

外務省  
記録

至 日  
年 年  
月 月  
日 日

留領出、並發見及取得  
ニ関スル先例

第 5

門類項目號

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至 自  
年 年  
月 月  
日 日

留領出、並發見及取得  
ニ関スル先例

第 卷

(分類)

機密

島嶼先占

國際法先例彙輯

(2)

昭和八年十月調

附錄件名

外務省條約局

國際法先例彙輯 (2)

昭和八年十月調

目次

一、帝國ノ爲シタル島嶼先占事例	一頁
其一、小笠原島(明治九年十月).....	三五
其二、硫黃島(明治二十四年九月).....	三七
其三、久米赤島、久場島、魚釣島(明治二十八年一月).....	三九
國其四、南鳥島(明治三十一年七月).....	五一
其五、沖大東島(明治三十三年九月).....	五二
其六、中鳥島(明治四十二年八月).....	五三
二、外國ノ爲シタル島嶼先占ニ對スル帝國政府ノ措置ニ關スル事例	五三
其一、クリツバートン島(明治三十一年).....	六二
國其三、ミツドウエー島及ウエトク島(明治三十三年—明治三十五年).....	六二

- 圖其三、ガラタス島(東沙島)(明治四十年—明治四十二年)……………七三
- 其四、ジャン、マイヤン島(大正十一年—昭和四年)……………八九
- 其五、ブーベ島(昭和三年—昭和四年)……………八九
- 其六、ビーター一世島(昭和四年—昭和七年)……………九四
- 圖其七、グリーランド島(大正九年—昭和八年)……………九八
- 圖其八、ハラセル島(西沙島)(懸案)……………九八
- 圖其九、新南群島(懸案)……………九八

## 一、帝國ノ爲シタル島嶼先占事例

### 其一、小笠原島帝國版圖編入経緯

文祿年間(家康時代)小笠原民部大輔貞頼渡航本標二個ヲ樹ツ之ヨリ小笠原島ノ名ヲ生ズシノ後  
 二三回之ヲ訪フ者アリタルノミ、永住セル者ナシ  
 千八百十七年頃ヨリ捕鯨船乗組ノ外國人漸次之ニ居住ス  
 千八百二十七年英國軍艦「ジロサム」號之ニ銅碑ヲ樹テタルモ直ニ退去ス  
 次テ露國軍艦ノ來訪セルコトアリ(一八二八年頃)  
 千八百五十三年「ベリー」艦隊ノ一艦之ニ碑ヲ立ツルモ合衆國議會久追認ナシ  
 千八百六十四年(元治元年)幕府ハ官吏及ビ移民八十名ヲ之ニ遣ハシテ統治セシム其ノ間平穩ナ  
 リシモ十四ヶ月ニシテ本國ノ政變ノ爲全部召還セラレ爾後島内混亂ニ陥リ犯罪ヲ處罰スル者ナク  
 島民困憊シテ何國カノ支配ヲ求ム  
 千八百七十三年(明治六年)島ノ有力者「キンプテン、ベンジャミン、ビールス」ナル者在京米國公

使ヲ訪ヒ米國ノ統治ヲ希望セルモ米國政府之ヲ受理セス  
當時ノ住民米人二五、英人一七、佛人四ナリ

明治八年十一月帝國政府探險隊ヲ派シ住民ヨリ服從ノ宣誓ヲ取ル

明治九年十月帝國政府ハ同島ニ施行スヘキ新法令ヲ制定シ同月十七日寺島外務卿ハ在本邦各國公使ニ對シ小笠原島ニ官廳ヲ設ケ官吏ヲ派任セシメ規則ニ從ヒ取締ヲ爲スヘキ旨通告ヲ發セリ(別紙甲號)

右ニ對シ獨、佛、蘭、西ノ諸國ハ或ハ單ニ之ヲ了承セル旨ヲ述ベ、或ハ條約ノ範圍内ニ於テ之ニ從フ旨ヲ述ヘタル回答ヲ寄セタルカ(別紙乙號、丙號、丁號、戊號)米、英等ハ治外法權ヲ享有シ得ル立場ヨリソノ新法令ノ自國籍人ニ及フヘキコトヲ否認シ帝國政府トノ間ニ文書ノ往復アリ(別紙己號及庚號)結局帝國政府ニ於テモ遂ニ罰則ノ適用ニ付外國人ハ自國領事ノ裁判ニ服スヘキコトヲ認メタリ然レトモ同島ニ對スル主權ニ付テハ各國共帝國ノ主張ヲ默認セル形トナリキ

### 別紙甲號

小笠原島ニ關スル在本邦各國使臣宛文書

以手紙致啓上候然ハ我南海中之一屬島小笠原島之儀昨明治八年中我政府ヨリ官吏ヲ派遣シ實際ヲ檢セシメ候處追々移住之者相殖候ニ付今般該島ニ官廳ヲ設ケ官吏ヲ派任セシメ別紙規定ニ從ヒ取締爲致候條此段及御通知候 敬具

明治九年十月十七日

寺嶋外務卿

米、埃、白、丁、佛、獨、英、蘭、伊、秘、露、西各國公使宛

(附)

### 島規則

#### 第一條

島中ノ人民永住寄留ヲ論セス總テ島廳ヘ届出島則ヲ守ルヘキ事

#### 第二條

島中ノ人民生死婚嫁及他行歸島共總テ島廳ヘ可届出事

第三條

島廳ニテ不許地ハ私有スルヲ得ヌ又私有ヲ許ス地ハ總テ券狀ヲ與フヘシ尤之ヲ賣買セント欲スルトキハ是又島廳ヘ申立改テ券狀ヲ請フヘキ事

第四條

島廳ノ許可ヲ得テ新規開墾セシ地ハ其者ヘ授與シ私有ノ地券ヲ渡スヘシ

第五條

從來開墾ノ地ハ今ヨリ十ヶ年新規開墾ノ地ハ開墾落成ノ後ヨリ十ヶ年其間無稅タルヘシ右期間ノ後ハ土地ノ實況ニヨリテ設議アルヘキ事

但一度開墾セシ地タリトモ三ヶ年間打捨置荒蕪ニ屬スルトキハ私有ノ權ハ無之事

第六條

右ノ外追々島則ヲ増補スル事アラハ其都度之ヲ布告スヘシ

港規則

第一條

内外ノ船舶(軍艦ヲ除ク)本港ニ投錨セハ二十四時間ニ其船長ヨリ其國名船號船長ノ姓名噸數乗組ノ人員

發港地名積荷ノ品名數量及渡來ノ趣意ヲ島廳ヘ届出テ滯泊免許狀ヲ受クヘキ事

第二條

内外ノ船舶本港ヘ入泊セハ日本政府ニテ定メタル島規則港規則稅則及其他ノ規則ヲ遵守スヘキ事

第三條

内外ノ船舶出入港手数料或ハ船稅等當分ノ間總テ之ヲ取立テサル事

第四條

港内ニテ人畜ノ死骸ハ勿論石其他輕荷等船中ヨリ取棄ツヘカラサル事

第五條

内外ノ船舶本港ヘ到着ノ節其船中ニ痘瘡其他ノ傳染病相煩フモノアラハ常例ノ通避病旅ヲ橋上ニ引揚ケ置キ島廳ヨリ許可スル迄ハ他ノ船舶及小舟又ハ陸路等ヘ往來スヘカラス且所用アリテ右船舶ヘ相越シタル官吏ヘハ前以テ病症等ヲ告知シ病氣傳染セサル様注意スヘキ事

第六條

出港セント欲スル船舶ハ其旨ヲ十二時間前ニ島廳ヘ届出テ出港免許狀ヲ得テ後出港スヘキ事

第七條

此規則ノ條款ニ違犯スルモノアルトキハ島廳ニ於テ取糺シ罪ノ輕重ヲ酌量シ金百圓ヨリ多カラス  
五圓ヨリ少カラサル罰金ヲ其船長ヨリ取立ツヘキ事

### 税 則

#### 第一條

本島ヨリ貨物ヲ輸出シ或ハ本島へ貨物ヲ輸入シ又ハ他船へ積移サント欲スルモノハ總テ島廳へ願  
出テ檢査ヲ受ケ内地開港場海關ニ於テ現今施行スル方法ニ隨ヒ其取扱ヲ受クヘシ

#### 第二條

本島ヨリ輸出スル貨物及本島へ輸入スル貨物ハ當分ノ内無稅タルヘキ事

#### 第三條

外國渡航免許ヲ受ケタル内國船及外國船ヲ以テ本島ノ產物ヲ内地へ回漕スルトキハ固ヨリ無稅タ  
ルヘシト雖モ該貨物ニハ必ス回漕免狀ヲ添テ回漕スヘキ事

#### 第四條

外國渡航免許ヲ受ケタル内國船及外國船ヲ以テ本島ノ產物ヲ内地ヨリ本島へ積戻ストキハ前條同  
様該貨物ニハ必ス積戻免狀ヲ添テ回漕スヘキ事

#### 第五條

外國渡航免許ヲ受ケタル内國船及外國船ヲ以テ内地ノ產物ヲ本島へ回漕スルトキハ定則ノ輸出稅  
金ヲ内地開港場稅關ニ預ケ置キ該貨物ヲ本島ニ回漕陸揚セシ證書ヲ島廳ニ請ヒ該證書ヲ六ヶ月間  
ニ前キニ輸出セシ開港場稅關ニ差出ス可シ然ルトキハ稅關ニテ最前預リ置キタル稅金ヲ返附スヘ  
キ事

#### 第六條

外國渡航免許ヲ受ケタル内國船及外國船ヲ以テ内地ノ產物ヲ本島ヨリ内地へ積戻ストキハ定則ノ  
輸出稅金ヲ島廳へ預ケ置キ該貨物ヲ内地開港場ニ回漕陸揚セシ證書ヲ該稅關ニ請ヒ右證書ヲ六ヶ  
月間ニ島廳ニ差出スヘシ然ルトキハ島廳ニテ最前預リ置タル稅金ヲ返附スヘキ事

#### 第七條

内地ノ產物ヲ本島ニ回漕スルハ無稅タルヘシト雖モ本島ヨリ更ニ之ヲ外國ニ輸出スルトキハ本島  
ニテ定則ノ輸出稅ヲ取立ツヘキ事

#### 第八條

外國ノ產物ヲ本島へ輸入スルハ當分無稅タルヘシト雖モ本島ヨリ更ニ之ヲ内地へ輸送スルトキハ

本島ニテ定則ノ輸入税ヲ取立ツヘキ事

第九條

一旦内地開港場へ輸入セシ外國品ヲ再ヒ本島へ回漕スルトキハ前キニ内地ニ於テ收入セシ輸入税ハ爲メニ返附スヘカラザル事

第十條

阿片ヲ本島ニ輸入スルヲ許サス若シ密ニ輸入シ又ハ輸入セント謀リシトキハ現品ヲ沒收シ内地開港場ニ現今施行スル所ノ罰則ニ從ヒ其罰金ヲ課スヘシ

第十一條

本島ニ於テ納税及預ケ税ヲナスハ内地開港場ニ於テ現今施行スル所ノ輸出入ノ税目ニ從フヘシ若シ從價品代價不相當ト看認ルトキハ官吏其價值ヲ鑑定シ税額ヲ増ス事アルヘシ若シ船長或ハ貨主其鑑定ノ價值ヲ不相當ト看做ストキハ直ニ島廳へ買上クヘキ事

第十二條

此規則ノ條款ニ違犯スルモノアルトキハ島廳ニ於テ取糾シ罪ノ輕重ヲ酌量シ金五百圓ヨリ多カラズ五圓ヨリ少カラサル罰金ヲ犯人ヨリ取立ツヘキ事

第十三條

此規則ヲ改メ或ハ貨物ニ課税スル事アルトキハ必ス三ヶ月前ニ其旨公布スヘキ事

別紙乙號

獨逸公使ヨリ寺島外務卿宛來翰

Yedo den 25. Oktober 1876.

Das gefällige Schreiben No. 66 von 17. d.M., mit welchem Euern Excellenz mit die Bestimmungen für die Verwaltung der Bonin-Inseln übersenden, habe ich die Ehre gehabt zu erhalten.

Ich habe nicht verfehlt, dieselben zur Kenntnis meiner hohen Regierung zu bringen, und werde auch den Deutschen Konsuln in Japan davon Mittheilung machen.

VON EISENDECKER.

An

Dem Minister der Auswärtigen Angelegenheiten

Herrn TERASHIMA

Excellenz.



(右譯文)

本月十七日附書簡ヲ以テ貴國屬島小笠原島取締規則御差送被下落手致承知候右ハ本國我政府及ヒ  
貴國在留我國領事へ致通達候此段回答得貴意候 敬具

明治九年十月二十五日

獨逸國辦理公使 フォン、アイゼンデッヘル

寺島外務卿閣下

別紙丙號

佛國公使ヨリ寺島外務卿宛來翰

Légation de France

en

Japon

Tôkio, le 21 Janvier 1877.

Monsieur le Ministre,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 17 Octobre dernier pour

me faire savoir que le Gouvernement Japonais venait d'établir dans les îles Ogasawara (Bonin) un gouvernement chargé de leur administration. J'ai également reçu la copie des Règlements qu'il aura à faire observer par les habitants de cette Colonie.

Je vous remercie de cette intéressante communication. Je prends toutefois la liberté de vous faire observer que les dispositions qu'elle contient ne peuvent s'appliquer à mes nationaux quantant qu'elles ne dérogent pas aux Traités conclus entre la France et le Japon.

Agrez, Monsieur le Ministre, l'assurance de ma haute considération.

Signé: ST. QUENTIN.

(右譯文)

以書簡致啓上候然者昨九年十月十七日附貴簡ヲ以テ小笠原島へ追々移住ノ者相殖候ニ付該島ニ官  
廳ヲ設ケラレ官吏派任ノ事ニ御取定ノ旨別紙規則書ヲ添テ御申越ノ趣悉ク致領承候就テハ兼テ貴  
國ト吾國トノ間ニ取結ヒタル條約有之候ニ付右規則此條約ノ旨趣ニ抵觸ノ件無之ニ於テハ悉皆吾  
國人ニ施行可爲致候得共萬一ニケ條ニテモ抵觸ノ件有之候節ハ其條約ハ施行致サセ難キ事ニ候爲  
御心得同答旁此段添テ申進候也 敬具

明治十年二月二十一日

佛國代理公使 ド・サンカンタン

外務卿 寺島宗則閣下

別紙丁號

和蘭公使ヨリ寺島外務卿宛翰

Yokohama, den 26<sup>en</sup>

January 1877.

Excellentie!

Ik heb de eer gehad te ontvangen den brief van den 17<sup>en</sup> October 1.1, No. 35 waarbij Uwe Excellentie mij wel wil berigten, dat, tengevolge van de toenemende immigratie op de Bonin-eilanden, de Japansche Regering een bestuur aldaar heeft opgericht, en dat de zaken van genoemde eilanden-groep voortaan zullen worden beheerd volgens de onlangs vastgestelde verordening, waarvan een afschrift by Uwer Excellencies missive was gevoegd.

Terwijl ik my beijver Uwer Excellentie voor deze mededeeling mijnen dank te betuigen,

veroorloof ik mij tevens Haar te doen opmerken dat bedoelde verordening, ten opzichte van Nederlandsche onderdanen, schepen of goederen, slechts in zoo ver eenig effect kan sorteeran als haar inhoud niet in strijd mogt zyn met den geest en den letter van de door Japan met vreemde mogendheden gesloten Traktaten. /—

Gelief, Excellentie, de verzuimde verzekering myner hoogscholing te ontvangen.

De Minister-Resident van Z.M. den

Koning der Nederlanden

v. Wekkerlin

Aan Zyne Excellentie

Tereshima Munenori

Minister van Buitenlandsche Zaken

de. de. de.

Tokio.

(右譯文)

昨年十月十七日附第三十五號貴翰接手陳無人島之移住之者致増殖候ニ付貴政府ニ於テ該島之官

應ヲ被設貴翰ニ相添御送附相成候別紙規則ニ從ヒ向後該島之事務御取扱可相成旨云々御申越之趣  
致承知候就而ハ右規則之主意貴國各外國ト取結ヒタル條約面之主義ニ相適候丈ケハ我國人民船舶  
及ヒ貨物等ニ付右規則ヲ相守可申候  
此段回答旁得貴意度如斯候 敬具

横濱千八百七十七年二月二十六日

和蘭國辦理公使 ファン、ウラケルリン

東京  
外務卿 寺島宗則閣下

別紙茂號

西國代理公使ヨリ寺島外務卿宛來翰

Legation de Japan  
En el Japon

Yokohama 21 Octobre 1876.

