Government will realise the obstacles and difficulties which their present policy has placed in the way of commerce between the United States and the neutral countries of Europe, and will instruct its officials to refrain from all unnecessary interference with freedom of trade between nations which are sufferers though not participants in the present conflict, and will in their treatment of neutral ships and cargoes conform more closely to those rules governing the maritime relations between belligerents and neutrals, which have received the sanction of the civilised world and which Great Britain has in other wars so strongly and successfully advocated.

“In conclusion, it should be impressed upon His Majesty's Government that the present condition of American trade with the neutral European countries is such that if it does not improve it may arouse a feeling contrary to that which has so

long existed between the American and British peoples. Already it is becoming more and more the subject of public criticism and complaint. There is an increasing belief, doubtless not entirely unjustified, that the present British policy towards American trade is responsible for the depression in certain industries which depend upon European markets. The attention of the British Government is called to this possible result of their present policy to show how widespread is the effect upon the industrial life of the United States, and to emphasize the importance of removing the cause of complaint."

I have, &c.

WALTER HINES PAGE.

(口) 英國政府ノ第一回答

SIR EDWARD GREY TO MR. PAGE.

Your Excellency,

Foreign Office, January, 7, 1915.

I have the honour to acknowledge the receipt of your note of the 28th December. It is being carefully examined and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to your Excellency, dealing in detail with the issues raised and the points to which the United States

Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time, and I therefore desire to send without further delay some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognise the most friendly spirit referred to by your Excellency, and that we desire to reply in the same spirit and in the belief that, as your Excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States, that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavour to keep our action within the limits of this principle, on the understanding that it admits our right to interfere when such interference is, not with *bond fide* trade between the United States and another neutral country, but with trade in contraband destined for the enemy's country, and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have,

in practice, interfered with trade. Your Excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action of His Majesty's Government, the products of the great industries of the United States have been denied long-established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York for the month of November 1914, and they are as follows, compared with the month of November 1913:—

	November 1913.	November 1914.
Exports from New York for—	Dollars.	Dollars.
Denmark	558,000	7,101,000
Sweden	377,000	2,858,000
Norway	477,000	2,318,000
Italy	2,971,000	4,781,000
Holland	4,389,000	3,960,000

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics; the figures above are not put forward as conclusive, and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries, which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious, but it is submitted

that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your Excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:—

1913: 15,202,000 lbs. 1914: 36,285,000 lbs.

Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns, but are included in the heading "Other Europe" (that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland, and Italy). The corresponding figures under this heading are as follows:—

1913: 7,271,000 lbs. 1914: 35,347,000 lbs.

With such figures the presumption is very strong that the bulk of the copper

consigned to these countries has recently been intended, not for their own use, but for that of a belligerent who cannot import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of this import of copper as is not genuinely destined for neutral countries.

Your Excellency does not quote any particular shipment of copper to Sweden which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminum which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I cannot believe that, with such figures before them, and in such cases as those just mentioned, the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a Prize Court, and we are convinced that it cannot be in accord with the wish either of the Government or of the people of the United States to strain the international code in favour of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which your Excellency refers, His

Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a Prize Court without presumption that they are intended for the armed forces of the enemy or the enemy Government. We believe that this rule has been adhered to in practice hitherto; but, if the United States Government have instances to the contrary, we are prepared to examine them, and it is our present intention to adhere to the rule, though we cannot give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilisation and humanity, and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th August last to the 3rd January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been 773. Of these there are forty-five which have had consignments or cargoes placed in the Prize Court, while of the ships themselves only eight have been placed in the Prize Court, and one of these has since been released. It is, however, essential under modern conditions that, where there is real ground for suspecting the presence of contraband, the vessels should be brought into port for examination; in no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that

special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance, connected with cotton, which has not yet occurred. Cotton is not specifically mentioned in your Excellency's note, but I have seen public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband; they have throughout the war kept it on the free list; and, on every occasion when questioned on the point, they have stated their intention of adhering to this practice. But information has reached us that, precisely because we have declared our intention of not interfering with cotton, ships carrying cotton will be specially selected to carry concealed contraband; and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained we have not so far made these a ground for detaining any ship carrying cotton; but, should we have information giving us real reason to believe in the case of a particular ship that the bales of

cotton concealed copper or other contraband, the only way to prove our case would be to examine and weigh the bales; a process that could be carried out only by bringing the vessel into a port. In such a case, or in any other, if examination justified the action of His Majesty's Government, the case shall be brought before a Prize Court and dealt with in the ordinary way.

That the decisions of British Prize Courts hitherto have not been unfavourable to neutrals is evidenced by the decision in the "Miramichi" case. This case, which was decided against the Crown, laid down that the American shipper was to be paid, even when he had sold a cargo c.i.f., and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in your Excellency's note, that our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty Government to permit the export of rubber from British dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to

permit the export of rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a Prize Court cargoes of rubber exported from the United States, which they believed to be destined for an enemy country, and reasonable latitude of action for this purpose were conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licences being given under proper guarantees for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become, on a scale hitherto unprecedented, a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how strong this tendency is, but we have no complaint to make of the attitude of the Governments of those countries, which, so far as we are aware, have not departed from proper rules of neutrality. We endeavour, in the interest of our own national safety, to prevent this danger by intercepting goods really destined for the enemy, without interfering with those which are *bonâ fide* neutral.

Since the outbreak of the war the Government of the United States have changed their previous practice, and have prohibited the publication of manifests till

thirty days after the departure of vessels from the United States ports. We had no *locus standi* for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband, and to render necessary, in the interest of our national safety, the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of international law on which they understand the note of the United States to be based, and desire to restrict their action solely to interference with contraband destined for the enemy.

His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place, and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous, in the interest both of the United States and of other neutral countries, that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

I have, &c.

E. GREY.

(ハ) 英國政府ノ第一回答ニ對スル米國ノ復牒

MR. PAGE TO SIR EDWARD GREY.—(Received January 14).

American Embassy, London,

Sir,

January 14, 1915.

Pursuant to instructions which I have just received by telegraph from the Secretary of State at Washington, I have the honour to advert to the note you were good enough to address to me on the 7th instant, and to assure you that my Government appreciate the friendly spirit in which the note I had the honour to address to you on the 28th ultimo was received by His Majesty's Government. They have no doubt whatever that the same cordial relations between the two Governments will continue throughout the pending diplomatic discussion.

I am to add that the Government of the United States observe with much satisfaction that His Majesty's Government are in agreement with the principles of international law as set forth in the communication of the 28th December, and that, since the note in question is now under consideration by His Majesty's Government

with a view to making a further reply in detail, the Secretary of State is disposed to abstain for the present from replying to the remarks you have been so good as to make, with the intention of considering the points you have already raised in connection with the more detailed answer which you have informed me His Majesty's Government are now preparing.

I have, &c.

WALTER HINES PAGE.

(二) 英國政府ノ第二回答

SIR EDWARD GREY TO MR. PAGE.

Sir,

Foreign Office, February 10, 1915.

Your Excellency has already received the preliminary answer, which I handed to you on the 7th January, in reply to your note of the 28th December on the subject of the seizures and detentions of American cargoes destined for neutral European ports.

Since that date I have had further opportunity of examining into the trade statistics of the United States as embodied in the Customs returns, in order to see whether the belligerent action of Great Britain has been in any way the cause of the trade depression which your Excellency describes as existing in the United States, and also whether the seizures of vessels or cargoes which have been made by the British Navy have inflicted any loss on American owners for which our existing machinery provides no means of redress. In setting out the results of my investigation I think it well to take the opportunity of giving a general review of the methods employed by His Majesty's Government to intercept contraband trade with the enemy, of their consistency with the admitted right of a belligerent to intercept such trade, and also of the extent to which they have endeavoured to meet the representations and complaints from time to time addressed to them on behalf of the United States Government.

Towards the close of your note of the 28th December your Excellency described the situation produced by the action of Great Britain as a pitiful one to the commercial interests of the United States, and said that many of the great industries of the country were suffering because their products were denied long-established markets in neutral European countries contiguous to the nations at war.

