

廣州武漢時期

革命外交文獻



蔡元培題

神州國光社出版

66  
6

642.2

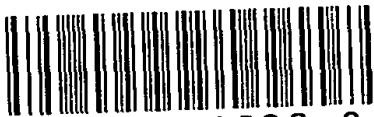
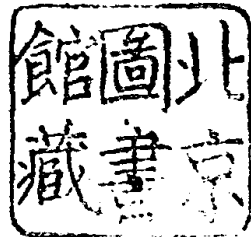
641.

2

廣州  
武漢  
革命外交文獻

高承元編

神州國光社出版



3 0662 4820 8

A 351570

## 訂正再版序

民十六年，余編國民政府外交文集。初版僅一千本，散布已盡。而各方需要者尙多。遂將原書訂正付再版，以廣傳布。

初版時，一因無人負責校對，錯譌百出。二因材料僅限於廣州檔卷，武漢檔卷全未採入，致使讀者對於國民政府之革命外交，頗有未得窺全豹之憾。三因時間倉卒，予當時實於臨去職時數十分鐘內編成之；故材料之搜集及編次條理均欠缺。有此三病，故當茲再版時，不得不極力設法圖匡救。雖材料仍爲形勢所格，不可多得，然凡有可能之處，無不力求改善。一以彰吾初版時苟且之過，一則以報愛讀者之雅意也。

予序此集再版，予不禁有所感動於中。（下略）

編纂者，一八，一〇，二六。

## 初版序

「廢除不平等條約」，此爲國民黨最近政綱，亦爲國民一致所要求。抑知吾國在國際間之平等地位，實有由「條約」而來者，與由「習慣」而來者二種；換言之，一則有法律的根據者，一則無法律的根據者也。吾人對不平等條約，不合理之法律關係，固應以革命手段剷除之；而對不合理之習慣，無法律根據之劫奪，亦當一樣剷除。

譬如領事裁判權係由不平等條約而來。然條約之所規定，原僅限於司法上民刑訴訟事件。乃外人得寸進尺，竟以領事裁判權濫行擴充於行政方面與租稅立法方面：中國官廳一施行衛生檢查，則提出抗議曰，此破壞領事裁判權也；中國政府立一稅法，則又提出抗議曰，此破壞領事裁判權也；乃至中國政府檢查輪船住宅，捉拿現行犯，則又提出抗議曰，此破壞領事裁判也。——其實此等行政處分及租稅立法，與領事裁判權風馬牛不相及。不過因中國腐敗官吏與市儈式領事對於現行法內容毫不研究，舍法律而任心志：外領一方攘之惟恐不盡，紅頂花翎與燕尾服的賣國外交家，趨承之又惟恐



不至。於是在條約上不平等的國際關係之外，更造成其他一部條約外不平等的國際關係。更舉一二顯著之例：如上海之會審公堂，本來係中國之法庭，因辛亥革命上海道之潛逃，而外領竟僭行任命法官，又越權審理死刑重犯；又如關餘，本來應存於大清銀行，又乘變亂之際，攫奪而存於匯豐銀行。凡此皆係條約外之不平等國際關係，與所謂不平等條約自應一體剷除者也。

民國十五年，即一九二六年五月，

國民政府任命陳友仁先生代理外交部長。承元奉委爲祕書，繼任祕書長，因得參與機要，且乘間得讀舊書。一年之間，將前廣東交涉署檔卷涉獵一過，不禁廢然興嘆曰：嗟夫！廣東交涉署歟！毋乃「沙面之收發處」而已！沙面之所欲，交涉署傳達之，而不問所要之是否合法，應否駁斥或接受。本國官廳發表外行說話，交涉署亦復傳達諸外領，而不計其是否有辱國體與主權！嗚呼！交涉員！交涉員！國家何貴設此留聲機耶！偶遇賢者，發奮與外領爭持，亦往往才力有所不勝。例如十三年澳門關閘外葡人架設電杆一案，及十四年葡人在同地建築花園一案，外交當局不知援引同治元年葡大臣噤嗎囉吐照會及光緒十五年經理衙門照會（註一），乃引中葡條約第二款相駁。不知該款乃係指關閘內至三巴門而言，不適用於關閘外。若引該款以辯論關閘外，則如所謂「彼此不得增減改變之事」一語，豈非自招關閘外爲中立地耶？

十四五年葡人之屢次阻撓我方在關開外建廠者，則十三四年交涉失宜階之厲也。又如乾坤九一案，日人傷華人，依被告主義，案歸日領審理。日領拒絕華官觀審，所持理由，以謂依最惠國條款，日本得援照煙台條約第二端，對於華人爲被告之案，派員到華法庭觀審，同時英人對於中國之義務，日人無同樣負擔之必要。不知烟台條約第二端，係規定英人「條件附的觀審權利」：申言之，即英人惟在承認中國對英人爲被告之案件有觀審權時，始得對於華人爲被告案件享有觀審權也。乃當時外交當局捨此等有力之論據，而徒行「了無旨趣」之文辭，曰：「此例各國所同，日本國豈能獨異」。不知「各國所同」，係出於特別條約之規定；而日本之行使觀審，係援引最惠國條款。最惠國條款祇係規定「利益均沾」，而非規定「義務均負」。苟非有規定「義務均負」者，則他國對某國之義務，此國何必從同？如此令人噴飯之辯駁，交涉焉得不失敗？其尤可痛者，則以至顯之事理，而外交當局佯爲不知，輕輕將國斷送，而其中實有不堪推敲者。如真光公司國籍一案，自民國七年至民國十三年，歷經外交當局否認其隸葡籍有案；乃十三年十一月二十日，廣東交涉署忽爾不加何等審查，遽承認之。當時起草者對於葡領之請求真光公司入葡籍，僅曰「備案審查」。何等謹嚴！而行稿者乃易「審查」二字爲「照約保護」。於是七八年來之爭持，輕輕抹煞。巧哉！外交能手！

凡以上所述，如澳門關開外交涉案，如乾坤九事件觀審案，如真光公司國籍案，其失敗之由，並非不平等條約之所致，而實由於外交官之無能與腐敗，致使吾人於不平等條約之外，更加多一層條約外之不平等國際關係之壓迫。嗟呼！中國向來陋習，對於外交人選，大抵惟「番書仔」是尙，而對於其法律政治智識一概不問。又安怪其含糊將事節節退讓，以鑄此大錯耶？

廢除不平等條約，非國力充實不能奏功。國民政府於十四五年間，係在國基初定之時，實力尙未十分充足。對於廢除不平等條約，雖時常有準備，一年間外交書中屢屢發揮此意；然尙未入於實行時期。

在十四五年間一年來外交方針，除積極準備廢除不平等條約外，端在力矯故習，先行打破一切條約不平等國際關係。其已實現而可舉者，得以下各端：

1 打破領袖公使領袖領事之交涉上領袖制度。原來所謂領袖公使領袖領事者，不過係交際禮儀上之制度，如覲見時之領班等而已。至於交涉，依國際法，領袖公使領袖領事之制度絕對不適用。交涉上而有領袖公使領袖領事，係東方一種奇怪制度，毫無法律之根據。原此制所以形成，實由帝國主義者欲免爭競之弊，乃欲協以謀我：故每一事件發生，則帝國主義共同商定辦法，以便聯合我國施行壓迫，而保持及發展其侵略者共同利益，然後由所謂領袖公使領袖領事將外交文書送遞我國，

作爲列強對我一致之意見。此種辦法，實係國際共管之先河，而使我國外交陷於萬劫不復之地位。須知外交上最忌寡助。若對各帝國主義者而爲各別談判，自不難各個擊破。若以一國而與世界各國爲敵，雖以德國之強，終歸失敗。歷來我國外交當局，懶惰性成，貪圖省事，而不知已墜外人毒計。自十五年十一月五日廣州領事以領袖領事資格，稱奉北京領袖公使訓令，致函外交部，抗議內地產銷稅，陳代部長卽決然乘機打破此種非法惡制，遂於同月八日將原抗議書退還不受，聲明此種手續之非法。廣州各領，相顧錯愕。自此以後，廣州不復再接所謂領袖領事之外交文件矣。十六年四月十一日，關於南京事件，漢口英美日法意五領事又欲提出共同通牒；經陳代部長豫爲阻止，卒分別提交。亦經陳代部於十四十五年兩日分別覆牒。於是數十年來列強共同干涉中國之制度藉以打破。

2 矯正領事裁判權之濫用於行政方面。原來在我國領事裁判權，與在土耳其不同。在土耳其制度，稱爲 *Capitulation*，其活動範圍較我國爲廣。在我國，依條約規定，領事裁判權僅限於司法上民刑訴訟事件，而在土耳其，則領事並有行政權警察權；且一切租稅立法，限制甚嚴，亦訂在所謂 *Capitulation* 條約之內。故土耳其之 *Capitulation* 制度，至少包括三部分：其一，司法上民刑訴訟事件之領事裁判制度；其二，領事行政權；其三，外僑免除一切租稅之特權。而在我國之領事裁判

權，依法律明文，不能認為包括後二事。惟向來外領往往欲擴充其適用於後二事；其原因由於（一）帝國主義無厭之野心所發，（二）習見土耳其制度而欲移用於中國，（三）無法律學識，漠視條約，蔑棄現行法律制度。在中國官廳一方面，又因（一）無法律學識，（二）帝國主義者積威所致，使之望而生畏，不敢抗爭，（三）恐鬧出交涉，致招失敗，於本人祿位有損，故持省事主義；基於此三種原因，故事事退讓，致啓外人濫用領事裁判權於法定範圍之外。自十五年大和旅店案發生以來。本部即決定矯正領事裁判權濫用於行政方面傾向。其後對英對葡對日，均歷有所辯論。帝國主義者惟有吞聲結口，不復能辯。而大和旅店一案，尤為交涉上勝利顯著之例。關於外領警察權之規定，可以土耳其一七四〇年法蘭西 *Captivitation* 條約第七十條（註三）與中英天津條約第廿一款（註四）中日通商行船條約二十四款（註五）比較而觀，足見土人之請求外領協力，係必要的；而在我則為任意的；在土，係規定土人必須請求外領協助，其義務在土人；而在我，則規定外領必須應請而協助，其義務在外領。此其不同也。

3 矯正領事裁判權之濫用於租稅立法方面 土耳其一七四〇年領事裁判條約第十條內載，「不得強迫外人繳納屠宰新稅與出兵免役稅」；又第十三條二十三條六十七條亦載「凡土人繳納之非法苛稅，外人均得免繳」。此種關於外人免稅特權之規定，在中國通商條約中，絕無所見：中國不平等

條約中所有關於外人課稅之限制，祇有協定關稅及子口稅船鈔而已。然歷來外人往往欲以土制移用於我，對於關稅子口稅等以外一切直接間接租稅，均藉詞於領事裁判制度，一一出而反抗。關於此點，我國政府向持矯正態度。惟收効極少：政府三令五申，而洋商置若罔聞。其根本原因，則由當局向來對於外商不敢行使警察權，故雖有租稅法令，而不能強制執行。一年以來，政府之對外人，其於行政權警察權獨能積極行使，故一切對外人租稅，成績獨多也。

4 矯正觀審權之濫與。關於華人爲被告案件之外領觀審權，英美條約規定最詳；其他對法比西意葡丹荷等國亦有會審之規定。惟日本則無之；歷來乃欲援據最惠國條款而行使觀審權。其實最惠國條款，一般僅適用於通商航業。中國與瑞典瑞士條約，明白規定關於領事裁判權依最惠國辦理。此爲最惠國條款之特例。若無此等特別規定，則當然依普通解釋，即狹義的解釋，限於商業航業方面適用，不能認爲得推至於司法方面也。一九一三年，日本對美國加省是年五月十九日限制日人買地之法令，以最惠國條款爲根據，提出抗議。卒爲美外部所拒絕（註六）。土地所有之取得，苟非有特別規定，尙不能置諸最惠國條款適用範圍之內。何況司法權？乃前時中國官吏毫無法律學識，竟許日人援用。十五年汕頭發生蔡中和一案，日領拒絕中國官員觀審。汕頭交涉員劉灝條陳，乘機停止華人被告事件之日領觀審權。本部採納之；遂於十五年十一月六日以此事通令全

國。至美國觀審權，經廣州美領於十六年三月十八日通知本部，自行拋棄。現在有觀審權之國，惟英，法，比，意，西，葡，荷，丹，瑞典，挪威，祕魯，瑞士，等國而已。漢口外領觀審權，則自收回英界以來，已全部取消矣。

5 嚴防冒充外籍以免領事裁判權活動範圍之擴充。因有領事裁判權之故，於是外國人市僧均得藉其庇護以為非作惡。一般洋奴與帝國主義者走狗，不知羞恥，亦欲從而托庇焉，於是入外籍之個人及公司，比比而有；同時又不肯舍棄中國國籍。當其欲取得中國國民利益外人所不能享有者，則自認中國籍。一旦陷法網，又欲恃外籍以為護符。長此以往，則舉中國各通都大邑市民商店將盡置於中國法權之外。故亟宜防之。真光公司一案，其最重要者也。

6 收回租界行政權。租界之條約，本與租借地 *Lease* 異其性質；租借地所設定者公權，而租界之在條約上設定者不過私權——土地永租權。典籍具在，可以復按。租界上之外國行政權，絕非有法律的根據，此實由於攘奪違法之所為。各租界合同之內容，大抵所規定者四事：一，依據條約規定，劃定外人得永租土地之境界，並釐訂手續；二，賦與居住租界內外人關於工程衛生警察等事項自治權；三，賦與外領以該界內外人自治行政之監督權；四，專管國外之籍民，不歸專管國領事管轄而歸原籍領事官或中國地方官管轄。由以上規定，可得以下結論：——一，租界內之自治行政權係

屬人的，非屬地的；故租界公權之組織，乃係人的組合，而非地方團體（註七）。二，租界之自治行政權，係中國主權之所賦與，其權原係出於中國主權；故其權力之行使，可視為中國行政權之代理。一八六三年北京公使團訓令上海納租稅外人定市政機關之權限，有曰：「無論行使各項權力，須先陳明各該國公使，得中國政府允許乃可」。此可證租界行政權原理之所在矣。且各處租界章程，大抵係由於中國地方官與各領事之協定，有時並經各該國駐華公使之批准。凡條約之訂立，國家之新權利及義務設定，惟主權者得為之。中國地方官之無權割地與人在中國領土之內允許外國主權之行使，彰彰明甚。若以租界合同之所規定解為割地（公法的意義）或設定外國公權，則該合同自始即不成立；以訂約者之所為係無權行為故也，苟該合同可以有効，則其所允許外領關於行政權及自治監督權之行使，除解為代理中國權力外無他道（註八）。此法理上邏輯也。然而事實上則何如？事實上不特租界當局對於華人往往越權支配，處刑罰，課賦稅，且租界一切法制，往往由專管國政府制定之，而不顧與中國法制之衝突。於是租界行政權之意義，乃由「領事代理中國權力」，一變而為「專管國政府行使其固有權力於租界」。凡此者，不特於條約上無所根據，即與租界章程之立法旨趣亦大相逕庭。謂非違法攘奪之事而何？

由以上證明，則租界內之行使外國行政權，且往往有依屬地的意義普遍地行使的傾向者，實毫無



法律的根據。此種事實上攘奪，全由外交當局麻木之所釀成。而中國主權者固時時有權撤廢之，而代以自己權力之行使。十五年十一月國民革命軍隊武裝通過漢口英租界。廣州英領向本部提出抗議，謂爲違背漢口租界章程。本部答以「漢口租界章程，本來係處於中國主權准許之下一種自治法規。主權者之行爲，對於其所准許或曾經准許之法規，本來不生違法之問題」。英領無詞以復。吾人對租界予以此種嚴正之解釋者，正爲收回租界行政權之張本，而爲漢滯案交涉之先河也。

以上所舉六綱，乃十四五年間一年來外交政策之經過。其間折衝之迹，一一可考於檔卷中。爲省後人檢閱之勞，而與國民以公開研究外交之機會，承元用敢攝其要，成是編，復揚摧其旨，著於卷首。其中有不揭擬稿人姓氏者，皆陳代部長所自撰。承元嘗竊嘆衙署公牘之弊，核閱者經十數人之目，而結果所用者，仍是第一人之初稿，縱有塗飾，無關宏旨。是則責科員以艱鉅之任，而陷所謂科長處長一切長官於畫諾素餐之中也。讀此集者，有以知吾輩之發奮努力以求自拔於流俗之中矣。

自武漢滬甯相繼平定，我國民政府實力，一躍三百，迥非昔比。次年度之外交政策，自當由革除條約外之不平等國際關係，進而廢除條約上之不平等國際關係；換言之，自是由準備廢除不平等條約。進而實行廢除不平等條約。吾編是集，吾渴想乎他年第二集益足以實寫約國民之宏願而副先總理之遺教也，高承元序於廣州外交部，十六，五，五。

(註一)「關於前山洋務局設局關關事，予營摺呈陳部長，有云，『濠澳門租界原定北至三巴門而止。嗣葡人乘中國內部多事之秋，遂北侵龍田，旺廈，沙梨頭等七村，至於關關。當時滿清官吏亦營力與爭持。如同治元年葡大臣其嗎郎吐照會總理衙門，自稱設立關關以爲界，至關關以外則有華官把守，關關以內則係西洋人把守。總理衙門尙拒抗此議。其後一八八七年訂立中葡條約，界址尙未能確定，故其第二款規定，有——「惟既經商定 俟兩國派員妥爲會訂界址，再行特立專約。其未經定界以前，一切事宜，但依現時情形勿動，彼此均不得有增減收變之事」等語。光緒十五年，總理衙門照會解明該款所載「現時勿動」者，係指關關以南至三巴門而言，其言「彼此不得增減收變」者，係指關關內馬路洋房暫免拆卸而言，若關關以北，係中國獨管之地，不與約內界務相涉，等語。足見澳門前山間如果有所謂中立地，自當指關關以南至三巴門一段地帶而言，絕非所語於關關以北。」

(註二)「土耳其之司法人員及軍官兵卒，非必要時，不得強入住宅。如照案情必須進宅，須告知當地法國大使或領事，由大使或領事會同當事人同往犯事地點。」(見土耳其撤廢領事裁判權經過引。原文未檢得。)

(註三)「……通商各口倘有中國犯罪民人潛匿英國船中房屋，一經中國官員照會，領事即行交出，不得隱匿袒庇。」

“……In like manner, if Chinese offenders take refuge in the houses, or on board the vessels of British subjects at the open Ports, they shall not be harboured or concealed, but shall be delivered up, on due requisition by the Chinese authorities, ad. dressed to the British Consul……”

(註四)「……中國人在中國犯罪或逃亡負債者，潛匿在中國之日本臣民所住房屋或中國水面日本船上，一經中國照請，日本官即將該犯交出。」“……In like manner if Chinese subject in China, who have committed of fences or have

failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subject in China or on Board of Japanese ships in Chinese waters, they shall be delivered up at the request of the Chinese Authorities made to the Japanese Authorities”

(註五)一千九百十三年駐美日本大使於對加省(California)是年五月十九日法令限制人在該地取得房地事，提出抗議，謂根據最惠國條款，日人不應受此限制。美國外交部答曰，「世界公認最惠國條款僅施諸商業航業諸事。若取得房地權，則美國向不必按惠國待遇辦理，而締訂專條規定之。」

(註六)參考拙著收回租界論。

(註七)中國地方官受中央政府之委託行使地方行政權，再以一部分地方行政權轉而委託於任他人，皆該地方官權限內得爲之事。惟此概係由中央主權而出，應受中央主權之節制而已。

# 目次

第一章 關於沙基事件及杯葛英貨事件檔卷·····	一
兩廣杯葛英問題中英談判七月十五開會陳代部長代表政府致開會詞	
七月十六日我國代表提出關於對英杯葛原由之意見書	
七月十九日英國代表答復我國代表之意見書	
七月二十一日我國代表駁復英國代表意見書	
七月二十三日中國代表團提出組織沙基案責任問題審查委員會意見書	
七月二十三日英國代表團提出借款意見書	
致廣州英總領事函抗議英國艦隊強行封鎖梧州港口事	
抗議英艦水兵在廣州西堤碼頭強行登陸各節致英總領事	
第二章 關於關稅問題及關稅會議檔卷·····	二七

國民政府反對重開關稅會議宣言

抗議重開關稅會議致廣州美領事北京美公使

(附錄)美國公使訓令駐廣州美領事轉復陳代部長書

抗議關會重開案復駐廣州美總領事轉復北京美公使

抗議關會重開致美議員波拉函

駁復駐廣州葡總領事用領袖領事名義來函抗議出產運銷暫時內地稅

(附錄)葡總領事來函

反對英國關於實行及分配華會附加稅提議致美國外交部長電

第三章 關於漢口及九江英租界事件檔卷……………三七

國民革命軍通過漢口英租界案駁復廣州英總領事

(附錄)譯英代總領事來函

十六年一月廿二日國民政府宣言(答復英政府一九二六年十二月十八日對華新政策宣言)

英國勞工運動代表電文

英國勞動援助中國自由聯合會電文

外交部長覆英國勞工界電文

英代表備忘錄并附件

外交部長對英代表備忘錄宣言

對英外長演說聲明書

(附錄)英外長張伯倫氏演說要旨

收回漢口英租界之協定

收回漢口英租界協定簽字後之換文

二月十九日對英代表宣言

收回九江英租界之協定

對英代表及其他各國聲明書及英代表備忘錄

關於履行九江英租界協定函件

關於賠償九江英僑損失之函件

關於九江口河岸碼頭地位執照之函件

第四章 南京事件及關於對外僑損害國家責任問題檔卷……………五九

南京事件答復日本通牒

南京事件答復英國通牒

南京事件答復美國通牒

南京事件答復法國通牒

南京事件答復意國通牒

(附錄)英美法日意五國通牒

賓美士電船案駁復美領事

(附錄)美領事來函二通

東園案函復法領事

(附錄)譯法領來函

第五章 關於領事裁判權對本國行政權影響問題交涉檔卷……………七一

關於鴉片煙檢查駁復英領事 (公函第一一〇二號)

(附錄)譯英代總領事來函

關於新稅檢查案駁復法領事 (公函第一一四四號)

(附錄)譯法領事來函

羅伯多祿案駁復葡領事函

(附錄)譯葡領事來函

羅伯多祿案再駁葡領事函

(附錄)葡領事第二次來函

檢查日旅店案駁復日領事 (公函第四二八號)

檢查日旅店案再致日領事 (公函第一〇八一號)

(附錄)譯日領第三次來函

檢查日旅店案三駁日領事 (公函第三六五號)

陳廉伯屋案復地方審判廳函

第六章 關於國籍糾紛交涉檔卷……………八五

黎紹鶴案致函英領事

(附錄)譯駐廣州英代總領事致陳部長函

黎紹鶴案再函英領事聲明國籍事



真光公司案函駐廣州葡總領事

函葡領辯正真光公司國籍

(附錄)葡總領事復函

真光公司國籍問題再函葡總領事

陳友仁在政治分會提議由僑務委員會舉辦華僑身份登記

第七章 關於觀審交涉檔卷

停止日領觀審權令各交涉員 (令第二二〇號)

角谷新高案致日領事 (公函第五七號)

(附錄)譯日領事來函

角谷新高案駁復日領事 (公函第一四五號)

(附錄)日領第二次函

函復日領聲明角谷新高案未經依法辦理以前對於會譯臣案萬難容納要求

第八章 關於澳門界務檔卷

前山洋務局委員朱麗泉呈報前山與澳門間界務情形

外交部祕書長高承元擬請遷移前山及遂溪兩洋務局地點呈陳部長摺

第九章 民事案件檔卷……………一二五

陳廉伯屋案復廣州英總領事

陳廉伯屋案再復英總領事

華英學校致駐廣州英總領事 (公函第一一二四號)

(附錄) 英總領事來函

第十章 各項——郵政，通商，課稅……………一三一

俄領郵件案駁復俄領事 (公函第二三二號)

(附錄) 譯俄領來函

湖南亞細亞貨倉案函復英領事

(附錄) 譯英領事來函

汕頭日商瞞納煙稅案訓令汕頭交涉員

第十一章 政治報告……………一三七

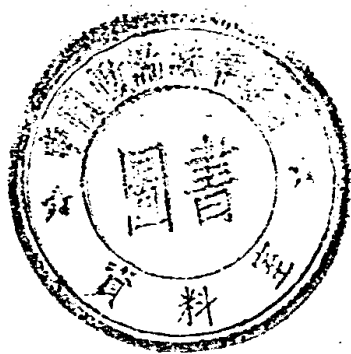
十五年八月份政治報告

目次

鳳州武漢革命外交文獻

十六年一二月份政治報告

十六年三月十三日對第二次中央執行委員會外交報告



# 第一章 關於沙基事件及杯葛英貨事件檔卷

## 兩廣杯葛英貨問題中英談判七月十五日開會陳代部長代表政

### 府致開會詞

今日開始正式會議，本代表等將代表本國政府，以懇摯歡喜之忱敬達于英國代表。並欲將代表等所代表方面之願望，鄭重聲明，此番奉委解決之問題，必須本誠實與果斷的精神，以從事解決，務使一方面英國人民於兩廣境內在銷售貨物及營業上得一和好的與利益的市場，他方面將使本國政府所代表之中國人民亦得以進行本國統一革新之工作無所牽制以與世界各國建設一偉大之關係焉。

本國境內社會上經濟上政治上現方發生特殊的與真實的變遷，彰彰可見。蓋中國人民——自其組成一社會的集合體觀之——於意識的或無意識的新建設進行中，且由是而進於新世界大組織之林，其環境之所影響，必將有新秩序與新均衡之發生；彼其變遷，不外此新秩序與新均衡之必然結論耳。設使中國人民，果獲獨立國之待遇，而不以國際保護國相視，則此等變遷，于中國人民為益為

損，中國人民自能斷定之。總之，時至今日，中國人民實有自由工作以圖自救之必要。此固中國民族運動——爲社會新均衡之基本勢力者——之準繩也。雖現在國內大部份不幸爲陳腐之領袖所統治，其希望與政策均有趨于反動之勢。而國內原動力所在，如智識界，學生界，工界，及新起農商實業界，皆自世界大戰後確定爲政治勢力原子者，現方擁護廣州國民政府，根據自然權責，以謀國家之獨立也。

中國政局趨勢如何，姑先勿具論。惟中國國民政府光炬萬丈，全爲國民運動熱力所構成，照耀大地，無時或熄，在中國及國際政治上不能不認此政府爲一永存實體。然則英國對此新中國應取若何態度乎？有主張英國在中國既得之權利應極力保持勿失者。此不顧利害之談。證諸已往，適足以引起抵抗，發生衝突，甚至釀成戰爭。而在此新時代中，戰爭實非眞實解決之法，爲世人所公認。則此法已成過去陳迹矣。

其與此相反者，有一道焉，卽諒解現在進化之中國，其政治新人物方覺悟其自具之能力與中國無盡之地利人工及其有效之組織是也。此種諒解，從友邦之實際論點言之，須重新觀察中國局勢，並重建中國與外國之關係，非若一八四二年時之視中國如征服國可比，而當依平等原則以相待遇，此固國際通行之原則，凡在世界獨立國家之列者，國無論大小，一體遵由者也。

如上所述關於中國問題之推斷，列強苟有誠意與中國通商者，其真正利益之所在，決無與此相違反，此固代表等所深自信者。如英國果誠意在此通商，一如在其他獨立國中，專為銷售其貨與採購吾貨而來，則對於民族主義之中國，與其行使政權之國民政府，英國人民之居留此邦者，應不必作無謂之過慮也。

今茲之事，果能如此觀察，則所謂面子上關係者，當不足以阻塞吾人實際問題解決之途，而此等問題，在歷史上往往有見解相左者，一旦得解決，正所以表現人類之忍耐與其誠意耳。陳友仁等。

## 七月十六日我國代表提出關於對英杯葛原由之意見書

本代表等今就英國代表之所期望，先從兩廣排英糾紛事項加以考慮。首當注目茲事之大勢。

且何謂對英杯葛？姑置細微末節與單純偶然的現象弗予深論。其大體要點，為中國工人拒絕裝卸貨物于英國船隻，與中國人民之在本國境內者拒絕購辦英國貨物或售貨于英人也。此為中國人民在南中國有組織的愛國運動，已堅持年餘，彰彰在人耳目。

此種對英杯葛，如欲澈底解決，而不以威力壓迫使流為中英關係上不斷之惡因緣而蔓延中國者，則最少當尋求其直接原因之所在。所謂療病當治其本也。

對英杯葛之顯象，實直接發生于一九二五年六月廿三日沙基慘案發生之後。爾時中國學生及各界之慘被狙殺，斷肢折臂，實爲此杯葛之直接原因所在。衡以因果關係，無可疑者。今欲以會商解決之法斷除此種杯葛，不能不先從六月廿三慘案着手辦理。

要言之，此案之事實，本無爭辯餘地。其所待辯論者，爲是否英國人抑中國人首先發槍之一點耳。然從法律上責任之立腳點將全案加以審查，則此點亦屬次要之事。欲從此審查，則須將六月廿三全案發生之原因背景，先加大略之觀察。

一九二五年五月卅日在上海巡行之學生及其他民衆，被伊文生警長令其巡捕開槍射殺，以致激動中國民衆全體之不平，此歷史的事實也。須知今日之男女學生，卽他日主持國政與執業作工之人。一國之學生界爲全國所重視。各國如此，中國亦何莫不然！抑中國人民之重視學生，尤有特別原因焉。凡民族之能生存，必有一主幹團體支柱其中。現中國方當過渡時代，其具有一國生機之原素，實在中國之學生界。中國不欲生存則已，苟其不然，則中國人民之能力，與其所處之變境，彼其在商務上外交上社會上與外國人接觸，歷七八十年來之所感覺者，此二者之間，苟非有新均衡之發生，宜乎學生界之於過渡時代經濟的與政治的新需要，鼓吹不已也。

中國之學生界，其觀感之重既如此。則五月卅日之壓力橫加，其影響于全國之深且巨，自可想

見。是以長江一帶如漢口九江南京，以至北部之北京，皆有國民感覺之重要表示；因而發生一種新覺悟焉。今者事過一年，伊文生警長構成五卅慘殺案之觀念，尚存于中國人民心目中。本屆五卅一週紀念，上海各界，集合偉大之羣衆，從事巡行，安然無事。可見伊文生之設施戒嚴，純屬多事。而上海司法調查會希爾盾約翰中佐及其他英國證人所稱，倘爾時伊文生不下命開槍向徒手之學生及其他羣衆轟發，恐羣衆發生較大之慘殺云云，亦屬過慮之談。然則此案之鑄成大錯，已昭然若揭矣。

廣州方面，因政府方有事於兵戎，以掃除叛逆，統一全省；故五卅慘案之真相，與案情之重大，直至六月中旬，始得完全感覺。其時北京等處，已認此案之發生，爲歷史上開一新紀元。况乎廣州爲中國民族主義之最大中心點，無怪其于此案堅持民族主義，以相對待，而視爲中國民族主義與外國帝國主義間鬥爭之顯著表示也。易言之，視爲一種經濟的政治的需要及理想系統，與其反對理想及威力系統，相互鬥爭之表示，一方力圖中國之真正獨立事業，他方則恃一八四二年南京條約以來無數條款之威力以制裁之。

五卅慘案之解釋，既已如此，則廣州愛國示威，及其他羣衆運動，種種表示，皆爲其當然之結果。蓋六月廿三日廣州之所以組織此可記之巡行者，皆所以發揮民族主義之精神而對此慘案致無窮



之感慨也。計示威運動之中，以巡行隊爲主要表示，除少數黃埔軍校學生，穿日常操服外，大多數爲學生及小學童，固手無寸鐵者也。

至開槍孰爲最先一節，倘就此案實情及開鎗後之兇殘結果加以觀察，自不成重要問題。試觀爾時沙面之保衛，其嚴密完整情形，爲從來所未有：既有寬廣之濠，環衛于外，復裝設沙包電網；並有全副武裝兵士嚴守于內；又有外國軍艦，駛入港內，以巨炮遙爲擁護。斯時雖有不足信之誤傳，謂中國真欲攻取沙面，而沙面已自居于絕對安全牢不可破之地位。況中國原無此意，觀于開鎗後之結果，益信而有徵：是役英國方面絕無傷亡；惟中國方面則死者五十，傷者百餘；活現一種炮壘與羣衆戰鬪之意義。凡此等關於本案之切要事實，足見沙面之開鎗，就令謂爲自身防衛計（此說本代表等絕對否認）亦屬太過，且非法律所許也。一九二五年六月廿三日，沙面已有準備橫暴行爲之態度，觀于英國前總領事六月廿二日致外交部伍部長朝樞之函，一時遐邇傳播者，可以概見。此函由郵局寄遞，而非專差致送。故伍部長于六月廿三日大約實際開鎗之時，始收到之。茲將此函略論如次：

此函先述傳聞某學生等之怪異消息，謂其互相投票，以博「身爲烈士」之榮（此節原函已謂「恐屬理想虛造」）。繼作鄭重宣言，謂「倘此說果有根據，成爲事實，本總領事當嚴重警告廣東政府，向貴外交長官聲明：如有侵入沙面外國租界者，當以武力對付；其局部及全部責任，應由貴政府負

之」。並謂「現設相當警備，以防羣衆暴動之發生；如鎮江九江漢口等處，已有此等事發生；倘不幸復見于此，則號召羣衆心理以行暴動之人，其血將自濺其首也」。

由此觀之，則爲此函者措詞如此，縱非預定六月廿三日中國人流血之必成事實，亦早料其當然。而所屬武夫，已養精蓄銳，箭在弦上，其不能臨時制止流血行爲，亦固其所。換言之，則英國前總領事之爲此函，不啻自承其欲步上海伊文生後塵之意，或（以純粹歷史的意義言之）欲如英國戴亞爾將軍在印度阿彌列娑之所爲，蓋卽慣用武力之豪霸，藉口防止暴動，肆其殺戮，巧言掩飾，以愚惑東方羣衆之計耳。

六月廿三慘殺案，爲對英杯葛之直接原因，已無疑義（此案亦爲香港罷工擴大加劇之直接原因），而香港政府，對於廣州及粵省他處，實行封鎖，尤爲激起與延長對英杯葛之有力輔因。猶憶香港總督在議政局下令「禁止白米麵粉罐頭食品與價值五元以上之金銀圓金銀塊及各種紙幣運載出口」，此項禁令之發表，與六月廿三慘案發生，僅隔數小時之間。無論其實際用意如何，然其對於廣州及粵省他處，實係一種財政經濟封鎖，彰彰在人耳目。蓋廣州及粵省他處，向從香港採購米糧食品也。抑有進者：香港之斷絕與廣州經濟關係，實造成一好模範，使六月廿三慘案之愛國的報復，得以仿而行之者也。曩者同類羣衆表示，鮮能持久。而此次對英杯葛，獨能不蹈故轍者，其第一原

因，則以英國以香港為根據，欲以經濟方法困厄此民族主義活動中心點之廣州而陷之于絕境；中國民族主義者，有見於此，不得不恃此運動以為有效之防衛。

至其第二原因，尤為具體可見。查本國政府，曾提議解決六月廿三案件，經當時英國總領事答復稱，英國政府否認此等要求條件，在案。此項要求，實于六月廿三慘案發生後，即時提出；其內容條件，經本國政府本圓滿解決之誠意，加以考慮，不致有防英國在華通商強國之地位及其真正體面與利益而礙解決之前途也。

在未提出解決新條件以前，本代表等，願得聞英國代表對於英杯葛之如此見解。所發生之觀念。不勝厚幸！陳仁友等。

## 七月十九日英國代表答復我國代表之意見書

中國代表方面，發表關於兩廣對英杯葛緣由之意見，嘗徵求本代表等之答復，然後進行會議各節。本代表等，對於中國代表方面解決全案辦法，本欲先窺全豹，始行作答。蓋中國代表方面發表之情感，與其引起本代表等應有之答復，已見于中英兩國來往公文中，兩國報界亦經討論詳盡；倘繼此再行討論，以彼此交換之意見發刊公佈，恐徒為激動輿論之具，而于本會議欲求和平解決之道，

轉令爲難也。

查前次會議卽席宣讀之意見書，尙多待辯之點。如中國代表等，必欲以此刊佈，則本代表等亦可作答，且有答復之必要。中國代表等推論杯葛緣由，至回溯上海之五卅事件。但此案發生于中國中部，原非本會議職責所及討論，亦非在短篇意見書之範圍內所能適當討論。無已，則請就中國代表等原文所遺忘之事實，一爲陳述焉。

查上海糾紛事件發生于日本紗廠，與英人本無關係。其時有中國學生，在公共租界之最繁盛道路中，舉行示威運動，不惜違抗維持各國居民公安交通之警律；其服務於公共租界工部局之巡捕，方竭力執行職務，尊重法律，乃將爲首滋事之人逮捕而去；於是有羣衆二三千人攻擊捕房之事繼續發生。此羣衆中之領袖，學生僅居少數，其大多數爲上海之無賴游民。當時值勤巡捕，人數有限，已設法勸諭多時；繼用警棍指揮，次令羣衆散去；詎愈聚愈衆，反被擁回。直至激烈之羣衆已行抵捕房圍外六英尺之遙，伊文生警長時方當值，恐巡捕之被擠，捕房及軍械之被奪，如從前發生之事，引爲殷鑒；乃下令發槍一排。是役死傷之結果，誠爲人人所當悼惜。然以伊文生及警長地位論之，當時身當其衝，若非放棄其警長之職責，甘心犯法，而以其所維護之全埠人民利益，付諸羣衆之手。則除此辦法以外，蓋無他道。徵諸國際司法調查會三委員，承認其行爲完全適法，已可概

見。至于一九二六年，此案一週紀念日，捕房方面，懲前毖後，故厚集兵力，以爲之備，與上年情形，自有不同。若以此相提並論，適足以迷離本案之論點耳。五卅案之實際如此。而中國各地，藉口此案之發生，淆混事實，以聳動對英之惡感，如鎮江九江及其他各處，皆有羣衆集合，向少數毫無防衛之英國人民肆意滋擾；當地官廳不加約束，以致毀壞器物，危及生命。又漢口亦有學生鼓動暴徒，向外人居留地，實行攻擊。該處英國巡捕，爲避免流血計，已堅忍不動。詎羣衆愈逞兇，竟將一外國人殺斃，勢將侵入外人相率走避之處；乃下令放槍，以阻其前進。

凡此事實，不得不約略追述，以求廣州慘案之正確觀念。一九二五年六月中旬，廣東省內，排外感情，已繼長增高。六月廿二之日，省港中國人士，已切實傳說。次日即有襲擊沙面之舉。其時著有聲譽之華人，實行遷港，或作其他行動，以爲走避之計者，亦不乏人。况六月廿三上午，廣州市沿路汽車，又紛紛散派廣東軍官學校學生會之傳單，以鼓勵人民起而排外，尤爲普遍。其時沙面居民，心念此等事實，並有鑒于中國他處對外事件之發生，其預策安全，以圖自衛者，亦人情之常也。

當此情勢之中，廣州官廳竟于六月廿三日准許一種示威大運動在沙面對岸之沙基舉行。有軍官學校之武裝隊伍亦在其列。方巡行時，從沙基方面，向沙面發槍。惟本代表等，細察中國代表方