Excellence,

J'ai l'honneur de vous remercier la réception de votre dépêche du 17 du 10<sup>me</sup> mois 9<sup>me</sup>  
année de Meiji en m'incrimant une copie des Réglemens et instructions pour les employés ins-  
pecteurs d'Ogasawara Shima un groupe d'iles vers le midi du Japon.

En vous remerciant de son envoi je saisis cette occasion pour vous réitérer les assurances  
de ma considération plus distinguée.

Mariano Alvarez

Son Excellence  
Terashima Munenori,  
Ministre des Affaires Etrangères de S.M.E. le Tennō,  
Tokio.

(右譯文)

明治九年十月十七日附貴翰致落手候然ハ貴國南方ノ一島小笠原島ニ御派遣ノ官吏ニ被達候規則及  
ヒ教令書牒寫壹部御送致被下難有存候此段答謝申進候 敬具

横濱千八百七十六年十月二十一日

天皇陛下之外務卿 寺島宗則閣下

アソブノ、アルツァス

一五

別紙口頭

(第一) 米國公使ヨリ寺島外務卿宛テ奉

No. 410.

United States Legation,  
Tokio, October 27th, 1876.

His Excellency

Tenshima Munemori,

H.I.M.'s Minister for Foreign Affairs.

Sir :

Referring to Your Excellency's note of the 17th instant in relation to the regulations for the government of the Ogasawara Islands, I have the honor to enquire if the Ogasawara Islands are the Bonin Islands, or a different group.

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I beg leave further to suggest to Your Excellency that the VIIIth Article of the Harbor Regulations provides that for any violation of those regulations the offender shall be tried in the government office, and, on conviction, be subjected to a fine of not more than one hundred (100) yen; and that by article XIIIth of the Customs Regulations therein set forth it is provided that offences against these rules shall be tried in the government office, and that the offender, on conviction, shall be subject to a fine of not more than five hundred (500) yen.

Your Excellency will observe that these regulations apply to all offenders, and that foreign ships and citizens are admitted into the open ports of these islands, the "Ogasawara Shima."

By the VIII Article of the treaty between Your Excellency's government and the government of the United States, of date 29th July, 1858, it is provided that Americans committing offences against Japanese, shall be tried in American Consular Courts, and, when found guilty, shall be punished according to American law.

It must be well known to Your Excellency that this article has always been construed to exclude American citizens from trial and punishment for any offences whatever by them committed in Japan before any tribunals other than American tribunals, and from any punishment other than that prescribed by American law.

I therefore respectfully suggest that these regulations be so amended as to provide that for

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all offences committed against the same by foreigners the offender shall be arrested and sent by the Japanese officials to the nearest Consul of his government in Japan for trial and punishment.

I have the honor to be, Sir,  
Your obedient servant,

Signed: John a. Bingham.

(右譯文)

第四百拾號

以手紙致啓上候陳者小笠原島取締規則之儀ニ付本月十七日附貴翰ヲ以テ御來示之趣致承知候就テハ小笠原島ハ無人島之儀ニ候哉又ハ他ノ群島ニ候哉致御尋問候

港規則第七條ニ此規則ニ違犯スル者アルトキハ島廳ニ於テ之ヲ取糺シ其罪證ヲ認メタル上百圓以下ノ罰金ヲ犯人ヨリ取立ツヘシトアリ又稅則ノ第十二條ニ此規則ニ違犯スル者アルトキハ島廳ニ於テ之ヲ取糺シ其罪證ヲ認メタル上犯人ヨリ五百圓以下ノ罰金ヲ取立ツヘシトアリ此等ノ規則ハ各犯人ニ充テラルル者ニ有之且ツ小笠原島開港場ニハ外國船及外國人モ來往可致候

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02

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千八百五十八年七月二十九日附貴政府ト合衆國政府トノ條約第六條ニ日本人ニ對シテ法ヲ犯セル亞米利加人ハ亞米利加「コンシユル」裁判所ニテ吟味之上亞米利加ノ法度ヲ以テ罰スヘシト有之候御了知之如ク此個條存スルヲ以テ米國人カ日本ニ於テ法ヲ犯シタルトキハ常ニ米國裁判所ニ於テ之ヲ審判處刑シ曾テ他ノ裁判所ノ審判處刑ヲ受ケタル事無之又米國法律ノ外他ノ法律ヲ以テ罰セラレタル事無之候依之右ノ箇條ハ外國人ノ右規則ニ違犯スル者アルトキハ日本官吏ニテ之ヲ取押シ其審判處刑ノ爲メ其最寄日本在留ノ該國領事ニ引渡スヘシト御改正有之度存候此段得貴意候  
敬具

合衆國公使館千八百七十六年十月二十七日

ジョン・エ・ビンハム

外務卿 寺島宗則閣下

(其二) 寺島外務卿ヨリ米國公使宛復翰

以書翰致啓上候陳者先般小笠原島取締規則設立ニ付諸規則書相添及御通知候處十月二十七日附貴翰ヲ以港則第七條及稅則第十三條ハ千八百五十八年七月二十九日貴政府ト締置候條約第六條ニ

抵觸候ニ付改辦候様御申越候趣致承知候然ルニ該島ハ我政府ニ屬スル絶域不開港之地ニシテ外國人往來スル權利ヲ得サル場所ニ有之候乍去我政府之特別免許ヲ以他ノ内地ヲ旅行スルト同様ニ貴國人之願ニ隨ヒ時證ニヨリ該島ヘ行ク事ノ免許ヲ與フル事アルヘシト雖モ該島ハ海路遠隔ナレハ右取締之爲メ我政府ニテ取設タル諸規則ヲ犯スカ如キ輕罪之貴國人マテヲ貴説之如ク我開港場貴國領事ヘ引渡シ處分ヲ托スル事ハ實際行届カタキ事ニ候尤貴國籍民之内該島ニ來リ重罪ヲ犯ス節ハ容易ナラサル大事も可及ニ付右様ノ者ニ限り假令急速之辨ヲナサストモ特別ノ方法ヲ取設最寄開港場ヘ相廻シ貴國領事之裁判ヲ要スヘクト存候且小笠原島ト稱シ候ハ俗間ニ無人島トモ唱候由該島ハ自今凡ソ三百年以前我士人小笠原貞頼ナル者此島ニ到リ開墾シ夫ヨリ以來小笠原島ト名ヲ定メ候儀ニ有之候此段回答旁得貴意候 敬具

九年十一月十四日

寺島外務卿

米國公使 ビンハム閣下

(其三) 米國公使ヨリ寺島外務卿宛來翰

No. 430.

United States Legation,  
Tokyo, November 20, 1876.

His Excellency

Torishima Munenori,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

In reply to Your Excellency's communication of the 14th inst. in relation to the government regulations for the Ogasawara (Bonin) Islands, I have the honor to acquaint you that I await instructions from my government, having transmitted to the Department of State our correspondence of last month on the same subject.

I beg leave, however, especially to note what Your Excellency remarks in your communication of the 14th instant, that foreigners have no right to visit the Ogasawara Islands without permission. Waiving for the present the question whether Your Excellency's government should close those islands to the commerce of the Treaty Powers after an enjoyment unchal-

length for twenty years and assuming that the islands are rightfully a part of His Imperial Majesty's domain, it necessarily results that foreigners there as elsewhere in His Majesty's Empire are under the protection of existing treaties and entitled to every guarantee thereof, and, among others, to the protection of the treaty provision that for all offences they shall be tried before the courts of their own country in Japan and, upon conviction, be punished according to the laws of their own country:

I beg leave further to remark of the regulations, that the provision thereof (Chapter 1, Article 3), to the effect that land shall not be appropriated on the islands without permission obtained from the government office, nor sold without government permission, ought not to apply to lands entered upon and occupied by foreigners for years past without question from Your Excellency's government. As I am advised there is an American family named Savory now residing in the islands on lands which they have held, improved and owned for forty six (46) years. By all usage such property rights ought to be respected and left undisturbed when peacefully and by implication lawfully acquired as was the case in the instance referred to.

I have the honor to be, Sir,

Your obedient servant,

Signed: John a. Bingham.

(右譯文)

第四百三拾號

今般貴政府ニ於テ御設立相成候小笠原島規則ノ儀ニ付本月十四日附貴翰ヲ以云ク御來示之趣致承知候右ハ去月中貴我往復之書翰國務省ニ差送リ我政府之指令相待居候義ニ有之候併シ右貴翰中外國人タル者貴政府ノ許可ナクシテ該島ニ渡航致スヘキ權理無之トノ旨御論述ニ候處既ニ二十年來會テ故障ナカリシ該島締盟各國ノ通商ヲ今更貴政府ニ於テ禁絶可相成理由ノ有無ハ始ク指措キ該島ヲ以正シク貴國所領ノ一部ト認メ候時ハ該島居住ノ外國人ハ貴國內地同様現存條約ノ保護ヲ受ケ條約面ニ定メ有之義中ニモ外國人諸般之犯罪ハ貴國內ニ在ル其國裁判所ニテ糾彈シ罪證判然タル上ハ其國ノ法律ニ從ヒ之ヲ罰スヘキトノ條約面ノ簡條ニ依リ保護ヲ受ケヘキ權理有之候將又規則中官廳ノ許可ヲ得サレハ該島ニ於テ土地ヲ私有スルコトヲ得ス又官許ナクシテ之ヲ賣與スル事ヲ得サルヘシトノ簡條(第二章第三條)ハ是迄貴政府ノ異論モ受ケス數年來外國人ニテ占有スル土地ニ適用スヘキモノニハ有之間敷ト存候目今該島ニ居住スル米人「サウヤリ」ト申ス一家族ハ自テ其土地ヲ開墾シ既ニ四十六年ノ間占有罷在候由ニ有之候處各國ノ習慣ニテハ右ノ如キ所有物ノ權理ハ彼ノ如ク平穩ニシテ且ツ自然ニ適正之道ヲ以得タルモノニ候時ハ之ヲ貴ヒ妨碍スルヲ

得サルヘキ義ニ有之候此段回答旁申上度如斯候 敬具

千八百七十六年十一月二十九日

米國公使館 ショーン、ハ、ピンナム

日本國皇帝陛下ノ外務卿

寺島宗則閣下

(其四) 寺島外務卿ヨリ米國公使宛復翰

去十一月二十九日附貴翰落手致被見候然者小笠島規則之儀過日來閣下ト往復之書面國務省迄御遣シ貴政府之御指令ヲ相待候旨云々御來示之趣致詳知候然ルニ此般該島ニ官員ヲ派遣候趣意ハ從來該島ニ一定ノ法則無之大ニ不取締ニ有之候ヨリ此般官員ヲ派シ規則等相設候儀ニテ外國人ノ該島ニ渡航スルヲ禁スル趣意ニ無之又規則中外國人ト唱候者鯨獵船ノ如キ外來ノ船舶ニ乘組來リ候者ヲ指シ候儀ニテ既ニ從來該島ニ在テ我國民籍ニ入ル者ヲ云ニ非ス且數年來該島ニテ豫テ土地ヲ開墾シ所有罷在候者ヘハ改テ券狀ヲ與ヘ其所有ノ權ヲ確定候マテニシテ決シテ其權理ヲ妨候譯ニ無之候右者貴東中明丁御承知無之儀有之候様相見候間更ニ辯解イタシ置度如此御座候 敬具

九年十二月七日

外務卿

米國公使 ビンナム閣下

別紙康號

(其一) 英國公使ヨリ寺島外務卿宛來翰

Yedo

November 24, 1876.

Sir,

I have the honor to acknowledge the receipt of Your despatch of the 17th ultimo informing me that in the course of last year your Government had despatched some officers to the Bonin Islands in order to examine their condition, and that your Government now intend to settle emigrants and to station officers in those islands, who will conduct the Government under the Regulations which you enclose.

In acknowledging this announcement of the intention of the Japanese Government to take possession of the Bonin group, I should repeat the verbal representations I have already made



to Your Excellency that the rights and liberties of the British subjects now settled on those islands are not affected by this determination. When therefore your Government shall have established its authority there, the said British subjects will be amenable to British jurisdiction, and should be protected by your Government in the enjoyment of the lands and property which they at present possess. Your Excellency will accordingly perceive that certain portions of the Regulations enclosed in your despatch are inapplicable either to the said British settlers, or to other British subjects or British ships who may hereafter visit the Bonin islands.

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

Harry S. Parkes.

H.B.M.'s Envoy Extraordinary and Minister  
Plenipotentiary.

His Excellency

Tenashima Munehori,  
Minister for Foreign Affairs.

(右譯文)

以手紙致啓上候陳者去月十七日附貴簡ヲ以テ客歲中貴政府ヨリ無人島實況檢査ノ爲官員御派出相成候末今般該島へ人民ヲ移シ官員ヲ置キ別紙規則ニ照準シ管理セシメラレ候御旨意ノ由規則相添御申越逐一承知候貴政府ニテ右無人諸島御所領相成ルヘキ旨拙者ニ於テ承諾致シ候ニ當リ今茲ニ他日既ニ閣下へ及御面談候次第再ヒ申述候

自今貴政府ニテ右群島御所領相成候共該島居住英民ノ自由權利ニハ毫モ關係不致義ニ候得者貴政府ヨリ取締ヲ設ケラレ候日ニハ該島英民ハ英政府ノ管轄ニ屬シ其所有ノ土地物品ノ如キハ貴政府ノ保護ヲ受ケ可申義ニ有之候就而ハ御送付相成候規則中一二ノ箇條ハ該島現居住ノ英民並ニ爾後該島へ渡航致スヘキ英民及英船ニハ用エハカラザルモノニ有之義御承知可相成候此段得貴意度如斯候

敬具

千八百七十六年十一月二十四日

特命全權公使 ハルリー、エス、パークス

外務卿 寺島宗則閣下

(其二) 寺島外務卿ヨリ英國公使宛復翰  
第五百十八號

以書翰致啓上候然ハ先般小笠原島取締規則設立ニ付諸規則書相添及御通知候處本月二十四日附貴翰ヲ以テ該島居住ノ貴國人民ハ貴政府ノ管轄ニ屬シ其自由權利ニハ我政府ニ於而毫モ關係不致其所有ノ土地物品ノ如キハ我政府ノ保護ヲ可受旨縷々御申越ノ趣致承知候然ルニ該島儀ハ御承知ノ通り絕域不開港ノ地ニシテ外國人往來スルニ權利ヲ得サル場所ニ有之候存去我政府特別ノ免許ヲ以テ他ノ内地ヲ旅行スルト同様貴國人ノ願ニ隨ビ時宜ニヨリ該島へ往來スル事ヲ許ス義モ可有之候得共該島ノ海路遠隔ナレハ取締ノ爲メ我政府ニ於テ取設ケタル諸規則ヲ犯スカ如キ輕罪ノ貴國人迄モ貴政府ノ管轄ニ屬スル譯ヲ以テ我開港場在留ノ貴國領事へ引渡シ處分ヲ托スル事ハ實際難行届事ニ有之候尤モ未タ我民籍ニ入テサル貴國人民該島ニ於テ重罪ヲ犯ス節ハ容易ナラサル儀ニ付右ノ者ニ限リ假令急遽ノ辨ヲナスドモ特別ノ方法ヲ取設ケ最寄開港場へ相廻シ貴國領事ノ裁判ヲ可要義ト存候就テハ過般差進候規則中一二ノ箇條ハ貴國人民及ヒ船艦ニ適當スヘカラサル物ニ有之候趣ニ御申越候得共前文陳述ノ通右規則ハ重罪ノ外ナレバ我民籍ニ入ラサル貴國人ニ對シテモ施行不致テハ實際大ニ差支候儀ニ有之候此段回答得貴意候 敬具

九年十一月二十八日

寺島外務卿

英國公使 パトクス閣下

別紙庚號

(其三) 英國公使ヨリ寺島外務卿宛來翰

Yedo,

December 29, 1876.

Sir,

I have the honor to acknowledge the receipt of Your Excellency's despatch of the 30th ultimo, on the subject of the occupation, by your government, of the Bonin Islands, in which you state, in reply to my note of the 24th ultimo, that although the British subjects in those Islands who "have not been entered on the Japanese register" should be amenable to British jurisdiction in respect to grave offences, it would be difficult to maintain that jurisdiction in the case of such minor offences as those named in the Regulations which you communicated to me in your note of October 17th.