It is unfortunately true that in these days, when trade and finance are cosmopolitan, any war—particularly a war of any magnitude—must result in a grievous dislocation of commerce including that of the nations which take no part in the war.

Your Excellency will realise that in this tremendous struggle, for the outbreak of which Great Britain is in no way responsible, it is impossible for the trade of any country to escape all injury and loss, but for such His Majesty's Government are not to blame.

I do not understand the paragraph which I have quoted from your Excellency's note as referring to these indirect consequences of the state of war, but to the more proximate and direct effect of our belligerent action in dealing with neutral ships and cargoes on the high seas. Such action has been limited to vessels on their way to enemy ports or ports in neutral countries adjacent to the theatre of war, because it is only through such ports that the enemy introduces the supplies which he requires for carrying on the war.

In my earlier note I set out the number of ships which had sailed from the United States for Holland, Denmark, Norway, Sweden, and Italy, and I there stated that only 8 of the 773 had been placed in the Prize Court, and that only 45 had been temporarily detained to enable particular consignments of cargo to be discharged for the purpose of Prize Court proceedings. To measure the effect of such naval action it is necessary to take into consideration the general statistics of the export trade of the United States during the months preceding the outbreak of war and

those since the outbreak.

Taking the figures in millions of dollars, the exports of merchandise from the United States for the seven months of January to July 1914 inclusive, were 1,201, as compared with 1,327 in the corresponding months of 1913, a drop of 126 millions of dollars.

For the months of August, September, October, and November, that is to say, for the four months of the war preceding the delivery of your Excellency's note, the figures of the exports of merchandise were (again in millions of dollars) 667 as compared with 923 in the corresponding months of 1913, a drop of 256 millions of dollars.

If, however, the single article of cotton be eliminated from the comparison, the figures show a very different result. Thus the exports of all articles of merchandise other than cotton from the United States during the first seven months of 1914 were 966 millions of dollars as against 1,127 millions in 1913, a drop of 161 millions of dollars, or 14½ per cent. On the other hand, the exports of the same articles during the months August to November amounted to 608 millions of dollars as compared with 630 millions in 1913, a drop of only 22 millions, or less than 4 per cent.

It is therefore clear that, if cotton be excluded, the effect of the war has been

not to increase but practically to arrest the decline of American exports which was in progress earlier in the year. In fact, any decrease in American exports which is attributable to the war is essentially due to cotton. Cotton is an article which cannot possibly have been affected by the exercise of our belligerent rights, for, as your Excellency is aware, it has not been declared by His Majesty's Government to be contraband of war, and the rules under which we are at present conducting our belligerent operations give us no power in the absence of a blockade to seize or interfere with it when on its way to a belligerent country in neutral ships. Consequently no cotton has been touched.

Into the causes of the decrease in the exports of cotton I do not feel that there is any need for me to enter, because, whatever may have been the cause, it is not to be found in the exercise of the belligerent rights of visit, search, and capture, or in our general right when at war to intercept the contraband trade of our enemy. Imports of cotton to the United Kingdom fell as heavily as those to other countries. No place felt the outbreak of war more acutely than the cotton districts of Lancashire, where for a time an immense number of spindles were idle. Though this condition has now to a large extent passed away, the consumption of the raw material in Great Britain was temporarily much diminished. The same is no doubt

true of France.

The general result is to show convincingly that the naval operations of Great Britain are not the cause of any diminution in the volume of American exports, and that if the commerce of the United States is in the unfavourable condition which your Excellency describes, the cause ought in fairness to be sought elsewhere than in the activities of His Majesty's naval forces.

I may add that the circular issued by the Department of Commerce at Washington on the 23rd January, admits a marked improvement in the foreign trade of the United States, which we have noted with great satisfaction. The first paragraph of the circular is worth quoting verbatim:—

“ A marked improvement in our foreign trade is indicated by the latest reports issued by the Department of Commerce through its Bureau of Foreign and Domestic Commerce, sales of foodstuffs and certain lines of manufactures having been unusually large in November, the latest period for which detailed information is at hand. In that month exports aggregated 206,000,000 dollars, or double the total for August last, when, by reason of the outbreak of war, our foreign trade fell to the lowest level reached in many years. In December there was further improvement, the month's exports being valued at 246,000,000 dollars, compared with 233,000,000

in December 1913, and within 4,000,000 of the high record established in December 1912."

A better view of the situation is obtained by looking at the figures month by month. The exports of merchandise for the last five months have been (in millions of dollars):—

August	110
September	156
October	194
November	205
December	246

The outbreak of war produced in the United States, as it did in all neutral countries, an acute but temporary disturbance of trade. Since that time there seems to have been a steady recovery, for to-day the exports from the United States stand at a higher figure than on the same date last year.

Before passing away from the statistics of trade, and in order to demonstrate still more clearly if necessary that the naval operations of Great Britain and her Allies have had no detrimental effect on the volume of trade between the United States and neutral countries, it is worth while to analyse the figures of the exports

to Europe since the outbreak of hostilities. For this purpose the European countries ought to be grouped under three heads: Great Britain and those fighting with her, neutral countries, and enemy countries. It is, however, impossible for me to group the countries in this way satisfactorily, as the figures relating to the export trade of the United States with each country have not yet been published. In the preliminary statement of the export trade of the United States with foreign countries only principal countries are shown, and various countries which are tabulated separately in the more detailed monthly summary of commerce and finance are omitted. Those omitted include not only the Scandinavian countries, the exports to which are of peculiar importance in dealing with this question, but also Austria.

So far as it is possible to distribute the figures under the headings which I have indicated above (all the figures being given in thousands of dollars), the results are as follows:—

Total exports to Europe from the 1st August to the 30th November, 413,995, as against 597,342 in 1913. Of these, Great Britain and her Allies took 288,312, as against 316,805 in 1913. Germany and Belgium took 1,881, as against 177,136 in 1913; whereas neutral countries (among which Austria-Hungary is unavoidably included) took 123,802, as against 103,401 in 1913.

The general complaint in your Excellency's note was that the action of Great Britain was affecting adversely the trade of the United States with neutral countries. The naval operations of Great Britain certainly do not interfere with commerce from the United States on its way to the United Kingdom and the allied countries, and yet the exports of Great Britain and her Allies during those four months diminished to the extent of over 28,000,000 dollars, whereas those to neutral countries and Austria increased by over 20,000,000 dollars.

The inference may fairly be drawn from these figures, all of which are taken from the official returns published by the United States Government, that not only has the trade of the United States with the neutral countries in Europe been maintained as compared with previous years, but also that a substantial part of this trade was, in fact, trade intended for the enemy countries going through neutral ports by routes to which it was previously unaccustomed.

One of the many inconveniences to which this great war is exposing the commerce of all neutral countries is undoubtedly the serious shortage in shipping available for ocean transport, and the consequential result of excessive freights.

It cannot fairly be said that this shortage is caused by Great Britain's interference with neutral ships. At the present time there are only seven neutral vessels

awaiting adjudication in the Prize Courts in this country, and three in those in the British Dominions. As your Excellency is aware, I have already instructed our Ambassador at Washington to remind the parties who are interested in these vessels that it is open to them to apply to the Court for the release of these ships on bail, and if an application of this sort is made by them it is not likely to be opposed by the Crown. There is therefore no reason why such an application should not be favourably entertained by the Court, and, if acceded to, all these vessels will again be available for the carriage of commerce. Only one neutral vessel is now detained in this country in addition to those awaiting adjudication in the Prize Court.

Every effort has been made in cases in which it has been found necessary to institute proceedings against portions of the cargo to secure the speedy discharge of the cargo and the release of the ship, so as to enable it to resume work. Great Britain is suffering from the shortage of shipping and the rise in freights as acutely as, if not more than, other nations, and His Majesty's Government have taken every step that they could consistently with their belligerent interests to increase the tonnage available for the transport of sea-borne commerce. The enemy ships which have been condemned in the Prize Courts in this country are being sold as rapidly as possible in order that they may become available for use; and those which have

been condemned in the Prize Courts oversea are being brought to this country in order that they may be disposed of here, and again placed in active employment.