面之意見書，則欲將最先發槍之責任問題，輕輕渡過。一則曰，「此點亦屬次要之事」，再則曰，「此自不成重要問題」；反注重于受擊方面還火之濃密。然以本代表等觀之，則孰爲戎首，最爲握要。關於此點，本代表等不能不鄭重聲明：首先發槍，實爲中國方面。不特英法人當場目擊者可以爲證；丹麥瑞典兩國領事亦有書面陳述，可以稽考；而美國人親見其事者，亦切實斷言，從沙基首先開火也。開火後，沙面英法兵士爲自衛計，均有還火。蓋信襲擊沙面之說行將實現也。于此有當聲明者，是役原非英人獨任其衝；而華人因此案發生，何以獨仇視英人，在中國代表等之意見書，尙未明言其故。

至是役中國人之死者傷者，誠堪悼惜。惟犧牲此等性命之重責，不能不歸諸貿然開釁之人。而中國官廳，不顧彼等行爲之謬誤與危險，任令鼓動忘爲，何異厝薪于積火之上，亦不能辭其咎焉！中國代表等解釋對英杯葛，謂爲國民自由斷絕對英交易之舉動，並謂中國人民已堅持年餘。惜哉！此種所釋及論斷，與事實絕不相符也。就事實而論，此種斷絕交易非出于自由，僅以少數強有力者組織團體，以武力維持罷工，而強人所不欲；其有恢復正當交易者，不惜置諸死地。豈知此等正當交易，原爲友邦上應有之義！今以人爲的與經濟上不健全的藩籬橫互其中，使人民不得自使行動，恐早晚必有衝破藩籬之勢。本代表等之爲此言，其立論之準確，取證亦自不難。試將此等

藩籬盡撤，本代表等深信商業交際皆將流通如故，而中英人民胥受其益矣。

本代表等非謂國民之自由絕交者當以武力制止。本代表等所欲言者，乃謂非自由之絕交者，不當以武力或以人工制止之也。本代表等于此，不欲有所誤會，是以分別言之。猶憶一年以前，中國人每多誤解，以為關於上述各案，自有正當理由，以抗議各國之行動。彼等所謂理由者，固本代表等所否認。然彼等亦既抗議矣，而大多數國民，苟非藉杯葛以圖私利者，蓋無不樂于恢復正當交易；此本代表等所深信也。

中國代表等所謂「香港政府對於廣州及粵省他處實行封鎖，尤為激起與延長對英杯葛之有力輔因」，與「香港之斷絕與廣州經濟關係，實造成一好模範，使六月廿三慘案之愛國的報復得以傲而行之者也」云云，此無辜加罪之絕好榜樣也。不知香港政府對於廣州或粵省他處並未設施封鎖之策，香港亦未與廣州斷絕經濟關係；其所以禁止某種食料出口者，乃為保存港中糧食計；此常智所能知也。六月廿二之際，航業經已罷工，港中食料之輸入，牽涉至若何程度，非所逆睹。如以此為受香港封鎖，則全世界亦將受封鎖矣。其禁運糧食出口之宗旨，已于八月十一日佈告聲明，謂除有相當數量留存港中，此外運至何地，皆可准運出口，可以概見。且此項禁令，已于十月九日悉行廢止。至于禁運金銀圓塊紙幣等出口，乃為保護港中幣制及財政統系起見，此亦財政上之常規耳。

誠不料此等自衛政策，純然爲防備香港罷工而設者，乃受指謫爲攻擊廣州之具也。推中國代表等稟爲此說之意，蓋欲解釋抵制香港之理由，故曲爲之說；其實香港與上述各案，並無關係也。

要之，自此次糾紛發生以來，每有口不擇計言之宣傳，欲諉其過于香港，乃至諉過于英國全國。對於此等嘗試，本代表等自應嚴重抗議，茲特申明于此。實則中國代表方面所謂疾病，乃其內部之病，不當以攻擊英人爲療治之方。况英國人民與中國通商，極望中國之臻于福利發展與獨立，且較他國爲尤摯也。

比年以來，中國人民大部份已有轉機，爲吾人所深慶。本代表等謹掬誠以祝中國，得以其人才之發展，以列于世界大位置之林。香港政府尤願以互利之方，協助鄰近港地之各省，使臻發達。本代表等本此意義，深望現在糾紛之藉以解決也！

## 七月廿一日我國代表駁覆英國代表意見書

國民政府，受兩廣人民之信託，執行行政權，最重公開主義：一則以開通公共之見聞；一則以施行羣衆訓迪。蓋以國民屬望政府，端在了解政府之設施，純爲國民效忠，而非徒爲宰制之府。基此重大原則，英國代表關於對英杯葛大問題之始終意見，不欲即行公佈之說，本代表等不能苟同。抑



尤有一特別原因在：年餘以來，英國報界政客，誣譏廣州方面，謂爲無意識的無理由的仇視英國，致引起世界輿論對廣州以誤解。今關浮詞，申情實，使中國對英杯葛之真因，得以大白于輿論界，此不特信史攸資，抑于此次會議亦有裨益。本代表等，深信外交公開爲近代政府所必需。惜公開政策，往往爲東西各國崇尚尊嚴面子者所反對，以致遠東國際交涉上，每生莫大之障礙焉。

上海五卅案件，苟引爲兩廣對英杯葛之直接原因，誠不免軼出大會議討論範圍之外。惟本代表等前次意見書，業已聲明，此不過六月廿三沙基慘案原因背景之一種重要現象。基此意義，本代表等對於英國代表意見書內論及此案之言詞，自當否認，而所稱上海司法調查會贊許伊文生警長之說，則因中國人民與該調查會本了不相涉，尤當鄭重拒絕也。至五卅案一週紀念日，上海方面措置，所謂「懲前毖後」，不用防止暴動方法，而華人羣衆自然散去者，本代表等極表贊同。惟英國代表意見書，關於漢口事件，尙有二事遺忘：卽華人羣衆，手無寸鐵尺木，而英兵乃有裝置機關鎗之英輪參預其中是也。對英杯葛，爲六月廿三沙基案件直接發生之事，本代表等前已言之，今得贅于此，蓋此爲直接因果關係。如對英杯葛，不欲了結則已，苟欲了結，心須就原因上從事辦理；而原因之考慮，則以責任問題爲第一重要論點。若如來文所謂「六月廿二之日，省港中國人士已切實傳說，次日卽有襲擊沙面之舉；其時著有聲譽之華人，實行遷港或作其他行動以事走避之計者，亦不乏人。」

云云，實不能認其爲有論據之價值；此殆覆述英國前總領事所稱六月廿三事前種種傳說之一部耳。所謂「中國人士」之無根傳說，與「著有聲譽之華人」（或爲多金之子故神經過敏）之避遷香港，竟信爲襲擊沙面計劃之證據，甯非人類信仰上一可嘆之事！而六月廿三日沙面之官場態度，陷當日事變于悲慘之結果者，亦可以于其輕信心理證明之。英國前總領事，蓋認沙面襲擊爲一種信條，故妄事推測；事變未至，而草木皆兵矣。

本代表等特再申言：襲擊沙面，當時實無此意，抑亦不能有此。並鄭重聲明：六月廿三之變，實由沙面首先發槍。此誠爲重要之點。今既由英國代表方面提出此點，則其責任問題，應否成爲國際調查之案，本會議似有考慮之必要。但本代表等不得不聲明：爲避免此調查之必要，故謂其爲「次要之事」與「不成重要問題」；誠以「此案之切當事實，已足證明沙面之開火，就令謂爲自身防衛計，（此點本代表等絕對否認）亦屬太過，且爲法律所不許也。」至于特開調查會以判孰爲戎首一節，本代表等雖亦預備贊同。惟于所謂丹麥瑞典兩國領事之書面證明，與「美國人親見其事者亦切實斷言沙基方面首先開火」之說，不能不加辯論。蓋此等人于六月廿三日，爲沙面居民一份子，或參預沙面守禦之役，與前總領事傑彌遜爵士無異，不能謂爲全無關係之人。在理彼等之證明，與出諸手殺中國學生及各界于沙基之人，同爲染有色彩。至以華人死傷之責歸咎中國官廳一節，所謂

「不顧彼等行爲之謬誤與危險，任令鼓動妄爲，何異厝薪于積火之上」等語，本代表等尤不得不立予拒駁。蓋此等套語，皆不外諉過者之慣技。實則當時中國官廳并未干預示威運動之事，且見沙面之未嘗受擊，且不能受擊，尤引以自慰。此則可以莊言答復英國代表，而隨在可得負責任指證者也。

本代表等，解釋對英杯葛，以爲本愛國心理，斷絕對英貿易一節，英國代表對此有所非難，轉稱「僅以少數強有力者組織團體，以武力維持罷工，強人所不欲」等語。似此爭辯，如完全駁復，勢

須討論種種問題。本代表等雖亦預備討論，然已非本會議範圍所及矣。顧本代表等所當注重者，則以英國如此見解，已含有侮辱中國之意。如謂中國人民對於殘殺行爲如沙基慘案者，尙不能引起

羣衆公憤與羣衆行動，是不特貽重大之謬誤，抑且暗示中國人民有奴性存于其中。雖就中英關係間往事，不難摘發一二，引爲論據。第世界潮流，已排盪大地；今日居亞洲此方之人民，其工作行

動，皆爲自由意志與人道尊嚴所感動，已不容橫暴非法之屈服。此種事勢，如英人尙不感覺了解而變易其政策，誠恐將來中英關係，復蹈故轍，而種種誤會變動騷動戰爭，相因而至矣。本代表等，

今特嚴重言之：中國方筆路藍縷，以爲國民闢一新蹊徑，縱非在進行之中，亦將不遠；中國人雖不欲于進行新路中，與英人有所差池；然中國現在所處局勢，將來若何決定，固大與英人有關也。

復次，香港之行封鎖，自主觀上言之，無論封鎖者之真意如何，然所謂「一般的禁止」者，字義

上固不能不解爲對於廣州及粵省他處施行財政經濟之封鎖也。又從客觀上言之，則其施行之結果，勢必同于封鎖。蓋以香港爲中國南方總轉輸之商港，實中國人民輸運糧食之唯一門戶也。依此解釋，則封鎖之禁令，雖有八月十一日之變通，與十月九日之廢止，亦不能爲之隱諱。爾時所以變通與廢止者，殆已灼知廣州設法從他方採運糧食以爲救濟，已使此種鎖港政策失其效用耳。

英國代表等表示「與中國通商，極望中國之臻于福利發達與獨立」之盛意，本代表等深爲感領。况回溯英國過去及最近之行爲，從未令人發生觀感，足以昭示其對華政策，與中國國民意志有調協之可能。今乃獲此表示，尤當深慶。倘英國代表此番期望可據爲英國將來對華政策之預示，將見此項政策之實現，當能確定英國之關係，使英國于民族主義的中國，獲有良好之友誼，此本代表等所據理推知而可信者也。陳友仁等。

## 七月廿三日中國代表團提出組織沙基案責任問題審查委員會

### 意見書

中英兩國代表團解釋對英杯葛問題，雙方發表之意見，所持論調，今有須設審查委員會以資解決之必要。茲由中國代表團正式提議，辦法如左：

(甲)設立上述之審查委員會。

(乙)此委員會，以中英委員各一人，並主席一人組織之；其主席須雙方認可，其國籍不得與本案有直接關係。

(丙)此委員會，有決斷一九二五年六月廿三日沙面沙基槍殺案責任問題之權，並得獻議各節，使因此案而生之兩廣對英杯葛，亦得完全最後之解決。

(丁)中國國民政府，與英國(包括香港)政府，允遵守此委員會之評斷，並將其獻議各節，一一按照實行。

(戊)此委員會，以最速日期開辦。

(己)倘英國方面，前已具有關於此案證明書之證人，或業已死亡，或不知去向，或因別故不能到此委員會，則為補救此等故障計，應將該證明書送達委員會。

英國代表團復提議此審查委員會，應有法國人在內，其所持理由，以一九二五年六月廿三日槍殺案，法國人亦參預其間，不能將法國人除外。中國代表團答稱：法人參預槍殺問題，係中外法交涉之件，應暫行辦理，不宜與英國責任問題相聯。如英國方面，必欲將法人參預問題，包抱於審查範圍之內，中國代表團亦無異議。惟如此辦法，則法人之入審查，應由英國方面，設法向其徵求同意。而英國代表，則謂當由中國方面請其同意。但中國代表團，不允負此責任。

## 七月廿三日英國代表團提出借款意見書

茲承中國代表團之請，特將七月廿一日會議提出之借款議案，以書面陳述如左：

一，正式合約之細則如何決定，頗需時日，且出于本會議範圍之外，惟議案大綱可于此時說明，抑亦應行說明。

一，本議案為香港以誠意對待廣州之表示，且有此辦法，而後香港可以協助廣東之發展，使省港皆受其益，本代表等，灼知廣東之發達，與香港之發達，實有聯結而不可分離之勢。

一，本借款之用途，自當雙方安定。本代表等曾獻議為開闢黃埔商埠之用。蓋此舉于香港，僅有間接之利益，而為廣州人士所贊成，故擇此以表示好感。如中國代表團，意欲指定類此互利之用途，本代表等，亦樂為考慮。

一，黃埔之議，仍須從工程上考察，能否以適宜之費用，使計劃妥協，經雙方滿意，然後採用，本代表等，約料之數為一千萬圓。

一，本借款用途，無論主要用途若何指定，亦須建築連貫粵漢廣九兩路之接軌綫。

一，本借款之正當支銷，與款項之償還，須有相當保證之規定。

一，此後廣州政府轄內各地，所有對英杯葛，及其他排英表示，當完全停止，此為本借款條件之

1。

中國代表詢問所謂「正當支銷與款項償還之相當保證」之具體的解釋。英國代表答稱，係指中國鐵路借款合同之通

常條件，如借英國資本，須僱用英籍總工程師及總管賬各一人，以及其他保證，並須以建築工程及鐵路收入為抵押云。

## 致廣州英總領事函抗議英國艦隊強行封鎖梧州港口事

逕啓者：貴國艦隊司令費慈，不顧梧州交涉員及其他官員曲意相助，僅因未能阿順意旨，瞬刻供給戰艦帶水工人之故，竟于六月二十四五日間，強行封鎖梧州港口，不准中國船隻通過。此種空前未有之非法舉動，本部長不能不向貴總領事提出最嚴重之抗議。

查貴國艦隊司令此種暴行，僅就其致梧州交涉員各函，已足證實。向者外艦司令，往往恫嚇中國大官，且以自己非法行動，為誣控中國之根據；不圖今日於此事始末恍惚見之。貴國艦隊司令致交涉員各函稿，恐尙未達尊覽，用特將原函攝影一份，另封寄上，原文現存本部，肅待覆按。

抑猶有可記者，當貴國艦隊司令抵梧，備受殷勤款待，由是感動，于六月十五日致函交涉署道謝「是早送來伙食惠賜鷄蛋青果及允助一切之厚意」。但交涉員之厚意，終不能防止貴國艦隊司令對

彼及其他在梧官員之施行恫嚇，最後且對中國船隻封鎖梧州港口。此皆可以就其六月一五，一六，二一，二三，二四（兩封）等日致交涉員各函證明者也。

貴國艦隊司令六月二十二日公函，尤爲鹵莽滅裂。蓋梧州官員業經勸服海員工會，准貴國艦隊司令僱用帶水。關於所提僱用條件，貴國艦隊司令，亦經函稱：「除工資一項，已准備承認一切。查工會要求之工資，爲每星期一千六百元；據該會解釋，以前會要求每星期八百元，外艦亦照此數支給，嗣後生活費實際上已加增一倍，故今不能不作此要求。但貴國艦隊司令，則以爲要求每星期一千六百元之工資，乃係侮辱，且無異拒絕行駛此江之權，實屬破壞條約，經將情形報告本國政府等語。條約權利，經此離奇解釋以後，貴國艦隊司令。即請交涉員轉知海員工會稱：在此等特別情形之下，余已准備支給各帶水每週十五元港幣，并請轉知，除非彼等承認此等合理工資，并于六月廿三日中夜以前，指撥二名帶水應用，余將視此江「實際上對余封鎖」。又稱：「余將視此爲敵視敵國政府之行動，而採取下列之手段：即由六月二十四日天明開始，梧州港口，完全封鎖；凡懸掛中國旗船隻，一概不准通過」。

此種恫嚇，立即引起交涉員之抗議。交涉員再三申明，海員工會并非政府機關，其會員全爲普通人民；依中國法律，普通人民其愿受僱於人與否，有自由決定之權。至所要求工資，交涉員亦已



申明，以現在生活費之激增，亦非過甚。總之工資問題，無論如何，不能為封鎖港口之口實。况交涉員及其他在梧官員，對於貴國艦隊司令僱用帶水，且常竭力施其協助；此種協助，原非條約上責任之所在也。

貴國艦隊司令，接閱交涉員抗議後，於六月二十三日復稱：余意已盡於前函，無可進者。

梧州官員連同廣西省政府主席黃紹雄，視此情形，俱以為貴國艦隊司令似已立意引起糾紛，庶可阻礙國民政府軍隊防禦吳佩孚侵略兩廣之行動；故通告貴國艦隊司令稱：帶水二人要求之工資，將由彼等支付，翌日（即六月廿四日）將僱送帶水工人二名前來。

六月廿四日九點，帶水代表前往貴國艦隊司令所住戰艦「他蘭杜拉」立約簽字；因翻譯傳話困難之故，各種手續，延至下午五點乃畢。越半小時即五點半，交涉員乃得此事經過之報告；迨六時，即得貴國艦隊司令來函，要求交涉員派帶水即刻到艦。交涉員不暇再顧體面，立即專函答覆，謂：「帶水即刻到艦矣」。

不料專函去後十分鐘內，貴國艦隊司令，再趕來一函稱：正前往封鎖梧州港口，阻止中國船隻通過，特此函達等語。因此梧州港口，六月二十四五日間，竟被貴國艦隊司令，指揮貴國艦軍，強行封鎖至十小時之久。當時帶水工人，目見貴國艦隊司令此等躁妄行為，當然不勝驚駭，直至驚魂已

定，前往貴國軍艦以後，梧州港口，乃始開放。

關於上述貴國艦隊司令之行動，除提出嚴重抗議外，并要求貴國領事道懺賠償，及將貴國艦隊司令撤換懲辦。煩為查照，并希賜覆！順頌時祺！代理外交部長陳友仁。

## 抗議英艦在廣州西堤碼頭強行登陸各節致英總領事

敬啟者：昨日 貴國武裝水師，在廣州西堤碼頭，強行登陸。查該處與去年六月廿三日慘殺地點，相距非遙，投石可達。本部長自當提出抗議。此種戰鬥式舉動，不特破壞國際法律，且在現勢之下，實為物質上與道義上之侵略行為。推其流變，不難再演第二次英人在廣州殘殺華人之慘劇。貴國兵艦之炮，直指廣州之市區通衢，罷工糾察之駐所，與夫廣州人民活動之中心點。

彼廣州人民，素聞港督之著名「匪徒海盜」演說，蓋已憤激扼腕，積不能平，又加以此事之發生，其惹起此間激烈公憤，固無足怪。蓋咸認此為現局客觀事實之一種顛倒表示，且以本國政府之負責代表，方與香港政府之正式代表，共議一堂，纔告停頓，尙未終結，而忽有此事發生；實為公然之侮辱也。

本國政府，對於香港總督之肆口謾罵，在公文已置諸不答，誠以一經作答，恐激動輿論，轉令罷

工排貨問題之解決，難尋生路。而在過去一星期內，本部長方力謀其他雙方認可之方法，速為解決，此貴總領事所知也。

當此之時，貴國水師當局，乃乘機恣所欲為，此非特法律之所禁，抑亦為事實之所不許。蓋該碼頭等，均在中國領土，為中國公有產業，僅由省港澳輪船公司批承而已。此等碼頭，該公司置而弗用，已閱年餘。碼頭建築物，乃鐵質與三合土構成，無破壞之危險，人所共喻；而該公司亦不虞在此等碼頭至於喪失財產，或失其批承之權利；英國人民，於此亦無危及性命之虞，亦未有人以此白於中國正式官廳，而請求其保護。

凡此皆就本案事實而言。除本案事實外，本部尙欲請 貴總領事加以注意：自國際公法之原則與條例，以至中國與英國或其他列強所訂條約之規定，蓋未有准許英國水師公然侵犯中國領土主權者。今 貴國戰艦，不特停泊中國河面，一若強制廣州為英國殖民地口岸，貴國水兵且恣意橫行，若將挑撥與恃，使出於報復，以釀成「事變」，致令國民政府於中原討吳方勝之際，不能克奏膚功，而吳佩孚者，蓋已盛傳為貴國所陰助者也。

此案之發生，可信貴國水師行動之含有政治目的。雖然，國民政府決不為所動。猶憶日前梧州亦有類此事變之發生，為貴國水師當局所設計（此事大可注意），國民政府已提出抗議矣。國民政

府之不能訴諸武力，以排除此等英國水師之戰鬥行爲，誠爲可痛之恥辱，惟中國民族輿論中，尙有一強有力之部份，深信能以全民族之經濟武器，施行罷工排貨，使貴國炮艦政策所迭加于中華民族之恥辱，得以昭雪也。

苟以爲此等理解，廓充於中國全民族志中，猶於貴國對華政策無足輕重，則水手式之強橫方法，宜若可以繼續施行，更無待貴國大政治家關於對華政策之悉心規畫。若猶以對外商業血脈所關，則貴國政策當有真正的與根本的改革，以免貴國商業在民族主義的中國，被貴國水師斷其血脈。貴國某名人嘗警告世之居高位者，謂凡一民族不學則亡。然則上海五卅與沙面六月廿三兩案以來之種種事實，於貴國政治心理，竟無所教訓乎？

本部長除對於貴國水師行動，發表嚴重抗議，並聲明保留將來提出損失賠償之要求外，特提出要求如下：（一）各碼頭之武裝英兵，應即撤退；（二）所有英國水師在河面干涉小船隻之行爲，應即停止；（三）現泊各碼頭之英國炮艦，應請調回停泊沙面外原泊之處爲盼！此致英國總領事普。代理外交部長陳友仁，十九年九月五日。



## 第二章 關於關稅問題及關稅會議檔卷

### 國民政府反對重開關稅會議宣言

中國關稅八十年來受不平等條約之束縛，稅率由於協定，關權操之外人，遂致門戶洞開，外貨侵入，國內產業不能與之競爭而日就衰敗，輸入額永遠超過輸出額，且逐年加甚，物資缺乏，民生凋敝；關稅之不能自主，其流毒竟至此極。近年以來，中國人民受帝國主義者之侵略壓迫太甚，漸知起與相抗，尤以五卅運動為最強烈而普遍。帝國主義者見而驚心，知純恃武力之不能鎮壓，不得不別求緩和之法；於是數年前經華政府會議決定之關稅會議，乃能於去年十月實行召集開會。其時掌握北京政權者適為賣國之段政府。本黨知此會之開，在列強不過欲藉以示惠，在段政府亦非真能為人民謀利益；故於其開會之初，即宣言北京政府不可信賴，即使其初所提條件不背人民公意，亦難保不虎頭蛇尾，以爭因自主權始，而以犧牲自主權終。今果不幸言中，會議未終，段氏出走，吳張繼

起，竊據政權；各國關會代表乘此時機紛紛出京，欲推翻一切成議，仍照華會所議決，祇允增徵二五附加稅。吳張迫於財政困難，亟亟與各方接洽，欲圖重開關會；且欲遷就讓步，承認只解決二五附加稅。圖以此項附稅抵借鉅款，以資其擴充武力壓抑革命之用。查二五附加稅實行，每年所增收入不過三千餘萬，除以一部分挪作軍費及償還擔保之外債外——所餘能有幾何——斷不足與裁厘損失之數相抵。而關稅自主又以裁厘爲條件。故承認增徵二五附稅，則不啻將全國各階級人民所迫切要求之關稅自主永遠斷送。且稅率一般提高，無伸縮之自由，徒增人民負擔，而絕不能收保護產業之效。本政府爲保障人民全體利益計，對於張吳此種賣國之舉，絕不能予以承認；尤望全國人民急起反對，而益加努力於廢除不平等條約之運動，庶本黨主張之關稅自主終有實現之一日。除由外交部向列邦提出抗議外，僅此宣言。惟國民鑒之！國民政府委員會。

中華民國十五年八月三日

## 抗議重開關稅會議致廣州美領轉北京美公使

逕啓者：查特別關稅會議，因中國代表星散，本已停會。但現接確報，謂吳佩孚張作霖代表，現正與美國及其他外國代表磋商，即行恢復會議。本政府用特提出抗議。并懇閣下代爲轉達

貴國駐京公使。

本政府反對此項會議，且自始即反對此項會議；蓋其所議事項，苟非有能代表中國國民及為中國國民說話作事之中央政府，即不能于會議場中，與美國及其他有關係各國之正式代表商議之。曩之段祺瑞政府，其非此種政府，早為世所公認。至于吳張之走狗，苟合衆等國政策仍能顧及政治實際及國際道德與禮儀者，則其不能以近世式政府視之，而與之會議交涉也，更為顯然。

現在北京的滑稽政府，乃成於兩大中古式軍閥及一羣舊官僚小政客之手，志在攫取將來關稅問題決定後所能施捨之餘惠，及承受合衆等國為維持口口與民族主義的中國之重要利益兩相衝突之現狀計，所能給予之借款，蓋已昭然若揭，恐無人盲瞽而至毫無所見，如是其甚也。

支給關款與吳佩孚張作霖，其義何居？質言之，不外美國及其他有關各國，將藉英人管治下之統一的中國海關，以為工具，（一）以攫取中國全土之國稅，授諸竊據一隅苟延旦夕之二豎，而供其揮霍；（二）將協助此等軍閥，繼續釀成內亂，以攻擊國民軍與廣州政府，而使武力主義得以橫行於中國。蓋國民軍與國民政府，乃促進中國進步之左右手，而為中國民族主義之思想與活動之中心。由是供給關款與吳張，猶有更深意義：即美國及其他有關係各國，將提取廣州增加之關稅，送交張鬚與吳秀才，俾益能善戰，以撲滅中國民族解放之思想與運動。



抑尤有進者：國民政府對於吳張代表，以已允許之附加稅作抵，訂借任何借款，將概不承認。余尤須警告美國及其他有關係各國：中國之實行否認此項借款也，勢之所趨，將或不得不擴充否認原則之適用，進而至于否認從前一切借款，凡有利于反動派及軍閥官僚之剽竊者。代理外交部長陳友仁。

### (附) 美國公使訓令駐廣州美領事轉覆陳代部長書

七月十四日閣下致美國公使關於北京特別關稅會議復開之函，已代為照達，經前途注意循誦。茲麥馬利公使，於此有所表示，謹為閣下述之。

閣下代表廣州政府，力抗國會之復開。此等抗議，在該會議開幕前後，中國他方代表，亦有發表。足徵中國人民尙未臻一致。殊令人氣沮。蓋美國政府與他有關係之友邦，欲將對華條約關係從事整理。茲以民意未得一致，殊覺爲難。况中國現無中央政府，內得各省之擁護，外獲列強之承認，足以相互負責進行各事，此尤美國政府所欲渴望成立而未得者也。

美國公使以爲對華條約關係上，如財政及其他之整理，美國政府所持宗旨，以裨益中國全部爲目的，而非爲任何單獨軍閥或政黨起見。麥馬利公使對於中國各方之通訊，如閣下於七月十四日論及中國全部與美國相互關係之問題，皆表示珍重也。駐廣州美總領事金克里。

## 抗議關會重開案復駐廣州美總領事轉復北京美國公使

頃接貴總領事七月廿六日來函，答覆本代部長日前對於北京特別關稅會議復開之抗議，經已誦悉。惟來函內容，先經落于路透通訊社之手，故七月廿四日北京等處已有刊佈，早於送達本部者計四十八小時。應請貴總領事注意。本代部長之爲此聲明，並非意存挑剔，亦不欲過事深論，但以此等失誤手續，有懲前毖後之必要，當爲貴總領事所注重耳。

麥馬利公使對於國民政府力抗關會復開之意見，所稱「美國政府與其他有關係之友邦，欲將對華條約關係，從事部分的整理，而中國人民尙未臻一致，殊令人氣沮」等語，業已備悉。但麥馬利公使所謂民意未臻一致之令人氣沮，乃就美國政策之見解上言之。實則此種見解，適足證明美國政策其于立意上與施行上皆無當也。

此種政策之失當，蓋由美國尙未灼知中國現在政局根本上爲一革命的政局，當以革命的根本解決方法應付之，與所謂「演進的」整理之解決方法絕不相侔。其政局之所以尙爲革命的者，則以一九一一年至一九一二年間，革命中變遷原則，尙未闡發于民族生活之中，而以政治經濟狀況爲尤甚；良由屢受某某外國之于預。此等于預之事例，舉其顯者：如始則助袁世凱之破壞民國，而假以一九一

三年之善後借款；繼則扶助安福時代之段祺瑞，而假以西原及其他借款；繼則扶助吳佩孚，而以關餘鹽餘供其揮霍；今則欲扶助吳佩孚與張作霖合組爲一強有力者，而假以借款，將承認之關稅附加稅作爲抵押，以供此等聯合軍閥之用。此種政策，如尙堅執不改，則不特釀成中國之紛擾，陷于所謂「混沌」之境；抑于外國交涉上，亦陷于心智之錯亂與道德之破產。故美國政府每以「演進的」政策，對付中國政局之革命的事實，惟見其「民意未臻一致之令人氣沮」，正爲此也。

民族主義的中國，以爲所謂中國問題之根本解決，非用革命的解決方法不爲功。從內面言之，則國民政府所用以統一兩廣軍政，民政，財政之新式軍事上政治上技術，務須推行全國，使中國人民爲民族全體利益計，以圖自救；而非置此事于外人利益之下，教視于外國資本高壓與外人商業也。從外面言之，則中國問題之根本解決方法，莫如由美國拋棄其現在「欲將對華條約關係從事部分的整理」之政策，而承認此等條約關係有「全部整理」之必要；不作分期整理之計，毅然廢棄諸不平等條約，而應民族主義的中國之需要，依據中國真正獨立主權之原則，以重訂新約。此種政策，經蘇俄勇敢之政治家，切實導入實際政治範圍之內，行之而有實效者也。

至麥馬利公使所謂「中國現無中央政府，內得各省之擁護，外獲列強之承認，足以相互負責進行各事」一節，似當還請麥馬利公使自問，苟欲將中國與列強間之條約關係，爲全部之整理，則美國或

單獨行動，或與他國共同行動，究應向誰交涉。若爲各方面關係利益計，則外國所當與交涉者，爲中國具有實在勢力與權威之全國政府。今既無此政府存在，本代部長不能再致警告之詞：茲國民政府方伸張勢力至中國中部，所有貸與吳佩孚張作霖之駐京代表一切借款，概不承認。而特別關會之重開，自國民政府觀之，將視爲美國與其他有關係各國處心積慮，欲將中國海關由政治的財政機關，變爲戰務的財政機關，爲外人干預中國內亂或革命戰爭之機關；審是則國民政府，不能不圖謀自衛之策矣。代理外交部長陳友仁。

## 抗議關會重開致美議員波拉函

逕啓者：余本日代表廣州國民政府，向貴國駐華公使，抗議關稅會議復開。茲余特請閣下注意此事。蓋吾人深知閣下領袖美國，苟有置美國真正利益於別國在華競爭利益之後者，將反對之而無所讓也。查關稅會議，近因中國代表星散，其中蓋有避吳佩孚張作霖之拘捕而遠遁者，本已停會。今若重開，自客觀上言之，依目下情形，即係輕視美國利益之舉動。不特此也，關會重開，尤足表示合衆等國，將藉英人管理下之統一的中國海關以爲工具，以聚斂中國全土之國稅，授諸竊據一隅苟延旦夕之二豎，而供其揮霍，且資助其繼續釀成內亂，以攻擊國民軍與國民政府。按國

民軍與國民政府，乃促進中國進步之左右手，而廣州尤爲中國民族主義思想活動之中心。然則開會重開，猶有特別深義：卽合衆等國將取廣州增收之關稅，而予之吳張，使其益能善戰，以撲滅中國民族解放之思想與運動。

現在敵政府軍隊。已從吳佩孚傭兵之手，奪回湘省首都長沙，不久卽進迫中原，以爲統一中國改造新中國最後之奮鬥。用敢懇請閣下：贊助敵國新分子之主張與其力量，而提議立即撤回貴國出席關會代表團爲幸！代理外交部長陳友仁。

## 駁覆駐廣州葡國總領事用領袖領事名義來函抗議出產運銷暫

### 時內地稅

逕復者：現接十一月五日大函，似謂奉駐北京代表各關係國之領袖公使命令，飭以駐廣州領袖領事之資格，提出抗議，聲明本政府在兩廣境內所征之內地貨物消費及出產稅爲完全違反條約，不能認爲合法，等由，到部。本部長查現在我國民本府之權威，已伸張至本國大多數區域；在全國形勢上，因此發生一種新事實。茲爲對於此事實正確之了解與免除誤會起見，特將來函原件奉還。至駐北京代表各關係之領袖公使之存在，本部長以其欠缺法律上之根據，未便承認。且各關係

國對於本政府，亦未有法律的根據得到相當地位與關係，可以正當有權提出「完全違反條約」之問題。

抑本部長更有須聲明者：現在中國國家大權與權威，早已不能在北京行使，而民族主義之中國革命勢力及建設勢力，經已將國家大權與權威，移交本政府執掌，在北京有代表之一切或任何關係國，倘能明瞭此中國係，本政府對於此項問題，自不難立予討論也。即希 貴總領事官查照是荷！此致大西洋國駐廣州總領事官！ 代外交部長陳友仁，十五年十一月八日。

### （附錄） 葡領事來函

敬啓者：關於十月六日大函，本領事奉駐北京代表各關係國之領袖公使之命令，以駐廣州領袖領事之資格，特向貴部長轉達以下之抗議：「駐北京各關係國之代表，因廣東政府對於國外貿易征收一種稅項宣言，此種計畫，完全違反條約，不能承認其合法」。此上 國民政府外交部長陳！ 駐廣州葡領事兼領袖領事，十一月五日。

## 反對英國關於實行及分配華會附加稅提議致美國外交部長電

本政府頃聞美國政府有意贊成英國提議，即時實行所謂華會附加稅，并將該項稅款交與各征收海口之長官。英政府之宣言，雖已詞意詳盡。然究其實際，則是稅款三分之二將歸本政府之政敵。

彼等軍實已充，則將繼續國家流血之內爭；而中國脫離由外邦帝國主義所產生之國際共管情形，亦將因此而延遲。具體言之，英國提議之意義，有以下數點：——（甲）張作霖不獨將獲一宗鉅大之新欸，且可得一無上之抵押品，以借款救濟其恐慌之金融——此實為張作霖本復仇之念與封建野心窮兵黷武所必致之結果；（乙）不獨北京（彼處關稅早已成搶掠之目的物），抑且每一商埠，皆將為軍閥新鮮劫掠之目的物，使中國之封建情形與內亂，又增一延長之動機；（丙）上海本可不戰而歸國民政府，今則必成血戰之場（或將貽外國貿易以永久之損害），因上海所收百份之四十之附加稅，對於孫傳芳與張宗昌，不啻投犬以骨。國民黨人對於英國宣言之意義，所以漠然置之者，因其隱含一種危害中國民族運動迅速發展之政策。但贊成中國民族運動之人，自有抵抗此種危險之能力。國政之府政外交部長陳友仁。

## 第三章 關於漢口及九江租界事件檔卷

### 國民革命軍通過漢口英租界案駁復廣州英領事（公函第一〇八五號）

逕復者：茲接十一月十九日 大函關於國民革命軍通過漢口英租界一事，經已閱悉。當經轉送政府考慮矣；俟有復示，再行奉告。惟有應預先聲明者數事：——一，漢口租界章程，本來係處於中國主權准許之下一種自治法規；主權者之行爲，對於其所准許或曾經准許之法規，本來不生違法之問題。二，漢口國民革命軍總司令本係中央軍事機關，無權辦理外交事件；在湖北地方高級外交官員，僅湖北交涉員足以當之。緣准前由，相應函復。貴總領事官，希爲查照是荷！順頌日祉！此致大英國駐廣州總領事官！ 代外交部長陳友仁，十一月廿七日。（祕書長高承元擬稿並代行）

#### （附錄） 譯英代總領事來函

逕啓者：敝國駐漢口總領事近以該地之英國租界常被駐紮附近之南軍圍進，特囑本代總領事請求國民政府加以注意。



該總領事稱南軍通過租界（時或運送子彈），又武裝衛兵站立汽車兩傍來往租界等事，殊有違漢口租界章程。屢向漢口交涉員提出抗議，迄無效果。嗣於十一月九日具一節略投遞漢口總司令部，冀其能以制止兵士之舉動。不料該節略竟被退回；且得函復，稱該地所有一切交涉事項應由湖北特派交涉員辦理等語。茲將該原函及節略送呈 貴部長察閱。尙希將此事轉呈政治委員會嚴加考慮。按此次總司令部秘書處失禮之處，姑不論及。然其辦法，實係否認條約付予英國領事直接與各省高級官員通信之權，此節希促政治委員會之注意。倘南軍繼續闖入英國租界，恐與租界警兵發生衝突，釀成國際嚴重案件也。再武裝衛兵站立汽車兩傍往來租界，此事斷難容忍。惟南軍倘必須經過租界，以指定到達地點通知駐漢口總領事，尙可通融准許；惟必有官員領帶監視乃可照准；且須事前早爲請求許可，以便通知租界巡捕局也。此事極爲嚴重緊急。切望即將此意電知各關係軍隊機關爲盼！此頌日祺！璧約翰啓，十一月十九日。

## 十六年一日廿二日國民政府宣言（由外交部長發表）

——答復英政府一九二六年十二月十八日對華新政策宣言——

閱英國對華提案之內容，見其所據之論點，不外乎『因今日中國對於自己之利益尙未能切實維護』（原文），故英國及其他列強爲實行華會之精神計，不得不略事犧牲，互結信約，以保護中國領土之獨立與完整，提倡中國政治經濟之發達，整理中國之財政。

此一論點，非所語於民族主義之中國也。今日民族主義之中國，已臻強盛之域，且自知饒有能  
力，以經濟上之手段實行其意志於中國境內，而與任何列強相抵抗。故目前待決之問題，非如各國  
聲言爲適應中國合理之欲望計所欲賦與中國之事物，乃爲民族主義之中國欲不背公道與正義行將昇與  
英國及其他列強者。蓋英國及列強在華所實行之國際共管態度，今已成強弩之末：綜觀歷史，凡以  
政治上之束縛加諸民族者，必不能垂諸永久。列強在華之侵掠政策，其將近末日也，復何疑哉？

上所云云，本政府實以慎重出之，初非無的放矢也。列強在華之國際其共制度，即普通稱爲外  
國之帝國主義者對於我國之經濟上司法上及政治上的主義加以切實之限制；以致我國自南京條約簽定  
以來之受此制度之桎梏，真正完全求自治與獨立，乃喪失靡遺。切實言之，謂英國於鴉片戰爭戰勝  
吾國之後，即剝奪吾自由；按之史冊，誠非虛語。現在之英人生於鴉片戰爭之後者，對其國家謫詐  
之行爲，或已不復記憶。但民族主義之中國，至今創鉅痛深，一息猶存。胡能淡焉若忘乎？民  
族主義之中國即抱此見解。倘各國對此見解不能領會，則對目下風靡全國之民族主義之主要目的，  
必不能了解其意義也。

此主要目的維何？蓋即恢復中國因戰敗而被英人剝奪之完全自由是也。此目的深合乎公道與  
正義。倘一日不能達到，則中國民族主義與英國帝國主義之間，必無妥協之可能。在昔中國民族