In reply, I should observe that the meaning of the phrase "have not been entered on our register" is not quite clear to me, but it cannot be doubted that all the British subjects at present living on the Bonins, and who settled there many years before your Government determined to occupy those islands, are subject to British jurisdiction, and for any offences which they may commit, whether great or small, they can only be tried and punished by their Authorities. The same may be said of any British subjects who may hereafter visit those islands as under the Treaty all British subjects in any part of Japan are only amenable to the British Courts. If, in consequence of the practical difficulties to which Your Excellency alludes, it should be found necessary to concede to the Japanese Authorities certain powers of control over British subjects in the Bonin Islands which are not exercised in other parts of Japan, the nature and degree of such exceptional powers will have to be exactly defined, and the consent of my Government must be obtained before they can be enforced. The power which Your Excellency proposes to confer on the island authorities of fining British ships or British subjects one hundred *yen* will certainly require consideration before it can be agreed to.

In proof, however, of my desire to afford the Japanese Government all the assistance in my power in establishing their authority in the Bonin Islands, I should inform Your Excellency that, profiting by the opportunity you afforded me of communicating with the British settlers by the Japanese steamer which proceeded there on the 23rd instant, I instructed them that your Government had now determined to take possession of those islands, and were sending officers to form a Government there; that while as British subjects, they are subject to British and not to Japanese laws, and can only be tried and punished for offences by British Authorities, they should on the other hand show respect to the Japanese officers, and should comply with such directions, involving no breach of British law, which the latter may issue for the preservation of public peace and order. I also added that the occupation of the Bonin Islands by the Japanese Government would not affect the rights of the British Settlers in any way, and that they would therefore be protected by the Japanese officers in the possession of all the lands or property they are lawfully entitled to hold.

I may take this opportunity of mentioning to Your Excellency that, as far as I am informed, the British settlers on the Bonin Islands are limited to Thomas Webb, Charles Robinson, Robert Myers, and their respective families. I understand that another British subject named Richard Millichamp, who is now living in the Spanish island of Guam, claims the ownership of several lots of ground on Peel Island, and that Thomas Webb disputes with Richard Millichamp the ownership of one lot of land on that island, and with a German named Rose the ownership of another lot on Hillsboro's Island. Millichamp is represented in the Bonin Islands by Lescur, a French subject. The British subjects concerned in these disputes have from time to time forwarded their complaints to Her Majesty's Consul at Kagunawa, and the merits of their

claims are at present in course of investigation.  
In conclusion, allow me to present to Your Excellency the assurance of my highest considerations.

Harry S. Parkes

H. B. Mc's Envoy Extraordinary,  
and Minister Plenipotentiary.

His Excellency

Tenshima Munemori,

Esq. Esq. Esq.

(右譯文)

以手紙致啓上候陳者於貴國政府無人島所轄相成候儀ニ付去月二十四日附拙翰ヲ以テ云々及御通達置候處該島居住ノ英國臣民貴國ノ國籍ニ編入不致輩ハ假令重大ノ犯罪ニ付テハ我英國ノ管轄ヲ仰クトモ過ル十月十七日附貴簡ヲ以テ御送達相成候規則中掲載相成タルカ如キ輕小ノ犯罪ニ至ル迄英國ノ管轄ニ歸スルハ難被行事ニ有之旨去月三十日附貴簡ヲ以テ御回答相成致願承候右貴簡中御掲載有之候我國籍ニ編入不致云々ノ辭句ハ拙者ニ於テ充分其意味了解致兼候得共貴國政府ニ於テ

該島所轄ノ義御決斷有之候以前ヨリ多年移住致シ來リタル我英國ノ臣民ハ英國ノ管轄ヲ相受ケ罪犯有之節ハ其輕重ヲ論セス都テ自國官吏ノ審判處刑ヲ受クヘキ筋ニ候ハ固ヨリ疑ヲ容ル可ラザル義ニ有之且又今後該島ニ渡航スヘキ英ノ臣民タリトモ條約面ニ英國ノ臣民ハ日本國中何ノ處ニ於テモ英國ノ管轄タルヘキ旨記載有之上ハ矢張同様ノ譯ニ可有之候尤實際上閣下御指示ノ如キ難事有之ニ付無人島ニ限リ内地ニ行レナル英人管轄ノ權力ヲ多少貴國官吏ニテ享有可相成儀緊要ニ有之候ハハ此殊別ナル權力ノ品種ト程度ヲ精確ニ決定イタシ我政府ノ承諾ヲ得其上ニテ實施可相成筋ト存候將又百圓ノ罰金ヲ英國ノ船舶及臣民ニ課スルノ權ヲ島應ニ委任可相成旨御通達ニ候得トモ此儀ハ尙熟慮致候上ニ無之テハ御同意致兼候乍然拙者ハ固ヨリ貴政府ニ於テ官廳ノ無人島ニ御設置相成義ニ付可及丈ハ御助力致度希望候ニ付既ニ本月二十三日貴國ノ船舶發帆ノ折英國ノ移住人ト通信スルノ機會ヲ得則今般貴政府ニ於テ該島所轄ノ儀決議相成政廳設置ノタメ官員派出有之候ニ付固ヨリ英國ノ臣民タル者ハ英國ノ法律ヲ遵奉シ日本ノ法律ニ從フヘキニ非ス罪行アレハ英國官吏ノ審判處刑ヲ可受筋ニ候得トモ又日本官吏ヲ尊敬シ取締ノ爲發布可相成指令英國ノ法律ニ犯觸無之者ハ循奉可致様諭達ニ及ヒ且貴政府ニ於テ該島所轄相成候トモ英國移住人ノ諸權利ニ至ツテハ毫毛變換不致ニ付其正當ニ所持スル地面財産ハ貴政府ノ保護ヲ相受可申様相達置候扱又拙

者聞及候處ニテハ無人島移住ノ英人ハ「トマス、ウエツプ」「チャールズ、ロビンソン」「ロベルト、マイエルス」並其家族共丈ニ有之由然ルニ今壹人「リチャルド、ミリチャンプ」ト申者有之當時西班牙領ノ「グアム」島ニ居住致居由ニ候處「ビール」島ニ於テ數區ノ地面ヲ己ノ所有ト申立「トマスウエツプ」ト爭議ヲ生シ又「ウエツプ」ハ別ニ「ヒルスボル」島地面ノ義ニ付獨逸人「ロトス」ナル者トモ紛争ヲ起シ居候趣ニ有之右「ミリチャンプ」ハ無人島ニ於テ佛蘭西人「リシユトル」ヲ以テ代理爲致居候由右爭論ニ關係致候英國人共ヨリハ毎々神奈川駐留ノ英國領事ニ出訴致候ニ付其詞訟ノ理否ハ當時取調中ノ由ニ有之候此段御回答得貴意候 敬具

東京千八百七十六年十二月二十九日

英國全權公使「ハルリエスバークス」

外務卿「寺島宗則閣下」

## 其二、硫黃島帝國版圖編入經緯

小笠原島南南西沖北緯二十四度零分ヨリ同二十五度三十分東經百四十一度零分ヨリ同百四十一度三十分ノ間ニ散在スル三箇ノ島嶼ハ通常火山列島 (Volcano Islands) ト稱セラレタルモ從來其ノ所屬分明ナラナリキ然ルニ明治二十年代ニ至ルヤ帝國臣民ノ右諸島ニ渡航シ硫黃ノ採掘又ハ漁業等ニ従事スルモノヲ生シ其ノ取締上右諸島ノ所轄ヲ明ニスルコト必要トナリタル爲明治二十三年十月東京府知事蜂須賀茂韶ハ内務大臣西郷從道ニ宛テ該三島ヲ爾後東京府管下小笠原島所屬ト爲シ且其ノ名稱ヲ硫黃島、南硫黃島及北硫黃島ト定メンコトヲ稟請セリ

翌明治二十四年七月當時ノ内務大臣品川彌二郎ハ外務大臣榎本武揚ト協議ノ上右稟請ノ趣ヲ閣議ニ付スルコトニ決シ其ノ議決ヲ經タル上同年九月九日別添勅令第九十號ノ通問題ノ三島嶼ヲ爾今小笠原島ノ所屬トシ其中央ニ在ルモノヲ硫黃島ト稱シ其ノ南ニ在ルモノヲ南硫黃島、其ノ北ニ在ルモノヲ北硫黃島ト稱スル旨公布セリ

右ノ報知海外ニ傳ハルヤ西班牙ノ新聞紙ハ自國領タル「マリヤナ」群島ニ近接セル三島ヲ他國ニ先取セラレタルコトニ付キ大ニ自國政府ノ怠慢ヲ責メ且日本ノ西班牙植民地侵略ヲ防禦スル爲ニ

ハ在「フィリッピン」西國艦隊ヲ擴張スル必要アル旨ヲ力説シ西國政府モ亦爾後出來得ル丈頻繁ニ其ノ艦隊ヲシテ太平洋ニ於ケル自國領諸島嶼ヲ巡航警備セシムヘキ旨ヲ聲明セリ但何等旧本政府ニ對シテ正式抗議スル所ナカリキ

別紙

硫黃島帝國版圖編入ニ關スル勅令

硫黃島所屬名稱ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

明治二十四年九月九日

内閣總理大臣伯爵 松方正義

內務大臣子爵 品川彌二郎

勅令第九十號

東京府管下小笠原島南南西沖北緯二十四度零分ヨリ同二十五度三十分東經百四十一度零分ヨリ同百四十一度三十分ノ間ニ散在スル三島嶼ヲ小笠原島ノ所屬トシ其中央ニ在ルモノヲ硫黃島ト稱シ其南ニ在ルモノヲ南硫黃島其北ニ在ルモノヲ北硫黃島ト稱ス

其三、久米赤島、久場島及魚釣島帝國版圖編入經緯

沖繩縣ト清國福州トノ間ニ散在スル久米赤島(久米島ヨリ未申ノ方大凡七十里ノ距離ニアリ支那國福州ヲ去ルコト約二百里)、久場島(久米島ヨリ午未ノ方大凡百里ヲ距テ八重山島ノ中石垣島ニ近接セル大凡六十里餘ニ位ス)及魚釣島(方位久場島ト同一ニシテ唯十里程遠シ)ノ三島ハ別ニ支那國所屬ノ證據見ニス且ツ沖繩縣所轄ノ宮古、八重島等ニ接近セル無人島嶼ナルヲ以テ國標建設ニ關シ沖繩縣知事ヨリ上申アリタルヲ以テ右ノ證據方太政大臣ヘ上申スルニ先チ明治十八年十月九日山縣內務卿ヨリ井上外務卿ヘ意見ヲ徵シ來レリ外務卿ハ熟考ノ結果本島嶼カ支那國國境ニ近接セルコト、蕞爾タル島嶼ナルコト及當時支那國新聞紙等ニ於テ帝國政府カ臺灣近傍ノ支那國所屬島嶼ヲ占據セシ等ノ風説ノ掲載セラレ支那國政府ノ注意ヲ促シ居ルコト等ノ理由ニ依リ國標ノ建設島嶼ノ開拓ハ他日ノ機會ニ讓ル方然ルヘキ旨十月二十一日回答セリ依テ十二月五日內務、外務兩卿ヨリ目下建設ヲ要セサル儀ト可心得旨沖繩縣知事ヘ指令アリタリ

明治二十三年一月十三日沖繩縣知事ヨリ本件島嶼ハ從來無人島ナルヨリ別ニ所轄ヲ定メズ其儘ニ爲シ置キタル處近時水産取締ノ必要ヨリ所轄ヲ定メラレ度キ旨八重山島役所ヨリ伺出アリタルニ

付旁々管轄所定方内務大臣へ上申アリタリ

明治二十六年十一月二日更ニ沖繩縣知事ヨリ本件島嶼ニ向ケ漁業等ヲ試ムル者アルニ付之カ取締ヲ要スルヲ以テ同縣ノ所轄トナシ標杭建設致シタキ旨内務、外務兩大臣へ上申アリタリ依テ二十七年十二月三十七日内務大臣ヨリ本件閣議提出方ニ就キ外務大臣へ協議アリタルモ異議ナカリシヲ以テ閣議へ提出ノ上明治二十八年一月二十一日閣議ヲ決定テ經テ内務、外務兩大臣ヨリ議ニ上申中ノ標杭建設ノ件開屆クル旨沖繩縣知事へ指令アリタリ

#### 其四、南島帝國版圖編入經緯

一、「マーカス」島一名「ウキタス」島 (Marcus Island or Wilkes Island) 北緯二十四度十四分東經百五十四度ニ位シ小笠原母島ヲ距ル東微南六百六十海里ノ所ニ在リ本島ハ千八百六十四年米國船ニ依リ發見セラレ爾來各國ノ海圖ニ掲載セララルルニ至リタルモ其所屬ニ關シテハ未ダ公然確定セラレタルコトナク唯一個ノ無人島トシテ存スルニ過キサリキ我國ニ於テハ明治十二年靜岡縣平民齋藤清左衛門外二名ノ者風帆船ニテ南洋巡行中小笠原島ヲ經テ該島附近ニ至リ其後殆ント毎年同島ニ航行シタレントモ天候等ノ都合ニテ每航上陸ノ目的ヲ達セザリシカ明治二十六年五月巡航ノ際初メテ上陸ヲ遂ケ島ノ實況ヲ探查シタルコトアリ次テ明治二十九年十二月ニ至リ豫テ探險ノ目的ヲ以テ該方面ニ巡航中ナリシ風帆船天祐丸船長東京府平民水谷新六ナル者始メテ該島ヲ占領シ直ニ勞働者二十名ヲ小笠原島ヨリ移シ屋舎物置等ヲ建テテ捕鳥及漁業ヲ創ニメ翌三十年四月一旦歸京シ其旨東京府ニ届出ノ上該島貸下ヲ願出テタリ依テ證議ノ結果閣議決定ノ上明治三十一年七月二十四日東京府告示第五十八號ヲ以テ本島ヲ爾今南島島ト稱シ東京府所屬ト爲シ小笠原島島廳所管ニ屬セシメララルル旨公示シ(別紙甲號)而シテ該島ハ一定ノ條件

ヲ以テ水谷ニ貸下ケラレタリ爾來同人ノ經營ハ年々其歩ヲ進メ數年後ニハ一ケ年ノ産貨一萬四千圓以上ニ達セリ

二、是ヨリ先千八百八十九年(明治二十二年)中米人「キャプテン、ローズヒル」(Captain Desjardins)ナル者風帆船ニテ南洋巡航中「マールカス」島ニ至リ其ノ何人ノ占領ニモ屬セサルヲ見テ之カ領有ヲ企テ一椰子樹ニ合衆國々旗ヲ掲ケ以テ占領ノ證ト爲シ直ニ「ホノルル」ニ廻航シ同地駐在シ米國公使ヲ經テ該島ノ所有權ヲ得シトテ合衆國政府ニ願出テタルモ許可ヲ得ズ爾來屢々右ノ目的ヲ達センカ爲メ種々畫策スル所アリシカ明治三十五年一月ニ至リ二、三人士ノ助力ヲ得テ再々國務省ニ運動シ遂ニ占領ノ許可ヲ得タルヲ以テ同人等ハ該島ニ於テ捕鳥等ノ事業ヲ營ム爲メ一ノ會社ヲ組織シ一隻ノ風帆船ヲ購入シテ「マールカス」島遠征ノ途ニ上ラントストノ風評アリ帝國政府ハ在米高平公使ヲシテ該島ハ既ニ明治三十一年東京府ノ管轄ノ下ニ置カレタル事實及其根據ヲ指摘シ若シ該島占領ノ允許既ニ與ヘラレタルモノトセハ兩國間ニ無用ノ紛擾ヲ避クル爲メ速カニ該允許ヲ取消スヘキ措置ヲ採ル様米國政府ニ勸告セシメタリ(別紙乙號)(七月十六日及同月二十四日)右ニ對シ米國政府ハ精細調査ノ爲メ當該官ニ移牒スヘキ旨回答セリ他方帝國政府ハ上述ノ交渉ヲ知ラサル「ローズヒル」一行ノ遠征隊カ南島島在任ノ日本人ニ危