The difficulties have been accentuated by the unforeseen consequences of the convention which was signed at The Hague in 1907 relative to the status of enemy merchant vessels at the outbreak of war. This convention was a well-intentioned effort to diminish the losses which war must impose upon innocent persons, and provided that enemy merchant ships seized by a belligerent in whose ports they lay at the outbreak of war should not be condemned, but should merely be detained for the period of the war, unless they were liberated in the days of grace. We could come to no arrangement with the German Government for the reciprocal grant of days of grace, and the German merchant vessels lying in British ports when the war broke out have therefore been sentenced to detention in lieu of condemnation. The normal result would have been still further to reduce the volume of shipping available for the commerce of the world. To ease the situation, however, His Majesty's Government are resorting to the power of requisitioning which is given by the convention, so that these ships may again be placed in active service.

Your Excellency will see therefore that His Majesty's Government are doing all in their power to increase the volume of shipping available. I hope it will be

realised that the detention of neutral ships by His Majesty's Government with a view to the capture of contraband trade on its way to the enemy has not contributed nearly so much to the shortage of shipping as has the destruction of neutral vessels by submarine mines indiscriminately laid by the enemy on the high seas, many miles from the coast, in the track of merchant vessels. Up till now twenty-five neutral vessels have been reported as destroyed by mines on the high seas; quite apart from all questions of the breach of treaties and the destruction of life, there is far more reason for protest on the score of belligerent interference with innocent neutral trade through the mines scattered by the enemy than through the British exercise of the right of seizing contraband.

I trust that what I have said above will be sufficient to convince your Excellency's Government that the complaints that the naval policy of Great Britain has interfered with the shipments of American products to long-established markets in neutral European countries is founded on a misconception.

In justice to the peoples of both countries, I feel that this opportunity should be taken to explain the lines on which His Majesty's Government have been acting hitherto, so as to show that the line they have followed is in no way inconsistent with the general fundamental principle of international law, and to indicate the care

with which they have endeavoured to meet the representations which have been made by the United States Government from time to time during the war on these questions.

No one in these days will dispute the general proposition that a belligerent is entitled to capture contraband goods on their way to the enemy; that right has now become consecrated by long usage and general acquiescence. Though the right is ancient, the means of exercising it alter and develop with the changes in the methods and machinery of commerce. A century ago the difficulties of land transport rendered it impracticable for the belligerent to obtain supplies of sea-borne goods through a neighbouring neutral country. Consequently the belligerent actions of his opponents neither required nor justified any interference with shipments on their way to a neutral port. This principle was recognised and acted on in the decisions in which Lord Stowell laid down the lines on which captures of such goods should be dealt with.

The advent of steam power has rendered it as easy for a belligerent to supply himself through the ports of a neutral contiguous country as through his own, and has therefore rendered it impossible for his opponent to refrain from interfering with commerce intended for the enemy merely because it is on its way to a neutral port.

No better instance of the necessity of countering new devices for despatching contraband goods to an enemy by new methods of applying the fundamental principle of the right to capture such contraband can be given than the steps which the Government of the United States found it necessary to take during the American Civil War. It was at that time that the doctrine of continuous voyage was first applied to the capture of contraband, that is to say, it was then for the first time that a belligerent found himself obliged to capture contraband goods on their way to the enemy, even though at the time of capture they were *en route* for a neutral port from which they were intended subsequently to continue their journey. The policy then followed by the United States Government was not inconsistent with the general principles already sanctioned by international law, and met with no protest from His Majesty's Government, though it was upon British cargoes and upon British ships that the losses and the inconvenience due to this new development of the application of the old rule of international law principally fell. The criticisms which have been directed against the steps then taken by the United States, came, and come, from those who saw in the methods employed in Napoleonic times for the prevention of contraband a limitation upon the right itself, and failed to see that in Napoleonic times goods on their way to a neutral port were immune from capture, not because the immediate destination conferred a privilege, but because capture

under such circumstances was unnecessary.

The facilities which the introduction of steamers and railways have given to a belligerent to introduce contraband goods through neutral ports have imposed upon his opponent the additional difficulty, when endeavouring to intercept such trade, of distinguishing between the goods which are really destined for the commerce of that neutral country and the goods which are on their way to the enemy. It is one of the many difficulties with which the United State Government found themselves confronted in the days of the Civil War, and I cannot do better than quote the words which Mr. Seward, who was then Secretary of State, used in the course of the diplomatic discussion arising out of the capture of some goods on their way to Matamoros which were believed to be for the insurgents:—

“Neutrals engaged in honest trade with Matamoros must expect to experience inconvenience from the existing blockade of Brownsville and the adjacent coast of Texas. While this Government unfeignedly regrets this inconvenience, it cannot relinquish any of its belligerent rights to favour contraband trade with insurgent territory. By insisting upon those rights, however, it is sure that that necessity for their exercise at all, which must be deplored by every friendly commercial Power, will the more speedily be terminated.”

The opportunities now enjoyed by a belligerent for obtaining supplies through neutral ports are far greater than they were fifty years ago, and the geographical conditions of the present struggle lend additional assistance to the enemy in carrying out such importation. We are faced with the problem of intercepting such supplies when arranged with all the advantages that flow from elaborate organization and unstinted expenditure. If our belligerent rights are to be maintained, it is of the first importance for us to distinguish between what is really *bonâ fide* trade intended for the neutral country concerned and the trade intended for the enemy country. Every effort is made by organisers of this trade to conceal the true destination, and if the innocent neutral trade is to be distinguished from the enemy trade it is essential that His Majesty's Government should be entitled to make, and should make, careful enquiry with regard to the destination of particular shipments of goods even at the risk of some slight delay to the parties interested. If such enquiries were not made, either the exercise of our belligerent rights would have to be abandoned, tending to the prolongation of this war and the increase of the loss and suffering which it is entailing upon the whole world, or else it would be necessary to indulge in indiscriminate captures of neutral goods and their detention throughout all the period of the resulting Prize Court proceedings. Under the system now

adopted it has been found possible to release without delay, and consequently without appreciable loss to the parties interested, all the goods of which the destination is shown as the result of the enquiries to be innocent.

It may well that the system of making such enquiries is to a certain extent a new introduction, in that it has been practised to a far greater extent than in previous war; but if it is correctly described as a new departure, it is a departure which is wholly to the advantage of neutrals, and which has been made for the purpose of relieving them so far as possible from loss and inconvenience.

There was a passage in a note which the State Department addressed to the British Ambassador at Washington on the 7th November to which I think it may be well to refer:—

“In the opinion of this Government, the belligerent right of visit and search requires that the search should be made on the high seas at the times of the visit, and that the conclusion of the search should rest upon the evidence found on the ship under investigation, and not upon circumstances ascertained from external sources.”

The principle here enunciated appears to me to be inconsistent with the practice in these matters of the United States Government, as well as of the British Govern-

ment. It certainly was not the rule upon which the United States Government acted either during the Civil War or during the Spanish-American War, nor has it ever been the practice of the British Government, nor so far as I am aware, of any other Government which has had to carry on a great naval war; as a principle I think it is impossible in modern times. The necessity for giving the belligerent captor full liberty to establish by all the evidence at his disposal the enemy destination with which the goods were shipped was recognised in all the leading decisions in the Prize Courts of the United States during the Civil War.

No clearer instance could be given than the reporter's statement of the case of the “Bermuda” (3 Wallace, 514): “The final destination of the cargo in this particular voyage was left so skilfully open . . . that it was not quite easy to prove, with that certainty which American Courts require, the intention, which it seemed plain must have really existed. Thus to prove it required that truth should be collated from a variety of sources, darkened and disguised; from others opened as the cause advanced, and by accident only; from coincidences undesigned, and facts that were circumstantial. Collocations and comparisons, in short brought largely their collective force in aid of evidence that was more direct.”