主義方在醞釀未達革命之時期，故中英關係表面上似甚和平。但此種和平，非真正永久之和平也。因武昌戰勝而得之和平，猶曇花一現，轉瞬即逝。歷史所載，斑斑可考。蓋被克服之國家一息尚存，斷不能眈眈睨與其戰勝國相安無事；久必其鬱枉思發，日夜淬厲，一到相當之時期，即勃然興起，與其戰勝國相周旋也。

當去年五月三十日，上海英人命令巡捕於中國地域內槍殺學生之日，民族主義之中國所待之時期乃一旦蒞止。厥後自由解放之呼聲及運動瀰漫於全國。迨六月二十三日，廣州外人復在沙面以機關槍屠殺中國學生及人民，此解放運動乃得強有力之工具。工具維何？即南方國民黨人所手鑄之經濟的武器是也。自是以後，中國人民之奮鬥繼續發展，一日千里。蓋國民豁然覺醒為自由而奮鬥；苟不能完全恢復其獨立，必不肯中途而廢為天下笑也。

中國受國民黨之指導及統治恢復自由之日，英國及其他列強，無庸鯁過慮恐不得適當之保護也。現須為各國聲明者：即民族主義之中國所以要求自由獨立者，非欲取擴張之手段如張宗昌；非欲重設封建制度如張作霖也；非欲維持陳舊之秩序如北京之官僚派也。吾儕所以要求自由平等并不惜投艱赴險以求達目的者，蓋中國人民而不欲淪胥以亡，則建設一新國家為刻不容緩之事；倘此新國家須由中國人民自己努力以建設之者，則中國首先須有處理自己事務之權，換言之，即獨立是也。

夫所謂新中國者何？蓋必有實際之政府，有統治全國之能力，其處理國政征收租稅，均視國家爲人民之公物，而非偶然控制北京頭腦渾沌之狐羣狗黨之私產。新中國且抱一理想，建一組織，一切皆以社會爲前題，凡有害社會之大煞若張作霖及其同盟者，均將按照法典之所規定，視爲「不受法律保護之人」，並將加以相當之處分。而英國及他國投機之人民，倘有悍然不顧爲虎作倀者，吾人亦當以「國際土匪」視之，盡法歸懲，不使倖免也。

在此新中國內產生之政府，既抱新見解新政策，則爲新政府也無疑。此新政府自當規劃恢復國權之政策，而解決中外之爭端，其政策一方在實施中國之主權，及維護國家重要之利益，而他方面仍將尊重外僑應得之公道的觀念。關於此點，有一重要之事實；不容忽視者，蓋當今日之外人，欲保護在華僑民之生命及財產，已非區區鎗砲所能爲功，蓋民族主義之中國已備有經濟的武器，其効力之烈，迥非外人發明任何軍器，所可倫比。英國尤應注意：目前革命之局勢，已使保護外人生命財產之權力，移轉於國民政府之手，此政府之權力，得自握有大力之民衆，能使在華外人之經濟生機，爲之望息也。

雖然，國民政府之意見，以爲欲脫離外人帝國主義之羈軛，初不須民族主義之中國與列強從事武力之戰爭。故國民政府者，深望以談判及協議之手續，解決中國與列強間一切之問題。去秋美使

來粵，本政府外交部長，即以上述政策明白相告，新任駐華英使，日本代表，及美使代表先後來漢，外交部長復以同一政策向之鄭重聲明。

茲爲證明本政府之政策，非徒托空言起見，特普告列國，本政府願與單獨任何列強開始談判，討論修改兩國條約，及其附屬之問題，但此項談判，須根據經濟平等之原則，彼此主權互相尊重之權利。

今日漢口英租界之情形，已丕然一變，其事前之經過，報張所載者，茲足引起誤會。本政府現嚴重聲明：本政府於漢口事件之處置，與上述之政策，完全符合，外間所傳稱漢口事件，係先謀劃布置，以強力奪回租界爲目的，一似數華人之被刺戮，二人之負爲重傷，亦爲劃計之一部分者，其荒謬無稽，不得不辭而闕之也。

國民政府權力之展至英租界，初非純粹由於中國軍隊得英當局之允許入駐租界也，尙有重大之原因在焉。蓋一則英人擅召水兵上陸，其引起衝突，致中國愛國志士之流血，乃必然之結果。二則英人對於當時之情形，發生無謂之恐懼，以致英工部局，自行放棄其職權，英國婦孺相繼離漢，國民政府不得不建設委員會，以處理租界之行政也。

最後國民政府欲以下列事實，促列強之注意：（一）英人商業及他種利益之重心點，在長江流域，

及中國南部，而此等區域，則均受治於國民政府。（二）長江以南之大部分區域，及北方國民軍治下幅員廣漠之地域，均受國民政府之管轄。（三）倘在張作霖張宗昌孫傳芳之區域內舉行公民投票，則大多數人民將投票贊成國民政府。

國民政府爲中國惟一之政府，尙有其較大之原在因焉。蓋國民政府代表豁然覺醒之中國，真實精神爲革命運動之工具，使之拓展勢力及事業於國中者，外人之帝國主義對比運動情勢所趨，雖欲不與之妥協不可得也。

國民政府爲抱民族主義人民之所受權，所擁護。列強與之修睦，初無危險之可言。蓋中國之民族主義，爲一不可磨滅之勢力，現已異常強盛，如日方升，且必繼續發展，歷久彌強無疑義也。

## 英國勞工運動代表致外交部電文

英國勞工運動及政治方面代表，於一九二七年一月二十六日通過下列之議案，閣下於此可以窺見同人等欲竭其棉薄，求得一確定之方法，使中國之地位，立於完全的獨立國家之基礎上。同人等深信閣下亦必盡力一所能及，以磋商得一種解決，且必先事預防種種不測事件以免採取武力政策者假爲口實。議決案勞工運動對於過事誇張之武力示威行爲，施諸國民政府，深表惋惜。此種行爲，最

能引起兩國間兼怨及仇視之盛極，雖其最初用意，在遏止亂萌，而結果每每適得其反。當吾國外交部，方在採用一種磋商之政策，以承認中國政府之獨立為前提，從事一種友誼的解決之時，突然來此武力示威運動，實足使和平政策之進展，大受挫折，且使吾國外交當局，置此政策於高閣，而代以脅迫及挑釁之手段，勞工運動所希望者，為對於中國之一種忍耐正直之和平談判，而獨除武力壓迫之舉動，為對於現下已失權威之各種條約之永遠廢止，對於上款條約所間接或直接發生之種種事件之友誼的迅速解決。英國勞工運動，並致其極誠意之同情，于中國工人，而擁護其經濟狀況之增進，且希望中國工人能以堅決而和平之談判，引導其國家脫離眼前之困難與危險，使確立於世界獨立國之林。且能以自由意志，訂立種種條約，促進其國民於幸福莊嚴之域等情。本決議案，由代表下列團體之聯席會議主席黑格司，書記漢特遜簽名。代表團體：英國工黨，英國工會聯合會，國會工黨。

### 英勞工援助中國自由聯合會致外交部電文

英國勞工援助中國自由聯合會，頃接國民政府之宣言，聲明願意以經濟平等及互相尊重政治及領土主權為根據，與任何列強單獨談判解決條約，及其他附屬之問題，本會閱誦之下，無任歡忭。本會渴望中英談判，根據國民政府之提議，立即開始。麥克唐氏有言：英國勞工運動，非特應與其自

已政府接近，且須與陳友仁先生接近，並當出勸雙方在用武力之前，先開談判，英政府之武裝行動，本會嚴重反對，英國之勞工，當反對任何方式之戰爭。現雖保守黨與吾儕主張衝突，但吾儕在國會中及國會外，當竭力使政府撤回在中國之武裝軍隊及戰艦等語，英國勞工會華爾伯利門簽字。

## 外交部長復英國勞工界電文

敬復者：前接來電，敬悉。茲將國民政府之願望，為諸公一陳之。國民政府願與英國和平談判之問題，初不限於漢口英租界之問題，即其他民族主義之運動，所視為必須解決之各項爭端。亦願開始談判。國民政府採此和平之外交政策，實有特乎英國勞工界之將伯，故望英國勞工界約束政府中輕舉妄動之徒，而足引起民族主義之中國對英痛恨之決議及行動，尤望能使英國避免之。

鄙人方竭力設法，使漢口英租界問題，得和平解決。一方順應英人之希望，一方保揚民族主義的中國之尊嚴，（至中國民族主義與英帝國主義間之其他大體上重要問題，暫且存而不論）。惟今日英國來華海軍隊集中上海，聲勢洶洶，如臨大敵，為鴉片戰爭以來所未有，此戰爭空氣，倘能即行除去，則漢案交涉，必可立時結束。

此種軍事行動，其目的據稱，乃所以保護英人生命財產之安全，使萬一中國軍隊欲以武力奪取上



海公共租界之時，英人不受危害；倘此果爲英國軍隊集中之目的者，一閱鄙人今日對談判漢案之英代表發表之鄭重聲明，此種疑慮，當可渙然冰釋也。

但苟英國軍隊集中上海之舉動，乃握英國政權者一種殘酷心理之表現，則中國困窮英人工商業之工作，必繼續進行，直至英國工黨受人民之委託，以和平及生產爲目的之政治手腕代替保守黨之帝國主義及軍事示威，而力挽英國在遠東地位之衰頹時，始行終止也。

### 英代表備忘錄并附件

苟漢口及九江之英租界問題，得圓滿之解決，而國民政府益能切實聲明，除用談判之手續外，不許以任何方式變更在華英租界及國際居留地，則英政府準備立即照附件所開辦法，承認中國國民黨對於英國大部分之要求。

自英政府觀之，此一步輒爲英國寬宏大量之表示，亦英人對華所抱公平和善精神之確證也。一九二七年一月二十七日。

#### 附件

(一)英政府準備承認中國之新式法院，爲審斷英人原告提起之訴訟之適當法院，并放棄英國

代表在此種案件蒞庭觀審之權利。

(二)英政府準備承認一種合理的中國國籍法。

(三)英政府準備在可能之範圍以內，於駐華英國法庭內，適常用中國之新式法典，及商法（惟訴訟法，及關於人的地位者除外）及其他正式頒布之附屬法律；但此種法律，須為中國法院施行全中國人民均受其制裁者。

(四)英政府準備在可能之範圍以內，使英國在華僑民繳納中國經常及合法之租稅，但此項租稅，須為向全國人民徵收，且由全國人民繳納非專為歧視英人而設者。

(五)倘中國修訂後之刑律頒布實行，英政府準備立即考慮，將該律施行於英國駐華法庭之間題。

(六)英政府準備按照各口岸之特別情形，討論各英租界市政之修改，並締結協定使英租界與設立於漢口前租界內之特別區之行政相符合，或討論協商英租界與隣近他國租界，或現為華人所管理之前租界合併之問題，或討論協商將各租界區域內警務事宜，交中國當局辦理之問題。

(七)英政府準備承認一種原則，即英國教士此後不能要求在內地購買土地之權利，華教士須引中國法律為保護而不能假條約為護符，教會教育醫藥各機關，須遵守中國政府頒布關於同樣中

國機關之法律或條例。

## 外交部長對英代表備忘錄宣言

一、自一月十二日關於漢口將來地位之談判開始以來，英國之武裝軍隊聲勢洶洶向上海直逼而至。此種軍事行動，據稱其目的，乃所以保護旅滬之僑民，倘中國軍隊欲佔據上海租界之時，使英僑生命財產不受危害，但日本美國在上海，亦有重要之利益，與英國同，曷不視武裝軍隊集中上海為必要，此乃最有意義之事實也。

二、一月二十二日 國民政府發表宣言，聲明願以談判協商之手續，解決條約上，及其他附屬之問題，此種問題，當然包括上海公共租界將來地位之問題，國民政府始終未嘗擬以武力之手段，佔據上海之公共租界也。

三、上述聲明，國民政府希望能使來華之英國軍隊完全停止其進行，或至少緩和其來勢，故決意對此威嚇挑釁之行爲，不加注意，而關於漢口英租界之問題，亦照常進行磋商。

四、但一月二十九日外交部長覺有正式提出抗議英國軍隊集中問題之必要，外交部長於答復一月二十七日歐瑪利君提出關於修改某種英國權利之計畫時，稱該項計畫祇能顯示對於若干奴隸式條約之

零星的修改，國民政府不能認爲滿意或充足，但亦願視爲國民政府及英國間各項事件圓滿合理解決之基礎，惟須附以條件，其一卽爲一切討論與談判須完全脫離恫嚇之空氣，如今日英國集中軍隊所造成者；此種威脅之行動，不僅爲非必要，實與中國之民族主義一種激烈之挑撥，外交部長復謂上述答復，雖其效力及於漢口英租界案件之談判，但國民政府接英國勞工運動工業及政治方面之代表深表同情之來電，仍願繼續談判。

五、此種談判，除尙有數點仍須斟酌外，大致上業已結束，雙方可簽一協定。

六、但英國軍隊繼續在上海集中，且公然錫以中國遠征隊之名稱，而國民政府今又得英人將加入中國戰事之傳聞，在此種情形之下國民政府不得不視英國集中軍隊之行動，爲一種對於中國民族主義勒迫之行爲。際此時期，簽訂協定，是受威嚇而答復也。此種答復，必非真實之意思表示，故所簽之協定，亦決不能發生效力。

七、非俟此種脅迫之時期已過，國民政府對於漢口地方通稱英租界之中國地城，將來地位之協定，不得不保留其簽字。英政府倘能衝斷此種海陸軍集中行動，對於民族主義之中國心理上之影響，則可立時終止此種脅迫之行動，或無論何時終止之。倘英國目的，果爲與中國締結和平之協定，一方面滿足英國民衆之願望，一方面保持民族主義的中國之尊嚴，則未嘗不可重建一種局面，使

英國政府與國民政府解決漢口租界之問題，而於民族主義的中國，與抱商業政策之英國間，闢一國交之新時代也。

## 對英外長演說聲明書

二月十日英國外交部長張伯倫君，在下院演說之辭，國民政府業已知悉。張伯倫君所述關於英國武力在上海集中之原定計畫之改變，國民政府視爲一種讓步，此項讓步，足使漢口英租界區域之協定，有趨於結束與簽訂之可能。

但英國軍隊在上海之登陸（雖然此項軍隊之人數業已縮減，其目的亦已嚴格限定，有如英國外交部長所述）實無法律之根據，國民政府對於此種英國軍隊在上海公共租界之登陸駐紮，應提出抗議。

民國十六年二月十九日。

### （附錄）二月十日英外長張伯倫氏演說要旨

英國政府已預備接受陳友仁君代表國民政府所書面担保，對於租界及居留地之將來方針，並預備允許阿馬利君簽字於漢口九江租界之協定，及關於租界協定之實施，以及中國人民在租界區域之權利等之書面担保。

英國之出兵上海，或有人誤會以爲英國之所爲，除保護其僑民之生命利益外，且含有參加中國內爭之意味，左袒於一

方或他方之軍事領袖或其政府。英國政府爲排除此種誤會起見，敢明白宣言，彼對於暴徒之蠢動，軍隊之騷擾，或其他武力襲擊時，固欲保留其權利採取必要之手段，以保護其僑民之生命利益，但彼絕不計及思利用軍隊以企圖此種必要的保護以外之行爲，即其所預備登陸之人數，亦僅以求達此目的所需要者爲限也。

此項軍隊將駐紮於租界之內，除非有嚴重之事態發生，必不越租界範圍而行動，捲入中國武人競爭之漩渦，而有所左右租，曾與英國政府之政策，甚相抵觸：英國政府對於中國之內爭，必繼續維持其嚴格之中立。

使上述各項協定，皆已簽字，上述各項担保，皆已承受，則除自印度出發已在赴上海途中之軍隊，即將在滬埠登陸外，（蓋此乃英國政府據所聞知，爲保護其僑民之生命計所必要之手段。）但其他隊伍之謂自地中海，以及英國本土者，將僅在香港集中，除非另重有大之意外危險，將不復往上海矣。

## 收回漢口英租界之協定

英國當局將按照土地章程，召集納稅人年會於三月一日開會，屆時英國市政機關，即行解散，而租界區域內之行政事宜，將由華人之新市政機關，接收辦理。在華人之新市政機關，於三月十五日接收以前，租界內之警察，工務，及衛生事宜，由主管之中國當局辦理。英國工部局一經解散，國民政府即當依據現有「特別區」市政辦法，組織一特別中國市政機關，按照章程管理租界區域，此項

章程由國民政府外交部長通知英國公使。在漢口五租界合併爲一區域之辦法未經磋商決定以前，此項章程繼續有效。

國民政府外交部長陳友仁簽名

英國駐華公使代表歐瑪利簽名

國民十六年二月十九日  
一九二七年

## 收回漢口英租界協定簽字後之換文

### (甲) 英國駐華公使代表阿瑪利致陳部長函

謹啓者，鄙人敬以至誠奉告左右，英國當道對於本日簽訂之漢口英租界區域協定，極願盡其能力之所及，實踐並保證該項協定之施行，英國當道並承認在上述租界區域內之華人，將與英國人民享受同等之權利，專此布達，敬頌台綏。英國駐華公使代表歐瑪利啓（一九二七年二月十九日）

### (乙) 外交部長復英國駐華公使代表阿瑪利函

謹啓者，接奉台函，內述英國當道，對於本日簽訂之漢口租界區域協定，極願盡其能力之所及，實踐並保證該項協定之施行，英國當道並承認在上述租界區域內之華人，將與英國人民享受同等之權

利等因，敬謹領悉。鄙人敢掬至誠還告左右，在中國當道方面，亦極願盡力所及，以實踐並担保本協定之施行，且承認在新區域之行政下，對於英國之利益，將不致有所歧現。專此奉復敬頌台綏  
國民政府外交部長陳友仁啓。民國十六年二月十九日

### 對英代表宣言

國民政府宣言，關於前稱漢口英租界區域之地位所協定之辦法，特以該區域內新局勢之事實為張本，除九江租界區域外，此種辦法非圖作為在中國他處能解決之英租界或他國租界之前例。一九二七年二月十九日。

### 收回九江英租界之協定

關於漢口英租界所訂之協定，將即時同樣適用於九江英租界。在最近九江之騷亂中，英國僑民若受有直接損失，凡係出自國民政府官吏之行動，或由於其重大之疎忽者，國民政府將担任賠償。

國民政府外交部長陳友仁簽名

英國駐華公使代表歐瑪利簽名



民國十六年一九二七年二月二十日

## 對英代表及其他各國聲明書及英代表備忘錄

國民政府據各方所得消息，覺得關乎租界以及國際居留地之問題，國民政府有及時重新聲明其政策之必要，俾得免除誤會，並以預防無謂之恐慌。

在一月二十二日之宣言中，國民政府曾經明白宣示其願望，並其迅速之準備，將以談判與協商之手段，解決國民政府與列強間之一切懸案，此次宣言，對於在華英日法意比諸國租界，與其他國際居留地位之更改，當然適用，且將繼續適用也。

此項宣言之主要意思，蓋謂國民政府所採之政策，不欲使用武力，且不允許利用武力以實行更改任何或一切租界方面國際居留之地位。

此宣言中尚有重要之點，國民政府所欲鄭重聲明者，凡在華租界以及國際居留地位之改變，關係國家，至為重大，以是除國民政府本身外，一切地方當局或其他之中國當道，皆不能與有關係之列強，對於上述事件有所談判。

民國十六年二月十九日。

## 歐瑪利氏以下列備忘錄交與外交部長

歐瑪利君受有訓令，命對於陳友仁君宣言，加以下列注意：

「關於該項宣言之末段，歐瑪利君得有訓令，稱英國政府礙難允諾，不與中國任何部份之官吏磋商關於在此等官吏事實上管理下之區域中之各項事件。」

## 關於履行九江英租界協定函件

### (甲) 英國公使代表阿馬利來函

陳部長鈞鑒，敬啓者：關於上月二十日簽字之九江英租界協定，經雙方廣續討論之結果，並爲決定九江租界區域之將來地位起見，鄙人應致函左右聲明，英國政府決定將英工部局章程悉行取消，並自三月十五號起，將九江租界區域行政事宜，無條件的移交國民政府辦理，特此佈達即頌台綏。英國公使代表阿馬利謹啓 一九二七年三月二日

### (乙) 外交部長覆函

阿馬利代表閣下，茲接本日大函內稱關於上月二十日簽字之九江英租界協定，經雙方廣續討論之結果，並爲決定九江租界區域將來之地位起見，英國政府願將英工部局章程悉行取消，並自三月十五日起將九江租界區域內行政事宜無條件的

移交國民政府辦理等因，業經知悉，此覆願頌台綏。外交部長陳友仁啓 一九二七年三月二日

## 關於賠償九江英僑損失之函件

### (甲) 外交部長致英國公使代表函

阿馬利代表閣下，敬啓者：茲遵照二月二十日雙方簽字之協定，特附上銀額四萬元之支票一紙，以請償最近九江騷擾中英國人民所受之損失；但須約定：因為避免會同審查個人賠償要求之遲緩及費用起見，英國當局應負責清理有關係的英國人民之賠償要求；其清理辦法將受本方面之嚴密審查，且賠償損失祇以二月二十日協定所規定之直接損失為限，並須約定賠償要求之副本，及其他有關係的文件。國民政府之代表，有請求察視之權，該項清理賠償要求之後，倘尚有所餘，當由英國政府退還國民政府，特此奉達，即頌台綏。外交部長陳友仁啓 三月二日

### (乙) 英國公使代表阿馬利復函

陳部長鈞鑒，敬復者：頃接大函，並附下銀額四萬元之支票一紙，業經收到，茲特奉告左右，英國政府代表有關的英國人民接受此項支票以清償最近九江騷擾中英國人所受之損失，因為避免會同審查個人賠償要求之遲緩及費用起見，英國政府當負責清理有關係的英國人民之賠償要求，其清理辦法，將受貴方面之嚴密審查，其償損失絕對祇以二月二十日協定

所規定之直接損失爲限。英國政府並承認賠償要求之副本，及其他有關係的文件，國民政府代表有察視之權，該款清理賠償要求之後，倘尚有所餘，英國政府當退還國民政府。特此佈復，即頌台綏。英國公使代表阿馬利啓 三月二日

## 關於九江河岸碼頭地位執照之函件

### (甲) 外交部專致英國公使代表函

阿馬利先生閣下，敬啓者：關於解決九江英租界將來地位，本日雙方互換之函件，鄙人特奉告左右，主管之中國當局，將正式認可英國當局所業經發出之河岸碼頭地位之執照，仍以十年爲期，在中國當局奉正式認可之前，該項執照亦照常有效，此達即頌台綏。 陳友仁啓 三月二日

### (乙) 英使署書記台克滿覆函

陳部長鈞鑒，敬覆者：刻接辱處日昨致阿馬利君之大札，關於解決九江英租界將來地位，日昨互換之函件，稱主管之中國當局將正式認可英國當局所業經發出河岸碼頭地位之執照，仍以十年爲期，在中國當局奉正式認可之前，該項執照亦照常有效等因，業經知悉，專此佈復即頌台綏。 英使署書記台克滿啓 三月三日



## 第四章 南京事件及關於對外僑損害國家責任問題

### 題檔卷

#### 南京事件答復日本通牒之照會

國民政府外交部長業經接悉一九二七年四月十一日日本政府之通牒，內含擬定之條件，據稱乃「所以迅速解決三月二十四日國民革命軍在南京侵害日本僑民後造成之局面」。

按國際公法對於國際紛爭，定有和平解決之方法。今謂日本自初即欲于此種方法以外，更求他種之解決，殊難置信。故國民政府外交部長當聲明：該項通牒送達以前，日本既未與外交部長接洽此事；外交部長閱讀該項通牒之時，祇可認定其意旨為外交上談判之初步提議，以友誼的及迅速的方法解決三月二十四日南京騷擾中日本僑民所感受之困苦與損失。

今日左右中國時局之勢力，為歷史上所僅見。與過去之五十年間，左右日本之勢力，使之脫離不平等條約之束縛者，絕無二致。諒日本人士均能洞見。是以國民政府外交部長希望日本政府能

權衡其自己之利益，在目前之局勢中，拒絕參加任何之行動或辦法足以妨礙國民政府權力之擴張，與其統一全國之計劃者。

日本通牒要求「個人傷害及財產損失應完全賠償」，國民政府為答復此項要求，準備賠償南京日本領事館所受一切損失。蓋無論釀成此種損失者，是否為北方逆軍或抑他項人等（如三月三十一日國民政府發表之宣言中所述），但在中國區域內有一友邦之領事館業被侵害，則係已成之事實也。

至于賠償日本僑民之個人傷害及財產損失之問題，國民政府準備在合理及必要之範圍內，賠償此種損失。但經切實證明某種損失為三月二十四日英美砲擊南京或為北方逆軍及挑撥者流所致者，概不在賠償之列。

通牒中復要求「釀成外人受有死傷侮辱及財產損失情事之軍隊長官及有關係人員皆受相當懲罰」，此種要求，直臆斷攻南京之革命軍為騷擾該城之軍隊。此點業於三月三十一日國民政府發表之初次宣言中已予以反證。但政府已遣派人員就該項事件之事實，作嚴密之調查，並謀證實攻克南京之程潛軍長在軍事委員會報告之重要事實。程軍長稱當攻克南京之時，在南京城內挾有槍械北軍被包圍者有三萬之衆，隨軍人等亦有數千之譜；程軍長並報告業將與騷擾有關者多人就地正法。國民政府茲特提議，懲辦負責人員問題，當俟調查所得之報告以為解決，或即採政府遣派調查委員（現正在

進行）之報告，或由國民政府及日本政府立即組織國際調查委員會共同調查提出報告。

至通牒中要求「國民革命軍總司令應以書面道歉，並出書担保以後決無有妨外人生命財產之暴動及風潮」一項，國民政府之意見，以為道歉之要求，非至南京騷擾確實證明乃由國民革命軍之過失時，實無提出之理由。故國民政府提議，道歉之問題亦當俟國民革命軍有否過失之問題決定後再行解決。此項先決問題，或由現在進行調查之政府調查委員會解決，或由擬議之國際委員會解決之。

同時國民政府對於南京事件，深為抱憾。前得南京日本領事館被侵害之消息時，即由外交部長以此意轉達日本政府，茲特將其惋惜之意重行申明。

國民政府為負責之主治機關，自不能容許無論何人使用任何方式之暴動及風潮，以侵害外人之生命財產。且國民政府一再宣言，外僑生命財產之保護為其固定之政策，對於國民革命軍之主管當局，自當令其不獨照此意義出書面之担保，且必負責注意有效辦法之實行，使外人之生命財產咸得相當之保護。

雖然，國民政府為開誠布公計，有不能已於言者：國民政府深信在華之日僑及他國僑民，對於其生命財產之保護，苟欲得最佳之保證，非祛除民族主義之中國與列強間諸種困難之根本原因不為功。今日列強尚欲維持不平等條約之制度。庸詎知使外人生命財產足瀕於危險者，即此種不平等條約



爲之厲階！蓋外人堅執不舍之種種條件，實足桎梏我政府之能力，使之不能適應咸宜。此種條件一日不取消，外人生命財產之危險必繼續存在。且此種條件，自有偉大歷史且自覺其新力量之國家觀之，實爲一種恥辱及脅迫也。

因是國民政府準備任命代表與日本政府派遣之代表磋商民族主義之中國與日本間諸問題之解決。此種解決，一方面當保證日本之合法的利益，一方面當改善兩國間之國交狀況，以平等互惠爲根據，確定並實施兩國相互之利益及關係。（下略）

## 南京事件答復英國通牒之照會

國民政府外交部長業經接悉一九二七年四月十一日英國政府之通牒，內含擬定之條件，據稱乃「所以迅速解決三月二十四日國民革命軍在南京侵害英國僑民後造成之局面」

（以下三段駁復賠償損失及懲罰有關人員者，完全與上復日本通牒之第四，五，六三段相同。但易日本二字爲英國耳。從略。）

按屠殺友邦人民，爲國際公法及文明各國通例所嚴禁；而對友邦人民在其本國領土內者施屠殺之行爲，其情形尤爲重大；至轟擊友邦城市之行爲更在厲禁之列。因是國民政府提議，上述之國際調查委員會，亦當調查英國政府海軍於三月二十四日砲擊毫無防禦之南京一案之情形，以及英國歷次所

爲之不法行動，如一九二五年英人主管之武裝兵士所致成之上海五卅案，一九二五年六月二十三日英國武裝水兵及義勇隊在沙面之屠殺，及去年英國海軍之砲擊萬縣等等。

（此一段係特別對於英國提出者。以下四段，第一段爲駁復道歉，第二段係說明外人生命財產本屬保護，第三段爲說明中英間不平等條約之當取消，第四段提議派遣代表解決中英諸種問題，與復日通牒第七，八，九，十四段相同。從略。）

## 南京事件答復美國通牒之照會

國民政府外交部長業經接悉一九二七年四月十一日美國政府之通牒，內含擬定之條件，據稱乃「所以迅速解決三月二十四日國民革命軍在南京侵害美國僑民後造成之局面」

（以下三段與復日通牒第四，五，六，三段相同。從略。）

按轟擊友邦城市之行爲，爲國際公法及文明各國通例所禁止。因是國民政府提議上述之國際調查委員會，亦當調查美國政府海軍於三月二十四日砲擊毫無防禦之南京一案之情形。

（此一段爲特別對於美國提出者。以下四段，與復日通牒第七，八九，十，四段相同。從略。）

## 南京事件答復法國通牒之照會

國民政府外交部長業經接悉一九二七年四月十一日法國政府之通牒，內含擬定之條件，據稱乃「所以迅速解決三月二十四日國民革命軍在南京侵害法國僑民後造成之局面」。

（以下二段與復日通牒第五第六段同。從略。）

按屠殺友邦人民，為國際公法及文明各國通例所嚴禁。因是國民政府提議上述之國際調查委員會亦當調查參加一九二五年六月二十三日法國武裝軍隊參加英國武裝水兵及義勇隊在沙面殺傷中國學生及工人之情形。

（此一段為特別對於法國提出者。以下四段，與復日通牒第七，八，九，十，四段相同。從略。）

### 南京事件答復義國通牒之照會

國民政府外交部長業經接悉一九二五年四月十一日義國政府之通牒，內含擬定之條件，據稱乃「所以迅速解決三月二十四日國民革命軍在南京侵害義國僑民後造成之局面」。

（以下六段與復日通牒第五，六，七，八，九，十，六段相同。從略。）

（附錄） 英日美法意五國通牒

下記署名諸人，奉駐華各本國外交代表之命，遵照美英法義日政府訓令，向閣下提出下列條件，此項條件同時送致於

民軍總司令蔣介石將軍，以期迅速解決三月二十四日民軍在南京對各本國國民暴行所造成之局面：——

- (一) 對於殺戮傷害侮辱及物質上之損害負責任之軍閥指揮官及關係者全部之適當處罰；
- (二) 民軍總司令應以書面道歉，書中應含有將來對於外人生命財產無論以任何形式均不為侵害騷擾之明白約定；
- (三) 殺傷及損害之完全賠償。

民黨當局應速表示對於前項條件之允諾之意；非使關係國政府滿足，則前記各國政府至不得不採取認為適當之手段。

#### 附聲明書

三月二十四日，民軍入南京城。同日午前午後，均有正式服裝之民軍組織的軍隊對於外國之領事並僑民之身體財產為組織的暴動；因此美英法義日五國人民或有殺戮或傷害者，或受殘虐之暴行生命瀕於危險者亦不在少，其所有物被搶奪，且受極端侮辱之待遇，婦女受不可說明暴行，美英日三國領事館被侵害，其國旗被侮辱，僑居南京之外國人家宅及營造物受組織的掠奪。多有被燒毀者。

美英法義日五國政府對於其代表官及平穩合法從事於職業之本國人民，所受此等暴行，出於明白預定計畫之下，因此

不得要求負有責任之民黨官廳與以滿足之匡正，於此關係國以一致要求之條項竭力容讓矣。無論何等政府，苟於國際團體之中，自覺其對於友邦人民，有自己本身之威信與責任者，對於以上三項之處理，當認為正當之匡正。蓋所有條件不過包含最小限度之當然措置。此等要求，並非為毀損中國國民之主權或威信而提出者。中國國民之友誼，為關係國政府所確信；同時繼續和衷協同之睦誼，且更增尊嚴，乃關係國政府所切望者也。此等條件，毋甯借為對於中外之一種勢力，對於甯案應負責任者而發。蓋此種勢力之活動，使現有中外友誼破壞，而煽動中國國民對於友邦人民不信任及嫌惡之暴行者也。

一九二七年四月十一日。

按此通牒文字係據南京外交部十八年出版之「國民政府近三年來外交經過紀要」錄出。惟當時事實，似係經外交部長拒絕接受此聯名通牒，五國乃分別提出者。此文或係根據 *The China Year book* 譯出亦未定。武漢原稿卷未得檢閱機會。只得將此篇暫為充塞。至歉。編者。

賓美士電船案駁復美領事 (公函第一〇六一號)

逕復者：昨接本月十八日先後

來函，關於美孚三達火油公司之電輪賓美士號及西林號兩隻被劫，及更正失單，並請賠償損失一事，本部長閱悉。查此事業經總司令部海軍處會同李師長嚴緝賊匪，當場緝獲身藏手槍嫌疑人三名，交李師長解回訊辦，並本部函達

貴總領事官查照有案。茲准前由，當經再函請

國民革命軍總司令部暨再咨請

廣東省政府迅飭所屬海陸軍警長官一體繼續協緝，務獲本案匪犯，歸案究辦，并責令繳還贓物或賠償損失給該公司收領。惟須鄭重聲明者：無論依照任何法規立論，中國政府，斷無代盜匪負責賠償損害之理。請煩查照是荷！順頌

日祺！此致

大美國駐廣州總領事官！

代外交部長陳友仁

十五年十一月廿四日

### (附錄一) 美領事來函

逕啓者：關於本年八月二十五日美孚三達火油公司密美士電輪在黃連峽三容奇地方被劫一事，本年九月二日本署當函請貴部辦理有案。查此事地方官廳現尙未能將劫去各物追回，及將此案及罪匪緝拿懲究。本署以職權所在，將來定控告中國官廳，以便將該公司因此次被海賊劫掠所受之損失復回。又據美孚三達火油公司本年十一月十五日開列更正清單，其失去各物共值港紙銀九千五百六十七元五毫，等情。相應函達

貴代理部長查照爲荷！專此頌頌

日祺！此致

代理外交部長陳！

配送洋文一紙

駐廣州美國總領事金克思啓

一千九百二十六年十一月十八日  
中華民國十五年

## (附錄二) 美專來復函

逕啓者：關於美孚三達火油公司密美士電輪被劫一事，本署曾於民國十五年九月二日函達

貴代部長辦理在案。茲將該公司大夏代理所報稱拿獲指爲此案罪匪之函件送請

察閱，深望將此案事實轉向該管官廳辦理，使現獲拿獲之匪犯得以按律懲辦爲荷！專此頌頌

日 稿 一 此 致

代 外 交 部 長 陳 一

配 送 洋 文 ， 附 送 民 國 十 六 年 一 月 十 九 日 美 孚 三 達 火 油 公 司 大 頁 代 理 來 函 一 件 。

駐 廣 州 美 國 總 領 事 金 克 思 啓

一 千 九 百 二 十 七 年 一 月 二 十 六 日  
中 華 民 國 十 六

## 東 園 案 函 復 法 領 事

逕 復 者 ； 前 接

台 函 ， 據 法 國 銀 行 經 理 函 稱 ， 該 行 在 廣 州 東 堤 東 園 之 產 業 ， 於 一 九 二 五 年 六 月 起 被 省 港 罷 工 委 員 會 佔 駐 ， 請 飭 交 還 ， 并 聲 明 將 來 另 行 提 出 要 求 賠 償 損 失 ， 等 由 ， 到 部 ， 當 經 本 月 十 三 日 函 復

貴 領 事 官 ， 經 飭 令 查 明 具 復 ， 以 憑 辦 理 ， 在 案 。 茲 據 呈 復 ； 案 查 接 管 卷 內 ， 法 國 銀 行 自 中 華 民 國 九 年 五 月 間 接 收 東 園 及 東 堤 一 帶 產 業 ， 至 上 年 五 月 間 ， 尚 未 向 官 廳 稅 契 ， 依 照 中 國 法 律 ， 則 該 行 對 於 上 列 產 業 元 所 有 權 尚 未 確 定 ， 等 語 。 據 此 ， 該 銀 行 對 於 東 園 所 有 權 既 未 經 確 定 ， 中 國 官 廳 自 難 任 保 護 之 責 。 又 退 一 步 言 之 ， 從 使 該 行 已 取 得 所 有 權 ， 中 國 官 廳 亦 祇 可 依 法 辦 理 ； 對 於 所 受 民 事 上 之 損 失 萬



難代任賠償。况此事由一千九百二十五年至今，一載有奇，未接貴署或其他有關係各方報告。此種延誤之責，中國政府實不能任受，合併聲明。相應函復台端，煩轉飭知照，是荷！順頌時祺！

陳友仁啓，民國十五年九月十八日。

(科員蘇文謙擬稿)

### (附錄) 譯法領來函

敬啓者：昨接法國銀行經理函稱，該行在廣州長堤東園之產業，於一九二五年六月被罷工工人佔據，並將看守之人及數住戶驅逐，彼等在該處設立總部，據爲己有，絕不繳納租金，等語。查敝國人民受此重大損失，本領事特提出抗議。並請貴部長從速設法制止爲盼！倘貴政府不允將佔據法國銀行產業之人驅逐及尊重敝國人民主權時，一切重大責任，即應由貴政府担負。查東園係法國銀行產業，固人所共知。蓋六年以來，軍隊不時佔住，前任領事亦屢曾提出抗議也。至該銀行自一九二五年六月被罷工工人佔據東園後所受之損失，理應向貴政府另行提出要求賠償，合併聲明。此頌

日祺！

丹蘇啓，十六年九月七日。

## 第五章 關於領事裁判權對本國行政權影響問題

### 交涉檔卷

#### 關於鴉片煙檢查駁復英領事公函（第一一〇二號）

逕復者：接十一月八日。

大函，關於都城檢查英船鴉片一事，本部長閱悉。其中所稱，似有誤會。來函稱前接十月二十八日來函藉悉近設之檢查隊是未奉令而行者，貴政府已令其停止候命，又接十月二十九日來函謂貴政府已令彼等對於外人及普通貨物不得干涉；惟此項命令似尚未達到都城之官吏，等語。查本部十月二十八日及二十九日致

貴總領事官第九一七號公函，係稱本部十月二十日所通知

貴總領事官關於廣州市及其附近之治安檢查，政府已下令對於無私運軍火等物嫌疑之旅客及普通貨物不必檢查。至於都城之檢查，乃係另一事件。蓋都城及河口等處，係西江一帶之鴉片檢查也。

關於西江鴉片檢查，本部曾於十月廿三日函

貴總領事官說明在案，與十月廿八日廿九日之函無涉也。又查關於都城河口之鴉片檢查，

貴總領事官曾於十一月十三日來部面稱，已飭知英商凡一切拖度均可遵辦；惟輪船之有一定路程由一埠到他埠而中途并不停泊者（如省梧輪船之流），自難在都城停泊以受檢驗，等語。是則此事已得貴總領事官諒解，現在當不復成問題。至

貴總領事官所請，對於有一定路程中途不停泊之商船免在都城檢查一節，亦經咨准財政部復稱，嗣後外輪行駛梧省航線如於中途不停泊可免于檢查，除分行西江河口各檢查所分別遵照辦理外相應咨復即希查照等由，自應轉達