害ヲ及ホスヲ憂ヒ七月二十三日外務書記官石井菊次郎ヲ軍艦笠置ニ搭乘セシメ同島ニ派遣セリ同書記官ハ在京米國公使ノ請ニ應ジ同公使ヨリ「ローズヒル」ニ對シ本國政府ノ訓令ニ依リ何等衝突ヲ醸スコトヲテ且米兩國政府間ノ外交折衝ニ俟ツヘキ旨ヲ勸告セル書面(別紙丙號)ヲ携行セリ同艦ハ四晝夜ニシテ南島島ニ着セルモ附近ハ深海ニシテ投錨スルヲ得ズ晝夜間斷ナク石炭ヲ燃燒セサルヲ得サル爲メ米國探險船ノ到着ヲ待ツハ燃料缺乏センコトヲ慮リ艦長ハ島内高燥ナル地ヲ選ミテ兵舎ヲ建設セシメ秋元海軍中尉ニ兵十六名ヲ授ケテ此處ニ駐屯セシメ又石井書記官ハ「ローズヒル」ニ宛テ本島カ小笠原群島ニ編入セラレタル由來及根據ヲ陳述シ右說明ヲ肯諾スルコトヲ得サルトキハ此上ノ商議ハ兩國政府ノ外交機關ヲ通シテ之ヲ遂ケヘキモノタルコトヲ述ヘタル書面(別紙丁號)及前記在本邦米國公使ノ書面ヲ同中尉ニ委託シ笠置艦ハ七月二十九日横須賀歸航ノ途ニ上レリ

翌七月三十日米國ノ二帆船南島島ニ來着シ端舟ヲ卸シテ上陸セントス秋元中尉ハ右ノ中主立ヲタル者三名ヲ尋問シタル結果ニハ「キャプテン、ローズヒル」ニシテ他ハ該島ノ地質動物植物研究ノ爲メ特ニ同伴セル「セドウキツク」及「ブライアン」ノ二博士ナルコト及船名ハ「ジュリア、イ、ウーレン」(Julia E. Winton)號ニシテ七月十日「ホノルル」ヲ出帆シタルモノナルコトヲ確



メタリ依テ共ニ合營ニ到リ石井書記官ヨリ委託セラレタル書面ヲ「ローズヒル」ニ手交シ直ニ出帆センヨトヲ請求セルモ米人側ハ當時海上不穩ニシテ且乗員ノ健康上上陸ノ必要モアリ又兩博士ノ研究モアレハ暫時該島附近ニ漂泊セン事ヲ請ヒタルヲ以テ秋元中尉ハ笠置艦長ノ訓令ニ基キ二回五名ヲ限リテ乗員ノ上陸ヲ許可シ又兩博士ニ對シテハ特ニ一家屋ヲ提供シテ便宜ヲ計リ一週間ヲ限リテ滯島ヲ許可セリ八月七日ニ至リ滯島ノ期限盡キタレハ「ワールン」號ハ「ホノルル」ニ向ケ出帆セリ

他方「ローズヒル」一行ハ南島島占領ノ計畫組船シタルヲ以テ大ニ怒リ本國政府ニ交渉シ日本政府ヲシテ損害賠償金四百萬弗ヲ支拂ハシムヘシト聲明セルモ沙汰止ミトナリタルモノノ如シ

別紙甲號

兩島島ヲ東京府ニ編入ノ件

告示第五十八號

北緯二十四度十四分東經百五十四度ニ在ル島嶼ヲ南島島ト稱シ自今本府所屬ト爲シ小笠原島島廳

所管ニ屬セラレ

明治三十一年七月二十四日

東京府知事 肥 塚 龍

別紙乙號 (第一)

INSTRUCTIONS RECEIVED FROM JAPANESE GOVERNMENT ON THE 15TH JULY, 1902 AND  
PRESENTED TO THE HONORABLE THE SECRETARY OF STATE BY THE  
JAPANESE MINISTER THE NEXT DAY.

Marcus Island which is situated at 24 degrees 14 minutes north latitude and 154 degree east longitude was included in the group of Ogasawara Jima (known as Bonin Islands) under the name of Minami Tori Shima (South Birds Island) and placed under jurisdiction of the local Government of Tokio in 1898. Public notification was issued to that effect on the 24th July of the same year and the island was leased to a Japanese subject named Mizutani who had been engaged in catching birds and fish in island since several years ago. Some forty or fifty Japanese including women and children are now settled there.

Under these circumstances, you will call attention of the United States Government to these facts and if the authorization to occupy the island had been actually given, you should request the United States Government to take prompt measure to revoke it in order to avoid unnecessary complication between the two Governments.

## 宗經心算 (第11)

INSTRUCTIONS RECEIVED BY JAPANESE MINISTER FROM THE MINISTER FOR FOREIGN AFFAIRS AND SUBMITTED TO HON. DAVID J. HILL, ACTING SECRETARY OF STATE ON THE 24TH JULY, 1902.

Regarding Marcus Island, I am able to give you the following additional information which you are authorized to use such way as you may deem best:

For the last 23 years at least, Japanese fishing and hunting vessels in the prosecution of their business have repeatedly visited Marcus Island and on all such visits, they found the island entirely unoccupied and uninhabited. In 1896, a permanent colony of Japanese, consisting of about 20 persons was established on the island and ever since then the island has been in the complete, continuous, exclusive, undisputed and peaceful occupation of Japan.

and as reported in my previous telegram, the island so occupied was in 1898 brought for the administrative purposes under jurisdiction of the local Government of Tokio. Japanese Government hope the United States Government would agree with them that the facts of the case conclusively establish the validity of our title.

It is assumed, Captain Rosehill's proceedings are taken under title 72 of the United States Revised Statutes, and in that case, you can point out that there was neither discovery, possession nor occupation of the island on the part of Captain Rosehill, and that the island is within the jurisdiction of Japan and is occupied by her subjects.

Japanese Government are sending man-of-war to Marcus Island purely as a measure of precaution to prevent any disturbance or acts of hostility on the part of inhabitants upon arrival of Captain Rosehill. Mr. Ishii, Secretary of the Foreign Office who is on the man-of-war takes at the request of the United States Minister to Japan a letter from him to Captain Rosehill which he prepared under instructions from his Government to advise the Captain not to engage in any conflict and to await diplomatic correspondence between Japanese and the United States.

別紙丙號 在京米國公使ヨリ「ローズビル」宛書翰

No. 619.

July 22, 1902.

Captain A. A. Roschill,  
Marcus Island.

Sir:

By telegraphic instruction received from the Secretary of State at Washington I am directed, in case a Japanese ship is sent to Marcus Island, to advise you by letter not to engage in any conflict, but await diplomatic correspondence between the United States and Japan.

I am informed by His Excellency, the Japanese Minister for Foreign Affairs, that a Japanese naval vessel will start to-morrow for the Island, not to make trouble but to prevent it. Hence I address you that you may govern your action in accord with the instruction of the Department of State.

This communication will be handed you by an official of the office of the Japanese Minister for Foreign Affairs who will be on board of the Japanese Naval vessel and who will be instructed to deliver it to you.

I am, Sir,

Your obedient servant.

A. E. Buck.

United States Minister.

別紙丁號 石井外務書記官ヨリ「ローズビル」宛書翰

The Minami Torishima,

July 29th, 1902.

Dear Sir,

Towards the middle of this month, Mr. Takahira, His Imperial Japanese Majesty's Minister at Washington, wired to his Government reporting that according to some American papers you were leaving Honolulu by the 11th inst. in an expedition to Marcus Island to which you had just been granted title by your Government.

Immediately on receipt of the above intelligence, the Imperial Government on the one hand, telegraphed to their representative at Washington instructing him to inform the United States Government of the legitimate previous acquisition by Japan of the island, and have decided, on the other hand, to dispatch to the spot a fast cruiser with an official of the Foreign

Office on board her for the protection of their rights and in order to meet you and give you an account of our acquisition of the island and also in order to avoid any possible misunderstanding between the Japanese subjects on the island and your crew.

It was under such circumstances and with such ends in view that the Kasagi of the Imperial Navy was ordered to this island under the Command of Captain Sakamoto and that I was commissioned here on board her.

On the eve of our start, Colonel Buck, the United States Minister to Tokyo under instructions of his Government asked Baron Komura, the Imperial Minister for Foreign Affairs for the transmission of his dispatch addressed to you through the official he was then sending. I was accordingly instructed to hand to you the despatch which I now beg to enclose to you herewith.

The Kasagi left the Bay of Tokyo on the 23rd inst. and it was on Sunday last that we arrived at this island.

Upon your arrival which we estimated would soon follow ours, supposing you had left the Hawaiian port on the 11th as reported, I was particularly instructed to see you and explain to you our title to the island based, as it does, on the following facts:—

“The island popularly known as Marcus Island has been, since comparatively early times, not unfrequently spoken of among the Japanese sailors of the adjacent regions and since 1879

the island has been continually and almost regularly visited by Japanese fishing and hunting vessels and on all such visits the island was found to be entirely uninhabited and unoccupied.

In 1896 these periodical visits were turned out into a permanent occupation, more than twenty of our Ogasawara (Bonin) islanders having now resolutely settled in the island, and ever since then the island has been in the continuous and undisputed occupation of Japan. In view of such continued activity on the part of these enterprising people and of the growing importance of and considerable dimension assumed by our interests in these waters the Imperial Government felt the necessity of taking certain official and formal steps to prevent any international complications which long negligence on their part in this respect might possibly give rise to. And in fact such official and formal step was taken in 1898. In the Tokyo Prefectural Ordinance dated July 24th of the same year the island was incorporated in the Ogasawara (Bonin) Group and put under the jurisdiction of the Tokyo Prefecture, and the name “Mitsumi Torishima (The South Birds Island)” was officially given to it.

Encouraged by this Governmental measure the Japanese settlers set firmer foot on the soil and the consequence was gradual and steady progress of the colonization and extension of the industry in this Japanese possession beyond seas.”

It is now about three days that we have been staying off the island vainly waiting your arrival. We were finally led to suspect that you might not have left Honolulu on the 11th

instant as reported. Moreover the coal beginning to fall short it was with much reluctance that we decided to return for coaling without being able to meet with you. I accordingly have to recapitulate in the present note what I should have personally pointed out to you.

I sincerely hope that you will agree with me in thinking that the facts of the case as above stated would conclusively establish the validity of our title. Should they however fail to secure your adhesion I need scarcely call your attention to the fact that the matter should be negotiated through the diplomatic channel between the two Governments and that no measure incompatible with our right of prior possession and occupation should be taken in the meantime. For the sake of precaution I have to ask you that you should take necessary steps against your crew resorting to any hostile acts. On this side Captain Sakamoto and myself have not failed to give order to both the inhabitants and the men whom the Captain temporarily leaves on the island that confidence upon your sense of justice they should under no circumstances provoke the citizens of a country with which Japan entertains relations of so cordial neighborhood.

Believe me, Dear Sir,

Yours most sincerely

(Signed) K. Ishii.

Secretary to the Imperial Ministry  
of Foreign Affairs.

To Captain Rosehill.

### 其五、沖大東島 (Ogasawara) 帝國版圖編入經緯

沖繩縣那霸港ヲ距ル東南約二百九十海里、北緯二十四度三十二分三十秒、東經百三十一度十九分ノ洋中ニ「ラサ」島アリ元來所屬未定ノ無人島ナリシカ明治二十五年帝國軍艦海門號ノ派遣ニ依リテ始メテ其ノ存在ヲ確認シ次テ同三十三年九月沖繩縣島尻郡ノ所屬ニ編入セララルニ至レリ

## 其六、中ノ島島帝國版圖編入經緯

明治四十年八月東京市在住山田某ナル者北緯三十度五分東經百五十四度二分即チ小笠原島ヲ距ル五百六十哩ノ位置ニ於テ一島嶼ヲ發見シ海圖ニ所謂「ガンヂス、アイランド」(Ganges Island)ニ相當スル旨届出テタルニ依リ翌四十一年五月其行政上ノ所屬ヲ定メラレンコトヲ東京府知事ヨリ内務大臣宛上申セリ然ルニ水路部發行「日本水路誌」ニハ北緯三十度四十七分東經百五十四度二分ニ「ガンヂス」島アリ位置疑ハシトノ符號ヲ置ケル趣ニテ其ノ位置ニ多少ノ差異アルニ依リ右ハ他日確定スルノ必要アルヘキモ其ノ帝國ノ版圖ニ屬スヘキハ論ナキヲ以テ閣議決定ノ上明治四十一年七月三十日内務大臣ハ東京府知事ニ對シ爾來該島ヲ中ノ島島ト名付ケ東京府小笠原島廳ノ所管ト爲スヘキ旨訓令シ同府知事ハ同年八月八日東京府告示第四百四十一號ヲ以テ右ノ趣ヲ管内ニ布告セリ

## 一、外國ノ爲シタル島嶼先占ニ對スル帝國政府ノ

## 措置ニ關スル事例

## 其一、クリッパートン島

太平洋上「メキシコ」ノ西南約六百七十哩ノ距離ニアル「クリッパートン」島(Oliparton)ノ歸屬ニ付十九世紀ノ中頃ヨリ佛、墨兩國間ニ紛糾生ジ居リシ處明治三十一年六月在倫敦太平洋諸島會社 Pacific Islands Co.ノ代理人ニシテ墨國政府ヨリ該島ノ假監督官ニ任セラレ居ルモノト稱スル「ジョージ、ドウグラス、フグリス」ハ在布哇帝國公使館ニ對シ同島ニ於テ鳥糞採取業ニ使用ノ爲布哇在留邦人勞働者七十五名ヲ募集シタルニ付テハ右勞働者渡航差支ノ有無ヲ伺出タリ然ルニ先是布佛國領事ヨリ「タリ、バートン」島ハ一八五八年十一月十七日以降永久ニ佛國皇帝「ナポレオン」三世及其相續者ニ屬スル旨ノ官報ニ通報アリタルニモ願ミ在布帝國公使ハ本件處理ニ當リ該島ノ所屬國ニ關スル墨國政府ノ意嚮探知方ヲ在墨帝國公使館ニ求メタルヲ以テ同公使館事務代理林書記官ハ明治三十一年七月九日附ヲ以テ別紙甲號ノ通り墨國外務大臣ニ照會シタル

處同外務大臣ハ本件ニ關シテハ在東京墨國公使ニ對シ委細帝國外務大臣へ報告方訓令シ置キタルヲ以テ右ニテ承知アリタキ旨七月二十五日回答セリ而シテ同年九月二十二日在本邦墨國公使ハ帝國外務次官ニ對シ該島ハ墨國政府ニ歸屬シ居リ而テ墨國政府ノ許可ナクシテ米國上加州ハ社會カ該島ニ於テ鳥糞採取業ニ從事セル越ヲ明知セルヲ以テ砲艦「デモクラタ」號ヲ同島ニ派シ墨國ノ權利ヲ主張シ併テ許可ナクシテ其產物ヲ採取スルコトヲ禁セリ其後墨國政府ハ太平洋諸島會社ト同島ニ於ケル鳥糞採取ノ契約ヲ取結ヒ「フリース」ヲシテ監督官ニ任シ該契約ノ履行及同島ニ於ケル墨國ノ權利侵害トナルヘキ事慮ニ關シ報告方ヲ命シタル旨並在墨佛國公使館ハ近時墨國外務省ニ對シ該島ノ歸屬ニ關シ主張スル處アリタル旨ヲ記シタル覺書(別紙乙號)ヲ手交セリ仍テ帝國外務省ハ右ノ趣在布帝國總領事館ニ通報ス

因ニ「クヨツバートン」歸屬問題ハ彼上ノ如ク久シキニ亘リ佛、墨兩國間ノ緊争トナリ居リシカ千九百九年三月二日兩國間ニ本問題ヲ伊國皇帝ノ仲裁ニ委ヌルコトニ協定成立シ爾來二十二年間何等裁決ナカリシニ千九百三十一年一月二十八日伊國皇帝ハ佛國力千八百五十八年同島ノ主權獲得ヲ宣言シタル當時同島ハ無主地ノ狀態ニ在リ而テ佛國ハ國際法所要ノ條件ニ從ヒテ同島ヲ占有シ爾後同島地盤ノ意思ヲ表示シタルコトナシトノ理由ヲ以テ佛國ノ領有ニ歸スヘキ旨判決ヲ下セリ右伊國皇帝ノ裁決ニ對シ墨國ハ千九百三十一年末特別委員會ヲ組織シ本件ヲ審議セルガ結果有裁決ニ服スルコトニ決定シ千九百三十二年(昭和七年)十一月墨國外務大臣ハ「クヨツバートン」島分離ニ關スル憲法改正案ヲ上院ニ提出セリ右改正案

カ議會ヲ通過スヘキハ既定ノ事實ナルヘキモ右ハ更ニ墨國各州議會ノ多數ノ協賛ヲ經ルコトヲ要スルヲ以テ該島ガ墨國領土ヨリ分離セラレニ至ラズニ尙相當ノ時日ヲ要スルン

別紙甲號 林公使館書記官ヨリ墨國外務大臣宛書翰

Su Excelencia

Exterior Lic Don

Ygnacio Mariscal.