It is not impossible that the course of the present struggle will show the

necessity for belligerent action to be taken in various ways which may at first sight be regarded as a departure from old practice. In my note of the 7th January, I dealt at some length with the question of the necessity of taking vessels into port for the purposes of carrying out an effective search, where search was necessary; to that subject I feel that I need not again recur.

The growth in the size of steamships necessitates in many cases that the vessel should go into calm water, in order that even the right of visit, as apart from the right of search, should be exercised. In modern times a steamer is capable of pursuing her voyage irrespective of the conditions of the weather. Many of the neutral merchantmen which our naval officers are called upon to visit at sea are encountered by our cruisers in places and under conditions which render the launching of a boat impossible. The conditions during winter in the North Atlantic frequently render it impracticable for days together for a naval officer to board a vessel on her way to Scandinavian countries. If a belligerent is to be denied the right of taking a neutral merchantman, met with under such conditions, into calm water in order that the visiting officer may go aboard, the right of visit and of search would become a nullity.

The present conflict is not the first in which this necessity has arisen: as long

ago as the Civil War the United States found it necessary to take vessels to United States ports in order to determine whether the circumstances justified their detention.

The same need arose during the Russo-Japanese War and also during the second Balkan War, when it sometimes happened that British vessels were made to deviate from their course and follow the cruisers to some spot where the right of visit and of search could be more conveniently carried out. In both cases this exercise of belligerent rights, although questioned at first by His Majesty's Government was ultimately acquiesced in.

No Power in these days can afford during a great war to forgo the exercise of the right of visit and search. Vessels which are apparently harmless merchantmen can be used for carrying and laying mines, and even fitted to discharge torpedoes. Supplies for submarines can without difficulty be concealed under other cargo. The only protection against these risks is to visit and search thoroughly every vessel appearing in the zone of operations, and if the circumstances are such as to render it impossible to carry it out at the spot where the vessel was met with, the only practicable course is to take the ship to some more convenient locality for the purpose. To do so is not to be looked upon as a new belligerent right, but as an adaptation of the existing right to the modern conditions of commerce. Like all

belligerent rights it must be exercised with due regard for neutral interests, and it would be unreasonable to expect a neutral vessel to make long deviations from her course for this purpose. It is for this reason that we have done all we can to encourage neutral merchantmen on their way to ports contiguous to the enemy country to visit some British port lying on their line of route in order that the necessary examination of the ship's papers, and, if required of the cargo, can be made under conditions of convenience to the ship herself. The alternative would be to keep a vessel which the naval officers desired to board waiting, it might be for days together, until the weather conditions enabled the visit to be carried out at sea.

No war has yet been waged in which neutral individuals have not occasionally suffered from unjustified belligerent action; no neutral nation has experienced this fact more frequently in the past than Great Britain. The only method by which it is possible to harmonise belligerent action with the rights of neutrals is for the belligerent nation to provide some adequate machinery by which in any such case the facts can be investigated and appropriate redress can be obtained by the neutral individual. In this country such machinery is provided by the powers which are given to the Prize Court to deal not only with captures, but also with claims for compensation. Order V, Rule 2, of the British Prize Court Rules provides that

where a ship has been captured as prize, but has been subsequently released by the captors, or has by loss, destruction, or otherwise ceased to be detained by them, without proceedings for condemnation having been taken, any person interested in the ship (which by Order I, Rule 2, includes goods) wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II. A writ so issued will initiate a proceeding, which will follow its ordinary course in the Prize Court.

This rule gives the Prize Court ample jurisdiction to deal with any claim for compensation by a neutral arising from the interference with a ship or goods by our naval forces. The best evidence that can be given of the discrimination and the moderation with which our naval officers have carried out their duties is to be found in the fact that up to this time no proceedings for the recovery of compensation have been initiated under the rule which I have quoted.

It is the common experience of every war that neutrals whose attempts to engage in suspicious trading are frustrated by a belligerent are wont to have recourse to their Government to urge that diplomatic remonstrances should be made on their behalf, and that redress should be obtained for them in this way. When an effective mode of redress is open to them in the courts of a civilised country by which

they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until their legal remedies have been exhausted, and they are in a position to show *prima facie* denial of justice.

The course adopted by His Majesty's Government during the American Civil War was in strict accordance with this principle. In spite of remonstrances from many quarters, they placed full reliance on the American Prize Courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunities for redress in those Courts had been exhausted. The same course was adopted in the Spanish-American War, when all British subjects who complained of captures or detentions of their ships were referred to the Prize Courts for relief.

Before leaving this subject may I remind your Excellency of the fact that at your request you are now supplied immediately by this Department with particulars of every ship under American colours which is detained, and of every shipment of cargo in which an American citizen appears to be the party interested. Not only is the fact of detention notified to your Excellency, but so far as is practicable the grounds upon which the vessel or cargo has been detained are also communicated to you; a concession which enables any United States citizen to take steps at once to protect his interests.

His Majesty's Government have also done all that lies in their power to ensure rapid action when ships are reported in British ports. They realise that the ship and cargo-owners may reasonably expect an immediate decision to be taken as to whether the ship may be allowed to proceed, and whether her cargo or any part of it must be discharged and put into the Prize Court. Realising that the ordinary methods of inter-Departmental correspondence might cause delays which could be obviated by another method of procedure, they established several months ago a special Committee, on which all the Departments concerned are represented. This Committee sits daily, and is provided with a special clerical staff. As soon as a ship reaches port full particulars are telegraphed to London, and the case is dealt with at the next meeting of the Committee, immediate steps being taken to carry out the action decided upon. By the adoption of this procedure it has been found possible to reduce to a minimum the delays to which neutral shipping is exposed by the exercise of belligerent rights, and by the necessity, imposed by modern conditions, of examining with care the destination of contraband articles.

Particular attention is directed in your Excellency's note to the policy we are pursuing with regard to conditional contraband, especially food-stuffs, and it is there stated that a number of American cargoes have been seized without, so far as your Excellency's Government are informed, our being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, and in spite of the presumption of innocent use due to their being destined to neutral territory. The note does not specify any particular seizures as those which formed the basis of this complaint, and I am therefore not aware whether the passage refers to cargoes which were detained before or since the Order in Council of the 29th October was issued.

Your Excellency will no doubt remember that soon after the outbreak of war an Order of His Majesty in Council was issued under which no distinction was drawn in the application of the doctrine of continuous voyage between absolute contraband and conditional contraband, and which also imposed upon the neutral owner of contraband somewhat drastic conditions as to the burden of proof of the guilt or innocence of the shipment.

The principle that the burden of proof should always be imposed upon the captor has usually been admitted as a theory. In practice, however, it has almost always been otherwise, and any student of the Prize Courts decisions of the past or even of modern wars will find that goods seldom escape condemnation unless their owner was in a position to prove that their destination was innocent. An attempt was made some few years ago, in the unratified Declaration of London, to formulate some definite rules upon this subject, but time alone can show whether the rules there laid down will stand the test of modern warfare.

The rules which His Majesty's Government published in the Order in Council of the 20th August, 1914, were criticised by the United States Government as contrary to the generally recognised principles of international law, and as inflicting unnecessary hardship upon neutral commerce, and your Excellency will remember the prolonged discussions which took place between us throughout the month of October with a view to finding some new formulæ which should enable us to restrict supplies to the enemy forces, and to prevent the supply to the enemy of materials essential for the making of munitions of war, while inflicting the minimum of injury and interference with neutral commerce. It was with this object that the Order in Council of the 29th October was issued, under the provisions of which a far greater measure of immunity is conferred upon neutral commerce. In that Order the principle of non-interference with conditional contraband on its way

to a neutral port is in large measure admitted; only in three cases is the right to seize maintained, and in all those cases the opportunity is given to the claimant of the goods to establish their innocence.