貴總領事官查照飭遵。至

大函稱引條約及認鴉片檢查與領事裁判權相牴觸一節，本部長對此亦不能不略為聲明。今姑勿論貴國對於本政府之地位與關係，尙未有法律的根據可以有權提出違約問題。即就曩時中英條約而論，其所規定領事裁判權行使之範圍，原僅係限於民刑訴訟事件，與行政權絕不相干。即如一八五八年天津續約第廿一款，亦不過規定

貴國領事官不礙妨得我國警察權行使之義務，而非規定其任何權利。故曰：「一經中國官員照會領事

官即行交出，不得隱匿祖庇」，此乃規定。貴國領事官「不得不交出」，而非規定中國官「不得不照請」也。接函前由，相應函復台端，煩爲

查照是荷！ 此致

大英國駐廣州總領事官！

(銜名)十五年十二月二日。

(秘書長高承元擬稿並代行)

### (附錄) 譯英代總領事來函

逕啓者：前接十月二十八日來函，藉悉近設之檢查隊是未奉令而行者，貴政府已令其停止候命。又接十月二十九日來函，謂貴政府已令彼等對於外人及普通貨物不得干涉。惟此項命令似尙未達到都城(梧州附代)之官吏。蓋本代總領事接英國輪船(大明)船主稟稱，該輪到都城時，竟有希圖下船搜查及沒收貨物者。伊固遵照本代總領事訓令拒絕此種不合法之檢查。惟檢查員竟以開槍向相恫嚇，鼓動地方人民抵制該輪，等語。查余曾向貴部長說明在條約所予之領事裁判權之下，除海關人員外，地方官員非先得該地英國領事官許可，不得擅上英國船隻或施行檢查。倘都城官吏必欲用強力破壞此項權利及挑撥人民抵制英船。則或至引起重大事變亦未可定。今正在努力恢復通常關係之際，萬一有此，則殊可痛惜也。用

特檢請資部長迅令都城檢查局對於英船停止動作，以符資部長之前言，實緝公誼。此頌

日祉！

璧約翰啓，十五年十一月八日。

## 關於新稅檢查案駁復法領公函（第一一四四號）

逕復者：接誦十一月廿二日

大函，一切均悉。關於貴國教士被財政部檢查員搜查行李開拆書信，請轉飭禁止一節，查政府於該檢查隊成立時，已下令不得肆行干涉外人，其所攜行李如非有私運軍火等物入粵之可疑，不必檢查，業經於本部第九一七號公函請貴領事官查照在案。茲准大函所述教士被檢查情形，恐係當時檢查員有認可疑之處亦未可定。如無可疑情狀，逕行檢查及於書信，自屬不合。關於此事，本部當經咨行財政部查明轉飭分別取締矣。至大函稱財政部檢查章程破壞條約上治外法權提出抗議一節，部長實不能承認。今姑勿論

貴國對於本政府之地位與關係，尙未有法律的根據可以有權提出違約問題。卽就曩時中法條約而論，

大函所稱，似亦多所誤會。本部長不能不鄭重聲明以下各點：（一）所謂條約上治外法權者，當係指

領事裁判權在普通國際法上治外法權之外者而言。領事裁判權之適用，原係限於民刑訴訟事件，與行政權無干，而財政部所設之檢查隊，純係我國行政權之執行，故與條約上治外法權毫不相涉。(二)因海關有稽查出入口貨物完納關稅之權，而斷定凡海關以外他種檢查為不合法，此不特於名理上有乖，抑亦無法律上根據。(三)海關於財政部檢查隊，均係我國機關，其職權是否發生牴觸問題，皆屬內政之事。至護照及鴉片之檢查，應由何機關執行，條約上亦無明文規定，自然亦屬我國內政範圍，外國領事似不宜干涉。緣接前由，相應函復。

貴領事官即希查照為荷！ 順頌

日祉！ 此致

大法國駐廣州領事官！

代外交部長陳友仁，十五年十二月九日。

(秘書長高承元擬稿並代行)

### (附錄) 譯法領來函

部長先生： 茲有法國啟士由廣九火車返省，到省時，被財政部檢查員搜查，不獨其行李被打開檢查，即其行囊之書信亦被檢閱，該法人之通信秘密，檢查員毫不尊重！此種舉動，本領事堅決反對。 現請

貴部長令飭所屬，對於法國人民不能施行此種難堪之事。

貴部長日前抄來之財政部章程，本領事已經反對，并由領袖領事勸總領事以關係國領事團名義提出抗議。查財政部創立此種檢查條例，係侵佔海關管理職權，因海關之性質係專管檢查之事；法國政府除海關之外斷不承認別種機關有檢查之權。且中國官吏搜查外國船隻行李貨物，除海關之外，係屬破壞治外法權之原則。中法條約經已認定，本領事不能接納。又關於照條例一項，完全違反條約，不能承認；為預防鴉片入口，有權檢查船隻者，惟海關而已。茲根據以上各種理由，對於

貴部送來檢查章程適用於法國人民一節，本領事特行提出抗議。專此，順頌

日祉！

丹蘇啓，十一月廿二日。

### 羅伯多祿案駁復西洋領事 (公函第一一四五號)

逕復者：現接十二月七日

來函，申明羅伯多祿不奉警區票傳原因，並提出抗議，等由，到部。查羅伯多祿拒繳租捐警捐，地方官廳票傳追問，係我國行政權之執行，實無通知貴署之必要。姑勿論

貴國對於本政府之地位與關係，尙未有法律的根據可以有權向本政府提出違約問題。即讓一步言，就來函所引中葡條約而論，其所規定領事裁判權行使之範圍，原僅限於民刑訴訟事件，與行政權絕不相干。緣准前由，相應函復，煩爲

查照，是荷！此致

大西洋國駐廣州總領事官！

代外交部長陳友仁，十五年十二月九日。

（秘書長高承元擬稿代行）

### （附錄） 譯葡副領事來函

逕啓者：現據葡籍人羅伯多祿到署報稱，河南警察第十一區署長屢次派警到伊河南黎洲街新第九號住宅，傳伊到區，今早又復如是，等語。查羅伯多祿乃葡籍人，不受中國法庭及官吏裁判。該十一區署長之舉動，是違背中葡條約，尤以第四十七及四十八兩條爲然。本副領事對此，自應提出抗議；并請 貴部長函達公安局，轉令該第十一區署長，不得再行干涉羅伯多祿。如地方官廳對伊或其他葡人果有控訴之處，須通知本署，本署自當受訴，而盡力謀一正當公平之解決。再本署已令羅伯多祿，凡地方官廳之傳票，非經本署轉達，不必服從。專此，頌頌

日祉！

雅永勝啓，十二月七日。



## 羅伯多祿案再駁復西洋領事 (公函第六二號)

逕復者：十二月十八日大函，本部長閱悉一切。其中措辭，似非屬外交文書中普通文字，甚爲可惜。至大函稱羅伯多祿之案，不能有兩個解釋，等由。查此事前曾於一一四五號公函既詳之。今爲尊重貴總領事官之意，姑再就舊約條文——原非當然可以討論——略爲分析。大函所重引第四十七款，明明係指訴訟案件當事者雙方皆爲貴國人民而言，與羅伯多祿案自不可同日而語。關於貴國僑違犯行政法如租稅等，應由我國處理，觀於同條第三十七款所載更爲明顯。該款云：「凡約內載明大西洋國商民，何者當罰，何者當充入官等項，均係歸于大清國充公，與別國無涉」等語。今羅伯多祿係違犯我國稅律及警章，自應歸我國辦理，當無疑義。抑本部長尙有當聲明者：從前所以就民刑司法事件設定領事裁判權者，原爲中西風俗習尚之不同，故爲此權宜之計，至若國家行政關於維持公安及確保稅收者，乃一國生存所攸繫，斷無委諸外國領事裁判之理，此爲獨立國家至低度之要求，抑亦國際之所公認也。相應函復貴總領事官，卽希查照，是荷！此致

大西洋國駐廣州總領事官！

代外交部長陳友仁，民國十六年一月十三日。

(秘書長高承元擬稿並代行)

## (附錄) 譯葡總領事第二次來函

逕啓者：接誦

貴部本月九日第一一四五號大函，措詞尖巧，令余想及他尼倫及梅特涅之外交文件矣。然而此後對於貴部長之才能，可不再聞較矣。蓋羅伯多祿之案，雖毒如麥智化利，巧如歷達利義，亦不能有兩個解釋。查中葡條約第四十七條明白指出，關於人或物之爭執，須各交由本國官廳裁判；且由該約規定關乎航行商務事件各條文件而觀，亦已聲明給予領事之裁判權不限於民刑案件如

大函之所言，凡商務案件亦在其內。本案雖非屬於此例，然本總領事不得不請

貴部長注意及此，以增益余之論據。葡人羅伯多祿毫無干涉

貴政府行政之意；如其有之，余亦不之許焉。彼所欲者（亦即本總領事所為彼擁護之權利），彼果有不合之處，須交由本署辦理耳。本署得此控告，自當設法，此非中國官廳所可越俎代庖者也。此頌

日祺！

柯達啓，十二月十八日。

### 檢查日旅店案駁復日領事（公函第四二八號）

逕復者：八月四日大函，請轉飭查日人商店必依正式手續，先向該領事通知，等由，到部，本部

長閱悉，不勝詫異。查外國人凡在某國領土內，至少應遵守該國公安警律，以防犯罪之發生；而在戒嚴期內，尤有必要。理至顯明，無庸贅說。即如商店之設立，亦須先向營業所在地該管核官廳呈報註冊，方為合法之手續；而茶樓客棧，行旅往來，奸人最易混迹，與治安有關，當然應為取締及檢查，即

貴總領事十五年五月廿四日復交涉署函亦已承認非嚴行取締不可。惟此次大函所稱，檢查日人商店須先通知

貴總領事等語，似未免有所誤會。本部長應向

貴總領事鄭重聲明：如此辦法，實屬不可能之事。蓋以檢查歹人，必須神速；若展轉通知，未免費時失事，而歹人將乘機遠颺矣。准函前由，相應函復，希為諒解，至紉睦誼！此致

大日本國駐廣州總領事官！

代外交部長陳友仁，八月十二日。

### 檢查日旅店案再致日領事

(公函第一〇八一號)

逕啓者：現據廣州市公安局長呈稱，取締本市旅館一事，經將取締章程分發各旅館遵照，乃惠愛東路日商大和旅館不允將司事人姓名報區，復不請領循環簿，而該館東主日人白石平造致函區署，謂

大和旅館係日本人所經營，無受警署干涉之必要，等語，又查得該旅館時常派人在附近探聽，一見警察到來，立通消息，將鐵柵重重關閉，此於本市稽查歹人私娼，大有防礙，請核辦示遵，等情，到部。本部長查取締在本市之日本旅館，前經

貴總領事官復函，認為充分諒解，在案。現日商大和旅館不遵行警察取締章程，且謂不受本市警區之干涉，等語，既違法例，且與大函諒解取締之意相背。自應由

貴總領事官切實開導，免干法紀。又查從前

貴總領事官第一五八號來函開：取締日商旅館責任，當由敵方充分負擔，等語，自係指

貴總領事官負有不得妨礙敵政府行使警察權之義務而言，斷非謂以中國地方警察權交由

貴總領事官行使。誠以此種辦法，無論在任何國際間一般的及特別的法律的規定，皆不能尋得其根據。該日商所稱各節，當係誤會。緣據前情，用特函轉

貴總領事官，煩為轉飭日商大和旅館遵章開列司事人姓名報區及領用循環簿并勿得違抗警察檢查以維公安而資保護，仍盼見復，是荷，此致

大日本國駐廣州總領事官！

(銜名)十五年十一月廿七日。

(秘書長高承元擬稿並代行)

### (附錄) 譯日領第三次來函

逕啓者：關於取締日人白石平造所經營之大和旅館一事，去年以來，本總領事與

貴部長曾以公函相報多次；本館警察亦曾用嚴厲之手段取締該旅館。 曩聞

公安局職員率同貴國人數名到該旅館搜查，然豫先對本總領事亦無何等之通知。 明與一千八百五十八年之中英天津條約第二十一條第二項有所違反。茲特喚起

貴政府之注意；并祈以後對於日本人屋宇有搜查必要時，請先行通知本總領事。 本總領事亦曾再三聲言，無論如何，總迅速部署，俾副 貴政府方面之希望也。 請轉該關係官廳知照，及命其以後再勿發生類似事件，是盼！ 日前本總領事曾傳該旅館館主白石平造到來詢問一切，與以種種詰誅；該館主於三月二號已呈報將該旅館在本年一月卅一號歇業矣。 此致國民政府外交部部長陳！

森田寬藏啓，昭和二年三月七日。

### 檢查日旅店案三駁日領事

逕復者：現接三月七日

來函，以公安局搜查大和旅館未豫先通知，有違中英條約第二十一條第二項之規定等由，到部。

查外國人凡在某國領土內，應遵守該國公安警律及服從警察之檢查，而於旅店良歹混集之地，尤應隨

時檢查，無庸展轉通知，以防罪犯聞風先遁，經於去年八月十二日函復知照在案。至中英續約第二十一條第二項之規定，不過規定外國領事不得妨害中國警察權之義務，而非規定其權利，故曰，「一經中國官員照會，領事官即行交出，不得隱匿相庇」，乃規定領事官不得不交出，而非規定中國官不得不照請也。

來函所稱各節，似有誤解。今再向

貴總領事官鄭重聲明：敝國搜察到

貴國僑居人民住戶或商店檢查或拘捕犯人時，實無豫先通知

貴總領事官之義務。相應函復，煩爲查照！此致

大日本國駐廣州總領事官！

（銜名），中華民國十六年三月十六日。

（祕書長高承元擬稿並代行）

此函去後，駐廣州日本副領事井上武氏曾來部見余，當面討論天津條約第二十二條第二項之解釋。移時，井上副領事卒毋以報。乃曰：若閣下提此種解釋，余惟有請敝國及世界上有名學者再加研究，俟其結果，再行答復。余答曰：貴領事若願意担任此工作，余甚願聞其結果也。其後歷時數月，未聞答復。十八年十月廿三日，高承元附識。

## 陳廉伯屋案復地方審判廳函

逕復者：現接

貴廳六月十日致廣東交涉員署公函一件。查廣東交涉員署業經於六月四日奉

國民政府令裁撤，所有一切事務歸併本部辦理。茲閱

大函，對於廣州市交易所告周心等因款項及介紹責任涉訟一案，請照會英國領事將陳廉伯物業門首之匯豐銀行物業標條撤除，并飭佔住各人遷出，俾便拍賣，等由。查該案陳廉伯物業，地在西關，既非租界，警察行政權純屬我國，自無照會英領事撤除標條及飭遷之必要。相應函請 貴廳查照，依法辦理！ 此致

廣州地方審判廳！

代理部長陳友仁，十五年六月十七日。

（秘書高承元擬稿）

## 第六章 關於國籍糾紛交涉檔卷

### 黎侶鶴案致函英領事 (公函第二六七號)

逕啓者：關於黎侶鶴國籍問題，經貴副領事官送驗黎侶鶴出生證，內載英籍人民黎侶鶴於一千八百七十九年五月十五日在香港誕生，其父母均屬華人，父親曾經定例局批准隸本港英籍等語，本部長得以斷定黎侶鶴之取得英籍，係從其父國籍而取得。其父歸化貴國之事實，雖可由此出生證明。

然當時究竟曾否依合法手續脫離中國國籍，尙無由證實。其實依中國當時法律與習慣，彼蓋無變更國籍之可能也。黎侶鶴之父脫離敵國國籍，既未得相當法律根據，則黎侶鶴本人之國籍亦當然發生問題。在黎侶鶴未能充分提出法律證據，說明其適法脫離敵國國籍以前，本部長斷難依照貴總領事七月七日來函之要求轉飭釋放。肅此奉復，即希查照，是荷！此頌 日祉！此致  
大英國駐廣州總領事官！  
陳友仁，十五年七月十七日。



(附錄) 譯駐廣州英代總領事致陳部長函

逕復者：現接

貴部七月十七日大函，關於英籍民黎侶鶴一事。本代總領事查該民之所以得為英國籍民者，照英國律例而論，不獨以伊父曾入籍英國，且本人亦係在英國之香港殖民地出世也。從前英國政府為應付中國官吏反對起見，是以一向習慣，對於在中國之英籍香港華人，至少係第二代者方施以保護，或彼等在領事署註冊後曾在殖民地居住三年以上者。此種辦法，相沿甚久，并無抵觸。今以本案而論，黎侶鶴係英國籍民之子。即係英籍人之第二代。深信貴部長不至將伊繼續押留，以致在此爭執期間發生困難問題也。關於貴部來函之末段，本代總領事為普通興趣計，甚欲得悉華人如何程序然後能依法脫離華籍。

尙希 示知為感！ 順頌

時祺！

璧約翰，七月二十一日。

黎侶鶴案再函英領事辯明國籍事 (公函第三二〇號)

逕啓者：頃接公安局電稱，黎侶鶴已經釋放，茲特函達貴總領事官查照。并聲明此次釋放，並

非因其係貴國籍民，實係出於別種原因。

關於七月廿一日大函，論及黎侶鶴國籍問題，及承詢中國人依法脫離國籍手續各節，當黎侶鶴尚未釋放時，經已擬稿奉復，茲特補錄如左，以應雅意。

查鶴侶鶴是否英國籍民，乃另一問題。本部長並非否認黎侶鶴為英國籍民，只覺不能不認黎侶鶴及其父為中國人，以中國國籍為其固有之國籍也。茲先為貴領事說明此事理由，然後答覆貴領事所問「華人用如何程序然後能依法脫離華籍」之一點。查敵國元年十一月十九日公佈之國籍法至今尚適用。其第三章係關於國籍之喪失，第十二條第一項第二款雖規定「父為外國人經其父認知者」可以喪失中華民國國籍。惟黎侶鶴之父，當其入貴國籍時，依敵國之法律及習慣，實無變更國籍之可能，已如七月十七日致貴領函所述；且照民國二年十一月四日教令第四號公佈之國籍法施行規則第十條第二項之規定，未經內務部之宣告，亦當然未喪失中華民國國籍。然一方既歸化貴國，他方仍以中國籍為固有國籍，是則可借動物學一名稱，謂之兩棲類之動物耳。然則解決此問題，當以黎侶鶴之本身着眼。然據國籍法第十二條第一項第四款：「依自願歸化外國取得外國國籍者，當以年滿二十歲以上依中國法有行為能力并經內務部之許可為限」（國籍法律第十二條第三項）。該黎侶鶴既未經內務部之許可，當然仍為中國籍民，已屬毫無疑問。故敵國政府有權將其繼續扣留，以為抗拒命

令妨礙公務者戒。

至於脫離華籍之手續，查國籍法施行細則第八條規定：「須稟由現住地方之該管官署，轉報內務部，經其許可。」當此案未了結之時，黎侶鶴仍不能依任何手續以脫離中國國籍。蓋國籍法第十四條明白規定，「(一)爲刑事嫌疑人或被告人，(二)受刑之宣告執行未終結者，(三)爲民事被告人，(四)爲強制執行處分未終結者，……雖有第十二條第一項各款情形之一，仍不喪失國籍」故也。專此，奉復。卽頌

台祺！

陳友仁啓，十五年七月廿六日。

(科長劉懋初擬稿)

## 真光公司案函駐廣州葡總領事

逕啓者：現據真光公司銀業部附項團余中濂等呈稱：廣州真光公司自前年冬間宣佈停止收支，計積欠附項百餘萬元；當時各附家集議與該公司交涉，當由該公司司理黃在朝允按日就沽貨項下撥還一千一百元，分三年清償，即由各附家組織真光公司銀業部附項團，公推理事十七人負監收保管該公司按日攤還款項之責。因該公司司理黃在朝係葡籍，曾在領事署註冊，故并請葡領任監督。在當時該

監督之設立，係防及該公司按日還款不能如約履行，由該領事監追該行償款，此外絕無他種職權之規定。嗣因該公司按日撥還款項，僅及兩月，復行停止支付；司理黃在朝迭函聲明無力續撥。迫得開會表決，與該司理妥商，簽訂合約，將公司所有產業貨物完全交出附項團接收管理，抵償債務；遂于上年舊歷四月十八日由各理事互選出臨時管理七人，推定胡頌棠任管理主任，余新和蘇伯謀任銀庫管理，劉友豪梁衍芬任貨倉管理，張鏡藜黎鳴鳳任賬目管理。自此頃接管實行後，該公司一切貨物產業及其營業全歸附項團舉出之理事管理支配；葡領之監督名義當然銷滅。誠以該公司固有財產不足以清償所負債務，事實上業已破產，遂將所有財產交付于附項團體，冀免除其餘額債務。敵理事等接管後，即派委黎侶鶴爲營業主任，計迄今已逾一年，安然無恙。乃本月三日下午四時，黎侶鶴忽導同葡正副兩領事，暨葡兵數人，南海縣署遊擊隊兵數人，警察九區署警察數人，突入賬房，將管理余新和拘拿寄押南海縣署；并宣稱要并拘拿管理黎鳴鳳代表謝公偉，蘇伯謀代表蘇若雲，時適黎蘇均不在公司，未被窘辱；該領旋將公司賬房標封。敵理事等聞訊，大爲憤激；旋舉派代表馳赴南海署詢究拘押管理余新和原由：縣長張家瑞面謂，日前葡領來署，稱真光公司在葡領署註冊，現有司賬三人盤踞作弊，某日會議虛有衝突，請求派隊維持秩序，當時並未詳悉公司內容，派隊時亦未有飭其拘拿某人，嗣該領事將余新和拘辦到署，祇得將其暫行寄押，現在可以交保釋出，等語。各代表以縣署擅

押債權，安能擅放，不允保出。各代表去後，張縣長旋將余新和省釋。伏思敝理事等爲真光債權人，所有貨物產業，經前司理簽約交出，接收管理，抵償債務，在債權代表管理人有絕對充分支配管理該項財產的主權。此次葡領竟橫加干涉，以請求派隊維持秩序等名義，暗騙我國官吏，便爾藉勢壓迫，擅捕管理，封鎖銀庫，擅委總理，并派葡兵駐紮霸管全公司貨物財產，微特附項團私人權利遭其損害，卽國家主權亦受其蹂躪。此而可忍，孰不可忍；懇請先將被霸商業扣押點回管業，並迅賜嚴重交涉，勒令賠償損失，及向政府道歉，俾尊國權而衛商業，等情，附繳本案影片一紙，到部，經本部長據情函請廣州市公安局查覆；去後，旋據該局長覆稱：查真光公司當日與附項團發生糾纏後，有便裝葡兵三名派來駐紮，本月三日葡領到該公司將其賬房封存，現時仍由駐紮之便裝葡兵三名看守，至賬房門鎖鑰係用白布條束縛，結束處封以火漆，加蓋葡領小章於上，各等情，本部長閱悉，不勝訝異。未審 貴領事之封禁該公司賬房並派人紮守，究竟係用 貴國領事名義，抑係行使真光公司附項團理事會總監督職權。若係出于前者，則真光公司並非 貴國國籍。雖十三年十一月十九日 貴領事會照會廣東交涉員聲明該公司曾于一九一八年三月十九日在 貴領事署註冊。但註冊與國籍取得顯係兩事；註冊僅係就現存法律事實而爲聲明，並非可以造成法律事實，故註冊毫無影響於該公司國籍之實質的內容。查該公司不能取得貴國國籍者，實因下列情形：——

一，該公司資本六十萬，除黃在朝股份六萬元，僅占總額百分之十外，餘俱係中國人所持之股份；且黃在朝雖前經 貴領事聲明係 貴國籍人，但是否合法脫離中國國籍，尙屬疑問。

二，該公司董事，監察人，俱係中國人，總司理黃在朝縱假定係 貴國人，亦不足以影響該公司國籍。

三，該公司營業地係在廣州十八甫，而且現在係唯一營業地，即本店，並無其他支店。

四，該公司亦未有事務所在 貴國任何領土。

依以上情形，則無論據屬地主義，抑據屬人主義，皆足證明真光公司係中國國籍，而非 貴國國籍。既係中國國籍公司，如有內部糾紛，敵國政府自有權衡處理。

貴總領事官豈能干預？若係出於後者，即

貴總領事官以該公司附項團理事會總監督資格而採用此次手段，亦未免越權。查

貴總領事係於一九二四年十二月廿七日被真光公司附項團推舉為理事會總監督，負監收該公司按日撥還附項團一千一百元之責；其後公司不能繼續提銀，一千九百二十五年五月八日，由該公司總司理黃在朝代表該公司，與附項團理事會訂定維持辦法九條，於一九二五年五月十六日起，由附項團所選出臨時管理接收，管理公司財產及營業，該附項團理事會即經議決取消，而附項團與公司間債務担保條

件，由逐日抽還而變為產業管理，

貴領事監督任務，亦於是時告完了。以責任完了之個人，而封禁在中國境內之公司，豈非越權？總之，無論從

貴總領事官之資格，抑或從

貴總領事為真光公司附項團理事會總監督之資格而觀察，

貴總領事均無權封禁該公司賬房。

貴總領事官此舉，苟非有侵害中國主權，至少亦係違背中國法律。用是特向

貴總領事提出抗議。煩為

查照，並希即將封禁該公司之火漆印撤銷，並將該公司貨物財產與營業部分概交還該臨時管理，及賠償其損失，一面向我政府道歉，以昭公允，仍希見復，至緝睦誼！此致

大西洋國駐廣州總領事官！

附抄影片一紙。

代外交部長陳友仁，十五年七月廿三日。

（秘書高承元擬稿）

## 函葡領辨正眞兄公司國籍 (第六二一號)

逕復者：迭接七月二十三日二五五號及七月三十一日二六四號

貴函，本部長閱悉。關於眞光公司附項團理事會被控告及黎侶鶴被拘各節，當經本部第六〇四號公函答復在案。惟來函迭稱葡商眞光公司，本部長對於此點尙不能不加以辨正。卷查民國九年即西歷一九二〇年八月二十七日

貴總領事官曾照會前廣東交涉員梁，稱眞光公司於西歷一九一八年三月十九日在貴領事署註冊，請備案，等由，當經梁前交涉員於同年九月七日照復

貴總領事官，聲駁以本省官廳對於開設在廣州市之眞光股份公司，不能認爲葡國商店，等語；直至民國十三年即西歷一九二四年十一月十九日

貴總領事官再行照會前廣州交涉員傅，同前由，該傅前交涉員旋於同月二十日答復

貴總領事官以准予備案保護等語，各在案。查梁前交涉員九年九月七日致

貴總領事官照會所稱各節，均係實情，自屬正當。至於傅前交涉員十三年十一月廿日之處分，自是違背法律，實屬有瑕疵行爲，例得撤銷。茲特將該處分違法緣由，爲



貴總領事官詳細剖析之，庶使雙方誤會自易冰釋也。查廣州西關真光公司在民國七年即西歷一九一八年三月十九日未在

貴總領事署註冊以前，純屬中國國籍，當不成問題。敵國法律，係採用慣習法。對於公司國籍，雖無明文規定，然真光公司之屬華籍，自不難以事實證明之。請得舉其例。（一）民國元年即西歷一九一二年，真光公司運貨，串冒廣信洋行報關瞞厘，經省河補抽厘局查獲，即將該貨物充公，該公司當即照內國商人慣例遵令受罰。此一證也。（二）當英國駐廣州總領事 Jamison 君兼辦

貴國駐廣州總領事時，曾於民國六年即西歷一九一七年一月九日復香港 Bruton 律師，函內聲明：真光公司並未到署註冊作為葡商開設，所有該公司一切權利，當由中國人享受，云云。此二證也。

（三）真光公司與黎和訟案係開始於民國五年即西歷一九一六年十一月，直至民國七年即西歷一九一八年第三審，皆係在中國法庭辦理，而該公司亦未嘗提出異議；其控訴審與上告審且係由黃在朝代表真光公司提出控訴及上告。其證三也。就此三點而觀，可見在民國七年三月十九日以前，不特敵國官廳與真光公司自身均認該公司係屬華籍，即在

貴國政府代表方面，亦無異言。其後該公司與黎和涉訟凡歷三審，該公司敗訴，始欲冒認

貴國國籍，以圖抵抗中國法庭之判決。此種商人，欲假外國法權以破壞本國主權，實係敵國之叛

逆。

貴總領事官未予深究，竟許其註冊。此不特有礙兩國友誼，抑且違背兩國法律也。查敵國官在民國七年三月十九日以前，既已迭次表示，認定西關真光公司係華籍。民國七年三月十九日以後，該公司之組織章程並未變更，營業地依然在西關十八甫。以法理言之，公司之實質的內容既未變更，則其國籍亦無可以變更之理由。即以

貴國法律言之，該公司在民國七年即一九一八年三月十九日之註冊，亦不免陷於不法行爲。查

貴國商法第一百十條規定：「有本店地在內國，且專以在內國經商爲主要目的者，雖設立於外國，亦爲內國公司」。真光公司並無任何營業場所經商場所亦無任何舖店開設於

貴國或

貴國殖民地境域之內，而廣州真光公司更明明開設於西關十八甫，且該公司係專以運外國及中國各處貨物以行銷於廣州爲目的，依此等內容，若照

貴國法律裁判之，當然係屬中國籍，而決非

貴國籍無疑。由是可見民國七年三月十九日之註冊，不特以中國法律言之，係屬違法，即以貴國法律言之，亦未見其有當。本部長茲當向

貴總領事官鄭重聲明：註冊備案之作用，不過僅就現存法律事實而為聲明，非能改造法律事實。譬如有男子於此，固不能以瞞騙註冊為女子之故，而變其性。真光公司無論依中國法律，抑或依貴國法律，實質上應係華籍。豈能因沙而註冊與前傅交涉員之渾認而變更之？且行政行為有瑕疵者，可得撤銷。該前交涉員民國十三年十一月廿日之行政行為既係違法，其上級官廳即國民政府外交部當然有權撤銷之。所有該公司民國七年即一九一八年三月十九日在

貴總領事署註冊行為之不法情形，相應函達。貴總領事官查照。並聲明：所有民國十三年即一九二四年十一月廿日前傅交涉員函復貴總領事官將該公司註冊緣由備案保護一節，應即撤銷；凡由註冊備案所生之結果，概歸無効。尚希

貴總領事官對於真光公司純係華籍一事，完全諒解，嗣後勿復以該公司係葡商為言，是荷！即頌  
日祉！此致

大西洋國駐廣州總領事官！

代外交部長陳友仁，十五年九月八日。

（秘書長高承元擬稿）

（附錄） 葡國總領事復函

遷復者：貴部本月八日第六百一十一號大函敬悉。惟本總領事所尤驚異者，其爲貴部長心中對於真光公司之華籍問題所有之引證，抑爲國民政府對於前廣東交涉員（交涉員之地位等於歐洲之外交次長）承認備案之漠視，余不自知之也。

貴部長德高才大，余平日不唯視爲敝國之良友，且視爲能履踐本人或其代表之信約者。今竟出此議，殊爲可惜。茲將大函所揭諸點詳爲析之。查一千九百一十八年三月十九日有一有限公司在敝署依照葡國法律成立，以購買廣州市內之真光店舖，該司公命名真光有限公司，以其組織如是，遂在敝署註冊，註冊緣由亦經函達廣東交涉署查照。由是一千九百二十年八月二十七日起至一千九百二十四年十一月二十日止，交涉數年，交涉員乃認真光公司爲葡籍商店。此事不能駁詰。雖貴部長函中亦經承認。尊函云，男孩不能以出世註冊時詭稱女孩，遂爲女子。則余亦可舉一例爲貴部長告。卽小孩註冊時，已爲其父所承認，後其父出而宣言曰，吾已去勢，不能生育，是也。廣州政府已由交涉員認真光公司爲葡店，而交涉員又是正當機關而能承認此事者，則廣州政府自有忠誠繼續承認其代表之正式行爲之責任。苟非然者，則國際條約苟有一方其中有不便於己之條件，遂視如廢紙不生効力。則其價值將何如乎？貴部長所提三項證據，以證真光公司之爲華籍，皆在新公司卽葡籍公司於敝署成立以前之事。本總領事直至購買該店之公司成立，從未請認該店爲葡店：在一千九百一十八年三月十九日以前，真光公司之外籍問題，與本總領事毫無關係。本總領事深悉華人之在外籍出世者，時或依照中國法律利用華籍，時或依照出世國法律利用外籍。此種兩重國籍，不唯使中國政府感受困難，而彼出世國領事亦大受困難，由時常發生衝突。然其迥全在貴國政府。何也？蓋貴國現正從事維新，而對於個人法律上之人格仍採用最舊之思想故也。世界各國幾全任人

引用屬地主義而自選其國籍；若柯根庭及南美各共和國，其立法是最新者，甚至強其公民之在彼等國內出世者採用彼等國籍。貴部長所持爭點，實與世界民權大相違背。蓋採用屬人主義而以血統定國籍，是一切私法上公法上屢屢發見之糾紛之源泉也。

來函云，真光公司未變其營業目的，亦未改其本店所在地，故仍屬華籍。殊不知在外人有領事裁判權之國，商號國籍問題之決定，在店之所有權人或其所屬之公司是否屬外國籍，而與營業之目的或其地點皆無關也。至所引敝國商法第一百十條，則與本案絕對無關。貴部長之出此言，是忘乎其所與談者乃法學博士且曾爲法官者也。茲將該條錄呈，庶可直接察閱，條文如下：「凡公司雖在外國成立，但其總店及主要營業皆在本國，則無論如何，皆作爲本國公司，而受本國法律裁判。」左有領事裁判權之國，葡店惟受葡國法律管治而已。該第一百十條首云「凡公司雖在外國成立」者，非指中國，乃指未有外人領事裁判權之國也。前廣東交涉員之承認真光店爲葡籍公司，是否依照中國法律辦理，本總領事無庸深究。惟兩國代表（葡領事與廣東交涉員）對於某店之國籍既已同意，則其國籍亦須俟雙方代表同意乃能變更，非一方決定所能改之也。祇屬中國內部問題之案件，

貴部長當然有權依照來函所述辦法辦理，至本案則不能也。貴部長自接任以來，凡屬中國與葡萄牙間發生之案件，時或爲嚴重之案件，皆和平解決。吾人爲兩國友好關係計，莫不舉吾人利益以殉之，貴部長有所要求，無不應允。故望此次答復以後，對於本月八日來函所述各點，再行考慮，以證明所有與中國訂立之條約合同並非廢紙，爲幸！蓋本領事所復皆爲忠言。非同詭辯，已無律師之瑣碎亦非舊式外交家之尖利也。此頌

時祺！

柯達啓，九月十一日。

## 眞光公司國籍問題再函葡總領事

(公函第五一號)

逕復者：接

總領事官民國十五年即一九二六年三〇三號

大函，關於本部處分眞光公司國籍案一時有所辯論，本部長閱悉。茲就

貴總領事官來函中有所誤會之處，特爲提出辨正如左：——

- 一、關於本部長撤銷前廣州交涉員民國十二年即一九二四年十一月二十日對於眞光公司國籍案之處分問題

關於此問題

貴總領事官以爲該處分不能撤銷，根據二種理由：——第一，

貴總領事官以爲國際條約合同不能由當時者一方自由宣告取消。眞光公司國籍，經兩國代表認定，故不能由一方意思變更。此種論證，實由根本上混同國際條約與行政處分爲一致所致。查國際條

約與行政處分截然不同。略舉其區別要端：一，國際條約之內容，必有當事者間一種新權利義務之設定或變更，而行政處分則不過就現存法律關係上而為個別事件之處置；二，國際條約係一種抽象的一般的法規之設定，而行政處分則不過在某種抽象的一般的法規之下而為具體的適用；三，國際條約必有兩個對立之權利主體，而行政處分則無之，蓋行政處分乃係一國主權者與其人民間之一種權力服從關係。今真光公司國籍之認定，決非國際條約或合同，而為行政處分。稍有法律常識者當可立斷。一，因認定真光公司國籍，其結果未嘗使中國國家或其全體人民由貴國一方得到任何新權利或負擔任何新義務，亦未嘗使

貴國國家或其全體人民由敵國一方得到任何新權利或負擔任何新義務也：認定真光公司國籍之結果，不過係就敵國商法或貴國商法已經規定法律關係多一次實際之適用而已。二，因真光公司國籍事件，乃係一個具體的事件，對此事件而為認定，自然係對於法律上一種具體的適用，并非普通的抽象的法規之設定。三，因認定真光公司國籍，并非有兩個對立的權利主體對於同一事物而為關於權利義務相互對待的活動，實係兩國主權者對於真光公司各就相異之事物而為權力的活動：在中國方面，就其是否屬於中國國籍問題而為公的認定；在貴國一方，又就其他一事實，即是否屬於葡國國籍問題而為公的認定：此兩種認定，驟觀之，似係就

同一事物而爲活動。其實則各有相異的方向，兩不相妨，而各爲單獨的活動。譬如有一個中國人欲出華境而入

貴國國境，則必由中國政府領取護照，復經

貴國領事官之簽字允許，此種行爲，驟觀之，亦似係出於兩國政府就同一事物共同認定，然其實則兩國政府係就各別之事實而爲認定：蓋一方政府所認定者係該民是否准許其出境之事實，而他方政府所認定者係該民是否准許入境之事實。假如該民可取得護，照復經

貴國領事簽字允許之後，中國政府忽然查得該民係在受處分或受刑罰未滿期之中而欲行逃脫者，遂宣言取銷護照。在此種情形之下，

貴國領事官亦得藉口於兩國條約合同不能由一方自由廢棄而提出抗議乎？

貴國領事官若不能指兩國政府機關發給護照之行爲係締結條約或合同，又安能指兩國政府機關認定某人民國籍之行爲係締結條約或合同乎？

貴總領事官誤認行政處分爲國際條約，此其所以對於本部撤銷前廣東交涉員之處分誤解者一也。

貴總領事官反對本部撤銷前廣東交涉員之處分，其第二理由，則在舉小孩註冊初爲其父所承認後忽宣言已去勢一事以爲例，似係意在證明一經註冊不能撤銷。而不知此與一般法例完全相背。蓋一般法



例，註冊并非不可以撤銷也。註冊通常以經過一定期間不發生爭議時為確定；若一旦發生爭議，或原註冊者請求撤銷，自應審核其法律事實之真實的內容以為判斷。

貴總領事官對於註冊以法律事實為基礎一層頗為忽視，此其所以對於本部撤銷前廣東交涉員之處分發生誤解者二也。

## 二一． 關於眞光公司國籍問題

關於此問題，應分為兩層研究：一為事實問題；一為法律問題。

事實問題者，係指眞光公司在民國七年即一九一八年三月十九日是否有變更組織而成立設定新公司之法律行為。查眞光公司則例，有一九一一年則例，一九一三年則例，一九一六年則例各種，而未見有一九一八年則例。來函所謂一九一八年三月十九日有一有限公司在

貴領事署依照葡國法律成立者，不知果何所指。縱假定該公司當一九一八年三月十九日果有改組之事，然一九一八年三月十九日以前之廣州眞光公司，其非葡籍，已為

貴總領事官之所承認，而由本部長第六一一號公函所舉各事實已證明該公司當時實係華籍。查我國商法，公司之解散，必須報知於官廳；若欠缺此程序，則解散之法律行為不能成立。而中國官廳當時並未得有任何關係方面報告眞光公司於一九一八年三月十九日有解散之事實，現在之眞光公司既