Secretario de Estado y del Despacho de Relaciones Exteriores.

México, 9 de julio de 1898.

No. 44

Exmo. Señor:

Por un despacho que esta Legación ha recibido del Sr. Shimamura, Ministro residente del Japón en Honolulu, aparece que el Sr. George Douglas Freeth, Agente de la "PACIFIC ISLANDS COMPANY", firma inglesa, ha contratado un número de trabajadores japoneses que va á ocupar en la Yala de Clipperton. Se dice que esta Yala se ha puesto provisionalmente por el Gobierno de México, bajo la dirección de dicho agente. Y finalmente se le ha informado

al Sr. Shimamura que le mencionaba Ysla perteneció desde el 17 de Noviembre de 1858, al Emperador Napoleón III y á sus herederos y sucesores en perpetuidad.

Bajo estas circunstancias el Sr. Ministro Shimamura desearia informarse, si en efecto el Gobierno Mexicano ha autorizado al expresado Sr. George Douglas Freeth para que ocupe la expresada Ysla, con el fin de saber á quien dirigirse en caso que dichos trabajadores japoneses tengan alguna dificultad en la Ysla.

Definiria altamente si su Excelencia, tuviera á bien manifestarme la verdadera condicion que ocupa dicha Ysla, para asi comunicarla á los representantes de mi Gobierno, con el fin indicado.

Me complace, en reiterar á su Excelencia, las mas distinguidas de mis consideraciones de respeto y estim.

(firmado) S. Hayashi

(右譯文)

拜啓陳者在「ホノルル」嶋村辨理公使ヨリ接手シタル書翰ニ依レハ今般英國太平洋諸島會社ノ代理人「ジョーヂ、ドウグラス、フリース」ナルモン「タリッパートン」島ニ於テ使役スル爲メ本邦

勞働者若干名雇入ノ契約ヲ取結ヒタル趣ニ候處同代理人ハ墨國政府ヨリ該島ノ假監督官ニ任命セラレタル旨申居候ヘ共同時ニ又嶋村公使ニ於テハ該島ハ千八百五十八年十一月十七日以降永久ニ佛國皇帝「ナポレオン」三世及其相續者ニ屬ストノ旨ヲモ承知シタル趣ニ候右ノ次第ニ候ヘハ嶋村公使ニ於テハ後日右本邦勞働者ニ關シ故障起リタル場合前記「フリース」氏ハ果シテ「タリッパートン」島ノ監督ヲ貴國政府ヨリ委任サレ居ルモノナルヤ否ヤ承知致置度趣ニ付同島ノ實情ニ關シ何分ノ御回示有之様致度希望ニ不堪候茲ニ重ネテ閣下ニ向テ敬意ヲ表シ候 敬具  
千八百九十八年七月九日墨府ニ於テ

林 曾 登 吉

外務大臣法學士 イグナシヲ、マリスカル閣下

別紙乙號 墨國公使ノ鳩山外務次官ニ手交シタル覺書

Memorandum.

In a note dated the 9th of July last, which Mr. Sokichi Hayashi, in charge of the Japanese Legation at Mexico, addressed to the Department of Foreign Affairs of Mexico, he stated,



that from a despatch received by said Legation from Mr. Shimamura, then Japanese Minister in Hawaii, it appeared :

That Mr. George Douglas Freeth, Agent of the "Pacific Islands Company", of London, contracted a certain number of Japanese labourers for work on the island "Clipperton";

That it was said that the island had been provisionally put under the control of said agent by the Mexican Government;

That Mr. Shimamura was also informed, that the aforesaid island has been belonging, since the 17th of November 1858, to the Emperor Napoleon III and to his heirs and successors in perpetuity;

That, in view of these statements, Mr. Shimamura wished to be informed, whether it was true that the Mexican Government has authorized Mr. Douglas Freeth to occupy the island, in order to know who should be addressed in case of any difficulty being encountered there by said labourers; and

That he (Mr. Hayashi) would feel obliged by being informed, which is the real condition of the island, so that he could communicate it to the representatives of his government.

The Minister of Foreign Affairs of Mexico, while transcribing to the undersigned Mr. Hayashi's note, makes the following statements, recommending their verbal transmission to His Excellency the Minister for Foreign Affairs of His Imperial Majesty :

The island "La Pasion", now called "Clipperton", is in the possession of the Mexican Government. Notice having been received, in the earlier part of last year, that some individuals were employed in exporting the guano of said island for account of an Upper-Californian company, without any permission from the Government of Mexico, the Mexican gunboat "Demorata" was ordered to go to that place, to see that the rights of the Republic be respected and to prevent the use of the products of the island without the respective permission. Subsequently the Mexican Government concluded a provisional contract with the representative of "The Pacific Islands Company, Limited", of London, for the exportation of the guano of the island Clipperton, and appointed Mr. George Douglas Freeth official inspector, with the exclusive object of watching over the compliance with said contract and of informing about all that might occur affecting the rights of the Republic in that island.

As Mr. Douglas Freeth has no other powers or faculties, any contract he might make, either in his own name or on behalf of another party or enterprise, must be considered as private; therefore, the Government of the Republic will never and in no way be responsible for such contract nor for its consequences; because, though Mr. Freeth has a commission given to him by the Government, it does not comprehend that of contracting obligations nor of granting rights in the name of the same Government.

Recently the French Legation in Mexico has communicated to Mr. Mariscal, that the

Government of that Republic alleges the right of property in regard to said island, founded on titles presented to the Department of Foreign Affairs, which are actually being examined with due attention in order to decide what may be proper.

Tokyo, September 21st, 1898.

signed:  
Mexican Minister.

## 其二、ミッドウエー島及ウエーク島

- 一、明治三十二年末米國軍艦「イロクオオイス」號艦長ハ布哇群島ノ西北ニ散在スル「ミッドウエー」諸島 (Midway Islands) 中ノ一島ニ鳥毛探集ヲ業トスル六名ノ日本人在住シ居ルコトヲ發見シタル趣海軍長官ヨリ報告ニ接シタル米國國務長官ハ在本邦米國公使ヲシテ明治三十三年十月二十日帝國外務大臣ニ對シ日本國臣民カ「ミッドウエー」島内ニ住所ヲ設ケタリトノ事由ニヨリ米合衆國ニ屬スル同島ニ對シ帝國政府カ主權ヲ要求スルコトアルヘキハ豫期シ得ザル旨別紙甲號ニ通申述ヘシメタリ然ルニ先是在京野澤某ヨリ鳥毛探集ノ目的ヲ以テ同島借入ク手續ニ付帝國外務省ニ照會アリタル際取調ノ結果「ミッドウエー」諸島カ米國版圖内ニアルコトヲ了知シ居リタルヲ以テ帝國外務省ハ右米國側ノ申出ニ對シ帝國政府ハ該島ニ對シ主權ヲ主張スルノ意思大キ旨明治三十四年二月二十八日別紙乙號ノ通回答セリ
- 二、明治三十五年三月内務省ヨリ栃木縣人中山某カ太平洋上ニ布哇諸島「グアム」島ノ中間ニアル「ウエーク」島ハ「ミッドウエー」諸島ニ於テ鳥毛探集並漁撈方頗出タルニ付該島ノ所屬國ヲ取調アリ度キ旨帝國外務省ニ依頼アリタル處當時外務省ハ同島ハ何レノ國ニ屬セサルモ以テ之ノ如キ鳥毛探集

衆國ニ於テ同島ヲ染港「マニラ」間海底電線ノ中繼所トスル計畫アルコトヲ明知シ居ル旨回答セリ然ルニ同年八月十日在米帝國公使ヨリ新聞情報ニ依リハ米國運送船「パツドフォード」號六月「ウエーク」島ニ寄港ノ際日本人八名之ニ居住セルヲ發見シ又明治三十三年米國公船「ネロ」號ヲ太平洋海底電線敷設測量ノ際「ミッドウエー」諸島ニモ日本人居住シ居ルコトヲ發見セル趣ニテ米國海軍省ハ近時日本帝國カ太平洋諸島ヲ占領ニ關シ活發ノ舉動ヲ表示シ居ルニ願ミ米合衆國ハ其ノ利益ヲ保護スルニ適當ナル手段ヲ取ルコト必要ナル旨國務省ニ申送タル由竝ニ最近米國軍艦「デダムス」號ハ右諸島ニ對スル米合衆國ノ主權ヲ確保シ併セテ不法ニ居住スル者ヲ逐斥スルノ目的ヲ以テ該諸島ニ巡航スルニトヲ命セラレタル趣ナルニ付テハ同艦出發ニ先テ該二島及居住ノ帝國臣民ニ對スル帝國政府ノ意圖ヲ米國政府ニ通報シ置クコト可然旨電報アリタリ右ニ對シ帝國外務大臣ハ「ミッドウエー」島ニ付テハ既ニ在本邦米國公使ニ申送り置キタルカ「ウエーク」島ニ關シテモ帝國政府ハ帝國臣民カ同島ニ居住スルノ事實ヲ基礎トシテ該島ニ對シ主權ヲ主張スルノ意思ナク尤モ右二島ニ居住スル帝國臣民ニシテ平穩ニ其生業ヲ營ム限リ米國政府ニ於テ之ニ適當ナル保護ヲ與ヘ敢テ逐斥スルカ如キコトナカルヘキコトヲ帝國政府ハ期待スル旨米國政府ニ申入方回訓セリ右ニ從ヒ在米帝國公使ハ八月十八日別紙丙號ノ公

文ヲ國務長官代理ニ手交セル處同月二十六日同代理ハ別紙丁號ノ公文ヲ以テ兩島ノ主權ハ米國ニ屬シ居ル旨竝ニ日本臣民ノ居住ハ目下計畫中ノ太平洋海底電線ニ關聯スル兩島又ハ其ノ一ノ使用ニ矛盾スルニ非ナル限別ニ差支ナク又該島ニ許可ヲ得シテ居住スル者ヲ移轉セシムルノ必要ヲ生シタル場合ニハ帝國政府ヘ通知ス可ク或ハ其ノ協力ヲ求メテ之ヲ行フヘキ旨回答シ來タレリ

四ニ當時南島問題ニ付日米兩國間ニ交渉アリ其際米國政府カ帝國政府ノ措置ニ對シ好意的態度ヲ示シタルハ蓋シ右二島ニ關スル帝國政府ノ主張カ穩和ナリシニ歸因スルモノナラン

別紙甲號 米國公使ヨリ加藤外務大臣宛來翰

No. 255

Legation of the United States,

Tokyo, Japan, December 12, 1900.

His Excellency,

Mr. Kato Takachi,

His Imperial Majesty's

Minister for Foreign Affairs.

Sir:

I have the honor to inform Your Excellency that I am in receipt, by yesterday's mail, of an instruction from the Honorable, the Secretary of State of the United States, enclosing copy of a letter from the Honorable, the Secretary of the Navy, stating that a colony of six Japanese, engaged in gathering birds' feathers, had been found by Lieutenant Commander Charles F. Pond, U.S.N., Commanding the U.S.S. "Iroquois", living on one of the Midway Islands, Hawaiian Group, and that there may be a possibility that through such settlement an attempt may be made to establish a foreign claim to the Midway Islands.

While it is hardly to be anticipated that any claim of sovereignty over these Islands will be advanced in consequence of some Japanese subjects taking up their residence there, I am instructed to bring this matter to the attention of Your Excellency's Government and to state that the Midway Islands belong to the United States, having at no time formed part of Hawaii, and that the settlement of Japanese there, referred to in the letter of the Secretary of the Navy, cannot be regarded as affording any basis for a claim to the Islands by the Japanese Government.

Confident that these views of my Government need but to be expressed to meet with the concurrence of the Imperial Government, I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed: A. E. Buck.

別紙乙號 加藤外務大臣ヨリ米國代理公使宛復翰

以書翰致啓上候陳者曩キニ布哇群島中ノ「ミッドウエー」島ニ本邦人若干名移住シ居レル事貴國軍艦「イロクオイス」艦長ニ於テ發見シタルニツキ貴國海軍卿ハ右ノ事實ハ「ミッドウエー」島ニ對シテ外國ノ權利ヲ設定スルノ企劃ヲ速ネク事アルヘキ旨貴國々務卿へ通告相成候趣ニテ右報告ノ次第二基キ貴國政府ハ本件ニ關シテ帝國政府ノ注意ヲ促シ「ミッドウエー」島ハ元來貴國ノ領土ニ屬スルモノニシテ適々本邦人ノ之ニ居住スルノ事實ハ之ヲ以テ同島ニ對スル本邦ノ權利ヲ設定スルノ理由トナスニ足ルモノト認ムル事能ハサル旨帝國政府へ開陳スヘキ様「バック」公使へ訓令相成候趣客年十二月十二日附ヲ以テ同公使ヨリ御申越ノ義委曲致了承候

帝國政府ハ本件「ミッドウエー」島ノ主權ニ關シ何等主張ヲ爲ス意思ヲ有セス候間右様御承知ノ上可然貴國政府へ御申報相成候様致度此段同答申進候  
本大臣ハ茲ニ重ネテ貴下ニ向テ敬意ヲ表シ候 敬具

明治三十四年二月二十八日

加藤外務大臣

在本邦

米國臨時代理公使

(右譯文)

Sir,

I beg to acknowledge the receipt of Minister Buck's note dated the 12th December last, stating to the effect that the Honorable, the Secretary of the Navy of the United States, having reported to the Honorable, the Secretary of State that a colony of a certain number of Japanese had been found by the Commander of the U.S.S. "Iroquois", living on one of the Midway Islands, Hawaiian Group, and that there may be a possibility that through that fact an attempt may be made to establish a foreign claim to the Midway Islands, His Excellency has been instructed by the United States Government to bring this matter to the attention of the Imperial Government and to state that the Midway Islands belong to the United States, and that the fact of some Japanese subjects taking up their residence there cannot be regarded

as affording any basis for a claim to the Islands by Japan.

I have in reply to state that the Imperial Government have no intention to establish any claim in regard to the sovereignty of the Midway Islands, and that you will be so good as to report to the United States Government in that sense.

Accept, Sir, the assurance of my high consideration.

Signed: Kato Takahashi,  
Minister for Foreign Affairs.

別紙兩號 高平公使ヨリ米國國務長官代理宛往翰

Legation of Japan,  
Washington.

No. 32. August 18, 1902.

Sir:— My attention having been called to the publication in the newspapers some days ago of a statement to the effect that the United States Government had intention of despatching a war vessel to visit Midway Islands and Wake Island on the Pacific Ocean where a certain number

of Japanese subjects was reported to have inhabited there, and also to elect any persons found living on these islands; I have requested for the instructions of my Government as to their disposition in relation to the islands and the Japanese subjects who may be living there. I am now in receipt of an answer from the Minister for Foreign Affairs to the effect that in regard to Midway Islands, the Imperial Government replied to the representations of the United States Minister in Japan in the month of January 1901 that they had no intention to raise any claim on the islands and that as to Wake Island they have also no claim whatever to make on the sovereignty over the island, but that if any Japanese subjects are found on these islands, the Imperial Government expects that they should be properly protected as long as they are engaged in peaceful occupations.

In accordance with the instructions above mentioned, I have the honor to state that while I am not in position to recognize the truth of the whole statement of the newspapers referred to, the Imperial Government will highly appreciate the usual friendship invariably characterizing the relations of the two countries, should the United States Government be disposed to cause the necessary instructions to be issued for the protection of Japanese subjects who may be found on these islands in case a war vessel shall be sent there as reported.

Accept, Sir, the renewed assurance of my high consideration.

(Signed) K. TAKAHIRA.

Hon. Alvey A. Adee,  
Acting Secretary of State.

別紙丁號 米國國務長官代理ヨリ高平公使宛復翰

Department of State,  
Washington.

No. 81.

August 26, 1902.