Two of those cases are where the ship's papers afford no information as to the person for whom the goods are intended. It is only reasonable that a belligerent should be entitled to regard as suspicious cases where the shippers of the goods do not choose to disclose the name of the individual who is to receive them. The third case is that of goods addressed to a person in the enemy territory. In the peculiar circumstances of the present struggle, where the forces of the enemy comprise so large a proportion of the population, and where there is so little evidence of shipments on private as distinguished from Government account, it is most reasonable that the burden of proof should rest upon the claimant.

The most difficult questions in connection with conditional contraband arise with reference to the shipment of food-stuffs. No country has maintained more stoutly than Great Britain in modern times the principle that a belligerent should abstain from interference with the food-stuffs intended for the civil population. The circumstances of the present struggle are causing His Majesty's Government some anxiety as to whether the existing rules with regard to conditional contraband,

framed as they were with the object of protecting so far as possible the supplies which were intended for the civil population, are effective for the purpose, or suitable to the conditions present. The principle which I have indicated above is one which His Majesty's Government have constantly had to uphold against the opposition of continental Powers. In the absence of some certainty that the rule would be respected by both parties to this conflict, we feel great doubt whether it should be regarded as an established principle of international law.

Your Excellency will, no doubt, remember that in 1885, at the time when His Majesty's Government were discussing with the French Government this question of the right to declare food-stuffs not intended for the military forces to be contraband, and when public attention had been drawn to the matter, the Kiel Chamber of Commerce applied to the German Government for a statement of the latter's views on the subject. Prince Bismarck's answer was as follows:—

“In answer to their representation of the 1st instant, I reply to the Chamber of Commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity, which entails evil consequences not only on the combat-

ants, but also on neutrals. These evils may easily be increased by the interference of a neutral Power with the way in which a third carries on the war, to the disadvantage of the subjects of the interfering Power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. *The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.*"

His Majesty's Government are disposed to think that the same view is still maintained by the German Government.

Another circumstance which is now coming to light is that an elaborate machinery has been organised by the enemy for the supply of food-stuffs for the use of the German army from overseas. Under these circumstances it would be absurd to give any definite pledge that in cases where the supplies can be proved to be for the use of the enemy forces they should be given complete immunity by the simple expedient of despatching them to an agent in a neutral port.

The reason for drawing a distinction between food-stuffs intended for the civil population and those for the armed forces or enemy Government disappears when the distinction between the civil population and the armed forces itself disappears.

In any country in which there exists such a tremendous organisation for war as now obtains in Germany, there is no clear division between those whom the Government is responsible for feeding and those whom it is not. Experience shows that the power to requisition will be used to the fullest extent in order to make sure that the wants of the military are supplied, and however much goods may be imported for civil use it is by the military that they will be consumed if military exigencies require it, especially now that the German Government have taken control of all the food-stuffs in the country.

I do not wish to overburden this note with statistics, but in proof of my statement as to the unprecedented extent to which supplies are reaching neutral ports, I should like to instance the figures of the exports of certain meat products to Denmark during the months of September and October. Denmark is a country which in normal times imports a certain quantity of such products, but exports still more. In 1913, during the above two months, the United States exports of lard to Denmark were *nil*, as compared with 22,652,598 lb. in the same two months of 1914. The corresponding figures with regard to bacon were: 1913, *nil*; 1914, 1,022,195 lb.; canned beef, 1913, *nil*; 1914, 151,200 lb.; pickled and cured beef, 1913, 42,901 lb.; 1914, 156,143 lb.; pickled pork, 1913 *nil*; 1914, 812,872 lb.

In the same two months the United States exported to Denmark 280,176 gallons of mineral lubricating oil in 1914, as compared with 179,252 in 1913; to Norway, 335,468 gallons in 1914, as against 151,179 gallons in 1913; to Sweden, 896,193 gallons in 1914, as against 385,476 gallons in 1913.

I have already mentioned the framing of the Order in Council of the 29th October, and the transmission to your Excellency of particulars of ships and cargoes seized as instances of the efforts which we have made throughout the course of this war to meet all reasonable complaints made on behalf of American citizens, and in my note of the 7th January I alluded to the decision of our Prize Court in the case of the "Miramichi," as evidencing the liberal principles adopted towards neutral commerce.

I should also like to refer to the steps which we took at the beginning of the war to ensure the speedy release of cargo claimed by neutrals on board enemy ships which were captured or detained at the outbreak of war. Under our Prize Court rules release of such goods can be obtained without the necessity of entering a claim in the Prize Court if the documents of title are produced to the officer representing His Majesty's Government, and the title to the goods is established to his satisfaction. It was shortly found, however, that this procedure did not provide

for the case where the available evidence was so scanty that the officer representing the Crown was not justified in consenting to a release. In order, therefore, to ameliorate the situation we established a special Committee, with full powers to authorise the release of goods without insisting on full evidence of title being produced. This Committee dealt with the utmost expedition with a large number of claims. In the great majority of cases the goods claimed were released at once. In addition to the cases dealt with by this Committee a very large amount of cargo was released at once by the Procurator-General on production of documents. Claimants therefore obtained their goods without the necessity of applying to the Prize Court and of incurring the expense involved in retaining lawyers, and without the risk, which was in some cases a considerable one, of the goods being eventually held to be enemy property and condemned. We have reason to know that our action in this matter was highly appreciated by many American citizens.

Another instance of the efforts which His Majesty's Government have made to deal as leniently as possible with neutral interests may be found in the policy which we have followed with regard to the transfer to a neutral flag of enemy ships belonging to companies which were incorporated in the enemy country, but all of whose shareholders were neutral. The rules applied by the British and by the

American Prize Courts have always treated the flag as conclusive in favour of the captors in spite of neutral proprietary interests (see the case of the "Pedro," 175 U. S. 354). In several cases, however, we have consented to waive our belligerent right to treat as enemy vessels ships belonging to companies incorporated in Germany which were subsidiary to and owned by American corporations. The only condition which we have imposed is that these vessels should take no further part in trade with the enemy country.

I have given these indications of the policy which we have followed, because I cannot help feeling that if the facts were more fully known as to the efforts which we have made to avoid inflicting any avoidable injury on neutral interests, many of the complaints which have been received by the Administration in Washington, and which led to the protest which your Excellency handed to me on the 29th December would never have been made. My hope is that when the facts which I have set out above are realised, and when it is seen that our naval operations have not diminished American trade with neutral countries, and that the lines on which we have acted are consistent with the fundamental principles of international law, it will be apparent to the Government and people of the United States that His Majesty's Government have hitherto endeavoured to exercise their belligerent rights

with every possible consideration for the interests of neutrals.

It will still be our endeavour to avoid injury and loss to neutrals, but the announcement by the German Government of their intention to sink merchant vessels and their cargoes without verification of their nationality or character, and without making any provision for the safety of non-combatant crews or giving them a chance of saving their lives, has made it necessary for His Majesty's Government to consider what measures they should adopt to protect their interests. It is impossible for one belligerent to depart from rules and precedents and for the other to remain bound by them.

I have, &c.