如。

大函所稱係由買受舊公司而來，則新公司成立當然以舊公司之解散爲前提。舊公司之解散既不能成爲法律事實，則新公司之成立又安得有法律上根據？况真光公司在一九一八年三月十九日依敵國國籍法，實屬無變更國籍之可能。依敵國法律，凡爲民事被告人者，不得喪失中華民國國籍。該真光公司於民國五年即一九一六年因債務關係黎和控告，歷經三審，直至民國六年即一九一七年十一月，該公司在廣東高等審判廳提起上告，當民國七年即一九一八年三月十九日，該案件尙在上告審進行之中，未經判決。是則真光公司爲民事被告人責任尙未解除。安得復有脫離中國籍國之可能？彼冥頑犯法之人，不知守法，妄圖倖脫法網，明知訟將不勝，則欲假外人以爲護符，不計當時脫籍之是否可能，乃逕行虛做事實，蒙蔽外國官吏，此不特於敵國爲奸民，抑在外國法律之下亦爲敗類。

真光公司當時之在

貴總領事署註冊，亦其流亞。惜夫。

貴總領事署之未及覺察也。

其次論法律問題，即依照該公司實質的內容按諸法律所規定應屬於何國國籍之問題。

貴總領事官來函稱「在外人有領事裁判權之國，凡一營業屬何國之問題，其決定在該營業之所有權人

或其所屬之公司是否屬外國籍，而與營業之目的或其地點皆無關』等語，其中係有兩點，本部長不能不嚴為辨正。（一），國籍之決定，係領事裁判權適用之前提。而

貴總領事官本未倒置，反以領事裁判權之適用為決定國籍之前提。（二），貴總領事官反對本部長以實質的條件判斷公司及其營業之國籍，但云「營業之國籍應以其所屬公司之國籍為斷。不知吾人之最終目的，乃在研究營業所有者之公司國籍應根據何種實質的內容而判定，今舍此不論，但執同一涵義之兩名詞互為解釋。得無陷於自證法 Tautologia 之謬誤乎？至來函稱

「所引敵國商法第一百十一條則與本案絕對無關。在有領事裁判權之國，葡店惟受葡國法律管治可矣。該第一百一十條首云「凡公司欲在外国設立者」，非指中國，乃指未有外人領事裁判權之國也」等語，查廣州真光公司係在我國領土開設，其國籍決定，自應依照敵國法律辦理，本無援引

貴國法律之必要。本部長前函所以引及

貴國法律者，原非判斷此案之要點，不過欲附帶指明該公司民國七年即一九一八年在

貴領事署之註冊，從

貴國法律而觀，殊有傷

貴國體面而已。若

貴總領事官以爲該案文不適用於有外國領事裁判權之國，然則本部長欲聞以下問題之答復：——

「在領事裁判權區域，對於人民案件，應適用何種法律？」查各國在領事裁判區域，對於其自國人民所適用之法律，大約有二種主義：其一，則適用本國普通法典；其他則另行頒布一種特別法典。今貴總領事官以爲在領事裁判權區域不適用

貴國普通法典。然則

貴國會頒布何種特別商法法典施行於領事裁判區域？本部長甚願得而讀之，俾資研究之助。抑或並無此項特別法規，而

貴總領事官之意，以爲

貴國駐外國領事之自由意思，卽爲領事裁判區域之法律乎？總之，關於此點，本屬枝葉問題。

本部長亦雅不欲繼續討論。本部長所欲向

貴總領事官鄭重聲明者：國籍問題係先於領事裁判權適用問題。而依照敵國法律，公司之國籍，應以其營業地所在爲斷。此正。

貴總領事官大函所謂屬地主義，而非屬人主義也。又

貴總領事官以採用屬人主義相責難，不特言侵內政，有失領事官之常態；抑亦無的放矢，殊乖辯論之

方。

廣州真光公司是否係葡籍，本屬另一問題，而

貴總領事署之承認該公司葡籍，亦屬另屬一事實，本部長關於此點，固不必深究。本部長所不得不堅決主張者：乃就該公司是否華籍之問題，而決定其未脫離國籍耳。此原係又一事實，而與前之事實無關。前廣東交涉員傅在民國十三年十一月廿日對真光公司國籍之行政處分，乃係就其與中國國籍法關係而言，并非干涉

貴國法律而判定其與

貴國國籍法關係之意。故其行政處分與

貴總領事署民國七年即一九一八年三月十九日之行政處分純屬兩事，各就相異事實而為單獨行為，并非有所協定於其間。而本部長之所欲撤銷，抑且確係有權撤銷者，亦只限於傅前交涉員十三年十一月廿日之行政處分，對於

貴總領事署民國七年即一九一八年三月十九日無目的物之行政處分，則本部長毫無干涉之意也。此

復

大西洋國駐廣州總領事官！

代外交部長陳友仁

(秘書長高承元擬稿並代行)

## 陳友仁在政治會議提議由僑務委員會舉辦華僑身份登記

逕啓者：敝部職掌外交，華僑遺產之存額，往往有需交涉。溯革命之初，僑民捐資相助，厥功甚偉，其關係于政府甚大。則政府之所以保護之者宜周。環顧國內，則法律多未具備，戶籍無從稽考；舉目海外，則因我國政府國際上之地位未得，領事公使，派自僑延，調查則徒勞往返。敝部對於請求事件若持之過寬，則藉名頂替，流弊殊多；若操之過嚴，則僑民每不諒手續之謹嚴，而易生誤會。源其根本，則由于身分登記之未設立也。身分云者，謂人在社會上之地位也，換言之，即依人事法之規定，而獲得之地位也。夫人之權利義務，不問其屬于人事上抑屬財產上，殆無不與其人之身分有關；而權利義務之得喪變更，多因身分之異動而生。故必有父母之身分；始有父母之權利義務；必有子之身分，始有子之權利義務；必有夫婦之身分，始有夫婦之權利義務。依出生而取得權利；因死亡而喪失權利；夫婦之關係，因婚姻而生，因離婚而絕；擬制親子之關係，因繼嗣而成立，因退離而消滅；以及庶嫡私生子之區別，繼承之次序，無一不依身分而定。然則身分之異動，

影響于人之權利義務，不亦重且大也哉？今無確認身分異動之制，將何以證明權利義務之所歸？一般戶籍調查，雖一時未能舉理，然若先就華僑一部分行之，其事較簡。茲者僑務委員會既奉政府之命而成立，華僑之身分註冊，可否由該局先行舉辦之處，尙待議決施行。此致  
政治會議！

陳友仁提案，十五年十一月一日。

（劉慰初擬稿）

## 第七章 關於觀審交涉檔卷

### 停止日領觀審權令各交涉員（令第三三〇號）

現據汕頭交涉員呈稱：竊駐汕日本領事要求將東江各屬綏靖公署因案拿獲之台灣籍民蔡中和蔡英彬，劉鸞即劉添立，照約引渡一案，先因中國人被日本人控告歸地方官審判之案，日領援英美條約曾迭次到庭觀審，本年一月間，有日本人毆傷中國艇夫鄭丁並毆鄭灶落海，打撈無獲，一案，日領竟不認中國官有觀審權，經李前交涉員及交涉員力爭無效，蔡中和劉鸞兩犯如准引渡，觀審權不能不爭，無如日領始終固執引中日條約最惠國條例爲言。業經呈奉鈞部第十號批開：查日領請求引渡劉鸞等，既係條約所許特權，自可照辦，惟觀審人犯亦係我國所有特權，載在各國條約，自應據約與彼力爭，如觀審權未得圓滿解決以前，該犯等應緩交解，仰即遵照妥辦具報，等因。交涉員復與日領函牘往還及覲面辯論多次，結果准日領函稱：承認觀審權問題，非本領事官權力所能逮，現爲敦睦邦



交促進親善起見，特將貴交涉員來函原意呈報本國政府請示辦理，容俟訓令到後解決，尙希諒解此中困難情形，先將蔡英彬劉添立兩名引渡依法懲辦，等由。交涉員查蔡劉二犯拘留已半載有餘，日領所稱承認觀審權非該領權力所能，自係實情，至謂爲敦睦邦交促進親善起見將交涉員原意呈報彼國政府，當係有意轉圜，則我似亦不能不稍予通融，擬請將蔡劉二犯准予先行引渡，但聲明中國觀審權未得圓滿解決以前，凡中國人爲被告之案，日本以前援英美條約之觀審權，亦應停止。呈奉鈞部發電開，蒸日來呈及文日代電均悉，所擬將蔡劉二犯先行引渡，仍聲明中國觀審權未得圓滿解決以前日本觀審權亦應停止，等語，應准照辦，等因。遵經函東江綏靖委員於本月二十四日將蔡中和即蔡英彬，劉鸞即劉添立二犯并抄錄案由解送過署，交涉員當即備函轉交日領查收，取有收據爲憑，函開聲明停止日本觀審權；在案，理合將蔡劉二犯引渡日期及抄錄全卷呈報鑒核，並請轉呈國民政府，令行各省政府各交涉員飭屬遵照，在中國觀審權未得圓滿解決以前，遇有中國人爲被告者，日領要求觀審，應嚴行拒絕，以歸一致，等情，附抄案一本，到部。查汕頭日領，對於汕頭日人毆傷鄭丁溺死鄭灶一案，竟不認中國官有觀審權，而對於中國人爲被告時，被則藉口中日通商行船條約第二十五條最惠國條款之規定，援引英美條約上之觀審權，以爲日本應同享受。不知烟台條約第二端及中美北京條約第四款所載英美人觀審權，原係條件附的權利。即在中國對於英美人爲被告之案

件有觀審權時，英美始得對於中國人爲被告之案件有觀審權。且最惠國條款祇限於商業航業，不適用於司法，此爲國際上一般所公認。從前許日本有觀審權，本屬濫用最惠國條款。自應趁此時機以圖補救。茲汕頭交涉員既向日領聲明中國觀審權未得圓滿解決之前，中國人爲被告之案亦停止日領觀審，等語，殊屬平允。自可照辦。據呈前情，合行令仰該交涉員即便遵照辦理！此令！

十五年十一月四日。

(秘書長高承元擬旨並代行)

## 角谷新高案致日領事 (公函第五七號)

逕復者：查日輪袖浦丸日入角谷新高傷害華工王添等一案，業經本部將該被告日人交由

貴署并函請依法辦理有案。茲接一月六日

大函內開：現據袖浦丸船長及該船代理店久米洋行呈稱，此事已與廣州煤炭總工會會長陳祺中華海員工業聯合總會廣州分會商談，對於羅樹蝦王添李成香三名受害者予以六百弗之撫卹金，對於林道高李鴻文張殿青古才郎四名受害者予以二百弗之撫卹金，并負擔林道高之醫治費，此事已完滿解決，等語；又准廣州煤炭總工會會長陳祺及中華海員工業聯合總會廣州分會函稱，各件現得完滿解決，并已

向公安局請求銷案，等由，到館，查以上各件既已解決，相應函請貴部長查照等由。查大函所稱完滿解決者，僅屬損害賠償部分；而關於此案刑事部分實未解決。蓋傷害案係刑事訴訟案，依法不許私和。况未經傳訊，礙難銷案。自不能因已賠償而置被告人角谷新高於不問。相應函請

貴總領事查照，定期傳訊，並希預先通知，以便派員觀審！仍希見復，爲荷！此致  
大日本國駐廣州總領事官森田！

代外交部長陳友仁，十六年一月十二日。

（科員蘇文謙擬稿）

### （附錄）譯日領事來函

逕啓者：本月四日本總領事關於袖浦丸船員與

貴國運貨工人之爭鬥事件，曾面呈一切。現據該船船長及該船代理店久米洋行呈稱，此事已與廣州煤炭總工會會長陳祺，中

華海員工業聯合總會廣州分會商談，對於羅樹猷，王添，李成香三名受害者，予以六百弗之撫卹金，對於林道高，李鴻文，張

殿青，古才耶四名受害者，予以二百弗之撫卹金，并負擔林道高之醫治費，此事已完滿解決，等語；又准廣州煤炭總工會會長

陳洪及中華海員工業聯合總會廣州分會函稱，各件現得完滿解決，并已向公安局請求銷案，等由，到館。查以上各件既已解

決，相應備函通告

貴部長查照！此致

國民政府外交部部長陳！

森田寬藏，一月六日。

## 角谷新高案駁復日領事 (公函第一四五號)

逕復者：現接

大函，關於日輪袖浦丸日人角谷新高等傷害華工王添等一案，備述

貴署辦理本案情形，除原文有案免複敘外，并謂該行政處分本總領事亦認為妥當可不必開正式裁判，等由，到部。查傷害案係屬刑事訴訟，依法不許私和，前經本部聲明有案。今貴總領事官竟欲違例用行政處分了結該案，謂可不必開正式裁判，是無異剝奪敵國派員觀審之權，使本部對於該案絕對不能發舒意見，殊屬不合。茲姑無論

貴署於此案之調查處分是否適當，而此種辦理手續，本部長礙難承認。准函前由，相應函復貴總領事官查照，仍請定期開正式裁判，并預先通知本部，以便派員觀審！否則本部對此定採必要處置也。此致

大日本駐廣州總領事官森田！

(銜名)十六年一月廿七日

(科員袁敬仁擬稿)

(附錄) 譯日領第二次來函

逕啓者：關於袖浦丸事，本月十二日接閱 貴部第五七號大函，備悉一切。此事自一月三日以來，本館警察曾將該關係者傳至，嚴加調查，結果執行如左之處分：

(一) 照船員角谷新高供詞，事件發生當時，本人確未參加，後聞彼等爭鬧，乃本其職責上之義務前行阻止，無如雙方俱不從勸，故不得已持裝置空彈之五響獵鎗向之，本意欲在止其騷擾後始行調停，不料

貴國工人誤解，近前奪其獵鎗，以至不知何人觸動鎗機，轟發一響云。此事證以從

貴部送來之該獵鎗看之，確無實彈裝置痕迹及有空彈四粒存在，是與該船員供詞相符。又照一月八日從

貴部送來之廣州市立醫院驗傷證書看來，該七名受傷者之傷狀，亦與所轟發之空彈無關。可見該船員角谷新高之供詞，與

事實無錯。所以對於角谷新高不能視為犯罪之蓄意或犯罪事實之推定。然該船員之動機雖以鎮壓爭鬧為目的，但彼持武

器，亦不能謂其完全無過。所以本館警察曾處以嚴厲之譴責，并詰誠其將來矣。

(二) 調查當時參加爭鬧之關係船員，已列明主的加害者爲本間武一郎，山本益雄，太田正喜三名，而日本船員方面亦有二名之受傷者，彼等俱因飲醉正月屠蘇酒之細小原故，致發生此種不幸事件。一面又因獵鎗空彈之轟發，更足以令雙方失措。深恐此事擴大，彼時運轉手森下氏等予其爭鬧靜止後，曾即將雙方之受傷者施以救急方法。惟對於該爭鬧之當事人等，則不能認有重大犯意或敵意之存在。况該三名加害者，既有顯著悔悟之情形，又 貴國被害者方面亦曾由請本館將此事件取一圓滿解決之方法，所以本館警察以爲因此事件要開一正式之刑事裁判，俾雙方關係者到庭訊問，從中日雙方審出犯罪者，未免小題大做，不但違反雙方當事人平和解決之意志，抑亦有礙中日間之和睦感情。是以將該三名責任者與以不起訴處分及嚴厲訓誥，且使其離去此地。

以上該行政處分，本總領事亦認爲妥當，可不必開正式裁判。自此事發生後，本官因中日兩國之親善起見，對於該措置方法，嘗十分注意，即 貴部韋玉先生亦有深切之了解，本官親斯事件得此圓滿解決，實不勝欣慰之至也。此致

國民政府外交部部長 陳

昭和二年一月十九日。

森田寬藏。

## 函復日領聲明角新高案未經依法辦理以前對於曾澤臣案萬難容納要求

逕復者：昨接四月七日

大函，關於台灣人籍曾澤臣，以翁鼎新誣告曾顯治及曾澤臣之妻曾蔡氏偽造有價證券，被瓊山地方檢察廳判處監禁一事，囑着該管機關慎重調查呈報，並將案移交裁判，等由，本部長業已閱悉。惟查本部前送日輪袖浦丸船員角谷新高傷害中國人一案，貴署已不依法傳訊通知本部派員觀審，且完全拋棄司法裁判手續，而逕用行政手段處分之。此項事實，已表明關於中日人民間訴訟案件，中國人欲在。

貴署伸雪，難得公平效果，而

貴總領事官亦似認領事司法裁判權為過去之物而不復行使。况此事業經本部迭次函駁，均置不

復。茲本部特鄭重聲明：在角谷新高事件未經依法妥辦以前，本部對於曾澤臣案，萬難容納貴總領事官之所要求。准函前由，相應函復，希為

查照，是荷！此致

大日本國駐廣州總領事官森田！

代外交部長陳友仁，十六年四月十五日。

（秘書長高承元擬稿並代行）

## 第八章 關於澳門界務檔卷

### 前山洋務委員朱麗泉呈報前山與澳門間界務情形

呈爲呈報事：竊職自奉令到局，關於對葡交涉事件，業有多起，然皆屬於細故，毋俟贅陳。所不能默爾而息者：有時於細故交涉中牽及界務，此雖口頭辯論，然關係國土，卽此已見其端，燭火履霜，亟宜防杜。請述一二，爲我

部長陳之。十五年十二月十八日前山轄內之銀坑地方，有土人陳開順在該處海面設立增棟，忽爲葡人拔倒，竟稱自澳門望見有水之處皆爲葡界。又同年十二月五日，中山縣署特派員楊洞蓀因撥地安插難民，在關外測量地段，被葡政府官兵拘留，又稱關外爲中立地。此兩案發生之後，雖經職抗辯，一則由葡船政廳與繪棟東主了結，一則當堂釋出，認爲誤會；然界務濛混，已見一斑。及今不防，後患奚極？查葡人來澳，始於明之中葉，至萬曆而益衆；其時納金租地，一切海面只



准其捕魚，無所謂海界也。嗣是而後，葡以澳爲通商地，漸更爲殖民地；西洋輪船稍相踵至，遂於澳門與灣仔銀坑相對中之海面，設立水鼓，以爲停泊輪船之用。我國素示寬大，從未禁阻。海通日久，葡人漸肆所欲，暗將水鼓逐漸移動，隱然有以水鼓爲海界之意。遞至清季，朝廷官吏每示外人以弱，我國兵艦未嘗直泊澳門，西則泊於灣仔銀坑之岸側，北則泊至青洲而止。葡人因狡然思逞，妄以泊青洲之兵艦爲侵入彼界，於是光緒十六年之爭議。卒訂定：未劃界以前，中葡兩國兵艦皆以巫婆石以南青洲以北適中之處爲限，彼此不得踰越。葡人至此，儼然擅有海權，益肆其侵略野心而無所顧忌。民國而後，龍濟光督粵，曾有我國兵艦從九洲洋駛入，經澳，遣返前山，葡人喝令搜查，以致彼此衝突，放槍遙擊。是澳門與灣仔銀坑相對中之海面，葡人欲認爲彼之領海，已非一日。無他，此海面在青洲之南，光緒十六年之協定有以開其端耳。邇者馬交之北，關閘之東，公然填海築岸，民國九年廣東軍閥莫榮新特許立有合約——喪失海權，至此已極——此自澳望見有水之處皆爲葡界之說所由起也。至於陸界，葡人租地伊始，限於澳內，澳週僅一千三百八十餘丈。攷中山縣志所載：凡夷舶入澳，必由十字門折而西，經南灣又折而北，經孃媽角，又折而東，乃入澳，由澳稍西爲青洲。可知澳門地點卽今之環街一隅而已。葡人自得此租地。由明至清之乾嘉年代，歲輸地租如常。道光二十九年，葡人啞嗎爲澳人所殺，借端抗不納租，粵吏亦置之不問。光緒十

三年，始承認葡人有管澳門之權。然當時許其管理者，仍以舊有圍牆內爲標準；故所訂條約，載明俟兩國派員會訂界址再立專約，其未經定界以前，三巴門以北，關閘以南，彼此均不得有增減改變之事。彰彰可考，中外咸知。職是以論，則葡人管理澳門之權，不能於舊有圍牆越出一步；至三巴門以北關閘以南葡人如有增減改變之事，卽爲破壞條約；至公至正，鐵鑄不移。乃自訂約以來，葡人迄未少休，凡在舊有圍牆之外，如塔石，新橋，沙梨頭，石塘街，龍山，望廈，諸村，悍然以次佔領，經營建造，汲汲不遑。宣統二年，派交涉使高而謙爲劃界全權大臣，爭駁再三，卒無成議。遷延隱忍，以至於今。今且於蓮峯廟開山填地，關閘口添築兵房，其餘新建洋樓，增減改變，不知凡幾。前山官吏，或茫然而不知，或知之而不報；卽報矣，而其時粵政府方以盤據內地爲唯一政策，視澳地如甌脫，習然相忘。葡人亦乘此時機，得以爲所欲爲，實行其侵略之計畫。此以關閘外爲中立地之說之所由起也。不甯惟是。葡人向稱狡黠，初則因陸界而侵及海界，繼且因海界而侵陸界；乘瑕借隙，假借至工。觀其自租有澳地，因海船停泊，設立水鼓，漸乃伸張其勢力於青洲之上，遂博得光緒十六年之協定；此因陸界而侵及海界者也。今葡人以關閘外爲中立地，其原因雖如以上所說；然究其所持之理論，又欲藉光緒十六年之協定，認定亞婆石及青洲適中之點，自西而東，直線劃至關閘外之馬路，故於關閘外指爲中立地；此因海界而侵及陸界者也。海界之叢混如

此，陸界之濛混又如彼。推原其故，無非以我國因循苟且；遂使海疆編戶，轉受蠻威，禹甸山河，迭遭寸割。言念及此，實可痛心。要之，界務實國土攸關，固不能任歲月之遷延，尤不容有絲毫之讓與。漢立銅柱，而交趾不敢內犯；宋割兩河，而烏珠不再南侵。彼界此疆，亟宜明定。今葡所租之地，無海界而妄言海界；未劃界以前無中立地，而妄言中立地。職忝任交涉，竊食情狀，灼見真知；心所謂危，難安緘默。誠以界務一日未定，微特交涉受其影響，竊恐葡人蓄謀愈久，實行其海界及中立地之權；久而久之，界務前途益滋蹉跎。所有澳界濛混情形，理合備文呈報 察核！謹呈外交部部長陳！

計附呈圖說一紙。

前山洋務委員朱麗泉，中華民國十六年四月二日。

### 擬請遷移前山及遂溪兩洋務局地址呈陳部長摺

部長鈞鑒：

案據前山洋務委員朱麗泉呈為設局關附近以資兼顧而杜侵佔一案，呈請於關圍毗連之地建造洋務局一所，以打破葡人圖認關圍以外為中立地之觀念，及就近照料暫時界線，而免日後爭端，并請於遷局後即派重兵駐守，以固國防，等情前來。祕書長按該呈所言，不為無見。蓋澳門租界，原

定北至三巴門而止。嗣葡人乘中國內部多事之秋，遂北侵龍田，旺廈，沙梨頭等七村，至於關閘。當時滿清官吏亦嘗力與爭持；如同治元年葡大臣基嗎郎吐照會總理衙門，自稱設立關閘以爲界，至關閘以外則有華官把守，關閘以內則係西洋人把守，總理衙門尙抗拒此議，其後一八七年訂立中葡條約，界址尙未能確定；故其第二款規定有『既經商定，俟兩國派員妥爲會訂界址，再行特立專約，其未經定界以前，一切事宜但爲依現時情形勿動，彼此均不得有增減改變之事』等語。光緒十五年，總理衙門照會解明該款所載現時勿動者，係指關閘以南至三巴門而言；其言彼此不得增減改變者，係指關閘內馬路洋房暫免拆卸而言；若關閘以北，係中國獨管之地，不與約內界務相涉，等語。足見澳門前山間如有所謂中立地；自當指關閘以南至三巴門一段地帶而言，絕非所語於關閘以北。乃葡人貪心無已，得寸進尺，既佔關閘以南，更欲以關閘外爲中立地，以爲將來侵佔拓界之所；於是在關閘外與前山間一段地帶，苟我國有所活動，葡人則嚴提抗議，認爲破壞中立，而彼則樹電燈桿，建公園，設崗警，我政府歷提抗議，均置之不恤。歷年來澳門關閘間交涉案所以風起雲湧，而去年罷工時代所謂高關閘射擊案，糾察隊蓬廠案等均延續累月未得解決，最近（去年冬間）葡人竟行擅捕中山縣政府測量委員；其猖獗日甚一日——所以然者，皆由歷年政府苟且因循，無悍衛疆圉之決心，徒以一紙空文相報復；而葡人則乘機以實力侵佔。及今不思挽救，後患何堪設想？且曩者當局往往對於該

地建築物與澳門政府爲葦葦計較，以此爲爭國權。其實一般建築物之建立，最多不過係一種私權設定之表示。在一國領土上而設定他一國所有之私權，於領土轉移之意義毫無關係。惟在土地上設定公權，始於領土轉移上發生重大意義。爲今之計，將前山洋務局遷移於關閘以北附近地帶，並使軍警駐紮其間，實爲當務之急。誠以設立政府機關，發號施令，支配人民，與夫駐紮軍警，皆係一種公權之表示，而爲該地帶領土主權下一確詰者也。擬請示理辦者此其一。

又據遂溪洋務局委員古國銑面稱，遂溪與廣州灣之西營，兩地相距九十餘里，恆因公務至彼，月計往返數次，舟車旅店，各費百餘金，而職局月定經費，月祇四百元，出入相較，已感不敷，遠道往來，尤覺費時失事，擬請將該局遷移於離廣州灣較近之處，等語。祕書長按該委員所稱，自是實情。若圖補救之法，莫如將該局遷至西營租借地界內，設警自衛。不特可以節省糜費，利便交涉；且可藉此打破向來在租借地界內排斥租與國行使權力之原則，而開將來有利於租與國行動之先例，此上策也。如慮法人抗阻，釀成交涉，則可行次策：將該局遷於中國城市而與西營較近之麻章地方，路程視遂溪至西營減去三分之二，亦較便捷。擬請示辦理者，此其二。

以上二端，就該委員等所稱述，以盡見所及，謹貢芻蕘。是否可行，伏乞鈞座察奪批示祇遵，實爲公便，須至摺者。

本部祕書長高承元呈。 民國十六年三月，日。



## 第九章 民事案件檔

### 陳廉伯屋案覆英總領事

逕覆者：頃接七月七日大函稱，現據匯豐銀行函稱，買辦陳廉伯對於本銀行有担保個人賬項及幾個人借款之義務，西關逢源北街又七十六號及七十八號之地契，經已押過本銀行爲此種義務之担保品，等語；近查有人（非係物主）擬將上項物業於本月十四日開投發賣，用特函請

貴部長煩爲通知該有關係人，以該地經已押與匯豐銀行，其契據亦存在該行，並此種不合法之投賣物業，斷難令其得有發生效力之契據也，等由，到部。關於陳廉伯逢源北街又七十六號及七十八號之地契抵押與匯豐銀行一節，本部現正從事調查。惟有請 貴署注意者：則現行廣州登記局不動產登記章程第一條規定：「凡廣州內一切不動產關於左列權利之設定，保存，移轉，變更，消滅，及處分之制限，均須登記之：——一，所有權；二，地上權；三，永佃權；四，地役權；五，質權；六，



抵押權；七，賃借權；」又第二條規定：「前條所列權利未經登記者，不得對抗第三人。」今該物業之是否合法，及該抵押權之是否有效，均應切實調查，方能辦理。除分函 廣州登記局查明見覆外，相應先行致覆，希爲

查照！ 並頌

日祉！

代外交部長陳友仁啓，十五年七月十日。

（科長劉懋初擬稿）

## 陳廉伯屋案再復英總領事

逕復者：前接

貴總領事官七月七日來函，關於陳廉伯屋業抵押與匯豐銀行一案，當經分別函致廣州登記局，查陳廉伯之屋業會否遵照不動產登記章程第一條第六兩款之規定，領有保存登記及抵押登記完畢證書，及咨請財政部查明陳廉伯之抵押屋業會否遵照查驗民產押借外款暫行章程辦理，有案。現據廣州登記局復稱，逢源北街又七十六號門牌之屋，係民國十二年十一月由陳均信到局聲請保存登記，已照章給予保存登記完畢證書，惟并未有聲請抵押登記之事；至同街七十八號門牌之屋，計至現在，尙未有

到局聲請登記，惟是否將原日登記之屋劃割一部分增闢門口，並未據該業主到局聲請變更登記，等語；并准財政部咨復，遍查本部查驗民產押借外款檔案，并未據陳廉伯將抵押與匯豐銀行之前項屋業呈部註冊，等由，到部。本部長查逢源北街又七十六號門牌之屋業，既據廣州登記局復稱，祇係陳均信聲請保存登記，該屋亦從未經聲請抵押登記，至七十八號之屋則并無保存登記或變更登記及抵押登記之事，是該兩屋業純與陳廉伯毫無關係可知。陳廉伯對於該屋等之所有權尙未取得，更安能將該屋轉押他人？况財政部咨復亦以陳廉伯并未將抵押與匯豐銀行之上項屋業呈部註冊，則敵政府對於債權之利益更無從施其保護。總之，陳廉伯對於上項屋業，縱假定有擅冒抵押與匯豐銀行之事實，惟既未遵章分別登記註冊，依廣州登記局不動產登記章程第二條及修正查驗民產押借外款暫行章程第二條之規定，該抵押行為實不能發生効力。接函前由，相應將修正查驗民產押借外款暫行章程一份抄送貴總領事官，希爲查照！此致

大英國駐廣州總領事官璧！

計抄送修正查驗民產押借外款暫行章程一份。

陳友仁啓，十五年七月廿三日。

(科員蘇文謙擬)

## 華英學校案致駐廣州英總領事 (公函第一二二四號)

逕啓者：關於汕頭南強學校校址轉讓一案，接准 貴總領事十一月十日來函，并抄送契據合同各一份，本部長經已閱悉。查依照合同，該華英學校實係一財團法人，其校地校舍顯爲學校之物業；長老會不過爲其保管人，爲該財團法人之機關而已。雖契據內有長老會承買該地字樣，然其買價出於陳承甲之捐款，而非出於長老會之私財；且陳承甲之捐款，係出於創設一財團法人之目的，而非對於長老會有所贈與。合同具在，可以復按。則長老會又豈能以經手承買之故，遂冒認該地爲己有？况在契據，亦明言該地當爲學校之用。此係該契據之真實意義，亦符合同之精神。是學校乃爲真正物主，毫無疑義。貴總領事謂陳承甲已將該地及捐款餘額建築之校舍給與長老會，一若長老會，卽爲其物主也者，殊屬誤會。須知陳承甲所給與者，乃保管權，非所有權。此判然二事，不能混同也。卽就保管一端而論，亦非長老會所得專有。查該合同該校董事會負監督校地校舍校具之責任，而有收受捐資等款以修理維持此等物業之權，是董事會對於校地校舍等，比長老會負更大之責任，而具有更大之權力。實則依照該合同，董事會乃該校之最高機關，而長老會不過爲其一執行機關耳。該合同又爲該校設立之根本規程，則此次校址糾紛及將來該校一切興革事宜，自應依該

合同以董事會爲最高機關之原意，由董事會出而解決，庶乎手續正當而得其平。至改組南強學校，係出於一二董事之所爲，非經董事會正式議決，當然不發生法律上効力。除訓令汕頭交涉員就近妥爲辦理，并轉飭該華英學校董事會負責依法解決糾紛外，相應函達台端。即煩查照，是荷！此致

大英國駐廣州總領事官璧！

代外部長陳友仁，十五年十二月七日。

（祕書長高承元擬旨並代行）

### （附錄） 譯英總領事來函

逕啓者：查汕頭華英學校一案，物主英長老教會因該處排英風潮遂至橫被驅逐。

貴部十月十九日來函謂該教會應將契據交出查驗。茲將契據抄錄一份附上。該契係由澄海縣知事蓋印，其日期爲一九〇五年三月十日（光緒二十一年二月五日）。

貴部長一閱，即知此乃斷賣契據，其形式是當時特爲教會物業而定者。贈產人陳承甲與英國長老教會所訂合同，亦一併抄錄附上。約內陳承甲聲明，「余願將該地及以餘款建築之屋宇給與英國長老教會，爲開辦華英學校之用；」又謂「雙方同意，如過可疑或不相符之處，當以英文合同爲準。」由此可知教會對於該物業有最完善之契據；彼等營業有二十年，莫不憑良心

實行此贈產之目的。現學生藉地方官廳之助，取而有之。是等於覬覦無恥之搶奪。如將此等事實報告政治會議，想彼必難贊同也。

貴部長向本代總領事屢言，外人合法利益在國民政府之下可保無虞。今外人爲華人謀利益之教育機關，其建築以因屬於英人所有之故，竟被人立意奪去，而

貴政府治下官員亦佯爲不知。本代總領事用敢請

貴部長轉請政治會議特別注意，並將飭令將華英學校產業交回物主爲荷！再者：駐汕英領事余云，此事辦妥後，劃用該地一部份以爲築路一節，將易於解決也。此頌

日祺！

暨約翰啓，十一月十日。

# 第十章 各項——郵政，通商，課稅。

## 俄領郵件案駁復俄領事 (公函第二三二號)

逕復者：現接二月十日

大函，關於遞送領事郵件，有所辯論，經已閱悉一切。查外交代表，如大使，公使，專使等，於外交文件為謀安全計，有派遣專差特別遞送之權利；然尚須給以特別護照，其文件包裹且須加蓋官印以為證明。至領事如非特兼外交代表職務者，則不過係一種商務官而已，非代表其國主權之外交官可比；故領事文件實無所謂外交文件（雖領事儲藏公文之處普通加以尊重不加侵犯），而國際公法亦無特許領事有派遣專差遞送外交文件之權利。誠以郵件乃一國主權之一，對於外國商務官，無限制其作用之必要也。現

來函謂本部不願國際公法，殊屬誤會，或為翻譯之誤亦未可知。查領事信件，祇須按普通定章遞

送，各國概不加以檢查。而去年七月間

貴署所遞之郵包，既不按照普通郵件手續送遞，亦未按外交文件辦理，致關員誤認為貨物，加以查詢。本部對之，甚為可惜。茲特向

貴總領事官聲明：嗣後關於

貴總領事署之來往郵件，如依照郵政定章之普通手續辦理，本部自當負責禁止一切行政機關之檢查。

緣接前由，相應函復，煩為查照！此致

大蘇維埃社會主義聯邦共和國駐廣州總領事官！

代外交部長陳友仁，十六年二月十七日。

（代理科長徐達行擬稿）

### （附錄） 譯俄領事來函

逕啓者：接准一月二十七日函開：據粵海關督監覆稱：按照一九二三年郵務規定，駐華各國領事往來文件，均照普通郵件辦理，仍須受海關檢查；而本口俄國領事地位，與其他各國領事地位相同，故在本口無外交郵件問題之可言，等語。本領

事對於函內所云俄國領事與其他各國領事應享同等權利一節，實完全贊同。惟在去年十月三十日函中本領事所請

貴部長注意者，係反對海關官吏之非法行動，并非要求特別權利，乃根據國際公法凡屬領事之外交郵件係有外交性質，應不受

任何之檢查也。爲此，特函詢

貴部長，是否不願國際公法所許對於一切領事之權利，而做國領事之外交郵件必須受海關檢查。蓋本領事誠恐大函中發生有

背國際公法之謬誤，係由於不正確之翻譯而來。如何之處，希即查照見復爲荷！此致

外交部長陳！

二月十日。

## 湖南亞細亞貨倉案函復英總領事

（公函第五九號）

逕啓者：關於亞細亞火油公司在湖南存貨被毀一案，接准十二月廿日大函，閱悉種切。查大函所稱，洋商之托華商在內地銷售洋貨，非俟該貨售出，其物權仍屬外商一節，是否屬實，須就各案分別查明兩方所訂合同之內容，乃能決定；斷非可以概括立言。至暴徒之圖毀滅貨物，常視貨物之來源如何以爲斷，未必有暇細計其物權之屬於誰人；故此節不能爲決定物權之憑證。曩昔中國政府之准予給償，亦不能援以爲例。蓋時代不同，案情或異，且多出於被人蒙蔽或威迫之所致，尤不足以束縛本政府之行動。抑猶有鄭重聲明者：外商貿易，原限於通商口岸；雖得因商業上之目的而進內地，但其本質實爲遊歷，而非經商。華人固得僱用以辦理正當職業，然當日中國官廳所以允許之原意，是限於外商職業所在之地。外商既不得在中國內地貿易，又安能在內地僱用華人助理貿易？



機房誠得租用，然須在河道兩岸，或為暫期。茲亞細亞公司在湖南之貨棧，其地點是否坐落河岸，其租賃是否屬於暫期，尤應請 貴總領事官查明見覆，以資辦理。准函前由，相應函覆 貴總領事官，請煩查照是荷！此致

大英國駐廣州總領事官璧！

陳友仁啓，民國十六年一月十三。

(秘書兼科長梁明致擬稿)

### (附錄) 譯英領事來函

逕啓者：關於湖南排英風潮及焚燬亞細亞火油公司存貨一事，接

貴部十二月十五日函稱，華人承買洋商貨物，向來習慣，係於貨物運到華店後，物權即屬於華商，倘以後有所損失，均由華人負責，與洋商無涉；又稱，如謂此項貨物仍屬英商業物，殊屬誤會，各等語。查誤會不在本署；蓋向來習慣，并非如大函所云。外國商行之將貨物托交華商在內地發售，而酬以銀，乃行之歷有年所。非俟售出該貨，物權仍屬外商。此種營業辦法，實係依照條約而行。請參閱下列中外條約便得其證，即：——

一八五八年天津英約第九條與十三條，

一八九五年中日條約第六條第三款，

一九零二年中英條約附加內地航行章程第一條。

且此項習慣，中國政府亦經承認：當一千九百十一年及一千九百一十三年代理洋商貨品之內地華商所有損失，中國政府已照賠償。今姑不論外人有權托內地華人銷售貨物，本代總領事抑猶有聲明者，本案貨物之所以被燬，完全因其為英商貨物，乃排英風潮之結果。倘該貨係屬於華商，如

貴部長所云，則不至為從事排外運動之暴徒所攻擊矣，

貴政府曾鄭重聲明：杯葛英貨風潮將於十月十日停止。本代總領事用特請求 貴政府實踐前言，再為訓令，凡英人與其財產

之在湖南其他在國民革命軍轄下之地方者，應行保護；尤要立即保護亞細亞火油公司及英華烟公司留在華代理人手中之貨物。

此頌 日祺！

璧約翰啓，十二月二十日

## 汕頭日商購納烟稅案訓令汕頭交涉員

為令遵事：頃准財政部第二七八號咨內開：潮汕煙類稅費局長元日郵電稱：台版雙和兩店恃有二日籍股東，懸掛日本國旗。不納稅餉，致影響該地煙業，昨經飭行稽查，先將五日報數表交該台版店等，着其填報，概置弗恤，等語。相應咨請 貴部，令行汕頭交涉員妥為交涉，等由，准此。查國際法，一國本有對外人課稅之權；即我國不平等條約中，亦無限制抽收此項課稅之規定。而一千八百九十六年十月十九日中日北京議定書第三款且明定有：「日本政府允中國政府任便酌量課稅機器

製。造。貨。稅。餉。但。其。稅。餉。不。得。比。中。國。居。民。所。納。加。多。或。有。殊。異。之。語。准。咨。前。由，合。行。令，仰。該。交。涉。員。即。妥。為。交。涉，以。裕。稅。收，此。令。