Sir:—

I have the honor to make formal acknowledgment of the note, No. 32, of the 18th instant, handed to me by you on that day, in which you advert to a newspaper statement that the United States Government contemplated despatching a war vessel to Midway and Wake Islands in the Pacific Ocean, for the purpose of speeking the Japanese subjects who are reported to have recently taken up a residence on those islands, and after communicating to me the statement of the Minister for Foreign Affairs to the effect that the Japanese Government has no intention to raise any claim to sovereignty over the Midway or Wake Islands, you say that if any Japanese subjects are found thereon the Imperial Government expects that they

should be properly protected as long as they are engaged in peaceful occupations.

The formal statement you make to me that the Japanese Government confirms the reply made to the representations of the United States Minister in Japan in the month of January, 1901, that they had no intention to raise any claim on the Midway Islands and further that as to Wake Island the Japanese Government has no claim whatever to make to sovereignty over it, is very gratifying because recognizing the prior rights of the United States Government to the possession of both of those island groups and because eliminating any contingent assertion of claim on the whole which might be based upon the fact of adventitious settlement by Japanese subjects. As a matter of fact the Midway Islands were formally taken possession of by Captain Reynolds of the United States Steamer "Lackawanna" on May 28, 1867, since which time the undisputed sovereignty and jurisdiction of the United States thereover has been recognized. As for Wake Island, at the time Commander Tausig of the United States took possession thereof, January 17, 1899, no evidence of the island being inhabited by human beings could be found, although careful search was made. It is obvious, therefore, that any present settlements of Japanese or other persons upon Midway or Wake Islands is subsequent to the formal acts of the United States in taking possession of them and setting up thereon the customary signs of sovereignty.

As I had the pleasure to explain to you, the presence of these persons upon the islands being independent of any purpose of colonization or assertion of conflicting right or title to them on behalf of another Government, may be found unobjectionable, unless indeed their residence should be found to be or should become incompatible with the use of one or both of these groups in connection with the projected trans-Pacific cable. I added that if for any reasons which I was not now acquainted, it should become necessary to remove the persons who have taken up unpermitted residence on the island, I was sure that it would be done with the utmost consideration and with the knowledge and perhaps the requested cooperation of the Japanese Government.

I communicated your note to the Secretary of the Navy, by whom I am now informed that the despatch of a vessel to Midway and Wake Islands will not take place for sometime yet, and that in view of the explicit declaration of the Japanese Government that they have no intention of laying claim to sovereignty over either of these island groups, the Navy Department leaves in abeyance the question of deporting the Japanese citizens therefrom. The Captain of the "Adams" will, however, be directed to report fully as to the character of the settlement and in the meantime to treat the settlers with all proper considerations.

Accept, Sir, the renewed assurance of my highest consideration.

(Signed) AIVELY A. ADEL,

Acting Secretary.

其二、プラタス島（東沙島）

一、明治三十四年玉置某ヨリ北緯二十度東經百十六度ニ位スル無人島（「プラタス」島）ノ所屬國  
承知致シ度キ旨帝國外務省ニ伺出アリタルニ付在香港帝國領事館ニ右取調方訓令シタル處同領  
事館ニ於テハ右判明セサルヲ以テ香港政廳側ニ非公式ニ問合シタルニ該島ハ何レノ國ニモ屬セ  
サル如キモ或ハ支那ノ版圖ニ編入セラレ居ルヤモ計ラレサルヲ以テ同國ノ意嚮確ク方可能旨回  
答アリタル趣同館ヨリ報告アリタリ

二、明治四十年西村外二名ヨリ「プラタス」島ヲ臺灣ニ編入竝ニ貸下方内務省ニ願出アリタル趣  
ヲ以テ同省ヨリ外務省ニ照會アリタルニ付外務省ハ同島ノ所屬國ハ判明セナルモ既ニ英國海軍  
ニヨリ測量製圖セラレ居ル經緯ニ鑑ミ帝國政府カ公然帝國版圖編入ノ手續ヲ取ルニ於テハ或ハ  
英國政府ヨリ何等故障生スルヤモ計リ難キニ付先ツ出願者ヲシテ事實上其經營ヲ進行セシメ追  
テ相當ノ時機ニ帝國領土ニ編入方可能旨回答セリ然ルニ該島ヲ邦人ニヨリテ占領セラレタルコ  
トヲ聞知シタル支那政府ハ同年十月軍艦ヲ同島ニ派遣セントシタルモ右實現ニ至ラス其際洋務  
局會辦ハ南京總督ノ命ニヨリ在南京帝國領事ニ中國沿海險要ナル書ヲ示シテ同島ノ支那國ニ歸



屬シ居ルコトヲ方説シタルモ同領事ハ右ハ英書ヲ翻譯ニ過ギス其記事ヲ以テ本問題ヲ解決スル  
 コト能ハスト應答セリ

明治四十一年十二月西村等ノ權利ヲ繼承シタル西澤某ヨリ數年前ヨリ同島ニ於テ燐礦採取及漁  
 撈ニ従事シ居ル旨外務省ニ報告アリタリ

三、明治四十二年三月兩廣總督ハ事情調査ノ爲軍艦ヲ「ブラタス」島ニ派遣セルカ同月十六日同  
 總督ヨリ在廣東帝國領事ニ該島ガ支那國ニ所屬シ居ル旨申出アリ次テ翌十七日別紙甲號ノ通照  
 會アリタリ

然ルニ邦人ノ「ブラタス」島占領殊ニ支那漁民ヲ放逐シ太王廟ヲ破壊セリトノ風聞ハ痛ク支那  
 ノ民心ヲ刺戟シ排日的感情再燃セントシツツアル旨ノ情報アリタルニモ願ミ帝國外務大臣ハ在  
 廣東帝國領事ニ對シ帝國政府ニ於テハ同島ヲ以テ無所屬ト思考シ居リタルモ之ヲ帝國領土ト認  
 メタルニアラス從テ支那國ニシテ同島ヲ其ノ所領ニ屬スル旨確證ヲ有スルニ於テハ其ノ權利ヲ  
 承認スルニ躊躇セサルナリ然レドモ同島ハ是迄實際無所屬ノ狀態ニ放任セラレタルモノナルヲ  
 以テ支那國ニ於テ自國ノ領土タルコトヲ主張スル場合ニ於テモ同島ニ於テ善意ニ事業ニ従事シ  
 且巨額ノ資本ヲ投シタル帝國臣民ノ事業ハ之ヲ保護セサルヘカラサルハ當然ノ儀ナル旨電報シ

置キタル處同領事ハ右ヲ含ミテ三月二十二日兩廣總督ト會見セルカ同總督ハ (一) 支那沿岸及太  
 平洋中ニハ所屬未定ノ島ナク (二) 若シ「ブラタス」島ガ支那ニ屬セザリシモノナルニ於テハ夙  
 ニ英國之ヲ領有セル筈 (三) 該島ニハ多年支那國所屬ノ太王廟アリタリトノ理由ヲ以テ該島ノ支  
 那國ニ歸屬シ居ルコトヲ主張シ且西澤ノ事業撤回方ヲ帝國政府ニ於テ命セラルル様取計ハレ度  
 旨申述タルニ帝國領事ハ右ニ對シ適宜應對シ殊ニ後者ニ關シテハ日本ノ法律ヲ破リタルニアラ  
 ス又日支兩國間ノ條約ヲ犯シタルモノニアラス正當ノ手續ヲ履ミテ正當ノ事業ニ従事スルモノ  
 ヲ追放スルコトハ斷シテ之ヲナシ難キ旨反論シ而テ翌二十三日同領事ハ前記訓電ノ趣旨ヲ公文  
 ニ認メテ同總督ニ送付セリ

然ルニ帝國政府ニ於テハ平和裡ニ本件ヲ解決センコトヲ欲シタルヲ以テ右會見ノ結果ニ付支那  
 側カ從來提示シタル書類又ハ理由ヲ以テ該島ガ支那領ナルノ確證ト認ムルヲ得サルモ支那側ニ  
 於テ西澤ノ事業ヲ是認シ之カ保護ヲ約スルトキハ同島ニ關スル支那側ノ主張ヲ承認スルコト差  
 支ナキ旨在廣東帝國領事ニ折返シ電訓セリ然ルニ支那側ハ同島ノ支那領タルコト並ニ漁民ノ追  
 害及廟宇ノ破壊ニ對スル賠償要求ヲ固執シ邦人ノ事業ヲ保護スルコトヲ容易ニ受諾セザリシモ  
 四月廿一日別紙乙號ノ如ク本件解決ノ具體的方法ヲ帝國側ヨリ提示方照會シ越セリ仍テ帝國領

事ハ西澤カ同島經營ノ爲既ニ支出シタル資金回收ヲ考量シ三十年間ノ事業經營許可方ヲ申立タルモ支那側ハ之ヲ受諾セス西澤ヲシテ該島ヲ返還セシメタル後善後ノ方法ヲ講スルコト可然旨主張セルヲ以テ帝國領事ハ西澤ノ事業保護ニ付商議整ハナルニ於テハ該島ノ歸屬問題確定セザルモノナリト之ニ應酬セリ次テ五月九日支那側ヨリ別紙丙號ノ疊書ヲ以テ(一)該島ヲ支那ニ還附シ而テ兩國ヨリ委員ヲ派シテ西澤ノ事業ヲ評價シ之ヲ支那ニ於テ買取スルコト(二)廟宇及漁民ノ損害ヲ西澤ヲシテ賠償セシムルコト(三)西澤ノ採取シタル島産及海産ニ對スル正税及平税ノ倍額ヲ納付スルコトヲ提示シ來タレリ

其後數次交渉セルモ何等妥協ニ到達セザリシカ同年六月十一日帝國政府ノ訓令ニ從ヒ帝國領事カ兩國ニ於テ可成速ニ委員ヲ出シテ西澤ノ事業ヲ評價シ且廟宇ノ破壊及漁民ノ驅逐ノ事實有無ヲ調査セシムヘキコトヲ別紙丁號ノ如ク提議シテヨリ局面好轉シ結果日本側委員在廣東潮川領事ハ支那側委員ト共ニ七月十八日該島ニ渡航シテ實地調査ヲナシ爾來西澤ノ事業買取價格決定ニ付折衝ヲ重ネ漸クニシテ十月十一日ニ至リ帝國領事ハ兩廣總督ト共ニ左記取極書ニ關印ヲ了セリ

#### ブラタス島引渡ニ關スル取極

一、清國ニ於テ有ラズテラス島ニ在ル西澤ノ事業ヲ買取スル價額ハ廣東銀十六萬元ト定メ出納  
二、西澤ヨリ清國ニ交付スヘキ漁船廟宇税金等ニ關スル諸款ハ廣東銀三萬元ト定ム

三、清國ハ西澤カ其事物並ニ採掘セル燐礦ヲ前ニ提出セル目錄ニ照ラシ清國委員ニ引渡シタル後半月以内ニ事業買取價額ヲ在廣東日本領事ニ交付スヘシ

尤モ廟宇破壊及漁民迫害ハ事實不明ノ廉アリシモ支那ノ民心ヲ安撫スル目的ヲ以テ旁總督ノ面目ヲ立ツル上ニ於テ右漁船及廟宇ニ對スル賠償金並税金ノ支拂ニ同意セリ

而テ同年即明治四十二年十一月十九日帝國引渡委員掘領事官補ト支那委員トノ間ニ島上物件ノ引渡完了シ(別紙戊號)他方西澤ノ手取十三萬元ハ十二月二日總督ニヨリテ支拂ハレタリ

要之本島歸屬問題ニ關シ支那側ハ最初ヨリ支那領タルコトヲ前提トシテ善後策ヲ講セント欲シタルモ帝國側ハ最後迄支那側ニ於テ邦人ノ保護ヲ約セザル以上該島ニ對スル支那國ノ領土權ヲ承認セザルノ建前ヲ棄テサツシカ茲ニ條件成就シタルヲ以テ前記取極書ニハ本件ニ關シ何等明記セザリシモ帝國政府ニ於テハ結局支那國ノ領土權ヲ默認シタルコトナレリ(別紙己號參照)

別紙甲號 兩廣總督ヨリ潮川領事宛書翰

兩廣總督張 爲照會事現查惠州海面有東沙一島向爲閩粵各港漁船前往捕魚時聚泊所在係隸屬廣東之地近有

貴國商人在該處僱工採撈擅向經營係屬不合應請

貴領事官諭令該商卽行撤退查明辦理至緝贖證爲此照請

查照並祈

見復爲荷願頌

時社須至照會者

右照會

大日本廣州領事官潮川

宣統元年二月二十六日

(右譯文)

以書翰致啓上候陳者惠州海面ニ東沙島ナルモノアリ廣東省ニ隸屬シ向來福建廣東各港漁船出漁ノ

際集泊ノ所ナリシカ近頃貴國商人該地ニ於テ人夫ヲ雇入レ機礦ヲ採取シ擅マニ經營スルモノ有之不法ノ次第ニ御座候間何卒貴領事ヨリ該商ニ命令シ早速立退カシメラルル様御取計被下候ハク感佩ノ至ニ御座候向ホ何分ノ御回答奉煩度候此段御照會申進候 敬具

宣統元年二月二十六日

別紙乙號 兩廣總督ヨリ潮川領事宛書翰

兩廣總督張 爲照會事案照惠州府屬東沙島一事前經照請

貴領事官諭令該日商卽行撤退並經面商辦理在案茲本部堂接准北京外務部電開准

貴國欽差大臣復稱由粵督與日領和平商結本國政府甚以爲然政府早將辦法飭知日領茲當再行電示等

語此事貴領事官既經奉到訓條希將辦法詳晰照知以便妥商從速辦結幸勿有遲爲要爲此照會順候

時社須至照會者

右照會

大日本廣州領事官潮川

宣統元年閏三月二十一日

別紙附錄 兩廣總督ヨリ湘川領事宛書

先將東沙島交還中國島上西澤安設各物業應由兩國派員詳細公平估値由中國收買島上廟宇被毀及沿海魚戶被驅逐歷年損失利益亦由兩國委員詳細公平估値由西澤賠償所採島產海產納中國正符各稅應令西澤加一倍補充

別紙下號 湘川領事ヨリ兩廣總督宛書

第五十七號

以書翰致啓上候陳者「ブラタス」島事件ニ關シ客月二十七日貴總督ト會見商議ノ顛末ハ帝國政府ニ稟報致置候處政府ニ於テハ之ニヨリ清國ニ於テモ亦本件ヲ和平ニ處理スルノ意向ナルコトヲ了知シ日清兩國ハ已ニ其希望ヲ得ニ於テ今後兩國公取ルベキ所ハ單ニ本件ヲ速決スルノ方法案出スルニ在リ而シテ即チ兩國言ハ可成早ク委員ヲ出シ第ニ西澤ノ事業ヲ評價ス爲シ其買收價格ノ見積ヲ立テシメ第二廟宇ノ存在シタル事漁民ハ西澤ニ爲テ驅逐セザル事事實ナル

ヤ萬一之ヲ事實トセハ西澤ハ事情ニ照ラシ幾許ノ賠償ヲナスヘキヤヲ調ヘシメントスルノ意ニ有之候右第二第三ノ兩項協定ノ上殘ルハ輸出稅問題ニ有之候處西澤ガ委業サレタル無人島ニ經營ヲ爲シ而モ帝國政府ガ未タ他國ノ領土權ヲ認メザリシ間ニ輸出シタル產物ニ對シ納稅ノ義務ナク明瞭ナルモ貴總督ハ廣東市民統帥上深意アルヲ諒トシ買收額ノ内ヨリ一尠額ヲ割キ輸出稅ノ右義ニテ支拂ヲ爲シ此方法ニヨリ兩國互ニ妥協シテ案件ヲ決定スルコト尤モ事實ニ適スト思考スヘキ旨回答有之候案件ニ關シテハ今朝一應面陳致置候ヘ共尙爲念重テ照會得貴意候 敬具  
明治四十二年六月十一日

大清國兩廣總督 張人駿殿

大日本帝國領事 湘川 淺之進

別紙附錄 支那側委員ヨリノ請書

收到

大日本國領事官補堀義貴交回大東沙島上礦質物產一切均照西澤明呈  
督憲發下從前勘驗清單逐一點收無誤此照

委員 王仁棠  
蔡康  
張斌元

宣統元年十月初柒日委員在東沙島發據

別紙已號 倉知政務局長ヨリ大藏省關稅局長宛書翰

明治四十三年二月二日

倉知政務局長

大藏省櫻井關稅局長

ブラタス島ノ所屬確定ニ關スル件

客年七月六日付往第九〇二二號並ニ本年一月二十七日付往第八六九號ヲ以テ「ブラタス」島所屬確定ノ件ニ關シ御申越ノ趣承帝國政府ニ於テハ客年十月廿三日ヲ以テ同島ニ對スル清國領土權ヲ承認シタルコトニ相成居ル次第ニ付右様御承知置相成度乍遷延此段申進候也

### 其四、ジャン、マイヤン島

大正十一年五月三日在本邦諾威國公使館ハ諾威國地質學探檢隊主宰者「ハグバルド」エケロル「カ北諾威」ト「グリンラシド」トノ中間、北緯七十一度、西經八度半ノ地點ニアル無人島ジャン、マイヤン島 (Jan Mayen) ヲ諾威氣象學會ノ名ニ於テ永久占領スルノ目的ヲ以テ之ヲ併合セル旨一九二二年二月同島ヨリ外務省ニ通報シ越セル趣本國政府ノ訓令ニ從ヒ帝國外務省ニ別紙甲號ノ通知シ來タレルカ帝國外務省ニ於テハ同月十六日別紙乙號ノ口上書ヲ以テ右通報ヲ了承スル旨回答セリ次ヲ昭和四年五月十日在本邦諾威國臨時公使ヨリ「ジャン、マイヤン」島ヲ同國主權ノ下ニ置ク旨ノ勅令五月八日附ヲ以テ公布セラレタル趣並ニ同島ノ警察權ハ同島ノ氣象臺長之ヲ執行スル旨ノ通知 (別紙丙號) ニ接シタル帝國外務大臣ハ同年十月四日右了承ノ趣回答セリ

別紙甲號 諾威公使館ヨリ帝國外務省宛口上書

Légation Royale

Norvège

## Note-Verbale.

D'ordre de son Gouvernement, la Légation Royale de Norvège a l'honneur de porter ce qui suit à la connaissance du Ministère Impérial des Affaires Etrangères :

Par une dépêche de l'île de Jan Mayr du 16 janvier 1922, M. Hengbard Ekeroll a notifié au Ministère des Affaires Etrangères de Norvège, son annexion, en vue d'une occupation permanente, au nom de l'Institut Météorologique de Norvège, d'un terrain sur l'île de Jan Mayr-  
 nant, le jusque maintenant non-occupé et non-habité, située à environ 71 degrés de latitude de nord et de 8 à 9 degrés de longitude d'ouest.