E. GREY.

右要領譯文

(大正四年三月十九日附報告)

米國ト中立國トノ貿易ハ開戦以來少カラス打撃ヲ被リ遂ニ客年十二月二十八日米國政府ヨリ抗議ヲ見ルニ至レリ當時英國ノ輿論ハ大ニ興奮シタルヲ以テ英國政府ハ中立國ノ貿易ニ對スル其ノ海軍行動ニ關シ一應辯駁シ置クヲ得策ト認メ一月七日一應ノ回答 (Preliminary note) ナ提出シタリ而シテ右回答ハ兩國民間ノ激昂ヲ一先ッ鎮靜ニ歸スルノ效アリ米國新

北米合衆國法令

五三九

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モ前記獨逸ノ宣言ノ實施期日ニ當リシカハ一般人心ハ多ク同問題ニ傾注シ本問題ニ關シテ
ハ新聞其他ニ於テ論評セラル、コト甚少ナク爾來何等ノ反響ヲ見ス然レトモ臚テ考フルニ
例令一方ニ大問題ヲ控ヘタル際ト雖モ苟モ本問題ニ付更ニ論議スヘキモノアランカ之レヲ
シモ恬トシテ顧ミサルカ如キコトハ想像スル能ハサル所蓋シ米國ニ於ケル幾多ノ誤解ハ本
回答書ノ辯明ニ依リテ氷解シ本問題ハ一先ツ大體ニ於テ解決ヲ告ケタルモノト見ルモ過ナ
キニ庶幾カラシカ左ニ本回答書ノ要領ヲ摘記セン

「歐洲中立港ニ仕向ケラレタル米國貨物ノ拿捕抑留ニ關スル十二月二十八日付貴信ニ對ス
ル一月七日付最初ノ回答ハ既ニ閣下ニ於テ受領セラレタル所ナリ爾來米國稅關ノ調査ニ成
レル貿易統計ニ依リテ英國ノ交戰行爲カ米國ノ貿易ニ影響スル所アリタルヤ又英國海軍カ
船舶及貨物ヲ拿捕シ爲メニ米國人所有者ニ對シ損害ヲ被ラシメ之レニ對スル救濟ヲ求ムル
ノ途ナキモノアルヤニ付講究ヲ加ヘタリ其ノ結果ヲ開陳スルニ當リ敵國トノ禁制品貿易ヲ
阻止スルカ爲メ英國政府ノ採用セル方法及其行動力交戰權トシテ認識セラレ居ルモノト矛
盾セサルコト及英國政府ハ時々提出サレタル申入及抗議ニ副ハンカ爲メ如何ニ努力セルカ
ヲ概說スルハ機宜ヲ得タルモノト思考ス」ト冒頭シ「米國ノ海外貿易及工業ハ甚シク困難ヲ
感スル由ナレトモ現今ノ如ク商業財政ノ世界的トナレル時代ニ於テハ戰爭ハ例令之レニ參

加セサル國ト雖モ其商業不況ノ痛苦ヲ免ル、能ハス今回ノ戰爭ニ際會シ（英國ハ其發生ニ付毫モ責任ヲ有セサル所ナルカ）如何ナル國モ損害ヲ被ラサルハナシト雖モ之レニ對シ英國政府ハ非難セラル、理由ナシトシ次ニ米國ノ輸出統計ニ基キ論シテ曰ク「一九一四年一月ヨリ七月ニ至ル米國ヨリノ輸出總額ハ十二億一百萬弗ニシテ之ヲ前年同期間ノ十三億二千七百萬弗ニ比スレハ一億二千六百萬弗ノ減少ナリ又八、九、十及十一月即チ閣下ノ公文發送前ノ四箇月ニ付テ見ルニ六億六千七百萬弗ニシテ前年ノ九億二千三百萬弗ニ比シ二億五千六百萬弗ノ減少ヲ見タリ更ニ棉花ヲ除キテ比較スルトキハ一九一四年ノ最初ノ七箇月間ノ米國輸出總額ハ九億六千六百萬弗ニシテ一九一三年ハ十一億二千七百萬弗ナレハ一億六千百萬即チ一割四分半ノ減少ナリ反之八月乃至十一月ノ四箇月間ニ於テハ一九一三年ノ六億三千萬ニ對シテ六億八百萬ナルハ僅カニ二千二百萬即チ四分ノ減少ニ過キス依是觀之棉花ヲ除キテ論スルトキハ戰爭ノ結果却テ一九一四年ノ上半年ニ於ケル輸出減少ノ傾向ヲ挽回シタルヲ説キ進テ棉花ニ付テ曰ク「棉花ハ吾人ノ交戰權行使ノ影響ヲ被ラス何トナレハ閣下モ諒悉セラル、如ク棉花ハ英國政府ノ戰時禁制品目ニ加ヘラレス又吾人カ今ヤ遵奉シツ、アル法規ハ封鎖ヲ行ハサル以上中立國船舶ニテ敵國ニ向フモノヲ途中ニテ拿捕妨害スルコトヲ許サス即チ棉花ニハ絶對ニ無關係ナリ」トテ棉花ノ輸出減少ハ英國ノ關知セサル所ナル旨ヲ斷言シ更ニ「米國ノ總輸出ノ減額ニ關シテハ英國海軍ノ行動之レカ因チナスモノニ非スシテ其原因ハ必ス他ニ存スヘシ」トテ米國政府ノ論據ヲ覆シ進テ八月ヨリ十二月ニ至ル輸出月額ヲ擧ケ其著シキ勢ヲ以テ増加シツ、アルコトヲ示シ「戰爭ノ開始ハ米

國ニ於テモ他ノ中立國ト等シク貿易ノ急劇且一時的不振ヲ呈セリト雖モ漸次回復シ今日ニ於テハ昨年同期ヨリモ増加ヲ見ルニ至レリ」ト尙英國海軍ノ行動カ米國ト歐洲中立國ノ貿易ヲ妨害セサルノ事實ハ一九一四年及前年ノ八月乃至十一月ノ國別輸出額ノ比較ニ依リ明カナリ況ンヤ英國海軍ハ United Kingdom 及其同盟國ニ對スル貿易ヲ妨害セサルコトハ勿論ナルニ拘ハラス前記四箇月間ニ於テ英國及其同盟國ニ對スル米國ヨリノ輸出額ハ一九一三年ノ三億一千六百萬弗ヨリ一九一四年ノ二億八千八百萬弗即チ二千八百萬弗ノ減少ヲ見反之中立國及奧太利ニ對スル輸出額ハ一億三百萬弗ニ對シ一億二千三百萬弗即チ二千萬弗ノ増加ヲ見ルニ於テヤ

「此ノ大戰爭カ中立國商業ニ影響スル所鮮少ナラサルモ其一ハ大洋上ノ輸送力ノ不足及ヒ之レニ伴フ運賃ノ騰貴ニ在リ此ノ不足カ中立國船舶ニ對スル英國ノ妨害ニ因ルト論結スルハ稍當ラス現在英國捕獲審檢所ニ於テ判決ヲ待チツツアル中立國船舶ハ僅カニ七隻ニシテ其殖民地ニ在ルモノ三隻ノミ」然モ Port 途ヲ開キ又一部貨物ノ審檢ヲモ可成迅速ニ處理シ得ル様種々方法ヲ講シツ、アルコトヲ辯シ「英國モ亦船舶ノ不足及運賃騰貴ニ付キ苦痛ヲ感スルコト他ノ國ヨリ甚シトモ劣ル所ナカルヘク船腹増加ニハ有ユル方法ヲ圖リツ、アリ英國審檢所ニテ沒收シタル敵國船舶ハ出來得ル限り速カニ拂下ケテ從業セシメ又海外殖民地ノ審檢所ニテ沒收セラレタル船舶ハ直ニ英本國ニ回航セシメテ使役シツツアリ」ト又抑留敵船ノ處分ニ關シ附言シテ曰ク「開戰當時英國港ニ在リタル獨逸船舶ハ抑留スルコトトシ便宜上之等ヲ徵發シテ實用ニ供シツツアリ」トテ船腹ノ不足補充ニ付種々ノ手段ヲ執

リツツアルコトヲ説明シ進テ獨逸ノ水雷濫設ノコトニ言及シ當時迄ニ二十有五隻ノ中立國船舶ハ公海ニ於テ布設水雷ニヨリ破壊セラレタリ其不法タル當ニ條約破棄及人命毀損ノ問題ノミナラス中立國商業妨害ノ故ヲ以テ大ニ抗議スヘキ理由アリ英國ノ禁制品拿捕ニヨル妨害ノ比ニ非サルヲ攻撃シタリ要之「米國ト歐洲中立國トノ貿易カ英國海軍政策ニ依リ妨害ヲ被リタリトノ苦情ハ全然誤解ニ基ケルモノナルコトハ以上開陳セル所ニ依リ米國政府ニ於テ諒悉セラレヘキヲ信ス」ト結ヒ次ニ

「此機會ニ於テ英國政府方從來執リ來レル方針ヲ説明シ其方針カ國際法ノ一般原則ト矛盾セサルコトヲ明カニシ又此種問題ニ關シ米國政府ヨリノ申立ニ副ハンカ爲メ如何ニ注意ヲ拂ヒタルヤチ開陳セントス」トテ更ニ縷陳スルコト左ノ如シ