部長陳友仁，民國十六年二月五日。

（代理科長徐達行擬稿秘書長高承元代行）

# 第十一章 政治報告

## 十五年八月分政治報告書

爲報告八月份行政情形，敬祈察照事：本部七月份行政經過情形前經報告在案。茲謹將八月份

經過情形續行報告如下：——

本部八月份事務，可分三層述之：一爲關於內部改組事件；二爲關於外交事件；三爲關於宣傳事件。

(甲)關於內部改組事件 本部前經呈請行政院，以管前交涉署事務後，覺從前分局辦事，頗多不便，且虛糜國帑，經奉政府批准，即於本月實行改組。第一局及第二局，以該二局所辦各事務，依其性質，分爲五科：一公法交涉科，二私法交涉科，三繙譯科，四調查科，五總務科；而以祕書長綜其成。宣傳局仍舊。此外復添置參事會，專討論外交上及約章上各種難題，均名譽職。

(乙)關於外交事件 查國民政府現在對於各國政府均平等待遇。前廣東交涉署時，對於致送俄德兩領事之公文，獨多有不稱其官銜而稱先生者，似非敦睦之意。特五本月通令各交涉員：嗣後對於俄德兩國領事之往來文件，均須與各國一律稱其官銜，以免歧異。此外交涉案件除普通往來文件無關要旨者免冗敝外，其較為重要者，凡廿九件。其中關於罷工糾察者十三案：(一)深圳案，(二)銀坑案，(三)美艦中彈案，(四)老虎仔電船案，(五)進攻艦員麥松興等案，(六)思達醫院案，(七)北海天主堂葡萄酒案，(八)埃斯允的多船案，(九)華德洋行案，(十)糾察隊拘留印人案一，(十一)糾察隊拘留印人案二，(十二)糾察隊拘留安南案，(十三)李學連案：以上約占全交涉案百分之四十五。關於海外及澳門華僑者四案：(一)澳門驅逐華人案，(二)澳門五二九案，(三)司徒管案，(四)陳德光案。關於邊界者二案：(一)鴨澁港案，(二)砵街橋案。關於於軍隊者二案：(一)湖南革命軍佔駐教堂案，(二)福記貨倉案。關於盜匪者二案：(一)利益糞埠公司案，(二)梧州亞細亞火油公司被竊案。關於防範亂黨者二：(一)陳峯海案，(二)哈夫輪船槍械案，關於賦稅者一：加抽運鹽護費案。關於公用徵收者一：十八甫法國郵局案。關於外國領事濫用治外法權者二：(一)真光公司案，(二)日本旅店案。查領事裁判權僅係華洋訴訟案件外國人爲被告時歸領事審判。葡領不特武斷華籍之真光公司爲葡籍，且越權處理真

光公司之債權者，卽真光公司銀業部附項團，係純粹華籍者之案件；是爲濫用領事裁判權。又查外國領事警察權大抵係限于租界之內，在滿洲則延及鐵路附屬地，至於此外中國境域內，當然不能認外國警察權之行使；卽如中英天津續約第十一款，中日通商行船條約第十四條之規定，不過規定外國領事不得妨礙我國警察權之義務，而非規定其權利；故曰，「一經中國官員照會，領事官卽行交出，不得隱匿袒庇」，「一經中國官照請，日本官卽將該犯交出」，乃規定英日領事不得不交出，而非規定中國官不得不照請也。而日本領事故意誤解條約，認我國公安局檢查日本旅店爲違反條約，是欲濫用租界上領事警察權于我國境域也。本部關於此二案，除據理嚴厲駁復葡日兩領外，更擬辦理外籍商店登記，以杜流弊。各案辦理詳情見附表。

(丙)關於宣傳事件 (一)向內宣傳，凡一百八十餘起，詳見附表，(二)向外宣傳，計歷次發出電報：巴黎十三通，倫敦二十五通，小呂宋八通，香港十通，西貢一通，華盛頓一通，上海二十一通，北京四十六通。此外關於聯絡方面，現接倫敦中國問訊部電稱，承認爲宣傳局總代理人；其宣傳方法計分三種：一以新聞政策分發各報，(二)由該部負責分致各政黨各議員，三以要聞報告英國政府。又與美國聯合通訊社協商辦法，除重大交涉案件外，所有我國政制黨務稿件，概以該社爲出發點。又接西貢印度太平洋無線電公司正式函，極願與宣傳局負責代理分發各電，將來本省無線電台

修復後，南洋一帶消息，堪資利用也。

(附表略)

(高承元擬稿)

## 十六年一二月份分政治報告書

爲報告本年一二月份本部工作經過情形，敬祈察照事：查三月份中計畫實施者三件，交涉案件辦理者共九十一件。茲分別述之如下：——

### 一 計畫實施

(甲)統一外交 本部自接陳部長諫電開：政府實行統一外交；囑轉兩廣各機關，嗣後如有外領向非外交系統官署投遞文書，應即退還，等因，當即於一月二十五日分別函達外國領事署，暨兩廣行政官署，轉飭所屬一體遵照。去後，各機關及各英領事均經依照辦理。惟英德兩領送遞公文尙稍有出入；如英領事之請剿海盜及禁貼標語兩事，及德領事之於李斯案件，均曾於函達本部交涉外，復另函直接送總司令部辦理。

(乙)郵電兩廣交涉員黨部保護外人生命財產 本部奉陳部長文電：飭轉知軍民長官，通飭所屬，

對於外人生命財產，務須絕對周密慎重保護；并勸告民衆，勿作逾軌行動，等因。蓋當時漢案正在進行中，此項辦法，係爲防範各地方發生無謂糾紛，致爲前方交涉進行障礙。本部當即分別郵電兩廣交涉員暨黨部查照辦理，至今尙告甯謐。

(丙)規復廣東華洋訴訟上訴審理處 查十五年六月四日，奉 國民政府令裁撤廣東交涉署，所有廣東地方交涉，概歸本部辦理。原日廣東交涉署附設之華洋上訴機關，亦於同時裁撤。其時正值省港工人罷工，數月以來，絕無華洋訴訟案件。迨自十月十日罷工案解決後，各洋行次第復業，從事清理華商欠款，自後華洋訴訟案件在所不免。當經會商司法部，擬將華洋上訴案件撥歸法院辦理。適因司法部北遷，討論中止，該項新計畫遂寢。而華洋訴訟上訴案件多宗急待解決。遂於本年一月廿四日將應迅行規復廣東華洋訴訟上訴審理處理由函准 貴會議決，遵於二月一日成立。

## 二 交涉案件

(甲)關於政治交涉案三：——

一，泰山船案 事由港差檢去泰山船海員室內

總理遺像及國旗黨旗而起。本部當向駐廣州英領轉港督，提出抗議，并要求道歉，及懲辦肇事差人等語。英領復，已轉港督致慮。二月，海員工會呈報港政府已派專員將



總理遺像及黨旗國旗送還，并由該專員親手將遺像懸挂，燃放爆竹，等語。

二，安南軍械案 廣西省政府及本黨海防支部先後報告：十五年十一月十五夜，由法國運到三響鈎槍九包，接濟滇唐，以筒壁鐵路抵押等語。當經本部轉駐廣州法領，提出抗議。法領復，已電轉越督。并復海防支部設法搜集該項以跌路抵押借款購械證據文件，以利進行。

三，別司灣海盜案 詳情經隨時報告在案。英人藉口劫案，要求中英合剿，不遂，屢次抗議，復加恫嚇，稱英政府將進備自行處置。無非欲藉故開釁，擾亂後方。歷經嚴駁，在案。惟欲塞英人之口，則勦匪進行似宜加緊也。又惠州軍事當局歷次來函，似于別司及大鵬兩灣，稍有誤會。英人所要求者係勦別司灣海盜，而非大鵬海盜也。

(乙)關於領土交涉案二：——

一，關閘外蓬廠案 廠 查中葡條約第二款內載：其未經定界以前，一切事宜，俱依照現時情形勿動，彼此均不得有增減改變之事，等語。所謂不得增減改變者，條文未有指明某處地點。後經前清總理各國事務衙門解釋，指明條約第二款現時勿動者，係對關閘以南三巴門以北所侵築之馬路洋房而言，照會葡官有案。又查同治元年六月八日葡國大臣噶嗎哪吐在北京議約，照會總理衙門稱，設立關閘以爲界址，關閘以外則有華官把守，關閘以內則系西洋人把守之言。足見中立地者，應指關

關以南至三巴門之地；若關以北，尺寸皆中華領土，絕對不能謂爲中立地也。乃葡人得寸進尺，輒藉口該處爲中立地：凡中國人在關以北有所動作，橫加干涉。最近如中山縣派委員楊桐蓀等往關以北測量地點，欲建蓬廠，爲華人居住之所，葡人竟令葡兵拘捕楊委員等，雖逾時卽行釋放，惟於建廠一節，迭來交涉，喧喧不休。本部經一面以文書駁復，一面請總司令派兵保護建廠，以爲行使主權於該地帶之表示，而杜葡人覬覦之謀。將來或竟將前山洋務局遷至關外，而派軍隊常川駐紮，實有必要也。

二，別司灣射擊案 美海軍請借別司灣演習射擊，已拒絕，以防國際地役之發生。

(丙)關於行政權交涉五：——

一，大和旅店案 係日本藉口領事裁判權反抗我警察權之執行。

二，富昌輪案 係英人藉口領事裁判權而反抗我衛生行政檢查之執行。

三，斯華輪案 係葡人藉口領事裁判權而反抗我國關於私運煙土懲罰之執行。

四，廣武輪案，

五，大蘭杜拿艦案 均係英人藉口領事裁判權反抗我國私運煙土檢查之執行。

大抵從前不平等條約關於領事裁判權之規定，皆係指明適用於民刑訴訟事件，不包括行政法違反。

事件；如中英續約第十六款，第十七款，中法條約第三十六款，三十七款，中葡條約第四十八款，四十九款之規定，至爲明顯（中略）。當時領事裁判權之規定，原係爲中西俗尚之不同，故容許民刑訴訟事件之治外法權。若行政權警察權之保留，則係國家生存至低度之要求，萬不可放棄。向來關於外人違犯行政法規，外交當局均交外領辦理，實係因循性成之所致。今本部決意在收回領事裁判權之前，先收回關於行政法違反之裁判權（中略）。初時我國用書面辯駁，外領殊不爲意；英艦大蘭杜拿號且敢于沒收我檢查槍枝（現已送還）。然近來我政府勢力大張，當局決定強制執行；如大和旅店案及廣武輪案，均甚有成效，日人且不復敢抗議；英人雖尙抗議，然亦不過空文而已，不敢如從前繳械之強橫耳。

（丁）通商交涉案二：——

一，對英經濟絕交案 自停止對英杯葛後，民衆有擴大對英經濟絕交組織，宣傳益力，欲以宣傳政策替代從前實力封鎖政策。然英人遂藉口此項宣傳，屢提抗議；如海南，汕頭，北海，等處宣傳，皆爲英領抗議之標的。業經本部迭次答復，均以政府負責維持秩序，禁止強暴脅迫；但人民貿易上心理則非政府所能左右，英人應自謀排除此心理上貿易障礙（後略）。

二，華德洋行案 該德商在去年杯葛期內八九月間輸入沖海虎潑二次，均爲工商檢驗貨物處謂爲

有英貨嫌疑扣留，至今六七閱月未判決；德領迭來催促，而罷工委員會迄無確實答復。

(戊)課稅交涉案十三：——

一，關於內地產銷稅者三 馬錄臂案，嘉泰洋行案，三井洋行案，該英日商等均隱稅不繳，各欠稅款數千元。其弊在於內地稅局不自設稽查與警察，故對漏稅貨物無從制裁。馬錄臂案尤可注意廣州稅局既將該瞞稅印人扣留，英副領不依交涉常規，直到該局交涉，該局長陶邵彬不請示本部，竟擅將該印人釋放而呈請本部交涉追欠稅款。人既釋放，稅款自難追討。經本部咨財部轉加申斥矣。

二，關於烟酒稅者二 台版及雙和利商店案，汕頭日商瞞報烟稅也。東方公司案，葡商瞞報酒稅也。後案交涉已有結果，葡領已允轉飭納稅。前案尚在進行中。

三，關於煤油專賣者二 德士古公司案及亞細亞公司案，均係華商前私售煤油而托詞代理外商者，其貨物已沒收。

四，關於士敏土附費者一 正金銀行案。是查歷來外商慣例不納此項附稅。蓋其徵收係用流通課稅法，致與關稅全然同其形式，故致貽外人反抗口實。為避免糾紛，似有改良稅則之必要；或變流通課稅法為販賣或消費課稅法，惟徵收費用不免增加耳。

五，關於厘金者一 德商羅龍案。在通商口岸，租界外是否須納厘金或子口稅，此有關於通商口岸之解釋。外人持廣義解釋，主租界外商埠區域係在通商口岸之內；然則在商埠內如廣州不應納厘金。然我國則向取狹義解釋，認租界外無通商口岸，貨物一到租界外即為內地，應納釐金或子口稅。

六，關於租捐及警捐者四 羅伯多錄案，加花拉拿案，雷關氏案，廣東酒店案。葡英日等國人向來皆恃外籍不納租捐警捐，而外領輒藉口領事裁判袒庇之。其實此等租稅義務，與領事裁判權毫不相干。其甚者，則如雷關氏中國人，假美籍以為抗稅之地。向來外交當局無學識，致為其所騙。今力加抗爭，並由行政當局嚴厲強制執行，頗有成效。

(己)郵政交涉案一 俄領郵件案是。此原俄袖署郵件不依普通郵政手續遞送，而直接由專差遞送，致海關認為貨物，加以檢查。俄領以為係侵犯外交文件，違反公法，提出抗議。當經復以領事如非特兼外交代表職務者不過係派遣國之商務官，而非外交官，本無外交郵件；但俄領以後之郵件如依照普通郵件遞送，則海關官吏不致認為貨物，本部自可負責禁止檢查，等語。

(庚)引渡犯人交涉案五 先先商店案，呂春榮案，唐錦榮案，譚忍案，梁瑞生案。除梁瑞生純係在國內普通犯罪已經引渡外，其先先商店及唐錦榮，葡法政府均持屬地主義，以該犯等係在澳門及

廣州灣犯法，自行判處刑罰；呂春榮則法人以爲政治犯，不允引渡。

(辛)華洋民事爭執案二十一件。

(壬)華洋刑事案十九件。其中關於盜劫者四件。其重要者，爲龍州法領一案。即龍州法領羅伯爾赴安南，中途遇害。法領提出要求賠償五萬元，當經以我政府事先有防範，而法領冒險早期出發，事後我政府亦竭力勦匪，正兇已伏法，應不負何等責任，拒絕賠償。

(癸)保安事件四件

(子)行政糾紛案五件 其中汕頭海坦一案最滋糾紛而頗關重要。汕頭建築海坦之計劃，由來甚久。一九一七年，由海關計劃，爲各外領所贊同。其要點即在：——凡於河岸有土地所有者，其所有權範圍認爲包括海邊，如築海坦，則該地主有優先買受權。及建設廳頒布現行堤工章程，其第十五條規定，每日海水淹及之處，概收歸官有，由堤工處計劃處分等語。外領以爲與一九一七年計劃矛盾，有礙外人業權，羣起反對。堤工處之辯護，則以爲在一九一七年計劃所謂海邊者，應以每日海水淹及之舊日堤址爲其界線，并非連海在內，此次新築堤岸，如係在舊日堤址以內之地，外僑苟有正當契據，自不防其業權之存在，至新築成之地段，該所有權當然屬之中國政府，等語。然英領提出英民劉炳佳承領海坦執照，則載明地界至「海深流」之語，以爲證。此種執照所登載當然係從

前財政當局之疎忽所致。解決此問題之辦法：應查明海坦一帶土地所有權之執照，是否皆載明至「海深流」字樣，抑或僅及「海邊」字樣；如載明及海邊，則舊日水淹而新築成之地段，自應作為官有；如該海坦執照均係載明及「海深流」，則舊日水淹而新築成之地段，似可認其故主所有故主所有權，而另徵收一種相當之土地增價稅及填築費。

(丑)國籍交涉案二 真光公司案及徐秉之案。大抵皆係華人冒認外籍，冀受領事裁判權保護者。公司國籍，我國未有法律規定，尤為糾紛之原。

(寅)關於保護華僑之案九 大抵皆係在南洋殖民地各處華僑受居留地政府警察權或租稅權之壓迫者。理合將規畫各事及辦理各案經過情形編呈

鑒核。謹呈

政治會議廣州分會！

外交部報告

(祕書長高承元擬稿並代行)

## 對三中執全會外交報告

十六年三月十三日

(一)漢滯案交涉之經過

- (二) 關於對日本之外交
- (三) 關於對美國之外交
- (四) 關於對比國之外交
- (五) 結論
- (六) 附錄
  - 一，外交部長致美國外交部長電文
  - 二，國民政府宣言
  - 三，英國勞工運動代表電文
  - 四，英國勞工援助中國自由聯合會電文
  - 五，外交部長復英國勞工界電文
  - 六，英代表備忘錄並附件
  - 七，對英代表備忘錄宣言
  - 八，英外長張伯倫氏演說要旨
  - 九，對英外長演說聲明書



十，收回漢口英租界之協定

十一，收回漢口英租界協定簽字後之換文

十二，對英代表宣言

十三，收回九江英租界之協定

十四，對英代表及其他各國聲明書及代表備忘錄

十五，關於變更九江英租界協定以無條件交還之函件

甲，英代表阿馬利來函

乙，外交部長復函

十六，關於賠償九江英僑損失之函件

甲，外交部長去函

乙，英代表阿馬利復函

十七，關於九江河岸碼頭地位執照之函件

甲，外交部長去函

乙，英使署書記台克滿復函

去年十二月九日，我們初到武漢時，就有英國新派駐華公使藍浦生在漢口等候？而藍浦生來中國的任務，是在調查國民政府情形去報告英政府。友仁與藍浦生曾作多次非正式談話，交換意見，其目的在探測雙方之意思。雙方個人感想，頗為融洽。所討論者，為廢除不平等條約，以及承認國民政府等問題。藍之意思，以為此時國民政府尚未統一全國，故根本上對於修改不平等條約及承認國民政府，此時尚談不到。友仁告以國民政府為目下代表全國之唯一政府，亦即全國民意所歸之政府，且此時為革命時期，英政府當以遠大眼光度量英國在遠東之地位；國民政府現時所管轄之區域，雖尚未及全國，但已統治多數之省分，設在未統治之省分，舉行總投票，則該區域人民亦必贊成歸向國民政府，毫無疑義；且英國在華之主要利益，實集中於國民政府統治下之南方及長江流域，故英政府欲於修改條約，為英自身利益計，應即時與國民政府着手談判；英政府當知今日之中國，正當革命時期，非尋常之時期可比，英政府倘能以遠大眼光觀察英國在華之各種問題，實於英國有利；若英國政府與國民政府談判，關於全國之問題，即不能同時與北京政府交涉此項問題，國民政府對於此點，極為重視云云。此種非正式談話，藍浦生頗為所動，藍浦生臨別時，謂不久再來或將派遣駐北京公使館參贊阿馬利來漢繼續談論。藍浦生氏離漢未久，外交部收到十二月十八日英政府對於所謂華盛頓會議之附加稅之宣言，此種宣言，係表示英政府對華之政策，尙未更改。該宣言中，除列強向

來慣用之口頭親善而外，其主要目的，在以實踐所謂華盛頓會議之附加稅爲名，予北方軍閥以獲得大宗軍費之機會。若北方政府在當時，竟以此種宣言之故，獲得海關之增加，即可以此種增加之稅，抵押數千萬之鉅款，以充軍費，來與國民政府作戰。因當時全國海關之收入，尙有百分之六十，在與國民政府爲敵之北方軍閥手中，故此項宣言，實爲反抗國民政府援助軍閥之一種手段。不過英政府對於國民政府勢力之不可侮，已有一種認識：如該宣言中述及「北京政府之威權縮減幾等於零，同時南方之廣州則有一強有力之政府，顯然否認北京政府對外代表中國之權或以中國國家之名義締結約章」；又云，「在此政治糾紛中有一強盛之民族運動相伴而起，其目的在謀中國在世界上之平等」。此等論調，實可以代表現在全世界對於中國民族運動與國民政府之意見。但所謂華盛頓附加稅之實行，必須各國一致贊同，然後始能始徵收。當時微聞美國有贊同之意，即經友仁致電美國外交部，提出警告之聲明（參看附錄一）。

其後漢案發生，對英外交形勢一時變爲緊張。漢案起因，實因民衆於一月三日下午繼續慶祝北伐勝利及政府遷鄂，在海關附近演說，英水兵登陸與民衆衝突，中國方面傷五人，內重傷兩人，英兵方面傷四五人，民衆與英兵相持。晚間民衆愈聚愈多，形勢緊張。友仁召英總領事至外交部，告以英人若不檢束，則民衆將使英租界成爲無價值之物，並令其從速撤退水兵。一月四日早英水兵盡

數撤退，河干由少數華兵與警察維持。惟民衆擁入租界者爲數愈多，英工部局亦不能維持秩序，英總領事請求外部派兵入租界保護。當晚由衛戍司令部派兵入界，五日英租界巡捕及其他公務人員已逃避一空，租界頓呈混亂狀態，勢非即時成立管理機關不可。是晚由臨時法院聯席會議決議組織「英租界臨時管理委員會」，主持英租界內一切公安市政事宜，并由外交部佈告外人安心營業，保護外人生命財產。六日秩序逐漸恢復。惟九江英租界忽然發生事變。因是日九江英水兵與碼頭工人衝突，傷碼頭工人二人，民衆憤激，英砲艦鳴空砲二響示威，愈激動民衆忿怒，風潮遂至擴大。英領事及其他官吏無法維持秩序，相率逃避他去，匿居船上。於是九江案件，遂繼漢案而起。

### 漢潯案交涉之經過

漢潯案既起，註北京英公使遣其參贊阿馬利來漢交涉，一月十二日來訪作初次之談話。英代表要求退還漢口英租界，恢復以前狀態。友仁當告以如此辦法，必致引起較現在更險惡之局勢；現在雙方之交涉，只可以現在之新狀況爲根據，不能以以前之狀況爲根據。關於此點英代表不能否認。遂由雙方以此種新形勢爲根據，即以國民政府因三日事變發生實行管理英租界爲根據。繼續進行磋商，前後凡十六次。一月二十二日國民政府發表宣言（參看附錄二），一方面答復英政府十二月十八日之宣言，一方面對於漢案爲明瞭之表示。其中關於漢案云：「國民政府之意見，以爲欲脫離外人

帝國主義之霸權，初不須民族主義之中國與列強從事武力之戰爭；故國民政府深望以談判及協議之手續，解決中國與列強間一切之問題。去秋美使來粵，本政府外交部長卽以上述政策明白相告，新任駐華英使，日本代表，及美使代表先後來漢，外交部長復以同一政策，向之鄭重聲明。

「茲爲證明本政府之政策，非徒託空言起見，特普告列國：本政府願單獨與任何列強開始談判，討論修改兩國條約及其他附屬之問題；但此項談判，須根據經濟平等之原則，及彼此主權互相尊重之權利。」

「今日漢口英租界之情形，已丕然一變。其事前之經過，報張所載者滋足引起誤會。本政府現嚴重聲明：本政府對於漢口事件之處置，與上述之政策完全符合。外間所傳稱漢口事件係先謀畫佈置，以強力奪回租界爲目的，一似數華人之被刺戮，二人之負重傷，亦爲計畫之一部分者，其荒謬無稽，不得不辭而闕之也。」

「國民政府權力之展至英租界，初非純粹由於中國軍隊得英當局之允許入駐租界也，尙有重大之原因在焉：蓋一則英人擅召水兵上陸，其引起衝突，致中國愛國志士之流血，乃必然之結果；二則英人對於當時之情形發生無謂之恐懼，以致英工部局自行放棄其職權，英國婦孺相繼離漢，國民政府乃不得不建設委員會以處理租界之行政也。」

漢口案件，不僅國民政府對於英國政府關於漢口租界之一種交涉，而爲：（一）中國民族運動與英帝國主義之衝突；（二）國民政府與其他國政府之關係，亦將因次而生影響。漢萍案之解決，小之爲漢萍案兩租界之收回，大之爲取消不平等條約全體之初步，亦卽爲中國國民革命在對外關係上之初步工作。故一月二十二日國民政府所發表之宣言，不僅爲對於英國政府十二月十八日宣言之答復，與對於漢案之一種表示，而實爲中國民族運動對於世界之一種正式宣言也。國民政府宣言云：「吾儕所以要求自由平等，早不惜投艱赴險以求達目的者，蓋中國人民不欲淪胥於亡，則建設一新國家爲刻不容緩之事。倘此新國家，須由中國人民自己努力以建設之者，則中國首先須有處理自己事務之權；換言之，卽獨立是已。」又云：「此主要目的爲何；蓋卽恢復中國因戰敗被英人剝奪之完全的自由是也。」獨立自由，卽該宣言中之主要意思也。

漢案之於中國民族運動，有重大之關係，凡同情於此運動之世界民衆，莫不了解；而英國之勞動界，對於國民政府在漢案上所佔之地位，尤爲極力援助，蓋已與其他表同情之世界民衆，一同認識漢案重大與深遠之意義也。故英國勞工運動代表有電致友仁云（參看附錄三）：「英國勞工運動工業及政治方面代表，於一九二七年一月二十二日通過下列之議案，閣下於此可以窺見同人等欲竭其棉薄，求得一確定方法，使中國之地位，立於完全的獨立國家之基礎上……英國勞工運動並致其極誠意

之同情於中國工人，而擁護其經濟狀況之增進，且希望中國工人能以堅決和平之談判，引導其國家脫離眼前之困難與危險，使確立於世界獨立國之林，並能以自由意志定立種種條約，登進其國於幸福莊嚴之域。」又接英國援中國自由勞工會電文云（參看附錄四）：「頃接國民政府宣言，聲明願意以經濟平等及互相尊重及領土主權為根據，與任何列強單獨談判解決條約，及其他附屬之問題，本會闡誦之下，無任歡迎。」故漢案所以能得世界民衆之同情者，正以其為中國民族運動途徑上所必經之程序也。

漢案磋商於一月底即已就緒。不意英國政府，自本國及印度調集大宗軍隊，以上海為集中之目的地；其時我軍右翼，正向江浙進攻，軍事緊急，英國此項軍隊，究竟其意何任，實予我軍以重大之懷疑。且漢案交涉甫將就緒，而英國大兵壓境，形同威迫，苟於此時簽字，實為國民政府之威嚴所不許。故友仁拒絕簽字，並向英代表聲明，苟非英國政府將此項軍隊改其方向，使趨於非中國之境域，則友仁絕不簽字。同時復於答復英國勞工界電文（參看附錄五）內將此意重行聲明云：「鄙人乃竭力設法使漢口英租界得和平解決，一方順應英人之希望，一方保持民族主義的中國之尊嚴。惟今日英國來華海陸軍隊，集中上海，聲勢洶洶，如臨大敵，為鴉片戰爭以來所未有。此戰爭空氣，倘立即除去，則漢案交涉，即可立時結束。」自此以後雙方交涉，暫告停頓。

## 英政府備忘錄及其附件

漢口案件交涉，甫將就緒，尙未簽字，英代表交到政府之備忘錄一件，並附件七條（參看附錄六）：聲言苟漢萍案件能得圓滿解決，而國民政府更能切實聲明，除用談判之手續外，不用任何方式變更在華英租界，及國際居留地，則英政府準備立時與國民政府開始談判此項附件，同時並以同樣之備忘錄與附件，致送於北京政府。友仁當即向英代表聲明，此種提議，僅能顯示對於中國奴隸式條約之零星修改，國民政府不能認為滿意或充足；但在兩種情形之下，國民政府可以討論此種條件，作為中英間各種問題圓滿合理解決之基礎：（甲）凡屬於全國性質之各種問題，英國政府只能與國民政府談判，不能與其他任何地方政府談判；（乙）一切談判皆須脫離威嚇之空氣，如英國集中軍隊於上海所造成者（參看附錄七）。

二月中旬，英代表聲稱，調遣來華軍隊大部分，將不集中於上海，而改向香港進發，（參看附錄八）。友仁認此種聲明，使漢案交涉有簽字之可能；但大多數英國軍隊，雖已改變方向，而仍有少數軍隊已經在上海登陸。除一面仍向英國抗議上海英國少數軍隊已經登陸，認為與條約牴觸外（參看附錄九），一面準備簽字。乃於二月十九日午後七時，在外部與英代表簽定收回漢口英租界之協定，（參看附錄十），並同時聲明此種協定不得為將來收回中國其他租界（九江英租界除外）之前例



(參看附錄十二)。

### 收回漢口英租界協定之內容 (參看附錄十一)

依此協定之規定，國民政府於本年三月十五日設立新市政機關，以管理漢口前英租界，並由國民政府參酌漢口第一特別區管理法制定管理規則。此種規則，現已由國民政府頒布。依據此種規則，應設市政局，由外交部呈准國民政府選派局長；並設董事會，以局長為董事長，另加中國董事三人，英國董事三人，組織董事會，以管理市政事宜；若兩方董事投票相等時，則取決於董事長。故市內管理大權，操於中國之手。且此項協定與章程，亦屬臨時性質，一俟漢口法日兩租界收回後，即行作廢。此種解決本不足以滿民族運動之希望，但為應付現在之局勢起見，不得已暫作一種結果，以待將來完美之解決。

### 九江案件

九江案件之起因，與其性質，與漢案相同；故當時雙方認定漢案解決之後，九江案件，即可照抄漢案協定之公式。二月十九日漢案既經簽字，二十日遂與英國代表簽定關於收回九江英租界之協定。雙方認可漢口英租界協定辦法適用於九江英租界(參看附錄十三)。九江英租界在擾亂中，曾有多數英國商民，因少數不負責之軍隊搶劫，蒙受損失，故協定中規定，凡直接損失，若係出自國民

府政官吏之行動，或由於重大之疏忽者，國民政府將担任賠償。嗣經詳細調查，允以四萬圓給與英國作為賠償。由英方担保，若有盈餘，仍行退還國民政府。復經友仁與英代表繼續磋商，英代表允許變更收回九江英租界之原來協定，而將九江英租界於本月年三月十五日無條件的交還國民政府（參看附錄十五）。

## 關於日本之外交

去年十二月中旬，日本政府代表佐分利來漢，與友仁為非正式之談話，意在探測國民政府對於日本之外交政策。雙方曾為多次之接談。友仁告以更正不平等條約，為國民政府目下外交之主要目的，其中如租界，治外法權，關稅等項，俱為目前所必須立即從事更正，俾合於平等之原則；此種條約之更正實屬有利於日本；如日本之交還租界，則得由國民政府頒一統一租界法律，以管理之；治外法權之取消，亦為現時之急務，不能候至將來；若關稅稅則尤與日本之經濟生活有重要之關係，因日本在華之商務，佔其全國中對外貿易之重要部份，中國將來之關稅政策，與日本之關係較之他國尤為密切。雙方談話意見，頗為融洽；日本方面對於國民政府之態度，尙屬良好。故自國民政府蒞漢以來，與日本並未發生如何之糾紛也。

## 關於對美國之外交

國民政府蒞漢未久，卽有美國駐北京公使館參贊邁爾來見友仁，探問國民政府外交政策。友仁告以更正不平等條約，並締結以平等爲原則之新約以代替之，爲國民政府外交政策之主要目的；國民政府願與各國單獨磋商，以達到此目的。美國對於國民政府態度，尙屬良好。但美政府於二月中，曾爲一次之錯誤：卽美政府向各國提議劃上海爲中立區域；除此種提議根本錯誤以外，又以致送此項建議之照會交總司令，在外交上爲手續上之謬誤。當經友仁告美國總領事，若非願念兩國之邦交，則必退還此照會；並告以上海爲中國之重要地方，劃爲中立區域，無異宰割中國之重要肢體。經此番抗議以後，想美國政府，以後不致有同樣的錯誤發生也。

### 關於對比國之外交

一月二十日駐北京比國使館參贊來漢見友仁，謂駐北京之比國公使，已與北京政府開始交涉修改中比商約，發出交還天津租界之宣言。經友仁告以左列三事：——

(甲)北京政府無代表全國之能力與權威，不能締結任何有關於全國權利與義務之條約。假若比國政府與北京政府締結任何條約，國民政府保留審察此項條約之權利。

(乙)國民政府認北京政府爲非法之機關，無論何國若與北京政府開始修改條約，卽以援助非法與反抗民族運動之機關論。

(丙)中國之民族運動，雖未與比國發生特種爭執，但比國政府此種行爲，恐必致使民族主義之中國人民對於比國在中國之利益，採取歧視之行動。

### 結 論

友仁對於外交之感想，有不能已於言者，請爲陳之。此次漢案，自英國人視之，其國際聲望上所受之打擊，爲百年來所未有；國民政府非但能與英國避免武裝之衝突，且以磋商之手段，獲得比較有利之結果：——

一，由於民衆之同心協力，一致對外，使全世界皆知此爲民衆一致之意思，故外交進行，得有極強之後盾。二，由於民衆方面極力援助政府，謹守秩序，對於外人生命財產，予以充分之保護，使外交上不致發生意外之糾紛，並不致牽入別國，以爲外交進行之障礙。三，此次對英外交之所以能獲得較有利益之結果者，實緣外國皆知國民政府爲黨之政府，立於國民政府之背後者，有一偉大強固之國民黨，代表風靡全國之民族運動，吾黨之外交政策，因國民政府之實施，已使中國之國際地位與威望立於甚高之地位，使中國今日之國際榮譽，爲百年以來所未曾有，是皆全體民衆藉黨之領導，以一心一德之意志，與一致步驟，方能達到此種榮譽與威望，將隨本黨之整理鞏固繼長增高與日俱永。吾人今日須專意鞏固黨之基礎，則廢除不平等條約之全體，必可以實現於不遠之將來也。

附錄（已見前各章，茲從略）

十六年三月三十日。

Opening Speech  
in the Chinese and British delegation assembled  
for the settlement of the Doycott in Liang-kwang,  
by minister Chen  
on behalf of the Nationalist Government,  
July, 15th, 1926.

In formerly opening these negotiations today we wish to extend to the British representatives a friendly welcome from our Government. We wish also to express the desire of those in whose name we are authorised to speak that the question which we are charged to resolve may be approached in a sense and in a spirit of realism and of determination to secure its settlement on terms which, while assuring to British nationals in the Liang-Kuang a friendly and profitable market for their goods and services, shall enable the Chinese people as represented by our Government to go on, unhindered, with the work of unifying and moderning China and, on this new basis, to strive to build a great structure of relations with the outer world.

It is manifest that striking and real changes are taking place in this country, socially, economically and politically. These changes, generally, are a necessary consequence of the structural re-adjustment or new equilibrium which is in process of establishment, consciously as well as unconsciously between the Chinese people organised as a social aggregate and the new con-

ditions of environment resulting from their definite inclusion in the larger system of the modern world.

Whether these changes are good or bad for the Chinese people is mainly a question for them to decide if they are truly to be regarded and treated as an independent nation and not as a people fit and suited for the exercise of international tutelage. At any rate it is a fundamental thesis of the Chinese Nationalist Movement--which is the greatest of the forces underlying and sustaining the new equilibrium--that the time has come when the Chinese people must be free to work out their own salvation. And though most of the country is unhappily today under the domination of leaders, mediaeval and therefore reactionary in their outlook and methods, the dynamic section of the Nation as represented by the intelligents, the students, the workers, the new agrarian and industrial and commercial groups--the classes definitely thrown up as political forces by the post-war factors in operation in our midst--are with the Nationalist Government at Canton in its assertion of this right to national independence.

Whatever may be the immediate course of events in China, it is certain that the torch lit by the Chinese Nationalist Movement shall never be extinguished, and it must therefore be recognised as an enduring reality in the internal and international politics of this country. In these circumstances what should be the attitude of a country like England vis-a-vis this New China. There are people who insist that what England

has, England must hold in China at all costs. This is what may be called the die-hard posture; and the past and all vital experience shew that it makes for resistance to change, for friction and strife and ultimately for war. And war, it is admitted, is never a real solution in modern conditions.

Opposed to this attitude which is rooted in a past of dead and dying conditions, is the conception of a changing China with new emerging classes of political workders who are conscious of the inherent strength and incalculable possibilities of Chinese resources and Chinese man-power under effective organisation. Such a conception demands, as a practical corollary on the part of friendly Powers, a new view of the Chinese background and new policy to establish Sino-alien relations not on the old historic bases of treating China as a war-defeated nation of the period of 1842 but on the principle of equality which today underlies the relations of the smallest and the greatest members of the world system of independent states and sovereignties.

We believe that this statement of what is called the Chinese question is not in fundamental opposition to the real interests of any genuinely trading Power in China. And, therefore, if the British are here genuinely to trade--solely to sell their goods and to buy our goods as they do when they go to other independent states--Nationalist China and the Nationalist Government as its instrument of power and achievement need not necessarily be a danger to British nationals in this



country.

If this view of the matter be sound, then mere considerations of prestige and what is known as "face" ought not to be allowed to bar the road to a practical settlement of what is in truth one of the practical questions of times posed by the ironic spirit in history to search out man's patience, his good will and his good sense.

---

### Significance of the Boycott defined by the Chinese

Delegation, July, 16, 1926

In accordance with what are doubtless the wishes of the British delegation, we propose to begin considerations of the anti-British trouble in the Liang-kuang by first concentrating attention on the aspect of it which has found expression in the anti-British boycott.

What is this boycott ignoring mere details or purely accidental features, it consists essentially in Chinese workers refusing to load or unload British ships and in the Chinese people in our territory refusing to buy or deal in British goods, or to sell goods to the British. It is admitted that the boycott is an organised patriotic movement which has been sustained by the Chinese people in South China for more than a year.

If the anti-British boycott is to be *Settled* and not simply suppressed by force and so transformed into an enduring element in Chinese-British relations throughout throughout China,

it is necessary to find out, at least, its direct and immediate cause. In homely phrase, a malady is cured by treating its cause.

The anti-British boycott in its typical form began immediately after the events of June 23, 1925, off the Shameen. And none with a sense of causation can possibly doubt that the boycott was the direct and immediate outcome of the killing and maiming of Chinese students and others on that fateful day. If, therefore, the anti-British boycott is to be terminated by a *Negotiated Settlement*, we first deal with the transaction of June 23, 1925.

Broadly speaking, the material facts of the case are not in real dispute save one, namely whether the British or the Chinese fired the first shot. But even this point becomes of secondary importance when the entire incident is examined from the standpoint of juridical responsibility. Such an examination leads us first to a brief review of what may be called the causal background out of which sprang the tragedy of June 23.

It is an historical fact that the Chinese people as a whole were powerfully stirred by Serjeant Evanson's order to his men "to shoot to kill" the Chinese students and others who demonstrated at Shanghai on May 30, 1925. In China as elsewhere, school boys and girls of today are the rulers and workers of tomorrow, and a nation is necessarily interested in its student class. There is also a special reason why the Chinese people are interested in their students. A nation that is not dying must have an articulate group, and for reasons inherent in the present period of transition through which China is passing, this mark

and quality of vitality in a nation is possessed by the Chinese student class. If China is to live, her students must continue to voice the new economic and political needs of the transition until a new equilibrium is established between the Chinese people and the changed environment in which they find themselves after three-quarters of a century of commercial, diplomatic and social intercourse with foreigners.