Le terrain est limité en ouest par un diagonal allant droit au sud d'une enseigne d'annexion au sud de Valrossgaal jusqu'à une enseigne d'annexion près de la baie de Drivved ("Drivved-bukten"). En est le terrain est limité par une ligne droite allant en ouest-nord-ouest d'une enseigne d'annexion près du Rocher de Président jusqu'à une enseigne d'annexion au nord de la Lague de Nord. En outre le terrain est bordé par la mer.

La partie du terrain située entre la "Kalbarhuset" et le "Turnbucht" a été occupée par l'expédition géophysique présidée par M. Ekeroll depuis le 8 août 1921, et le terrain tout entier, dont la description précède, a été occupée depuis le 12 novembre 1921. Sur le terrain a été construit au cours de l'été et de l'automne 1921, une station de télégraphie sans fil.

Tokio, le 3 mai 1922.

## (右譯文)

諾威王國公使館ハ本國政府ノ訓令ニ依リ日本帝國外務省ニ對シ左ノ通報ヲ爲スノ光榮ヲ有ス  
 「ハグバルド、エケロール」氏ハ千九百二十二年一月十六日「ジャン、マイン」島發電報ヲ以テ諾威國  
 外務省ニ宛テ諾威氣象學會ノ名ニ於テ今日迄未占領無人ノ島嶼タル北緯約七十一度西經八乃至九  
 度ニ位スル「ジャン、マイン」島中ノ一地域ヲ永久占領ノ目的ヲ以テ併合セル旨通告シ來レリ  
 該地域ノ西境ハ「ワルロスガート」ノ南方ニ在ル併合ノ標識ヨリ「ドリヴエド」(「ドリヴエド」  
 タテシ)ノ灣附近ノ併合ノ標識ニ至ル迄南ニ向ヒ直走スル斜線ヲ以テ限ラル又同地域ノ東境ハ「ブ  
 レジダン」岩附近ノ併合ノ標識ヨリ「北ノ入江」ノ北方ニ至ル迄西北西ニ向ヒ直走スル線ヲ以テ  
 限ラル而シテ其他ハ總テ海ヲ以テ包マル同地域中「カルベイルインゼル」ト「テュルンブフト」  
 ノ中間ニ位スル部分ハ千九百二十一年八月八日以來「エケロール」氏ノ主宰スル地質學探檢隊ニ依  
 リ占領セラレ又前記記載ノ全地域ハ千九百二十一年十一月十二日以來占領セラレタリ而シテ同地  
 域ニ千九百二十一年夏ヨリ秋ニ掛ケテ無線電信所設置セラレタリ

千九百二十二年五月三日

東京ニテ

別紙乙號 帝國外務省ヨリ諾威公使館宛口上書

口上書

帝國外務省ハ本月三日附口上書ヲ以テ在本邦諾威王國公使館ヨリ諾威國地質學探險隊主宰者「ハ  
 ヴォルドルフ・エケホルム」氏ハ千九百二十二年一月十六日附「ジャン、マイン」島發電報ヲ以テ諾威王  
 國外務省ニ宛テ諾威氣象學會ノ名ニ於テ今日迄未占領無人ノ島嶼タル北緯約七十二度、西經八乃  
 至九度ニ位スル「ジャン、マイン」島中ノニ地域ヲ永久占領ノ目的ヲ以テ併合セル旨ヲ通告シタ  
 ル趣ノ通報ニ接シ之ヲ了承セリ

帝國外務省ハ其旨ヲ諾威王國公使館ニ回答スルノ光榮ヲ有ス

大正十一年五月十六日

(古語文)

Note-Verhale.

Le Ministere Impérial des Affaires Etrangères a l'honneur d'acuser réception à la Léga-  
 tion de Norvège à Tokio de sa note du 3 courant par laquelle Elle a bien voulu l'informer que  
 M. Hagenard Ekeroell, Président de l'Expédition géographique, a notifié par une dépêche de l'île  
 de Jan Mayn en date du 16 Janvier 1922, au Ministère des Affaires Etrangères de Norvège,  
 son annexion en vue d'une occupation permanente, au nom de l'Institut Météorologique de  
 Norvège, d'un terrain sur l'île de Jan Mayn-île jusqu'ici non-occupée et non-habité, située  
 environ aux 71 degrés de latitude du nord et des 8 aux 9 degrés de longitude de l'ouest.

Tokio, le 16 Mai 1922.

別紙丙號 諾威代理公使ヨリ田中外務大臣宛書翰

Légation de Norvège

Tokio, le 10 mai 1922.

R.H.

Monsieur le Baron,

Suivant les instructions de mon Gouvernement j'ai l'honneur de porter à la connaissance de Votre Excellence que par Décret Royal du 8 de ce mois l'île de Jan Mayen a été soumise à la souveraineté de la Norvège. Je me permets d'ajouter que l'autorité de police sur l'île est exercée par le chef de la station météorologique qui y est établie.

Veuillez agréer, Monsieur le Baron, les assurances de ma très haute considération.

Signed: M. E. Ladrup

Son Excellence

Monsieur le Baron Tanaka,

Président du Conseil des Ministres,

Ministre des Affaires Etrangères,

etc. etc. etc.

其五、ブーベエ島

一九二七年(昭和二年)十二月一日諾威船「ノルウエギア」號ハ南大西洋中東經三度南緯五十四度カ位置ニアル無人島「ブーベエ」島(Bouvé)上ニ諾威國旗ヲ掲揚シテ同島カ諾威ニ屬スルトヲ宣明シ右次第ヲ本國政府ニ報告シタルヲ以テ同政府ハ一八二五年英國人「ノールス」カ同島ニ英國國旗ヲ掲揚シタル事實アルニモ顧ミ之ヲ一九二八年一月英國政府ニ通報シタル處英國政府ハ同島カ自國ニ所屬スルモノナルコトヲ主張シテ諾威政府ノ通報ヲ承認セス唯同島ノ占有ヲ一定條件トシテ諾威一捕鯨會社ニ認ム可キ旨回答セリ爾來本件ハ兩國間ノ擧争問題トナリシカ一九二八年(昭和三年)十一月英國政府ハ同島ニ關スル權利主張ヲ拋棄セリ

而テ同年十二月二十日在本邦諾威國公使ハ帝國外務大臣ニ對シ別紙甲號ノ通り同島ハ一九二八年一月二十三日附勅令ニヨリ諾威國主權ニ歸屬スルコトトナリタル旨竝ニ同勅令ニヨリ司法省ハ同島ニ於テ警察權ヲ執行スル措置ヲ取ルトノ權能ヲ附與セラレタル旨通知シ越セルニ付帝國外務大臣ハ昭和四年五月十日別紙乙號ノ如ク右通報ヲ了承スル旨回答セリ



別紙甲號 諾威公使ヨリ田中外務大臣宛來翰

Légation de Norvège

Tokio, le 20 décembre 1928.

Monsieur le Baron,

D'ordre de mon Gouvernement j'ai l'honneur de Vous faire savoir que, le 1er décembre 1927, le capitaine Hordtvedt de l'expédition norvégienne, à bord du vapeur "Norvegia", a occupé au nom de la Couronne norvégienne et conformément à l'autorisation du Gouvernement Royal l'île de Bouvet, située dans l'Atlantique austral par 54° 26' de latitude sud et 3° 24' de longitude Est.

Par Décret Royal du 23 janvier 1928 l'île de Bouvet a été placée sous la souveraineté de la Norvège, et par le même décret le Ministère de la Justice a été autorisé à prendre les dispositions concernant l'exercice de l'autorité de police dans l'île précitée.

Veuillez agréer, Monsieur le Baron, les assurances de ma très haute considération.

Johann Michelet

Son Excellence

Monsieur le Baron Tanaka,

Président du Conseil des Ministres,

Ministre des Affaires Etrangères,

etc. etc. etc.

(右譯文)

以書翰啓上致候陳者本使ハ本國政府ノ命令ニ依リ左記ヲ閣下ニ御通牒スルノ光榮ヲ有シ候

千九百二十七年十二月一日「ノルヴエジャ」號搭乘諾威探檢隊長「ホルントフエット」ハ南大西洋中南緯五十四度二十六分東經三度二十四分ニ位スル「ブーヅエ」島ヲ諾威國王ノ名ニヨリ而テ王國政府ノ認許ヲ得テ占領致シ候

右「ブーヅエ」島ハ千九百二十八年一月二十三日附勅令ニヨリ諾威國主權ニ屬スルコトナリ同勅令ニヨリ司法省ハ之ニ警察權施行ニ關スル措置ヲ取ルコトノ權能ヲ附與セラレ申候  
右御通知旁本使ハ茲ニ重テ閣下ニ向テ最高ノ敬意ヲ表シ候 敬具

千九百二十八年十二月二十日 東京

諾威國特命全權公使 ヨーハン・ミシユレ

内閣總理大臣兼外務大臣 田中男爵閣下

別紙乙號 田中外務大臣ヨリ諾威代理公使宛復翰  
歐二普通第一三號

昭和四年五月十日

田中外務大臣

在京 諾威臨時代理公使

以書翰致啓上候陳者客年十二月二十日附貴翰ヲ以テ「ブーグ」島ノ貴國主權ニ歸屬シタル旨並ニ同島ニ貴國警察權ヲ施行スル旨ニ關シ御通報相成敬承致候右申進旁本大臣ハ茲ニ重テ貴下ニ向テ敬意ヲ表シ候 敬具

(中譯文)

Tokio, le 10 mai 1929.

No. 13/E2

Monsieur le Chargé d'Affaires,

J'ai eu l'honneur de recevoir la lettre du 20 décembre 1928, par laquelle Son Excellence Monsieur Johan Michæls, Ministre de Norvège à Tokio, a bien voulu me faire savoir que l'is-

de Bouret a été placée sous la souveraineté de la Norvège et que le Ministère Royal de la Justice a été autorisé à prendre les dispositions concernant l'exercice de la police dans cette île.

Vous prie agréer, Monsieur le Chargé d'Affaires, l'assurance répétée de ma considération très distinguée.

Signature du Ministre.

## 其六、ピーター一世島

在本邦諾威國臨時代理公使ハ昭和六年五月二十三日附公文ヲ以テ南氷洋中ノ「ピーター」一世島 (Peter) カ一千九百二十九年 (昭和四年) 二月二日諾威船「ノルウェギア」號ノ探検隊ニ依リ諾威國王ノ名ニ於テ且諾威國政府ノ認許ヲ得テ占有セラレ而シテ一千九百三十一年 (昭和六年) 五月一日附勅令ヲ以テ同島ハ諾威國主權ニ歸屬セシメラレタル旨本國政府ノ訓令ニ從ヒ別紙甲號ノ通り申越セルカ帝國外務省ニ於テハ事態ノ確定ヲ見極メタル上回答スルコト可然ト認メ速答セナリシカ昭和七年四月在瑞典帝國公使ヨリ本件ニ關シ英、佛、伊、獨、丁抹等二十五箇國ハ既ニ明示の承認ヲ與ヘ居ル旨ノ報告ニ接シタルヲ以テ帝國外務大臣ハ同年四月十二日在本邦諾威公使ニ本件通報ニ對シ之ヲ了承スル旨別紙乙號ノ通回答セリ

別紙甲號 諾威代理公使ヨリ幣原外務大臣宛來翰

Légation de Norvège

Tokio, le 28 mai 1931.

Monsieur le Baron,

Ordre de mon Gouvernement j'ai l'honneur de Vous faire savoir que, le 2 février 1929, l'expédition norvégienne de "Norvegia" a occupé au nom de la Couronne norvégienne et conformément à l'autorisation du Gouvernement Royal, l'île de Peter I, située dans l'Océan Glacial Antarctique par 68° 50' de Latitude sud et 90° 35' de Longitude ouest.

Par Proclamation Royale du 1<sup>er</sup> mai 1931 l'île de Peter I a été placée sous la souveraineté de la Norvège, et par le même décret le Ministère de la Justice a été autorisé à prendre les dispositions concernant l'exercice de l'autorité de police dans l'île précitée.

Veuillez agréer, Monsieur le Baron, les assurances de ma plus haute considération.

Signé:

Son Excellence

Monsieur le Baron Shidehara,

Ministre des Affaires Étrangères,

etc. etc. etc.

(右譯文)

以書翰啓上致候陳者本使ハ諾威船「ノルウェギア」(Norvegia) 號ノ探検隊カ千九百二十九年二月二

且南水洋中、南緯六十八度五十分西經九十度三十五分ニ位スル「ピリタト」一世島ヲ諸威國王ノ  
名ニ於テ且諸威國政府ノ認許ニ依テ占有シタルコトヲ本國政府ノ訓令ニ基キ閣下ニ通報スルノ光  
榮ヲ有シ候

該島ハ千九百三十一年五月一日附勅令ヲ以テ諸威主權ニ歸屬セシメラレ且司法省ハ右勅令ニ依テ  
同島内ニ警察權行使方ニ關シ措置ヲ執ルノ權限ヲ賦與セラレ候  
右通報旁本使々茲ニ重ネテ閣下ニ向テ敬意ヲ表シ候 敬具

別紙乙號 芳澤外務大臣ヨリ諸威公使宛復翰

歐ニ普通第四號

以書翰陸上致候陳卷卷年五月二十三日附「レトドゲツダ」代理公使ヨリ幣原外務大臣宛書翰ヲ以  
テ南水洋中ノ「ピーター」一世島ハ一九三一年五月一日附勅令ヲ以テ諸威國主權ニ歸屬セシメラ  
レ且諸威司法省ハ右勅令ニ依テ同島内ニ警察權行使方ニ關シ措置ヲ執ルノ權限ヲ賦與セラレタル  
旨貴國政府ヨリノ訓令ニ依ル趣ヲ以テ御通報相成敬承致候  
右申進旁々本大臣ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具

昭和七年四月十二日

芳澤外務大臣

在本邦 諸威國公使

(右譯文)

Tokio, le 12 avril 1932.