先ツ繼續航海主義ニ關シテ曰ク「交戰國カ敵國ニ向フ禁制品ヲ捕獲シ得ルコトハ今日ニ於テハ何人モ之レヲ疑ハス此原則タルヤ新規ノモノニハ非サレトモ之レカ實行方法ニ至リテハ商業ノ方法設備ノ變遷ニ伴ヒ革新セリ一世紀以前ニハ陸上ノ輸送困難ノ結果交戰國カ隣接中立國ヨリ海路ニ依リ輸入セラレタル貨物ノ供給ヲ仰クコト不可能ナリシヲ以テ敵國カ中立國ニ向フ貨物ヲ途中ニ阻止スルノ必要モナク又理由モ存セサリキ然ルニ蒸汽力ノ發見以來隣接中立港ヲ經テ供給ヲ仰クコトハ自國ノ港ヨリスルト等シク頗ル容易ノ業トナリ從テ中立港ニ向フ途上ニ在レハトテ敵國ニ仕向ケラレタル貨物ハ之レヲ拿捕セサルヲ得ス米國南北戰爭ノ際始メテ所謂繼續航海主義カ戰時禁制品ノ拿捕ニ適用セラレタリ即チ敵國ニ向フ禁制品貨物ハ拿捕ノ際中立港ニ向ヒツツアリトモヤカテハ其ノ Journey ヲ繼續セン

トスルカ故ニ交戰者ハ之レカ拿捕ノ已ムヲ得サルニ至レリ此ノ政策ハ當時承認セラレタル國際法ノ原則ニ背戾セス又之レカ適用ノ結果主トシテ損失及不便ヲ被リタルハ英國ノ貨物及船舶ナリシト雖モ英國政府ハ何等抗議スル所ナカリキ汽車汽船ノ發明カ中立港ヲ經テ交戰國ニ禁制品ヲ輸送スルノ便宜ヲ與ヘタルト同時ニ其ノ敵國ニ對シテハ貨物カ果シテ中立國ニ仕向ケラレタルモノナルヤ又ハ敵國ニ赴ク途中ニ在ルヤチ識別スルコトヲ益々困難ナラシメタリ」トテ南北戰爭ノ際 Matamoros に向ヘル貨物ノ捕獲ニ關スル當時ノ國務卿 Seward 氏ノ說ヲ援ケテ其論據ヲ強固ニシ更ニ現時ノ狀勢ニ鑑ミ敷衍シテ曰ク「今日交戰國カ中立國ヲ經テ供給ヲ仰クコトハ五十年前ヨリ甚シク容易トナリ又地理上ノ形勢ハ敵國ニ對シ更ニ便宜ヲ供與スルモノアリ而シテ事實上善意ニテ中立國ニ仕向ケラレタルモノト敵國ニ向ヘルモノトノ區別ヲ爲スハ吾人ノ最大急務トスル所然モ此ノ取引ニ從事スルモノハ極力其ノ宛先ヲ隱匿スルニ努力スヘク英國政府ハ遲延ニ依リ關係者ニ多少ノ損害ヲ加フルコトアルモ或特殊貨物ニ關シテハ慎重ナル審査ヲ行ハサランカ或ハ交戰權行使ノ放棄トナリテ其結果此次戰爭ノ永續及全世界ニ及ホセル損失艱苦ノ増大ヲ來スヘク或ハ中立國貨物ヲ無差別ニ拿捕シテ其結果捕獲審檢所ノ審檢進行中抑留セラルルコトトナルヘシ現今採用ノ方法ニ依レハ審査ノ結果無害ナルコトヲ表證セラルレハ甚シキ遲延ト損失ヲ加フルコトナクシテ解放スルヲ得ヘシ此ノ方法ニシテ新規ナルモノトセラレンニハソノ中立國ノ利益ノ爲メニ損失不便ヲ輕減スルノ目的ニ出テタルモノナリ」トシ次ニ

臨檢搜索ノ方法ニ關シ米國政府ヨリ在米英國大使ニ宛テラレタル公文申ニ「交戰者ノ公海

上ノ搜索ハ臨檢ノ際ニ行フヘク又搜索ノ結果ハ其船内ニテ發見セラレル證據ノミニ依ルヘキモノニシテ周圍ノ事情ニ依ルヘカラサル「旨ヲ指摘セラレタレトモ」之レ米國政府カ南北戰爭及米西戰爭當時採レル方法ニ非ス又英國政府或ハ他國ノ慣例ニモ異リ主義トシテ方今不可能ナルヘシ捕獲者ニ其ノ有スル總テノ證據ニ依リ貨物ノ敵性ヲ舉證スル自由ヲ賦與スルノ必要ハ南北戰爭中米國捕獲審檢所ノ主ナル判決ニ依リ認メラレタル所ナリトテ「Bermuda」號ニ關スル「ステートメント」ヲ摘記シタル上更ニ述テ曰ク「近來船型漸ク大ナ加ヘタル結果汽船ハ天候ノ如何ニ拘ハラス航海ヲ繼續シ得ヘク從テ其ノ臨檢搜索ヲナサントスルモ小蒸汽ヲ下スコトスラ能ハサル場合少カラス」殊ニ冬期ノ北太平洋ニ於テハ天候險惡ナレハ到底其目的ヲ達スル能ハス「若シ交戰國ニシテ中立國船舶ヲ海上靜穩ナル場所ニ抑致スル能ハサルニ於テハ臨檢搜索ノ權利ハ有名無實ノモノタルヘシ其實例ハ南北戰爭ノミナラス近クハ日露戰爭及「第二バルカン」戰爭中ニモ英國船カ其航路ヲ離レ巡洋艦ニ從テ臨檢搜索ヲ便利ニ執行シ得ヘキ地點迄引致セラレタルコトアリ英國政府ニ於テモ最初ハ之等ヲ問題トナシタレトモ遂ニ之レニ服スルコトナレリ斯クノ如キ行爲ハ既存ノ交戰權ヲ現時ノ商業狀態ニ適用シタルニ過キス但シ他ノ交戰權ト等シク中立國ノ利害ヲ顧慮シテ行使セラレサルヘカラサルハ勿論ナリ」トシ

次ニ損失補償ノ方法ニ關シテ曰ク「戰爭中中立國ハ交戰權ノ不當行使ニ使リ惱マセラレサルモノナク過去ニ於テ最モ屢々其災ヲ蒙リタルモノハ英國ナリ而シテ交戰行爲ト中立國ノ權利トヲ調和スル唯一ノ方法ハ交戰國カ適當ナル機關ヲ設ケテ事實ヲ調査シ又中立國人ヲシテ相當救濟ヲ得セシムルニ在リ英國ニ於テハ捕獲審檢所ニ賦與スルニ拿捕ノ權ノミナラズ補償ノ請求ヲ取扱フ權能ヲ以テセリ」トテ英國捕獲審檢所ノ規定ヲ引用シタル上英國「海軍將校カ其任務ヲ執行スルニ當リ如何ニ節制ヲ守ルカハ今日迄前記ノ規定ニ依リ補償ノ請求ヲナシタルモノ一モ無之事實ニ徴シテ明カナリ」トス然ルニ往々外交上ノ救濟手段ニ訴フルモノアルコトヲ指摘シ「苟モ文明國カ審檢所ニ依リ不法行爲ニ對スル救濟ノ途ヲ開キアル以上ハ先ツ之レニ依ルヘク法律上ノ手段盡クルニ於テ始メテ外交手段ニ訴フルコト最モ正當ナルヘク南北戰爭中英國政府ハ正ニ此ノ方法ニ訴ヘ諸方ヨリノ申出アリシニ拘ハラス米國ノ捕獲審檢所ニ信賴シ不法拿捕ニ關シ關係者ヨリ救濟ヲ要求セシメタリ」トテ更ニ抗辯ノ餘地ナカラシメ尙附言シテ英國政府ハ船舶カ英國港ニ入港セハ迅速ノ措置ヲ採ランカ爲メ大ニ盡力シ數月前ヨリ特別委員會ヲ設置シタルヲテ説キ其ノ事務簡捷取扱方ニ付一應ノ説明ヲ加ヘタリ」次ニ條件付戰時禁制品ノ問題ニ移リ米國ノ抗議中條件付戰時禁制品殊ニ食料品ニ關スル點ヲ摘記シタル後曰ク「開戰後間モナク英國ハ樞密院令ヲ發布シタリ同令中繼續航海主義ノ適用ニハ絕對禁制品ト條件付禁制品トノ間ニ區別ヲ設ケス又同令ハ載貨ノ性質 (Guilt & Innocent) 舉證ノ責任ニ關シ或ル嚴重ナル條件ヲ其ノ貨物所有者ニ課シタル」コトヲ述ヘタリ「舉證ノ責任ハ主義上捕獲者ニ歸スルヲ常トスレトモ實際ハ之レニ反シ過去及近時ノ戰爭ニ於テ貨物ハ其所有者カ無辜ノ事實ヲ證明スルニ非サレハ解放セラレス」又「十月二十九日ノ樞密院令ニテハ中立國ニ向フ條件付禁制品拿捕ノ場合ヲ三ツニ限レリ其内二ツハ船舶書類中貨物受取人ニ關シ何等記載ナキ場合ニシテ荷送人カ荷受人