This view of the Chinese student class explains the range and depth of the repercussion of May 30 on the Nation. Along the great line of the Yanztze at Hankow, Kiukiang, Nanking and in the North, notably in Peking, significant manifestations of national feeling and a new consciousness occurred. Even today, more than a year after the event, the conception of Serjeant Evanson's action on May 30 as a massacre persists in the Chinese Nationalist mind. And the sense of wrong engendered is all the greater now that the bloodless handling of a far more dangerous crowd at Shanghai on the first anniversary of May 30 proves that Evanson's action was wholly unnecessary as an application of the doctrine of the preventive massacre, i.e. the prevention of a bigger massacre by the mob, which Lient-Colonel Hilton Johnson and other British witnesses at the Shanghai Judicial Enquiry swore would have taken place had Evanson not ordered firing into an unarmed crowd of students and others.

Owing to fighting in Canton which enabled the Government to destroy sundry rebel elements and to unify the province, the repercussion of May 30 was not fully felt here before the middle of

June, when the real significance and gravity of the occurrence began to be understood. In Peking and elsewhere there was already a realisation that an event had taken place which was of the order of acts that create epochs in history. As Canton is the greatest Nationalist centre in the country, it is not strange that May 30 should be envisaged from an uncompromisingly Nationalist standpoint and seen to be a decisive expression of the struggle between the body of economic and political needs and ideas known as Chinese Nationalism, whose chief motive is the achievement of real Chinese independence, and the opposing system of ideas and forces which, deriving their sanction from the long series of treaties dated from the transaction of Nanking in 1842, is known as Foreign Imperialism.

This interpretation of May 30 would naturally find expression here in the form of patriotic demonstrations and other popular manifestations. And it was the driving necessity to express the Nationalist mind and feeling on a profoundly poignant act of tragedy that Canton organised the memorable demonstration of June 23. It is indisputable that the procession, which was the central feature of the demonstration, consisted largely of students and school-children and was entirely unarmed save as to the Whampoa cadet section who were in ordinary parade attire.

The question as to which side fired the first shot is not a capital issue in view of the actual circumstances of the case and the grim results of the shooting. Never in its history had Shameen been so completely and perfectly protected. Separated by its wide

canal and sand-bagged, barb-wired, equipped and garrisoned by forces armed to the teeth and surpoted and covered by the great guns of the foreign warships in the harbour, Shameen was impregnable and absolutely safe even on the incredible assumption that thehr were any real Chinese intention to capture it.

There was no such intention and there could have been none, as the results of the shooting proved it. The British suffered hardly any casualties, but 50 dead and more than 100 wounded Chinese demonstrated afresh the meaning of a struggle between a fortress and a crowd. All the relevant facts of the case support the view that, even if the Shameen firing were done in the first instance in so-called self-defence (which is categorically denied), *It was excessive and therefore legally unjustified.* That Shameen was, on June 23, 1925 in the mood and temper to act violently and excessively appears from the widely advertised letter written by the then British Consul-General on June 22 but actually received by Mr. Wu Chao-chu, former Minister for Foreign Affairs, about the hour of the actual shooting on June 12. It was sent through the post, not delivered by messenger,

After referring to a fantastic story of certain students who had cast lots for the privilege of "posing as martyrs" (which he himself had to suggest "might be the figment of a fertile imagination"). The British Consul-General went on to declare that "if, on the other hand, it have any solid foundation in fact and should action of the kind be contemplated and take place, I

have the honour solemnly to warn the Government of Kwangtung through you as their Foreign Secretary that any attempt to penetrate on the Foreign Concession at Shameen will be resisted by force of arms, and that for consequences the Government will be held individually and collectively responsible". And he added that "due precautions are, however, being taken to guard against acts of mob violence, such as have occurred at Chinkiang, Kiukiang, and Hankow, and should unfortunately occur here, the blood of those who call upon crowd psychology to commit deeds of violence will be on their own head". It is plain that this is the language of one who, having envisaged the possibility, if not the certainty, of shedding the blood of Chinese on June 23, 1925 would hardly be able to restrain armed and inflamed men under his orders from doing some blood-letting on the occasion. In other words we read the letter as a frank avowal of the British Consul-General's intention to do what Evanson had already done at Shanghai or (we say this in a purely historical sense) General Dyer at Amritsar, i.e, action based on the doctrine of the preventive massacre which specialists of strong and drastic action are wont to advise as a magical operation with "Oriental" crowd.

While there can be no doubt that June 23 is the direct and immediate cause of the anti-British boycott (and of the intensification and extension of the Hongkong strike), it is certain that the practical blockade which the Government of Hongkong instituted against Canton and the rest of the province was a powerful pre-disposing and, later, continuing factor in the

maintenance and enforcement of the anti-British boycott. The Hongkong Governor in Council, it will be recalled, prohibited the exportation of "rice, flour, tinned or preserved foodstuffs, gold and silver coin in amounts exceeding five dollars and gold and silver bullion and bank notes of every description in amounts exceeding five dollars." This prohibition became known in Canton within a few hours of the tragedy of June 23, and—whatever may have been its actual purpose and aim—it was then interpreted and continued so to be interpreted as a financial and economic blockade of Canton and the rest of the province which had hitherto depended on Hongkong for supplies of rice and other foodstuffs.

In a sense, it may be said that this Hongkong severance of economic relations with Canton suggested the precise form in which patriotic retaliation for June 23 should express itself. And if the anti-British boycott did not soon follow the course of other apparently similar manifestations of popular feeling in the past, one of the main reasons was that the movement came immediately to be envisaged as a means of effective defence against what Chinese Nationalists were led to understand as a British attempt, based on Hongkong, to starve and crush Canton as the centre of Nationalist doctrine and activity.

But there is a more concrete reason why the anti-British boycott has been so long sustained. It is on record that my Government made repeated attempts to have the question of June 23 settled. And in reply to one of these attempts, the then

British Consul-General stated that his Government could not entertain the demands formulated for a settlement of the question. These demands were conceived and formulated in the unusual circumstances immediately following the shooting of June 23, and they included terms which my Government, actuated by a sincere desire to arrive at a satisfactory settlement, is prepared to review in order that nothing incompatible with the real dignity and interest of Great Britain as a trading power in China shall continue to obstruct the path of settlement.

Before communicating these new terms of settlement, we wish to have the views of the British delegation on this presentation and definition of the anti-British boycott issue.

---

Answer of the British Delegation on the  
Significance of the Boycott,  
19th, July 1926.

The Chinese Delegation in putting forward their statement on the origin of the anti-British boycott in the Liang-Kuang, have asked for our views on their presentation of this issue before proceeding further with business of the conference.

We should have preferred to have heard the Chinese delegation's whole case, including their proposals for settlement, before being called for a reply, for we feel that the sentiments they have expressed and the answer which must inevitably be evoked from our side have already been set out in dispatches



exchanged between British and Chinese officials, and have been fully discussed in the press of both nations, and that to continue the discussion in this manner by the exchange of statements intended for publication will only exacerbate public opinion and render difficult the amicable adjustment of points of difference, which it is the object of these negotiations to achieve.

If, however, the Chinese delegation feel strongly that the document read to us at the last meeting, full as it is of controversial points, should be published, an answer can and must be made.

The Chinese statement takes the cause of the boycott back to the incident of May 30th in Shanghai, It is not within the province of this delegation to deal with affairs which have occurred in Central China, nor is it possible to do so adequately within the scope of a short statement, but the following are some material facts which have been omitted from the document to which this is a reply.

The Shanghai trouble arose out of labour disputes in Japanese cotton mills, with which the British were not concerned. A demonstration was held by Chinese students in the busiest streets of the International Settlement in defiance of byelaws designed to secure the preservation of order and the free circulation of traffic for residents of all nationalities. The Settlement police, who are employees of the International Council, endeavoured to do their duty and maintain respect

for the law by arresting the ringleaders. This in turn led to an attack on a police station by a mob of between two and three thousand people, of whom a few of the leaders were students, but many were loafers and bad characters from the less reputable quarters of Shanghai. The handful of police on duty tried for some time to disperse the crowd by persuasion and then by baton charges, but they were driven back by increasing numbers, and finally when the inflamed mob was within six feet of the station gates, and Inspector Everson, the officer in charge feared that his men would be overwhelmed and the station and its armoury captured, as had occurred once before, he ordered a volley to be fired.

The resulting casualties must be deplored by all, but unless Inspector Everson was to abdicate his functions as a police officer and make a criminal surrender to the mob of the interest in charge, which, be it remembered were mainly Chinese, it is difficult to see what else he could have done in the circumstances, and his personal conduct in the matter was vindicated in the fullest manner by all three judges in the international judicial enquiry which was held subsequently. It merely clouds the issue to compare this affair with what occurred on its anniversary in 1926, when disturbances were definitely expected, and a large show of force was prepared as a result of previous experience to deal with any trouble which may arise.

This then is the incident, which, distorted out of all

semblance to the truth, was used to arouse anti-British feeling in all parts of China out breaks against small and defenceless communities occurred in Chingkiang, Kiukiang and a number of other places, where mobs uncontrolled by the local authorities destroyed the property and menaced the lives of British subjects.

At Hankow a crowd of roughs, who have been worked up to a pitch of frenzy by student agitators, made a determined attack on the foreign quarter. The small British defence force, in their desire to avoid further bloodshed, remained passive until the last possible moment, and it was only after the mob had already in its blind fury murdered one of the foreign residents, and was in the act of invading the quarter, where the others had taken refuge that shots were fired to repel its advance.

It has been necessary briefly to recall these events in order that the subsequent tragedy at Canton should be viewed in its proper setting. Anti-foreign feeling was running high in this province by the middle of June 10th. It was definitely stated in Chinese circles in Canton and Hongkong on June the 22nd that an attack was to be made on Shameen on the following day, and prominent Chinese actually took refuge in Hongkong and made other dispositions to meet such an eventuality. Furthermore, on the morning of June the 23rd, the motor-cars were distributing leaflets throughout the city signed by the students' Union of the Military School of the Kwang-

tung Army, inciting all and sundry to rise and chase out the foreigners.

The Shameen residents therefore, having in mind these facts and the events which had just befallen their compatriots in other parts of the country, had every reason to fear for their own safety, and to prepare for their defence.

In these circumstances the Canton authorities permitted on June the 23rd. a very large demonstration to be conducted on the Shakee Bnd facing Shameen, and this demonstration included armed troops from the military academy. During the course of this demonstration fire was opened at Shameen from the Shakee side.

We notice that in the statement of the Chinese Delegation, an attempt is made to pass lightly over the question of responsibility for the first firing. It is suggested that it is a point of "secondary importance" and "is not a capital issue," and stress is laid instead on the intensity of the fire returned by the people who found themselves thus attacked. But we consider that the question of whose act gave rise to the tragedy is of vital importance and on this point, we must insist that not only the evidence of British and French witnesses attest to the fact that the shooting began on the Chinese side, but there are also on record written statements by the Danish and Swedish Consuls, and American citizens, who were present at the time, and assert definitely on their own knowledge that the first shots were fired from Shakee. The shots were returned

in self-defence by the British and French forces on Shameen, who as explained above, had reason to believe that an attack on the island was intended, and in this connection it may be noted that the statement of the Chinese Delegation does not explain why the British have been made the sole objects of resentment for incidents in which they were not the only foreigners concerned.

The deaths and casualties caused amongst the Chinese on June 23rd are a matter for sincere regret, but the grave responsibility for the sacrifice of these lives must rest with those who wantonly began the attack, and with Chinese authorities, who, disregarding the folly and danger of their action, allowed inflammable material to be placed ready to the hands of agitators seeking for an opportunity to cause a conflagration.

The Chinese delegation, in their definition of the ensuing boycott of British trade, have implied that this movement is a voluntary abstention from all commercial relations with the British, and they add that the boycott has been sustained by the Chinese people for more than a year. With great respect we say most emphatically that definition and that statement are entirely at variance with the facts.

The abstention is not a voluntary one. It is imposed on an unwilling people by a small but powerful organisation of persons who maintain the strike by force of arms and who do not hesitate to shoot down their own fellow country-men when the latter try to continue these normal relations which ought to exist between close and friendly neighbours, and which will

certainly, sooner or later, burst through the artificial and economically unsound barriers which prevent their free action at present. It would be easy to test the correctness of this assertion, and we are quite sure that if these barriers were removed the current of trade and friendly intercourse would flow freely again, bringing mutual benefit to Chinese and British alike.

We need scarcely say that we do not ask that any voluntary abstention should be "suppressed by force" .All that we ask is that an involuntary abstention should not be maintained by force or artificial means. We do not wish to be misunderstood here. We fully realise that a year ago many Chinese believed, erroneously as we think, that they had reason for making a protest against the action of various foreign nations in connection with the incidents referred to above. If they had such reasons, which we deny, they have made that protest, in various ways, but we are convinced that the great bulk of the people, always excepting those whose interests it is to maintain the boycott, would now gladly resume normal relations.

It is now further alleged in the statement of the Chinese delegation that "the practical blockade which the Government of Hongkong instituted against Canton and the rest of the province was a powerful predisposing, and, later, continuing factor in the maintenance and enforcement of the anti-British boycott "and that" this Hongkong severance of economic relations with Canton suggested the precise form in which patriotic

retaliation for June 23 should express itself". This is a good example of putting a bad construction on perfectly innocent action. The Hongkong Government did not institute any blockade of Canton or the rest of the province. Hongkong did not sever economic relations with Canton, The prohibition of the exportation of certain foodstuffs was a measure dictated by common prudence for the purpose of conserving the food supplies of the colony. By June 22 the shipping strike had already begun, and no one know how far the importation of foodstuffs into the colony might not be interfered with. If this was a blockade by Hongkong it was a blockade of the whole world. The object of the prohibition was shown by the notification of the 11th August, which announced that licences would be given freely for exportation to all destination subject to adequate reserves being maintained in the Colony, and the embargo was wholly removed on 9th October. The prohibition of the exportation of coin, bullion and notes was a measure of ordinary financial prudence for the protection of the currency and financial prudence for the protection of the currency and finrnacial system of the Colony. Thus, purely defensive measures imposed on Hongkong by the strike, are twisted into an attack on Canton. In fact, the statement of the Chinese delegation an this point seems to us to be a desperate attdmpt to find an excuse and an explanation for the institution and maintttenance of the boycott against Hongkong, a community which had not been concerned in any way with the incidents previously described.

Finally, we take this opportunity to cater an indignant protest against the attempt which has been made by means of unscrupulous propaganda throughout the course of this unhappy trouble to throw the balme on Hongkong and on the British nation. In truth, the malady of which the Chinese delegation speak is an internal one and will nor be cured by attacking the British people, who of all others are most desirous of seeing a happy, prosperous and independent China with whom they can conduct their trade.

We fully appreciate the fact that the whole outlook of large sections of the Chinese people has changed in recent years and we sincerely sympathize with the ambition of the Chinese nation to take the great place in the world to which it genius entitles it. The Government of Hongkong, in particular, is prepared to assist in the development of these provinces with which the Colony is brought into immediate contact, in any way which may be of mutual benefit, and it is in this direction that we hope solution of the present difficulties may be found.

---

Answer of the Chinese Delegation concerning  
the British viewpoints, July, 21, 1926.

As trustees of power on behalf of the Chinese people in the Liang-kuang, the Nationalist Government sets the utmost value on publicity both as a means of public information and of mass education and discipline. The beneficiaries must know



if we as trustees are to serve and not merely to dominate and exploit them. It is for this large reason of policy that the Chinese delegation cannot share the objection of the British delegation to the immediate publication of statements embodying final, and not purely tentative, views on a question of such commanding public interest as the anti-British boycott. There is also a specific reason. For more than a year the British press and British publicists have exacerbated the public opinion of the world adversely to Canton, which has been consistently misrepresented as a centre of senseless or causeless hostility and agitation against the British. It must surely serve the interests not only of historical truth but of this conference if fiction is replaced by fact, and public opinion is rightly informed as to the true Chinese reasons for the existing anti-British trouble in this territory. We, at any rate, believe in open diplomacy as a necessity of modern government and in publicity generally as the foe of the idols of occidental prestige and oriental "face", than which there are no greater obstacles in the transaction of international affairs in the Far East.

It is clearly not within the scope of this conference to review the Shanghai shooting on May 30 in the sense of an immediate cause of the anti-British boycott in the Liang-kuang. Reference was made to it in the Chinese statement as but one of the massive features of the "causal background" out of which sprang tragedy off the Shameen on June 23. And it is strictly in this sense that we have to traverse the version of the inci-

dent set forth in the British statement and, referring to the so-called vindication of Inspector Everson by the Shanghai Judicial Enquiry, to emphasize the refusal of the Chinese people as a whole to have anything to do with the investigation. We agree that "previous experience" was utilised in dealing with the anniversary crowd of May 30 at Shanghai, which conclusively proved that a Chinese crowd can be dispersed without invoking the application of the doctrine of the preventive massacre. As regards what happened at Hanokw the British statement is incomplete without a reference to the double fact that the Chinese crowd was unarmed save as to sticks and poles and that the British force included British marines armed with quick-firing machine-guns.

We have stated and we repeat that the anti-British boycott has been the immediate and direct outcome of the shooting off Shameen on June 23. This is the causa causans. If the boycott is to be ended, its cause must be dealt with. But while a consideration of this cause involves the question of responsibility as a vital issue, it is impossible to accept seriously as evidence on the point the allegation that "it was definitely stated in Chinese circles in Canton and Hongkong on June the 22rd that an attack was to be made on Shameen on the following day, and prominent Chinese actually took refuge in Hongkong and made other dispositions to meet such an eventuality." This, presumably, is a repetition of part of the then British Consul-General's disputable story of the events preceding the actual shooting on June 23.

That baseless reports in Chinese (wealthy and therefore unduly nervous) running to Hongkong for refuge should be accepted as evidence of a plan of "attack on Shameen" is rather a sad commentary on human credibility. But this Shameen gullibility also testifies to the existence of a state and condition of the official mind on June 23 which explains why the events of the day marched to their tragic ending. To the then British Consul General, an attack on Shameen was an article of faith and, naturally he detected the diabolic intention in most things that came within his range of vision during the fateful hours immediately preceding the enactment of the tragedy.

In reasserting that there was not and could not have been any intention to attack Shameen, we have categorically to state that the firing on June 23 was first opened from the Shameen side. This point, of course, is of vital importance. And in view of its presentation by the British delegation, it now appears necessary for the conference to consider whether the question of responsibility for the Shameen-Shakee shooting should not form the subject of a properly constituted international enquiry. We have however, to point out that it was to avoid the necessity of such an enquiry that the Chinese delegation argued in their statement the point is of "secondary importance" and "is not a capital issue", since "all the relevant facts of the case supported the view that, even if the Shameen firing were done in the first instance in so-called self-defence (which is categorically denied), it was *excessive and therefore legally unjustified*."

While we are prepared to agree to the holding of an enquiry to determine the "question of whose act gave rise to the tragedy", we cannot in the meantime allow to go unchallenged the "written statements by the Danish and Swedish Consul, and American citizens, who were present at the same time, and assert definitely of their own knowledge that the first shots were fired from Shakee". These men formed part of the population or of the garrison of Shameen on June 23 and they are no more disinterested witnesses than is Sir James Jamieson. In principle their unsworn testimony is just as tainted as that of the men who actually shot down Chinese students and others on the Shakee bund. Nor can we refrain from instantly repelling the attempt to fasten responsibility for the Chinese dead and wounded on the Chinese authorities who, it is alleged, "disregarding the folly and anger of their action allowed inflammable inflammable material to be placed ready to the hands of agitators seeking for an opportunity to cause a conflagration" There is a familiar ring in these words. It is always heard when men's folly and unwisdom plunge them into deeds of blood and a scapegoat must be tracked. But the real reply to this charge is that the Chinese authorities did not interfere with the demonstration because, as a fact, they were absolutely satisfied that no attack would or could be made on Shameen. A host of responsible witnesses can attest to this fact.

We note that the British delegation challenge our definition of the anti-British boycott as a patriotic abstention from all commercial relations with the British and assert that "it is imposed

on an unwilling people by a small but powerful organisation of persons who maintain the boycott by force of arms". A complete reply to this British contention would necessarily involve the discussion of questions which, though we are ready and prepared to discuss them, do not come within the ambit of this Conference. But we have to emphasize the grave insult to the Chinese nation that is implied in the British view. To believe that the Chinese people are incapable of mass indignation and mass action for acts of death and violence of the type enacted on the Shikang Bund is not only to err grievously but to imply that we are a people with the stuff of slaves in us. It is doubtless true that there have been incidents in our relations with the British, in the past, which may explain the strong persistence of this British belief. But great tidal waves of change have swept across the world; and men's work and action in this region of Asia are today inspired by ideas of freedom and human dignity which will not suffer them tamely to submit to violence and injustice. Unless this fact is grasped and understood by the British and translated into their policy and action, the future of our relations with them will be but a repetition of the past with its misunderstandings, its riots, its tumults and its wars. We speak gravely. We are on the eve, not already in the midst, of events that may cut in the rocks of destiny a new road for people. It is not our wish that we should enter on this new road with the British at variance with us. But we are in a position in which the decision as to the future is largely theirs.

As regards the blockade by Hongkong, we have to reiterate that whatever, subjectively, it was intended to compass, the general prohibition was interpreted as a financial and economic blockade of Canton and the rest of the province and that objectively, it worked out in this sense, since Hongkong as the sole transshipment port in South China, was the only gateway through which supplies of food could then reach our people. This interpretation of the embargo is not affected by either its modification on August 11. or its removal on October 9. By these dates, it appears to have been realized that the relief measures, insituted by Canton for the importation of food from other centres has deprived the blockade of its effectiveness,

Finally, we have to welcome the expressions of the British delegation's desire "of seeing a happy, prosperous and independent China with whom they can conduct their trade", the more so because past and recent British action have not been calculated to inspire confidence in the possibility of reconciling that have hitherto been understood to be the aims of British policy in this country with Chinese Nationalist ideals and aspirations. But if we are to understand the British delegation's desire as an indication of future British policy in China, there is good reason to believe that its realisation will witness the establishment of relations with the British that shall secure to them the goodwill and friendliness of Nationalist China.

---

**Proposals made by the Chinese Delegation,**

**July 23, 1926.**

The Chinese and British delegation have, in their respective statements, defined the anti-British boycott issue in terms which now necessitate resort to an impartial Commission of Enquiry for its settlement. The Chinese delegation formally propose that

- (a) such a Commission of Enquiry be constituted
- (b) the Commission is to be made up of a Chinese and a British member with a Chairman to be agreed upon, whose country is not directly involved in the dispute,
- (c) the Commission shall be empowered to determine the question of responsibility for the Shameen-Shakee shooting on June 23, 1925, and to make recommendations for the complete and final settlement of the resulting anti-British boycott in the Liang-kuang,
- (d) the Nationalist Government and the British (including the Hongkong) Government agree to be bound by the findings of the Commission and to carry out and enforce any and all recommendations made by it.
- (e) the Commission is to be opened at the earliest possible date, and
- (f) in order to meet possible difficulties of the British in the case of witnesses who have already made written statements to them on the case and who are dead or

cannot be traced or otherwise cannot attend before the Commission, such statements can be submitted at the enquiry.

The British delegation raised the question of including the French in the Enquiry on the ground that it was impossible to exclude them since they took part in the shooting of June 23, 1925.

The Chinese delegation replied that the question of French participation in the shooting was a Chinese-French issue which they preferred to keep separate and not to join it with the question of British responsibility in the matter; but if the British insisted the Chinese delegation had no objection to the inclusion of participation of the French in the enquiry. In this case the British would have to take the necessary step to secure the consent of the French to participate in the proposed enquiry. The British delegation contended that such consent should be secured by the Chinese, but the Chinese delegation declined to accept this responsibility:

---

### Proposal of a Loan made by the British Delegation. July 23, 1926.

The Chinese delegation have asked for a written statement on the loan proposal put forward at the meeting of 21st July.

The details of the necessary formal agreement would take some time to settle and would be outside the duties of this conference, but the main features of the proposal can and should be indicated now.

“The proposal is made to show the sincere good will which Hongkong feels towards Canton, and in order that Hongkong may assist in the development of Kwangtung in some way which may



be of mutual benefit to the province and to the colony, we realise that the prosperity of Kwangtung and the prosperity of Hongkong are inseparably bound up together.

"The object of the loan would of course have to be mutually agreed upon. We have suggested a loan for the development of the port of Whampoa, because while we think that that object would benefit Hongkong only indirectly we are anxious to show our good will by selecting an object which we understand is favoured by the people of Canton. We are quite prepared to consider any similar object of mutual benefit which may be suggested by the Chinese delegation.

"The adoption of the Whampoa proposal would be subject to both parties being satisfied that a scheme sound from the engineering point of view is possible at a reasonable cost. The amount which we have in mind is a sum of about 10,000,000.

"The object of the loan, whether main object be chosen, would have to be the construction of the loop line to connect the Canton-Hankow and the Canton-Kowloon railways.

"Adequate safeguards for the proper expenditure of the fund and for repayment of capital would have to be provided.

"A condition of the loan would be the complete cessation of the boycott and all other anti-British manifestations throughout the territory controlled by the Canton Government "

In reply to question on the point, the British delegation stated that by "adequate safeguards for the proper expenditure of the funds and for repay-

ment of capital", they had in mind the usual provision in Railway agreements made in China regarding in case of British capital a British engineering-chief and British accountant and other safeguards as well as the mortgage of the works as security.

---

## Protest against the Resumption of the Tariff Conference.

Sir,

I have the honour to request you to communicate to the American Minister at Peking the protest of my Government against the resumption of the Special Tariff Conference which was lately suspended owing to the dispersal of the Chinese delegation. We are definitely and reliably informed that agents of Wu Pei-fu and Chang Tso-lin are now negotiating with the American and the other foreign delegation for the immediate re-opening of the Conference.

My Government opposes and has opposed the Conference because it involves the consideration of issues which only a Central Government, representative and competent to speak and act in the name of the Chinese Nation, can negotiate in conference with the official representatives of the American and other interested Governments. Tuan Chi-jui's administration, admittedly, was not such a Government. nor do the present servitors of Wu and Chang constitute the type of governing body which America and the Powers (assuming that considerations of political realism and international morality and decency still rule high foreign policies)

can meet and treat with as a modern government.

None is so blind as to fail to see that the present phantom government in Peking is a creation of a brace of mediaeval militarists and a bunch of Mandarin statesboys and states-coolies whose obvious purpose is to grab the proceeds of whatever tariff boles and loans that America and the other Powers may be willing to grant in order to maintain a status quo that conflicts with every vital interest of Nationalist China.

Any payment of tariff moneys to Wu Pei-fu and Chang Tso-lin must necessarily mean that American and the other intereyted Powers- through the machinery of the unified, British-controlled Chinese Maritime Custom-will be (a) paying national revenues collected through out the whole of China to two transient usuapers of detached pieces of Chinese territory, and (b) subsidising these two militarists to continue the prosecution of civil war againet the Kuomirchun and Canton who are the two modern arms of Nationalist China, and thus assist militarism to dominate and flourish in China. And specitically it will mean that America and the other Powers will be collecting the increased Customs revenues of Canton and hand over the same to the mediaeval Wu and the ex-bandit Chang in order to enable them to better to fight and attempt to destroy the greatest centre of Chinese Nationalist thought and activity, which is Canton.

I have to add that any Loan or loans to be contracted by the agents of Wu and Chang on the security of the promised surtaxes shall not be recognised by the Nationalist Government,

And I have the honour deliberately to warn America and the other interested governments that Chinese repudiation of any such loan or loans may conceivably create a situation rendering it imperative for the principle of repudiation to be extended to other loans contracted in the interests of reaction and to other loans contracted in the interests of reaction and of militarist and mandarin exploitation and plunder.

I have etc., etc., etc.,

Chen Ju Jen

Acting Minister for Foreign Affairs,

Hon' ble Douglas Jenkins,

American Consul-General,

Shameen

---

Letter from the American Consul General  
embodying Instructions from the  
American Minister.

Sir

I have the honour to inform you that the American Minister has read with much interest your note of July 14, 1926, addressed to me respecting the resumption of the Special Tariff Conference at Peking which I brought to his attention as requested by you.

In the is relation Mr. Mac Murray stated that your strong opposition to the resumption of the conference on behalf of the Canton regime, as well as similar protests from representatives

of other regions in China before and since the inauguration of the conference, evidences a disheartening lack of unanimity amongst the Chinese people in respect to the efforts of the Government of the United States jointly with the other friendly Powers concerned to carry out its purpose of bringing into effect certain readjustments of its treaty relations with China, a lack of unanimity which gives him very serious concern particularly at a moment when there exists no central government supported by all sections of China and recognized by the interested Powers with which to deal on a basis of mutuality of responsibilities such as my Government so earnestly desires to see re-established.

The American Minister believes it scarcely necessary to observe that in any fiscal or other readjustments of treaty relationships with China the object which his Government has in view is the benefit of China as a whole and not of any individual military or political faction.

In conclusion Mr. MacMurray expressed his appreciation of the value of receiving information from the various sections of China such as that afforded by your note to me of July. 14 in reference to questions of mutual concern to the country as a whole and to the United States.

I have etc., etc.,

Douglas Jenkins.

---

Letter of Protest against Resumption of the  
Tariff Conference to the American Consul  
General to be forwarded to the  
American Minister at Peking.

Sir,

I have the honour to acknowledge the receipt of your letter dated July 26, in reply to my note of protest against the resumption of the Special Tariff Conference at Peking. In no querulous sense do I draw your attention to the fact that the text of your reply was handed to Reuter's Agency in time for publication in Peking and elsewhere on July 24th 48 hours before it was delivered at this Ministry While I do not wish to stress this Lapse in procedure, you will, I am sure, appreciate the need of avoiding its repetition in the future.

I note that Mr. Mac Murray views my Government's strong opposition to the resumption of the Conference as evidence of "a disheartening lack of unanimity amongst the Chinese people in respect to the efforts of the Government of the United States jointly with the other friendly Powers concerned to carry out its purpose of bringing into effect certain re-adjustments in its treaty relations with China". But what seems to Mr. MacMurray to be a "disheartening lack of unanimity" in understanding and appreciating the policy of the United States is, in truth, a convincing proof that that policy is wrong at once in conception and in application.

The policy is wrong because it is an expression of American

failure to realise that the Chinese situation is fundamentally a revolutionary situation and that, therefore, a "revolutionary" i.e. a fundamental solution is necessary as opposed to a solution involving a series of so-called "evolutionary" readjustments. And the situation is revolutionary because the principle of change implicit in the revolution of 1911-12 has not yet been worked out in the life of the nation, particularly in its politico-economic aspect, owing to the constant interference and intervention of certain Foreign Powers who, (to cite some signal instances) first supported Yuan Shih-kai in his attempt to destroy the Chinese Republic and financed him with the Reorganisation Loan of 1913, next supported Tuan Chi-jui in his Anfu days and financed him with the Nishihara and other loans, then supported Wu Pei-fu and financed him with Customs and Salt surpluses, and are now contemplating the support of a composite strong man in the diversified persons of Wu Pei-fu and Chang Tso-lin and the financing of this brace of militarists with the proceeds of a loan to be secured on the promised Tariff surtaxes.

Persistence in such a policy makes not only for Chinese disorder and what is called "chaos" in this country but for the intellectual confusion and moral bankruptcy of foreign diplomacy. And naught but a "disheartening lack of unanimity" will manifest itself whenever the Government of the United States is moved to apply its "evolutionary policy to the Revolutionary facts of the Chinese situation".

Nationalist China insists on a fundamental solution of the

group of issues known as the Chinese question, Internally, this means that the new military and political technique which has enabled the Nationalist Government to unify the Liang-kuang militarily, fiscally and politically must be applied on a national scale in order that the Chinese people may work out their own salvation in the interests of themselves as a whole and not to subordinate the same to such alien interests as foreign high finance and foreign trade. And externally, the domination feature of a fundamental solution of the Chinese question is that America should revise its present policy of "bringing into effect certain re-adjustments of its treaty relations with China" and recognising the necessity of a *General re-adjustment* of such treaty relations instead of readjustments on the instalment plan, satisfy the demand of Nationalist China for the substitution of the unequal treaties by other treaties consistent with the real independence and sovereignty of China. This is a policy that has been definitely brought within the range of practical politics and proved to be both practicable and expedient by the bold statesmanship of Soviet Russia.

In view of the fact that "at the moment there exists no central government supported by all sections of China And recognised by the interested Powers with which to deal on a basis of mutuality of responsibilities" It would be proper and pertinent for Mr. Mac-Murray to ask with whom is America, either alone or in conjunction with other Powers. to negotiate regarding a general re-adjustment of China's treaty relations with Foreign



Powers.

The Foreign Powers can only negotiate, in the interests of all concerned, with a National Government of China whose authority and power is a reality. As there is not such a government at the moment, I have the honour to repeat the warning that the Nationalist Government, whose authority is now extending to Central China, will repudiate all and every loan to be concluded with the agents of Wu Pei-fu and Chang Tso-lin in Peking, and to add that the resumption of the Special Tariff Conference will be viewed by my Government as a deliberate attempt on the part of the United States and the other interested Powers to convert the Chinese Maritime Customs from a politico-fiscal organ into an engine of war-finance and foreign intervention in China's civil or rather Revolutionary wars. In this event the Nationalist Government will be compelled to take certain defensive measures.

I have etc., etc.,

Chen Ju Jen

The Honourable Douglas Jenkins,  
American Consul-General,  
Shameen.

---

Letter to Senator Borah protesting against  
resumption of the Tariff Conference.

Senator Borah, Washington, D. C.

On behalf of the Nationalist Government Canton, I have

today protested to the American Minister to China against the resumption of the Special Tariff Conference which was lately suspended owing to the dispersal of the Chinese delegation, some members of which feared capture by Wu Pei-fu and Chang Tso-lin. I bring this specially to your attention because you are known among us as an American leader who is entirely opposed to the subordination of real American interests to the competitive interests of other Powers in China. The resumption of the Tariff Conference objectively means such a subordination in existing circumstances. It also means that America and the other Powers, by means of the machinery of the unified, British controlled Chinese Maritime Customs, will be paying national revenues collected throughout the whole of China to two transient usurpers of detached pieces of Chinese territory and will be subsidising these two militarists to continue the prosecution of civil war against the Kuominchun and Canton who are the two modern arms of Nationalist China. Specifically it will mean that America and the Powers will be collecting the increased Customs revenue of Canton and hand over the same to the mediaeval Wu and the ex-bandit Chang in order to enable them the better to fight and attempt to destroy the greatest centre of Chinese Nationalist thought and activity, which is Canton.

At this moment when the military forces of my Government have recaptured Changsha, the capital of the historic province of Hunan from the mercenary levies of Wu Pei-fu and when our Northern Expeditionary armies will soon be engaged in

Central China in what way prove to be the final struggle for the unification and modernisation of China, I appeal to you to assist the cause and the forces of modern progress in this country by moving for the immediate recall of the American delegation to the Special Tariff Conference from Peking.

Eugene Chen, Acting Minister for Foreign Affairs.

July 14, 1926.

Letter to the British Consul general protesting  
against the Blockade of Wuchow

Sir,

I have the honour to protest to you in the strongest terms against the unexampled and illegal action of Commander J. U. P. Fitzgerald, British Senior Naval Officer, who forcibly closed the Port of Wuchow to all Chinese shipping on June 24-25 simply because the Commissioner for Foreign Affairs and other Authorities at Wuchow-- who, though not bound in any view of the treaties, were then doing their utmost to assist him -- were unable promptly to provide him with pilots for the use of the ships of war under his command.

Though the letter written by the British Senior Naval Officer to the Commissioner for Foreign Affairs at Wuchow are a conclusive proof of the reality of the outrage committed by him, the entire incident might suggest that we were back again in the days when commanders of foreign warships could bully high

Chinese officials and bottom on their own acts of illegality alien grievances against this country.

Lest the British Senior Naval Officer had not yet transmitted to you copies of his letters to the Commissioner for Foreign Affairs, I am sending under separate cover photographic copies of the same, the originals of which are now in this Ministry and available for your inspection.

It will be noted that on the arrival of the British Senior Naval Officer at Wuchow, he was received in such circumstances of hospitality and courtesy that he was moved, in a letter dated June 15th, to thank the Commissioner for Foreign Affairs "for your kindness of sending off supplies this morning also for present of eggs and fruit and for your promise of assistance".

The kindness of the Commissioner for Foreign Affairs, however, did not restrain the British Senior Naval Officer from proceeding -- as his letters to the Commissioner for Foreign Affairs of June 15, 16, 22, 23 (two) and 24 (two) abundantly prove -- to bully and threaten the Commissioner for Foreign Affairs and other Authorities at Wuchow and finally to *Close the port of Wuchow to Chinese shipping.*

The British Senior Naval Officer's letter of June 22 is a Particularly impudent and outrageous document. The Wuchow authorities had succeeded in inducing the Seamen's Union to allow the engagement of pilots by the British Senior Naval officer on terms in reference to which the latter stated in writing: --"I am prepared to accept them all except rate of wages claimed".

The rate of wages claimed was \$1600 a week. It was explained that on previous occasions the rate of wages claimed and paid was \$800 a week and that, since then, the cost of living had practically doubled. The British Senior Naval Officer, however, declared that "the rate of sixteen hundred dollars (\$1,600) a week is an insult to my intelligence and is equivalent to refusing me the right to use the river. This is a violation of Treaty rights, which I have reported to my Government."

After this strange exercise in the interpretation of Treaty rights, the British Senior Naval Officer requested the Commissioner for Foreign Affairs to "inform the Seamen's union that under these special circumstances I am prepared to pay fifteen dollars (\$15) Hongkong currency per diem for a pilot. Also please inform them that unless they accept this reasonable rate of wages and supply two pilots before midnight on June 23rd, I shall consider the river closed to me". And he added: - "This I shall regard as a hostile act against His Britannic Majesty's Government and shall take the following measures. *From daylight 24th June the port of Wuchow will be entirely closed to all shipping under the Chinese flag*".

This menace elicited an immediate protest from the Commissioner for Foreign Affairs who emphasized the obvious fact that the Seamen's Union was not a Government body and its members were wholly private individuals who, by Chinese laws, were free to engage or refuse their services to whomsoever they pleased; and, with reference to the wages claimed the

'Commissioner pointed out that the same were not excessive in view of the great increase in the cost of living. At any rate the question of wages could furnish no possible pretext for a British blockade of the port of Wuchow especially in view of the unquestioned fact that the Commissioner for Foreign Affairs and other Authorities at Wuchow -- though under no treaty obligation to do so -- were then doing their utmost to assist the British Senior Naval Officer to secure pilotage.

To this protest, the British Senior Naval Officer replied under date of June 23rd:-- "I have nothing to add to my last letter".

As it appeared to the Authorities at Wuchow, including General Wong Shiuhung, Chairman of the Provincial Government in Kuangsi, that the British Senior Naval Officer was bent on precipitating a crisis which would gravely interfere with the movement of Nationalist Government troops in connexion with the defensive plan of campaign against Wu pei-fu's operations for the invasion of the Liang-kuang, the Wuchow authorities informed the British Senior Naval Officer that they themselves would pay the wages claimed by the pilots and would secure two pilots on the following day, i.e. June 24th.

At 9 a.m. on June 24th, the pilots' representatives were on board the British Senior Naval Officer's ship, the "Tarantula" to arrange for the signing of the pilotage agreement. Difficulties of interpretation and translation protracted the proceedings till 5

P.m. when the agreement was signed. The Commissioner for Foreign Affairs was informed half an hour later, i.e. 5.30 p.m. This was swiftly followed at 6 p.m. by a letter from the British Senior Naval Officer who asked the Commissioner for Foreign Affairs to send the pilots "onboard at once".