ノ姓名ヲ明カニスルヲ欲セサルニ於テハ交戦者カ該貨物ヲ不正ノモノト見ルハ理ノ當然ナリ又他ノ場合ハ貨物カ敵地ニ於ケル人ニ宛テラレタル場合はナリ現今ノ戦争ニ於テ敵軍ハ全人口ノ大部分ヲ占メ又貨物カ個人ニ對スルモノナルヤ政府ニ對スルモノナルヤ其間顯著ナル區別存セサルニ於テハ大ニ事情ヲ異ニシ舉證ノ責任ヲ要求者ニ歸スルハ當然ナリトシ次ニ食料品ニ及ヒ「條件付禁制品ニ關シ最モ困難ナルハ食料載貨ノ問題ナリ一般人民ノ用ニ供セラルヘキ供給ヲ出來得ル限り保護スルノ目的ニテ編成セラレタル現今ノ規定ハ果シテ有效ニシテ又現情ニ適應スルヤ否ヤ疑ナキ能ハス然モ兩交戦者カ等シク遵奉セサルニ於テハ之レヲシモ國際法ノ原則トシテ確定シタルモノト認ムルコト能ハサルニ非スヤ」トテ食料品ニ關シ一八八五年英佛交渉ノコトヲ述ヘ之レニ關聯シテ Kiel 商業會議所ノ伺出ニ對スル獨逸政府ノ回答中ニ在ル「凡ソ戦争ハ禍ニシテ其ノ災害ハ當ニ交戦國ノミナラス中立國ニモ波及スヘシ：：問題トナレル方法(食料品ヲ絶對禁制品トナスコトヲ云フ)ハ敵ノ苦痛ヲ増大シ依テ以テ戦局ヲ短縮セシメントスル目的ニ出ツルモノニシテ若シ凡テノ中立國船舶ニ公平ニ強制スルコトヲ得ハ戦時ニ於テハ正當ノ手段ト云フヘシ」云々ノ「ビスマ」クノ言ヲ援用シ獨逸政府ハ今尙ホ同意見ヲ抱持シ居ルヘシトナシ又「今ヤ獨逸ハ軍用ノ爲メニ海外ヨリ輸入食料品供給ノ一大機關ヲ新設シタリ斯カル大組織ノ下ニ於テ政府カ給養ノ責任アルモノト之レナキモノトノ區別ヲ明カニスルコトハ甚タ困難ナリ又軍隊給養ノメニスル徵發ハ全力ヲ以テ行ハルヘキハ經驗ニ徵シテ明カナレハ例令市民用ニ供スル爲目的ニテ輸入セラレタル食料ト雖モ軍隊ニ於テ必要トスレハ其ノ消費スル所トナルヘク況ン

ヤ現時ノ獨逸ニ於ケル組織ノ下ニ於テオヤ」ト述ヘ次ニ中立國ニ對スル食料品ノ輸入ニ付統計ヲ示シ何レモ開戦後劇増セルコトヲ示シタリ尙開戦當時拿捕或ハ抑留セラレタル敵船ニ積載ノ中立國貨物ヲ迅速ニ解放シタルコトヲ述ヘ更ニ株式全部力中立國人ノ所有ニ係ル敵國會社ノ所有汽船ヲ中立國ニ移籍スルコトヲ承認シタルコトヲ説キタリ最後ニ結論シテ曰ク

「爰ニ吾人カ採用セル政策ヲ縷陳スレハ若シ吾人カ中立國ニ對シ避ケ得ヘキ損失ヲ被ラシメサランカ爲メ如何ニ努力セルカヲ知悉セハ從來米國政府カ接受シ遂ニ十二月二十八日ノ提議ヲ見ルニ至リタル不平ノ多クハ發生セサリシナラント信スルカ故ナリ若シ以上記述セル事實カ諒解セラレ吾カ海軍行動カ米國ト中立國トノ貿易ヲ阻害セス又吾人ノ準繩ハ國際法ノ原則ニ從來其交戦權ヲ行使スルニ當リ中立國ノ利益ニ付慎重ナル注意ヲ拂ヒタル事實カ明瞭トナランコトハ余ノ希望シテ已マサル所ナリ今後ト雖モ尙ホ中立國ニ對シ損失ヲ被ラシメサルコトニ努力スヘシト雖獨逸政府ハ商船及貨物ヲ見當リ次第國籍及性質ノ如何ヲ検査セス乗組員ノ安全ヲ計ラス其ノ避難ノ機會タモ與ヘスシテ擊沈セントスル意向ヲ宣言シタレハ英國政府モ亦其利益擁護ノ爲メニ採ルヘキ方法ヲ講究セサルヘカラサルニ至レリ交戦者ノ一方ハ法規慣例ヲ離脱シ他方ハ之ニ束縛セラル、ハ不可能ナリ」ト結ヘリ

(四) 英獨兩國ノ交戦權行使ヲ緩和スルコトニ關シ英獨兩國

ニ宛テタル米國政府ノ二月二十二日附同文提議及英獨兩國ノ回答

(第三輯米國法令第二中立態度ニ關スル件(五)第五二九頁以下參照)

(イ) 米國政府ノ二月二十二日附提議

(英國外交文書 Miscellaneous, No. 6 1915).

M^R. PAGE TO S^{IR} EDWARD GREY.—(Received February 22),

American Embassy, London,
February, 22, 1915.
Sir,

Pursuant to instructions from my Government, I have the honour to submit, for your consideration, the following communication which I have just received by telegraph from the Secretary of State, dated at Washington on the 20th instant, with the information that it forms the text of an identic note to the Government of His Britannic Majesty and that of Germany:—

“In view of the correspondence which has passed between this Government and Great Britain and Germany respectively relative to the declaration of a war

zone by the German Admiralty, and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral vessels engaged in peaceful commerce from the great dangers which they will incur on the high seas adjacent to the coasts of the belligerents.

“The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognises that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved, and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

“Germany and Great Britain to agree:—

北米合衆國法令

“First. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbours for defensive purposes only; and that all mines shall bear the stamp of the Government planting them, and be so constructed as to become harmless if separated from their moorings.

“Second. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

“Third. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or *ruse de guerre*,

“Germany to agree:—

“That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control, without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licences from the German Government entitling them to receive and furnish such food and foodstuffs to non-combatants only; that any violation of the terms of the retailers' licences

shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or to be diverted to the use of the armed forces of Germany.

“Great Britain to agree:—

“That food and foodstuffs will not be placed upon the absolute contraband list, and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the non-combatant population.

“In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested Powers, a *modus vivendi*, based upon expediency rather than legal right, and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.”