Waiving mere considerations of dignity, the Commissioner for Foreign Affairs at once replied that the pilots would be on board immediately. But within ten minutes of the despatch of this reply, a further and final note was handed to the Commissioner for Foreign Affairs from the British Senior Naval Officer who expressed "regret to inform you that *I am now proceeding to close the Port of Wuchow to Chinese shipping*".

The Port of Wuchow, accordingly, was forcibly closed to all Chinese shipping by the British naval forces under the command of the British Senior Naval Officer for ten hours on June 24-25 and was only reopened to shipping when the pilots, who, naturally had been alarmed by the intemperate action of the British Senior Naval Officer, were eventually reassured and went on board the British gunboats.

In addition to protesting to you against the action of the British Senior Naval Officer, I have the honour also to claim an apology and an indemnity and to ask for the dismissal and punishment of Commander J. U. P. Fitzgerald, the British Naval Officer.

I have etc.

Chen Ju Jen

Acting Minister for Foreign Affairs.

J. F. Brenan Esquire,  
H. B. M. Acting Consul-General,  
*Canton.*

---

Letter to the British Consul General protesting  
against the forcible landing of British naval forces  
on the jetties in the West Bund of Canton,  
September, 5, 1926.

Sir:

I have the honour to protest against the forcible landing yesterday of armed British naval forces on the jetties in the West Bund of Canton--within a stone-throw of the scene of the murders of June 23, 1925. This war-like operation is not only a violation of the Laws of Nations but, in the actual circumstances of the moment, it is such an act of material and moral aggression as is calculated to lead another British massacre of Chinese in this city. The guns of your warships are trained on the busiest section of Canton's great roadway. There, also, are the quarters of the Strike Pickets and a centre of activities of people who have been incensed by the notorious "bandit and pirate" speech of the Governor of Hong-Kong.

The latter's outburst, it is well-known, instantly aroused the intensest indignation here because it was at once a misrepresentation of the objection facts of the situation and a signal affr



ong to a Government whose accredited representatives were still members together with the official representatives of the Government of Hongkong, of a Conference formally under adjournment but not at an end.

The Hongkong Governor's exercise in vituperation was left officially unanswered because the reply if invited might have exacerbated public feeling and rendered impossible any further search for a new solution of the strike and boycott movement in this territory. And it is within your personal knowledge that, during the past week, I have been seriously considering an alternative solution which might bring about a speedy settlement on terms acceptable to both sides.

It is in these circumstances that the British naval authorities have thought fit to intervene. Neither in law nor on the facts have they any right to do so. The jetties in question, besides being on Chinese territory, are Chinese public property which have only been leased to the Hongkong, Canton Macao Steamboat Company. They have not been used by the Company for more than a year. They are of iron and concrete and are admittedly in no danger of destruction. Nor is Company under any risk of losing its property or leasing rights in them, No British lives are or have been in jeopardy or peril in connexion with them. And the proper Chinese authorities have ever been notified or asked to afford protection to the same.

These are the facts of the case. But independently of these facts, I have to remind you that there is no principle

or rule of International law nor is there any provision in any of the treaties between China and Great Britain or any of the other treaty-Powers which can possibly justify or excuse the flagrant invasion of Chinese territorial sovereignty committed by the British naval forces. Not only do your ships of war ride at anchor in our waters as if Canton were some British colonial port under coercion, but the British naval forces have gone about there job in a manner fitly designed to goad an indignant and inflamed public to retaliatory action and to create an "incident" that would infallibly disable the Nationalist Government from effectively prosecuting its present victorious campaign in Central China against Wu Pei-fu, who is widely reported to be supported by the British.

The creation of such an incident being it is believed, the political objective of the British naval operation, the Nationalist Government is determined not to be drawn into it. Once, recently, at Wuchow the Nationalist Government had to protest against the attempt to create a similar incident, planned ( it is significant to note ) by the British forces. It may be--it is--a grievous humiliation that Nationalist China is unable to repel by force of arms such British naval acts of war. But there is a powerful section of Chinese Nationalist opinion that believes in the application on a nation-wide scale of the economic weapon of the strike and boycott in retaliation for the humiliation and insulting blows which England's Gunboat Policy is heaping on Nationalist China.

If the extension and national adoption of this view is immaterial to British policy in China, then the rough-neck method of the sailor continue to replace the mind and technique of the statesman in Britain's dealings with this country. But if it is true that England's foreign trade is her very life-blood, it is clear that a real and fundamental change must take place in British policy in order to prevent the British Navy from severing the jugular vein of British trade and commerce in Nationalist China. It is a distinguished Englishman who has warned men in high places that a nation must learn or perish. Have the seminal events since May 30 at Shanghai and June 23 off the Shameen taught the governing mind of England nothing.

Besides entering an energetic and indignant protest against the action of the British naval forces, I have the honour to demand (a) the immediate withdrawal of the armed British detachment on the jetties, (b) the instant cessation of all interference, with small craft traffic on the River by the British naval forces, and (c) the retirement of the British gunboats now moored along the jetties to their usual anchorage off the Shameen.

etc., etc., etc.,

I have the honour to be,

Cher Ju Jen

Acting Minister for Foreign Affairs.

---

Letter from the Portugal Consul General, head of  
the Consular Body, regarding the Surtax.

Canton, 5th November, 1925.

Your Excellency,

In connection with your Excellency's despatch of October 6, 1926 I have the honour to inform you that as Senior Consul at Canton I have been directed by the Senior Minister of the interested Powers represented at Peking to communicate to Your Excellency the following protest:

"In view of the levying by the Canton authorities of certain taxes on foreign trade the diplomatic representatives at Peking of the Powers concerned declare that they cannot recognize the legality of this measure which is in direct violation of treaties".

(Signed) Dr. F. B. M- da Horta,  
Consul General for Portugal  
and Senior Consul.

---

Answer to the Portugal Consul General, head of  
the Consular Body in Canton, concerning the  
Surtax, November 8, 1927.

Sir,

In order to avoid misunderstanding and to assist to a right perception of the new realities of the national situation resulting from the extension of Nationalist authority over the greater part of China, I have the honour to return the enclosed letter, dated

November 5 and transmitted through the post, which purports to be a protest communicated by the "Senior Consul at Canton" by direction of the "Senior Minister of the interested powers represented at Peking" who declare that they cannot recognize the legality of the internal taxes authorised by "the Canton authorities" on consumption and production of goods within the Liang-Kuang on the ground that the same are "in direct violation of treaties".

My Government does not recognize the existence of the "Senior Minister of the interested powers represented at Peking" (who lacks juridical sanction), nor the status and the relations of the same powers vis-a-vis my Government regulated on a basis which can properly entitle them to raise the question of a "direct violation of treaties".

I have the honour to add that my Government is ready to discuss this and other questions as and when all or any of the Powers represented at Peking realise that national Power and authority has long since ceased to be exercised in Peking and that the revolutionary and constructive forces of Nationalist China have now transferred this national power and authority to my Government

I have the honaur to be, etc., etc., etc.,

Chen Ju Jen

Acting Minister for Foreign Affairs.

## Decldration for the Nationalist Government,

22th. Tan. 1927.

Mr. Eugene Chen, Nationalist Foreign minister, on January 23, authorized publication of the followig declaratiou by the Nationalist Government:

The leading assumption of all British and other foreign eclarations of policy regarding China is that she is unable to look after her own interests and that inpureuance of the "spirit of the Washington Conference" Great Britain and the other powers must enter into self-denying ordinances respecting her in order "to safeguard her integrity and independence and promote her political and economic development and the rehabilitation of her finances."

This is not true of Nationalist China. To-day this now China is strong and is conscious of its power and its ability by economic means to enforce its will on Chinese Soil against any Power.

The question then is not what Great Britain and the other Powers may wish to grant China to meet "the legitimate aspirations of the Chinese nation" but what Nationalist China may justly grant Great Britain and the other Powers, whose regime of international contral is now definitely sharing the fate of all historical systems of political sebjection.

These words are used advisedly. The system of international control in China, known as foreign imperialism, has necessarily involved such limitation of Chinese sovereignty, economic, judicial and political, that anything like real, full

independence has not been enjoyed by China since England imposed on her the Treaty of Nanking, which inaugurated the system. In a very real sense, therefore, it is historically true to state that the British, having defeated China in the Opium Wars, deprived her of her independence. Englishmen of the present generation born since that dark transaction may not remember; but Nationalist China, with the old iron of defeat in her flesh, must needs remember. This is the nationalist view; and unless it is grasped one of the dominant aims of Chinese Nationalism will not be understood.

What is this dominant aim? it is the recovery of China's full independence, which was lost as a result of defeat at the hands of the British.

And until this act of historical justice is done there can be no real peace between Chinese Nationalism and British Imperialism. Before the emergence of Chinese Nationalism into its revolutionary phase, there was, it is true, a state of seeming peace between the Chinese and the British; but it was no more real or enduring than similar phenomena of "Peace" that one finds recorded in every page of the history of conquest. A nation that is not dying can never be at peace with its conqueror. It will strike at a selected moment.

The selected moment of Chinese Nationalism came when British-controlled rifles were ordered to "shoot to Kill" Chinese students on Chinese soil on May 30, 1925, at Shanghai; and the movement of liberation found an instrument of power when, foll-

owing the further killing of Chinese students and others by foreign machineguns on June 23 off the Shameen in Canton, the economic weapon was forged by Chinese Nationalism in the south. The struggle has spread and has continued to spread; and because it is waged by an awakened nation fighting to be free it will not cease until complete independence is won.

Great Britain or any other Power has nothing to fear when China, under Nationalist leadership and rule, recovers her lost independence. It is not to revert to the methods of barbarism of a Chang Tsung-chang or to reintroduce the feudalism of a Chang Tso-lin or to maintain and perpetuate the mediaevalism of the mandarinat in Peking that Nationalist China wants independence. This is desired and is being fought for because a modern state must be set up in China if the Chinese people are not to suffer the fate of dead nations. But if such a State is to be built up by Chinese hands, then China must be mistress in her own Household--this means independence.

A modern state in China implies the existence of a Government which will rule, administer and tax China as the common possession of the Chinese people and not as the private property of some feudal or mediaeval gang in control at Peking; and generally it connotes an ideology and technique that will cause antisocial characters like Chang Tso-lin and his "allies" to be thought of and dealt with in the terms and conception of outlawry as defined in books, and will subject individual British and other alien adventurers who aid and abet them to plunder China



to punishment as international brigands.

The Government whose existence is implied by a modern State in China will necessarily (since it will be a modern Government) work out specific foreign issues involved in the recovery of China's full independence along lines which, while asserting and enforcing Chinese authority and preserving vital Nationalist interests, will not disregard considerations of right and justice due to foreign nationals. But in this connection a great and impressive fact must be grasped.

To-day effective protection of foreign life and property in China does not stand and can no longer rest on foreign bayonets or foreign gunboats, because the "arm" of Chinese Nationalism the economic weapon - is more puissant than any engine of warfare that the foreigner can devise. And the British in particular must now understand that the forces of the present revolutionary situation are handing over the protection of foreign life and property to a Government that derives its authority from those in whose hands is centred the power that can paralyze the economic life of foreign nationals in China.

It is, however, the view of the Nationalist Government that the liberation of China from the yoke of foreign imperialism need not necessarily involve any armed conflict between Chinese Nationalism and the foreign Powers. For this reason, the Nationalist Government would prefer to have all questions outstanding between Nationalist China and the foreign Powers settled by negotiation and agreement. It was in this sense that the

Minister of foreign affairs indicated the policy of the Nationalist Government to the American Minister when the latter visited Canton in the autumn; and the same policy has again been indicated to the new British Minister, to the Japanese representative and to the representative of the American Minister.

In order to prove that this is no idle statement of policy the Nationalist Government here by declares its readiness to negotiate separately with any of the Powers for a settlement of Treaty and other cognate questions on a basis of economic equality and mutual respect for each other's political and territorial sovereignty.

Despite misleading reports, the new status quo of the Hankow British Concession has involved no real departure from the foregoing statement of policy; and the Nationalist Government has categorically to repudiate the imputation that the events leading to the new status quo-including the bayoneting of several Chinese, two of whom seriously were deliberately planned and staged in order to bring about the violent and forcible capture of the Concession.

The extension of Nationalist control to the Concession has been due less to the entry of armed Chinese forces (which took place with British consent) than (a) to the landing in the first instance of armed British marines in circumstances inevitably calculated to provoke and which did provoke a bloody clash with a patriotic Chinese crowd and (b) to the abdication by the British Municipal Council of its powers (which together with

the unnecessary evacuation of British women and children was the result of a too lurid interpretation of the situation by the British) with the consequent establishment of the present Nationalist Commission for the Administration of the Concession.

Finally the Nationalist Government has to emphasize these facts:

1. - British trade and other interests lie preponderantly along the Yangtze and South China, which are all subject to the Nationalist Government.
2. - almost the whole of China south of the Yangtze together with large areas in the north, including all the territory under the Kuominchun, is under Nationalist control;
3. - If a plebiscite were taken in the territory under Chang Tso-lin, Chang Tsung-chang and Sun Chuan-fang, an overwhelming vote would be cast in favour of the Nationalist Government.

But the most decisive argument of all is that Nationalist Government represents the real spirit of awakened China and is the instrument of power, achievement and revolutionary movement with which foreign imperialism must come to terms.

No power incurs a risk in coming to terms with a Government which derives its authority and sanction from and is supported by Chinese Nationalists, because Chinese Nationa-

**lism is an indestructible and invincible force.**

### **British proposals to China.**

The following was communicated to the Chinese Authorities at Peking and Hankow on January 27th, 1927.

(1) His Majesty's Government are prepared to recognise the modern Chinese Law Courts as competent Courts for cases brought by British plaintiffs or complainants, and to waive the right of attendance of a British representative at the hearing of such cases.

(2) His Majesty's Government are prepared to go for so the validity of a reasonable Chinese Nationality Law.

(3) His Majesty's Government are prepared to apply as far as practicable in the British Courts in China the modern Chinese Civil and Commercial Codes--apart from procedure Codes and those affecting personal status--and duly enacted subordinate legislation as and when such laws and regulations are promulgated and enforced in Chinese Courts and on Chinese citizens throughout China.

(4) His Majesty's Government are prepared to make British subjects in China liable to pay such regular and legal Chinese taxation not involving discrimination against British subjects or British goods' as is in fact imposed on, and paid by, Chinese citizens throughout China.

(5) His Majesty's Government are prepared as soon as a

revised Chinese Penal Code is promulgated and applied in Chinese Courts, to consider its application in British Courts in China.

(6) His Majesty's Government are prepared to discuss and enter into arrangements according to particular circumstances at each point concerned for the modification of Municipal Administration of British Concessions, so as to bring them into line with the administrations of special Chinese Administrations set up in former Concessions, or for their amalgamation with former Concessions now under Chinese control or for the transfer of police control of Concession areas to the Chinese authorities.

(7) His Majesty's Government are prepared to accept the principle that British missionaries should no longer claim the right to purchase land in the interior, that Chinese converts should look to Chinese Law and not to Treaties for protection, and that missionary education and medical institutions will conform to Chinese laws and regulations applying to similar Chinese institutions.

(Note:--When communicating these proposals to Mr. Eugene Chen at Hankow on January 27, the British representative Mr. O'Malley prefaced them with the following: "When a satisfactory settlement has been reached respecting the British Concessions at Hankow and Kiukiang, and when assurances have been given by the Nationalist Government that they will not countenance any alteration, except by negotiation, of the status of the British Concessions and International Settlements, His Majesty's Government will be prepared to concede at once and on lines indicated in the enclosure here to, part of, what is desired of them by the Chinese Nationalist Party. So liberal and generous a step cannot in their view be regarded otherwise than as an earnest of the fair and

conciliatory spirit with which they are animated.")

---

## THE HANKOW AGREEMENT

### Agreement relative to the British Concession at Hankow.

The proper British authorities will summon the Annual General Meeting of Ratepayers in accordance with the land Regulations on March 15. The British Municipality will thereupon be dissolved and the administration of the concession-area will be formally handed over to a new Chinese Municipality. Pending the handing over to the new Chinese Municipality on March 15, the policing of the Concession and the management of the public works and sanitation will be conducted by the Chinese authorities now in charge thereof.

The Nationalist Government will upon the dissolution of the British Council forthwith set up a special Chinese Municipality, modelled on that of the Special Administrative District, for the administration of the Concession-area, under Regulations which will be communicated to H. B. M. Minister by the Minister for Foreign Affairs of the Nationalist Government. These Regulations will remain in force until such time as arrangements have been negotiated for the amalgamation of the five Hankow Concessions and former Concessions into one unified municipal district.

Dated this 19th day of February, 1927.

For H. B. M. Minister,

(Signed) Owen Q'Malley.

(Signed) Chen Yu-jen.  
Minister for Foreign Affairs,  
Nationalist Government.

Exchange of Notes.

Hankow, February 19, 1927.

Sir,

I have the honour to assure you that the British Authorities concerned will do all that lies in their power to implement and ensure the successful operation of the Agreement signed to-day relative to the British Concession-area at Hankow and that as far as the British Authorities are concerned Chinese citizens will enjoy and be entitled to the same rights as British subjects in the said area.

I have the honour, etc,

For H. B. M. Minister,

(Signed) Owen O'Malley.

The Minister for Foreign Affairs, Wuhan.

February 19; 1927.

Sir,

I have the honour to acknowledge the receipt of your letters of to-day's date in which you assure me that the British Authorities concerned will do all that lies in their power to implement and ensure the successful operation of the Agreement signed to-day relative to the British Concession-area at Hankow, and that as far as the British Authorities are concerned Chinese citizens will enjoy

and be entitled to the same rights as British subjects in the said area.

I have the honour to assure you in return that the Chinese Authorities for their part will likewise do their utmost to implement and ensure the successful operation of the Agreement in question and that so far as they are concerned there will be discrimination against British interests in the administration of the new district.

I avail myself, etc.

(Signed) Chen Yu-jen,

Minister for Foreign Affairs.

Sir Miles Lampson, k. c. m. g.

H. B. M. Minister.

### Statement.

The Nationalist Government take note of the statement made by Sir Austen Chamberlain, the British Secretary of State for Foreign Affairs, in the House of Commons on February 10.

The modification in the original plan for the concentration of British forces at Shanghai announced by him is regarded by the Nationalist Government as a concession which now makes it possible to proceed to the conclusion and signing of an agreement relative to the British Concession area at Hankow.

As, however, the landing at Shanghai of British troops-- even in the reduced numbers and for the strictly limited purpose stated by the British Secretary of State for Foreign Affairs-- is without legal justification, the Nationalist Government have



to protest against the landing and presence of such British troops in the international Settlement at Shanghai.

February 19, 1927

#### Declaration.

The Nationalist Government have to declare that the arrangement made respecting the status of the area hitherto known as the British Concession at Hankow has been concluded by them with special reference to the facts of the new status quo in the said area and is not intended by them to serve as precedent for the settlement of the future status of any British or other Concessions elsewhere in China.

February 19, 1927.

#### Declaration.

Reports reaching the Nationalist Government from many quarters appear to make a re-statement of Nationalist policy regarding concessions and international settlements necessary and timely in order to avoid misapprehension and prevent needless apprehension and fear.

In the manifesto of January 22' the Nationalist Government declared their intention and their immediate readiness to have all questions outstanding between Nationalist China and the Foreign Powers settled by negotiation and agreement. This implicitly applied and it was intended so to apply to changes in the status of all concessions and all international settlements in China

This necessarily means that the policy of the Nationalist Government is not to use force or to countenance the use of force to effect changes in the status of any or all concessions and international settlements.

The Nationalist Government have to lay it down that changes in the status of concessions and international settlements wherever situate in China are of such vital and national importance that no local or other Chinese authorities save and except the Nationalist Government can negotiate with the Foreign Powers concerned in respect thereof.

February 19, 1927.

---

### THE KIUKIANG AGREEMENT.

Agreement relative to the British Concession  
at Kiukiang.

A settlement on similar lines to that concluded in the case of the Hankow Concession will immediately be made in the case of the Concession at Kiukiang.

If any direct losses due to the action or culpable negligence of the agents of the Nationalist Government were suffered by British subjects during the recent disturbances at Kiukiang, such losses will be compensated by the Nationalist Government.

Dated this 20th of February, 1927.

For H. B. M. Minister,  
(Signed) Owen O'Malley.

(Signed) Chen Yu-jen,

Minister for Foreign Affairs,  
Nationalist Government.

The agreement between Mr. O'Malley, representing His Majesty's Government, and Mr. Eugene Chen, Minister for Foreign Affairs of the Nationalist Government, with regard to the British Concession at Kiukiang, was formally concluded by notes exchanged on March 2nd:

Following are the notes which have been exchanged between Mr. Chen and Mr. O'Malley:--

### British Note.

March 2, 1927.

Sir,

As a result of further discussion between us on the subject of the execution of the Agreement relative to the British Concession at Kiukiang concluded on February 20th last and in settlement of the question of the future status of the concession area at Kiukiang, I have the honour to inform you that His Majesty's Government will cancel the British municipal Regulations and hand over unconditionally the administration of the concession area at Kiukiang to the Nationalist Government, as from March 15 next.

I have the honour to be, Sir,

Your obedient servant.

(for H. B. M. Minister)

(Signed) Owen O'Malley.

Mr. Chen Yu-jen,

Minister for Foreign Affairs Wuhan.

## Acknowledgement.

March 2nd, 1927.

Sir.

I have the honour to acknowledge the receipt of your letter of to-day's date, informing me that as the result of further discussion between us on the subject of execution of the Agreement relative to the British Concession at Kiukiang concluded on February 20 last and in settlement of the question of the future status of the concession-area at Kiukiang, His Majesty's Government will cancel the British Municipal Regulations and hand over unconditionally the administration of the concession-area at Kiukiang to the Nationslist Government as from March 15 next.

I await myself of this opportunity to renew to you the assurance of my highest consideration.

(signed) Chen Yu-jen

Minister for Foreign Affairs.

Sir Miles Lampson, k. c. m. g. H. B. M. Minister

## Payment.

March 2nd, 1927.

Sir.

I have the honour to transmit herewith a cheque for 40,000 in full settlement of all losses suffered by British subjects during the recent disturbances at Kiukiang in accordance with

the terms of the agreement concluded on February 20 last, It is understood that with a view to avoiding the delay expense involved in a joint enquiry into each individual claim the British authorities will assume responsibility for settling the individual claims of the British subjects concerned which will be subjected to detailed scrutiny and strictly limited to direct losses covered by the agreement of February 20. It is further understood that copies of the statements of claim and other relevant papers will be available for the inspection of a representative of the Nationalist Government. and that in the event of any balance remaining over after the settlement of all the claims such balance will be returned by His Majesty,s Government to the Nationalist Government.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

(signed) Chen Yu-jen.

### Settlement Agreed.

March 2nd, 1927.

Sir.

I have the honour to acknowledge receipt of your letter of to-day's date enclosing cheque for \$40, 000 and to state that His Majesty's Government accept this sum on behalf of the British subjects concerned in full settlement of all losses suffered by them during the recent disturbances at Kiukiang in accordance with the terms of the agreement concluded on February 20 last. It is

understood that with a view to avoiding the delay and expense involved in a joint enquiry into each individual claim the British authorities will assume responsibility for settling the individual claims of the British subjects concerned, which will be subjected to detailed scrutiny and strictly limited to direct losses covered by the agreement of February 20. It is further understood that copies of the statements of claim and other relevant papers will be available for the inspection of a representative of the Nationalist Government, and that in the event of any balance remaining over after the settlement of all the claims such balance will be returned by His Majesty's Government to the Nationalist Government.

I have, etc,

(signed) Owen O'Malley.

#### Bund Licenses.

March, 2nd, 1927.

Dear Mr. O'Malley.

With reference to the letters exchanged to-day relative to the settlement of the future status of the British Concession at Kiukiang, I have the honour to inform you that the proper Chinese authority will confirm the existing bund frontage licences issued by the British authorities for their current period of ten years and that the said licences will continue valid pending their confirmation.

Yours very truly,

(signed) Chen Yu-jen.

## Notes of the five powers about Nanking accident.

The consuls-General for Great Britain, the United States, Japan, France and Italy called at the Bureau of Foreign Affairs on April 11, at three o'clock, and presented five identic Notes with reference to the Nanking affair to General Pei Chung-hsi. As the Notes were addressed to General Chiang Kai shek, General Pei accepted them on behalf of Chiang without examining their contents and promised to transmit them without delay to General Chiang at Nanking.

Similar identic Notes were handed to Mr. Eugene Chen in Hankow on eleven o'clock in the morning.

In the copy of the Note which we publish below none of the names of "the undersigned" are mentioned, as at the time the Note was presented to the Nationalist representative here it was not known who would sign the Notes in Hankow on behalf of the Governments concerned.

The Note is as follows:--

"Under instructions of the American, British, French, Italian and Japanese Governments, the undersigned are directed by the diplomatic representatives of their several countries in China to present to you the following terms (which are simultaneously being communicated to General Chiang Kai-shek, Commander-in-Chief of the Nationalist Armies) for the prompt settlement of the situation created by the outrages against their nationals committed by Nationalist troops at Nanking on March 24 last:

1. Adequate punishment of the commanders of the troops responsible for the murders, personal injuries and indi-

gnities and material damage done, as also of all persons found to be implicated.

2. Apology in writing by the Commander-in-Chief of the Nationalist armies including an express written undertaking to refrain from all forms of violence and agitation against foreign lives and property.
3. Complete reparation for personal injuries and material damage done.

Unless the Nationalist authorities demonstrate to the satisfaction of the interested Governments their intention to comply promptly with these terms the said Governments will find themselves compelled to take such measures as they consider appropriate."

An official statement has been issued to the press in connection with the

Note:-

#### Official Press Statement.

Upon entry of Nationalist forces into Nanking there were perpetrated against foreign consuls and other residents by uniformed and organized bodies of troops of the Nationalist armies during the morning and afternoon of March 24, systematic outrages upon their persons and properties. A number of American, British, French, Italian and Japanese nationals were murdered or wounded, many others were brutally assaulted and their lives jeopardized; they were robbed and treated with the utmost indignities and women were subjected



to nameless outrages, American, British, and Japanese Consulates were violated and their national flags insulted. Houses and institutions of all foreigners resident at Nanking were systematically looted and in many cases burnt.

In view of these obviously premeditated assaults upon their official representatives and upon their nationals peacefully engaged in their lawful occupations, the Government of the United States, Great Britain, France, Italy and Japan have found it necessary to formulate demands for satisfactory amends by responsible Nationalist authorities. The terms thus agreed upon are studiously moderate covering only the minimum of what would in the circumstances be done by way of honourable amends by any Government, conscious of its own dignity and of its duty towards other friendly peoples in the family of nations.

Demands are not made in derogation of the sovereignty or dignity of the Chinese people, whom the Interested Governments are glad to believe friendly and with whom they earnestly desire to continue and improve relationship of goodwill and co-operation: they are directed rather towards those influences both foreign and Chinese which have made themselves responsible for the Nanking outrages by their activities in seeking to break up existing friendship and to inflame the Chinese people to distrust, hatred and violence towards the people of friendly Powers

---

### Reply to British Note.

On April 14 Mr. Eugene Chen sent the following reply to the British

Note:----

The Minister of Foreign Affairs of the Nationalist Government is in receipt of H. P. M. Government's Note dated April 11th, 1927, formulating terms 'for the prompt settlement of the situation created by the outrages against British nationals committed by the Nationalist troops at Nanking on the 24th March last'.

In reply to the demand for complete reparations for personal injuries and material damage done the Nationalist Government is prepared to make good all damage done to the British Consulate at Nanking on the ground that whether or not such damage was caused by Northern rebels and others as stated in the Preliminary Statement issued by the Nationalist Government on March 31st last, the fact remains that the British Consulate on Chinese territory has been violated.

As regards reparation for personal injuries to British nationals and other material damage done, the Nationalist Government is prepared to make all reasonable and necessary reparation except in cases where it can be definitely proved that the same have been caused by the British and American bombardment of Nanking on March 24 or by Northern rebels and 'agents provocateurs'.

The demand for 'adequate punishment of the commanders of the troops responsible for the murders, personal injuries, indignities, and material damage done, as also of all persons found to be implicated, necessarily assumes the guilt of the Nationalist forces who captured Nanking. while this guilt is contradicted in

the Preliminary Statement issued on March 31st, a rigid Government inquiry is being conducted in order to ascertain the exact facts of the case, including verification of the outstanding fact reported to the Military Council by General Cheng Chien, who took Nanking, that his forces rounded up and captured approximately thirty thousand (30,000) Northern soldiers with rifles, besides thousands of camp-followers inside the city of Nanking itself. General Cheng Chien also reported that a number of those implicated have been executed. The Nationalist Government propose that the question of punishment await the findings either of the Government inquiry now in progress or an International Commission of Inquiry to be immediately instituted by the Nationalist Government and H. B. M. Government.

As the laws of Nations and the settled practice of civilized State prohibit the massacre of citizens of a friendly State, the more so when such citizens are in their own territory, and also prohibit the bombardment of the cities of any friendly State, the Nationalist Government propose that the said International Commission of Inquiry shall investigate the circumstances of the bombardment of the unfortified city of Nanking on March 24th last by the naval forces of H. B. M. Government as well as other outrages committed successively by the British-controlled armed forces at Shanghai on May 30th, 1925, by British armed marines and volunteers off Shameen (Canton) on June 23rd, 1925, and by British naval forces at wanhsien last year.

The demand for an apology in writing by the Commander-

in-Chief of the Nationalist Army including an express written undertaking to refrain from all forms of violence and agitation against Foreign lives and property is, so far as an apology is concerned, justified only on proof of Nationalist guilt for the disturbances at Nanking.

The Nationalist Government therefore propose that the question of apology should also await the determination of the question of guilt whether by the Government Inquiry now in progress or by the proposed International Commission of Inquiry. In the meantime, the Nationalist Government hereby repeat the expression of profound regret which the Minister of Foreign Affairs communicated to the British Representative at Wu-han directly it was reported to him that the British Consulate at Nanking had been attacked.

The Nationalist Government as a responsible governing body naturally cannot countenance the use, in any form, of violence and agitation against Foreign lives and property as has been repeatedly declared to be the settled policy of the Nationalist Government. The proper authorities of the Nationalist Army will of course be instructed not only to give a written undertaking in this sense but to see that effective measures are taken to afford proper protection to foreign lives and property.

The Nationalist Government, however, would be lacking in candour if they should fail to declare and emphasize that the best guarantee for effective protection of British and other foreign lives and property in China lies in the removal of the fundamental cause

of the present trouble in the relations between Nationalist China and the powers who continue to sustain the regime of the Unequal Treaties. It is these inequitable treaties that constitute the chief danger to foreign lives and property in China, and this danger will persist as long as effective government is rendered difficult by foreign insistence on conditions which are at once a humiliation and menace to a Nation that has known greatness and is to-day conscious of renewed strength.

The Nationalist Government accordingly are prepared and ready to appoint delegates to negotiate with delegates of H. B. M. Government a satisfactory settlement of the issues and differences pending between Nationalist China and Great Britain on terms which, while assuring the legitimate interests of the latter, shall modernize international intercourse between the two countries and define and work out their mutual interests and relations on the basis of equality and reciprocity."

---

### Reply to the American Note.

Mr. Eugene Chen's reply to the American Note regarding the Nanking outrages was handed to the American Consul in Hankow on April 14. It is as follows:-

The Ministry of Foreign Affairs of the Nationalist Government is in receipt of the American Government's Note dated April 11 formulating terms "for the prompt settlement of the situation created by the outrages against American nationals committed by Nationalist troops at Nanking on March 24." In reply to the

American Government's demands for "complete reparations for persons injured and material damage done," the Nationalist Government are prepared to make good all damage done to the American Consulate at Nanking on the ground that whether or not such damage was caused by Northern rebels and others, as stated in the preliminary statement issued by the Nationalist Government on March 31, the fact remains that an American Consulate in Chinese territory has been violated.

Regarding the matter of reparations for personal inquiries to American nationals and other material damage done, the Nationalist Government are prepared to make all reasonable and necessary reparation except in cases where it can be definitely proved that the same have been caused by the British and American naval bombardment on March 24, or by Northern rebels, agents or provocateurs.

The demands for adequate punishment of the commanders of the troops responsible for murder, personal indignities and material damage done, as also of all persons found to be implicated, necessarily assumes the guilt of the Nationalist forces who captured Nanking.

While this guilt is contradicted in the preliminary statement issued on March 31, a rigid government enquiry is being conducted in order to ascertain the exact facts of the case, including verification of the outstanding facts reported to the Military Council by General Cheng Chien, who took Nanking, namely, that his forces rounded up and captured 30,000 Northern soldiers with rifles,

besides thousands of camp followers inside the city of Nanking. General Cheng Chien has also reported that a number of those implicated have already been executed.

The Nationalist Government propose that the question of punishment should await the finding of either the Government enquiry now in progress or of an international commission of enquiry to be immediately instituted by the United States and the Nationalist Government. As the laws of nations and the recognized practices of civilized States prohibit the bombardment of cities on the territories of friendly States, the Nationalist Government propose that the proposed commission of enquiry should also investigate the circumstances of the bombardment of the unfortified city of Nanking by U. S. naval forces on March 24.

The demand for an apology in writing by the Comander-in-chief of the Nationalist Army, including a "written atatement undertaking to refrain from violence against foreign lives and property; is, so far as apology is concerned, justified on proof of Nationalist guilt for the Nanking disturbances. The Nationalist Government, therefore, propose that the question of an apology should also wait determination of the question of guilt, either by the Government enquiry now in progress or by the preposed international commission.

In the meantime the Nationalist repeat the expression of regret which the Minister for Foreign Affairs communicated to the U. S. Government directly it was reported to him that U. S.

Consulate had been violated.

The Nationalist Government, as a responsible governing body, cannot countenance the use of any form of violence or agitation against foreign lives and property. Indeed, the protection of foreign lives and property has been repeatedly declared the settled policy of the Nationalist Government. The proper authorities of the Nationalist Government will, of course, be instructed to give, not only a written undertaking in this sense, but to see that effective measures are taken to afford proper protection to foreign lives and property.

The Nationalist Government, however, would be lacking in candour if it should fail to declare and emphasize that the best guarantee for effective protection of American and other foreign lives and property lies in the removal of the fundamental cause of the present causes of trouble between Nationalist China and the Powers, who continue to sustain the unequal treaties.

It is these inequitable treaties which constitute the chief danger to foreign lives and property in China and the danger will persist so long as effective government is rendered difficult by foreign insistence on conditions which at once are a humiliation and a menace to a nation which has known greatness and which to-day is conscious of a renewal of strength.

The Nationalist Government, accordingly, are prepared and ready to appoint delegates to negotiate with delegates of the United States a satisfactory settlement of the issues and differences pending between Nationalist China and the United States of



Americas on terms which would assure the legitimate interests of both countries and reciprocity in their relations.

---

### Reply to the Japanese Note.

The text of Mr. Eugene Chen's reply to the Japanese Note on Nanking is taken from the "people's Tribune" of Hankow, published on April 15, the day after presentation of the reply.

The following note was handed by Mr. Eugene Chen, Nationalist Minister for Foreign Affairs to Mr. Takao, Japanese Consul-General, on April 14:-

"The Minister for Foreign Affairs of the Nationalist Government is in receipt of the Japanese Government's note dated April 11, 1927, formulating terms for the prompt settlement of the situation created by the outrages against Japanese nationals committed by the Nationalist troops at Nanking on 24th of March last."

As it is hardly credible that the Japanese Government can, at the outset, desire a settlement of the Nanking incident other than through one of the means known to international law for the amicable settlement of state differences, the Minister for Foreign Affairs has to point out that the Japanese Government have not previously communicated with him on the subject and that, therefore, he must read the note under reply as initiating diplomatic negotiation for the prompt and friendly settlement of whatever grievances and losses may have been sustained by Japanese nationals as a result of disturbances at Nanking on March 24 last.

Replying on Japanese comprehension of the historical

forces which to-day are operating in China just as similar forces operated in Japan within the past half-century and emancipated her from the servitudes of unequal treaties, the Minister for Foreign Affairs indulges in the hope that the Japanese Government, in their own vital interests, will refrain from taking part in any action or measure in the present situation calculated to interfere with the extension of Nationalist authority and power and the early unification of the whole of China under the Nationalist Government.

In reply to the Japanese term calling for complete reparation for the personal injuries and material damage done, the Nationalist Government are prepared to make good all damage done to the Japanese Consulate at Nanking on the ground that, whether or not such damage was caused by Northern rebels and others as stated in the preliminary statement issued by the Nationalist Government on March 31 last, the fact remains that the Consulate of a friendly Power on Chinese territory has been violated.

As regards reparation for personal injuries to Japanese nationals and other material damage done, the Nationalist Government are prepared to make all reasonable and necessary reparation except in cases where it can be definitely proved that the same have been caused by the British-American naval bombardment of Nanking on March 24 or by Northern rebels and agents provocateurs.

The demand for the adequate punishment of commanders of the troops responsible for the murders, the personal injuries

and indignities and material damage done as also of all persons found to be implicated,' necessarily assumes the guilt of the Nationalist forces who captured Nanking. while this guilt is contradicted in the preliminary statement issued on March 31, a rigid Government inquiry is being conducted in order to ascertain the exact facts of the case, including verification of the outstanding fact reported to the Military Council by General Cheng Chien, who took Nanking, that his forces rounded up and captured approximately thirty thousand Northern soldiers with rifles, besides thousands of camp followers, inside the city of Nanking itself. General Cheng. Chien has also reported that a number of those implicated have been executed. The Nationalist Government propose that the question of punishment should await the finding of either the Government Inquiry now in progress or of an international commission of inquiry to be immediately instituted by the Nationalist Government and the Japanese Government.

The demand of apology in writing by the Commander-in-chief of the Nationalist Army including an express written undertaking to refrain from all forms of violence and aggression against foreign lives and property,' is, so far as an apology is concerned' justified only on the proof of Nationalist guilt for the disturbances at Nanking. The Nationalist Government, therefore, propose that the question of an apology should also await the determination of the question of guilt either by the Government inquiry now in progress or by the proposed international commission of

inquiry. In the meantime, the Nationalist Government here by repeat the expression of profound regret which the Minister for Foreign Affairs communicated to the Japanese Government directly it was reported to him that the Japanese Consulate at Nanking had been attacked.

The Nationalist Government, as a responsible governing body, naturally cannot countenance the use, in any form, of violence and agitation against foreign lives and property. Indeed, the protection of foreign lives and property has been repeatedly declared to be the settled policy of the Nationalist Government. The proper authorities of the Nationalist Army will, of course, be instructed not only to give a written undertaking in this sense but to see that effective measures are taken to afford proper protection to foreign lives and property.

The Nationalist Government, however, would be lacking in candour if they would fail to declare and emphasize that the best guarantee for the effective protection of Japanese and other foreign lives and property in China lies in the removal of the fundamental cause of the present troubled relations between Nationalist China and the Powers who continue to sustain the regime of the unequal treaties. It is these inequitable treaties that constitute the chief danger to foreign lives and property in China, and this danger will persist as long as effective government is rendered difficult by foreign insistence on conditions which are at once a humiliation and a menace to a nation that has known greatness and is to-day conscious of renewed strength.

The Nationalist Government, accordingly, are prepared and ready to appoint delegates to negotiate with delegates of the Japanese Government a satisfactory settlement of issues and differences pending between Nationalist China and Japan on terms which, while assuring the legitimate interests of Japan, shall modernize international intercourse between the two countries and define and work out their mutual interest and relations on the basis of equality and reciprocity."

1930 7 1 付 排  
1930 8 10 出 版

版 權 之 證



每 册 實 價 大 洋 一 元

12