Monsieur le Ministre,

Par lettre en date du 23 mai de l'année dernière, Monsieur E. Lødrup, alors Chargé  
d'Affaires, a bien voulu faire savoir, d'ordre du Gouvernement norvégien, au Baron Shidharu,  
mon prédécesseur, que l'île de Peter I. située dans l'Océan Glacial Arctique a été placée par  
Proclamation Royale du 1er mai 1931, sous la souveraineté de la Norvège, et par le même  
décret, le Ministère de la Justice a été autorisé à prendre les dispositions concernant l'exercice  
de l'autorité de police dans ladite île.

J'ai l'honneur d'accuser réception de cette communication.

Veillez agréer, Monsieur le Ministre, les assurances renouvelées de ma haute considération.

Signature du Ministre.

## 其七、グリーンランド島

一、「グリーンランド」島ハ古ク丁抹人ニヨリテ占有セラレ、丁抹政府モ或ル程度ノ行政ヲ同島ノ一部ニ於テ施行シ居リシモ、丁抹國ノ全島領有ニ關シテハ未タ正式ニ決定セラレタル所無カリシカ、偶々二十世紀初頭米國探險隊「ペーリー」海軍少將一行カ北極ニ赴キタル際同島北部ヲ探檢シタル事實アリシ爲、丁抹政府ハ米國カ同島北部ニ對シ何等權利ヲ主張スルコトアルヘキヲ懼レ、一九一六年（大正五年）八月丁抹カ西印度三嶋ヲ米國ニ賣却シタル際其ノ條件トシテ米國ハ丁抹國カ其ノ政治的及經濟的利益ヲ「グリーンランド」島全部ニ擴張スルニ抗議セサル旨宣言セシメタリ

大戰後平和會議ニ丁抹ハ本問題ヲ提出シ米國以外ノ諸國ヨリモ同様ノ承認ヲ取付ケント試ミタルカ、英國政府ハ同會議ハ中立國固有ノ問題ヲ議スルモノニ非ストテ之ヲ拒絕シタルヲ以テ、丁抹政府ハ一九二〇年（大正九年）三月改メテ英佛伊諸國政府ニ該島全部ニ互ル丁抹國主權確認方ヲ要求シタルカ、帝國政府ニ對シテモ同年五月十二日在本邦丁抹國公使ハ別紙甲號ヲ公文ヲ以テ「グリーンランド」全島ニ亘リテ丁抹國カ主權ヲ有スルコトヲ帝國政府ニ於テ承認アリ度キ旨並

ニ丁抹國政府ニ於テハ右承認ハ前顯米國政府ノ形式ニ據ルモ可ナリトノ意嚮ナル旨申越セリ、仍テ帝國政府ハ本件ニ對スル列國ノ措置振ヲ取調ヘタル處、(一)英國政府ハ「グリーンランド」島ノ所屬如何ハ地理上英國殊ニ加奈陀ニトリ甚大ノ利害關係アルニ鑑ミ將來丁抹カ同島ヲ處分スル事アルヘキ場合ニハ其ノ先買權ヲ英帝國ニ與フルノ條件ヲ以テ本件領土權承認ニ關スル「ノード」ヲ交換スルノ意嚮ニシテ、(二)佛國政府ハ丁抹政府カ前顯米國政府宣言ノ條件ノ下ニ「グリーンランド」全島ニ其ノ主權ヲ擴張スルニ異議ナキ旨回答濟又、(三)伊國政府ハ同情ヲ以テ本件ヲ考慮スヘキ旨在伊丁抹公使ニ口頭ヲ以テ回答シタル趣ナリシヲ以テ帝國政府ハ同年即大正九年六月二十四日在京瑞典國公使(丁抹國公使歸國中ニ付丁抹國ノ利益代表者)ニ對シ米國政府宣言ノ形式ニ倣ヒ別紙乙號ノ如ク帝國政府ハ丁抹政府カ其ノ政治上並ニ經濟上ノ利益ヲ「グリーンランド」全部ニ擴張セムトスルニ對シ異議ヲ有セサルヘキコトヲ宣言スル旨通告セリ

二、然ルニ東「グリーンランド」地方ニ於テ漁業及狩獵ニ多大ノ利害關係ヲ有スル諸威威國ハ當初ヨリ同地方ニ於ケル丁抹ノ主權ニ異議ヲ唱ヘ居リシカ、一九三〇年諸威威政府及諸威威水海委員會ハ同地方視察ヲ爲「ヘール」ナル者ヲ送り視察員一行ニ對スル警察權ヲ同人ニ與ヘタルニ對シ丁抹政府ハ直ニ諸威威政府ニ抗議シ丁抹以外ニ同地ニ於テ警察權ヲ行使シ得ル者ナキ旨ヲ聲明セリ次

ヲ丁抹政府ハ同地方ニ於ケル丁、諸兩國ハヲ始メ一切ノ住民ニ對スル警察權ヲ附與シタルニモ  
 少ク博士公探檢隊ヲ派遣スルコトシテ而シテ一九三一年六月末右探檢隊カ該島ニ到着スルゾ  
 日勅追スルヤ同地方在住ノ諸威人ハ諸威國旗ヲ掲ケテ無主地先古ヲ標示セリ  
 而テ事態紛糾ノ結果東「グリーンランド」地方主權歸屬問題ハ同年即昭和六年七月十二日海牙  
 國際司法裁判所ニ丁抹政府ニヨリ提起セラレタリ

他方在本邦諸威國公使ハ昭和六年七月十三日附公文(別紙丙號及丁號)  
 ヲ以テ又在本邦丁抹國公使ハ昭和六年七月十四日附及昭和七年七月十八日附公文(別紙成號及  
 巳號)ヲ以テ夫々東「グリーンランド」地方ノ占有ニ關スル自國ノ主張ヲ申述シタルモ帝國政  
 府ニ於テハ本問題カ類ル「デリケート」ナル性質ヲ帯ヒ居ルモノナルニ願ミ右兩國ノ通報ニ對  
 シ回答スルコトヲ差控ヘ居リシ處昭和八年四月五日國際司法裁判所カ東「グリーンランド」地  
 方ニ於ケル諸威國ノ占領ヲ無効ト宣言シテ在本邦諸威國公使ヨリ同年五月一日附公文(別  
 紙庚號)ヲ以テ諸威國ハ同地方ニ於ケル占領ヲ廢セル旨申越セルニ付帝國外務大臣ハ五月九日  
 右通報丁承ノ趣回答セリ

別紙甲號 丁抹公使ヨリ内田外務大臣宛來翰

Danish Legation Tokyo.

May 12th 1920.

To

His Excellency

Viscount Y. Uchida.

Minister for Foreign Affairs

Tokyo

Sir:

Hereby I have the honour to address myself to Your Excellency on behalf of the Danish  
 Government concerning Denmark's sovereignty over Greenland.

The beginning of Denmark's penetration into Greenland took place in the year 1721 when  
 the Danish clergyman Hans Rgede went into said country to bring the Christian gospel to the  
 Eskimoo population living there. Through him the trade between Denmark and Greenland was  
 also inaugurated and a private trading company was established, but as same did not pay the  
 Danish Government stepped in and assisted the said company in every way. This state of  
 affairs lasted for 50 years when in the year 1774 all the administration of Greenland spiritual

and commercial was taken over by a special Danish Government department. The head object of the Danish administration has always been a spiritual one while the commercial side has been a secondary problem. In fact the trade with Greenland has never shown to be profitable for the Danish State. The export from Greenland is limited to furs and fishery products for which Denmark gives in exchange the necessities of life and the small luxuries of life required by a primitive race.

The natives were soon christianized and after this the efforts of the government have been of a civilisatory kind and at the present moment so many schools are established that most of the people are able to write and read. Also a local sanitation department has been established and lately a local government system has been introduced which since the year 1908 has gone over to the natives themselves under supervision of the Danish government officials. The principle of the Danish administration is to protect the native population against the evil sides of civilisation viz spirits; drugs; venereal diseases etc. In order to give the population this protection no person is allowed to enter Greenland without special permission of the Government and not before they have gone through a medical inspection. The result has been that the Eskimos are increasing in number contrary to what takes effect in other places where civilized nations have come in contact with people of a lower cultural standing.

While already in the 18th century the whole of southern Greenland was under Danish

administration it was later found that Eskimos were living in northern Greenland, Cap York etc. and the Danish administration was de facto extended also to them. Further the whole of the uninhabited Greenland has been chartered and visited by Danish explorers but a formal occupation of the whole country has not yet taken place. However it seems important for the interests of the Eskimos and the prestige of the Danish Government that a recognition of the Danish sovereignty over the whole of Greenland can be established.

During the negotiations between Denmark and the United States of America for the sale of the Danish West Indies this matter was broached and a declaration was added in the final convention which reads as follows:

#### Declaration

"In proceeding this day to the signature of the convention respecting the cession of the Danish West-Indies to the United States of America, the undersigned Secretary of State of the United States of America, duly authorized by his Government, has the honour to declare that the United States of America will not object to the Danish Government extending their political and economic interest to the whole of Greenland.

Kobert Lansing

New York, August 4th 1916"

Having obtained this Declaration it was the intention to obtain also from the other powers

a recognition of the Danish sovereignty over Greenland. Owing to the world-war the moment was however not found favorable for such negotiations. As soon as the armistice was signed the Danish government considered that the moment had arrived to approach the governments of France and Great Britain with the request to have the matter laid before the peace conference at Versailles. While the two Governments were quite in sympathy as far as the reality of the request was concerned they however thought that the peace conference in Versailles would not be the right forum for this question as Denmark had not taken any active part in the war. Consequently the Danish Government has now decided to lay the matter before the governments of the great powers separately.

I shall now feel very grateful to Your Excellency if You will use Your kind offices to obtain the recognition of the Imperial Japanese Government of the Danish sovereignty over the whole of Greenland. The Royal Danish Government is of the opinion that the recognition could take form after the declaration already given by the United States of America and of which I have given the wording above. Simultaneously with this request to the Imperial Japanese Government a similar request has been presented to the governments in London, Paris and Rome.

I avail myself of this opportunity to convey to Your Excellency the expression of my highest consideration.

Signed: Anshelst Ivanir.

(右譯文)

千九百二十年五月十二日

外務大臣内田子爵閣下

予ハ「グリーンランド」ニ對スル丁抹ノ主權問題ニ關シ丁抹國政府ヲ代表シ閣下ニ左記事實ヲ開陳スルガ光榮ヲ有ス

丁抹國人ノ「グリーンランド」進入ハ千七百二十一年ニ丁抹ノ僧 H. Egede カ同島ノ「エスキモト」ニ耶穌教ヲ布教スル目的ヲ以テ渡航シタルヲ以テ嚆矢トス丁抹ト「グリーンランド」トノ通商關係亦此時ニ始マレリ次テ一私立貿易會社設立セラレシカ收支相償ハナリシヲ以テ後ニ丁抹國政府ハ同會社ヲ補助スルニ至リ斯ノ如キ事態ハ千七百七十四年マテ五十年間繼續セリ然ルニ同年ニ至リ宗教通商一切ノ事務ハ丁抹國ノ特殊官廳ノ管掌ニ移リ爾來同官廳ハ主トシテ宗教上ノ事務ヲ取扱ヒ通商關係ノ事務ハ寧ロ從タリキ然ルニ「グリーンランド」トノ通商ハ丁抹ニ取リ決シテ有利ナルモノニオラス同島ヨリノ輸入品ハ毛皮及ヒ海産物ニシテ右兩種品ニ對シ原始的土人ノ生



活ノ必需品及ヒ少量ノ奢侈品ヲ輸出セリ  
 土民ハ間モナク耶蘇教ニ歸依シタレハ政府モ爾後専ラ文化ノ普及ニ努力シ現今ニ於テハ多數ノ學  
 校設立セラレ土民ノ算筆ニ通スル者過半數ヲ占ムルニ至レリ此他尙各地方ニ衛生部ヲ設置シ次  
 地方自治制ヲ布キ千九百八年以來丁抹國中央官廳監督ノ下ニ土民自ラ地方行政ニ任スルコトナ  
 レリ同島ニ於ケル行政方針ハ酒精飲料、劇毒藥、梅毒等ノ如キ文明ニ伴フ弊害ヲ豫防シ土着民ヲ  
 保護スルニアリ故ニ如何ナル人士モ地方政廳ノ特許ヲ受ケ且健康診斷ヲ受ケタルミアラサレハ入  
 國スル能ハズ右ノ結果文明國民力文化ノ程度低キ民族ト接觸スル場合土民ノ人口ハ漸減スルヲ普  
 通ノ現象トスルモ之レニ反シテ「グリーンランド」ノ「エスキモー」人ハ漸次其ノ人口ヲ増加シ  
 ツツアリ

十八世紀ニ於テハ南部「グリーンランド」ノミ丁抹ノ治下ニアリシモ後北部「グリーンランド」  
 及ヒ「カツズ、ヨータ」等ノ地方ニモ亦「エスキモー」人ノ棲息スルコト發見セラレ從テ同地方  
 モ亦自然丁抹ノ治下ニ屬スルニ至レリ次テ同島無人地方ヲ實測製圖シ丁抹ノ探檢家亦同地方ヲ探  
 檢セシモ未タ全島ヲ正式ニ領有スルニ至ラザリキ左レトモ「エスキモー」ノ利益ノ爲且ハ丁抹ノ  
 國威ノ爲丁抹ノ主權カ「グリーンランド」ノ全島ニ及フコトノ承認ヲ求ムルコトハ重要ナルコト

ト思惟セララルルニ至レリ

米丁兩國間ニ丁抹領西印度諸島賣却ノ商議進行中「グリーンランド」ノ主權承認ノ件モ亦右商議  
 ニ附セラレシカ途ニ前記諸島賣却ノ決定協約ニ左記要旨ノ宣言ヲ追加スルニ至レリ

### 宣 言

本日丁抹領西印度諸島ヲ米國ニ讓渡スル協約ニ調印セントスルニ當リ左記米國々務卿ハ其ノ本國  
 政府ヨリ相當權限ノ委任ヲ受ケ茲ニ米國ハ丁抹國政府カ其ノ政治上並ニ經濟上ノ利益ヲ「グリー  
 ンランド」ノ全部ニ擴張セントスルニ對シ抗議セサルコトヲ宣言スルノ光榮ヲ有ス

千九百十六年八月四日

### 紐育ニ於テ「ロバット、ランシンダ

丁抹國ハ右宣言ヲ得タレバ次テ他列國ニモ亦「グリーンランド」全島ニ對スル丁抹主權ノ承認ヲ  
 求メント企テタリ左レトモ恰モ世界戰爭正ニ酣ナルノ時ガリシヲ以テ未タ商議ノ時機ニアラスト  
 認メタリ然レニ休戰條約調印セララルヤ丁抹國政府ハ好機正ニ到來セルモノト做シ英佛兩國ニ諮  
 リテ右承認問題ヲ「ヴェルサイユ」平和會議ニ提出セントセリ右兩國政府ハ丁抹國ノ要求ノ理由  
 ヲ認メ之ニ同情セシモ丁抹國ハ實際戰闘ニ參加セザリシノ故ヲ以テ前記問題ヲ「ヴェルサイユ」平

和會議ニ提出スルハ措置當ヲ得タルモノニテ以テ之ヲ思惟セ亦困ラズ丁抹ハ茲ニ列強諸政府ニ對シ各別ニ「ダグリンランド」全島ニ對スル其ノ主權ヲ承認ヲ求ムルコトニ決意セリ  
 仍テ閣下ハ御盡力ニ依テ下採カニ「ダグリンランド」全島ニ對シ主權ヲ有スルコトヲ日本帝國政府ガ承認セラレシコトヲ切ニ希望スル事共ニ丁抹王國政府ハ亦右主權承認ノ形式カ米國政府宣言ノ形式ニ據テモ可大ナド思惟タルモノナリ  
 茲ニ日本帝國政府ニ右主權ノ承認ヲ求ムルト同時ニ亦倫敦、巴里及ヒ羅馬ノ諸政府ニ對シテモ同様ノ要求書ヲ提出セリ

別紙乙號内田外務大臣ヨリ丁抹國利益代表瑞典公使宛復翰  
 政工送第二四號

大正九年六月二十四日

外務大臣子爵内田 廉 哉  
 在任本邦ノ瑞典國代理公使宛ハ商務委員會「ダグリンランド」全島ニ對シ主權ヲ有スルコトヲ以テ閣下ハ御盡力ニ依テ下採カニ「ダグリンランド」全島ニ對スル其ノ主權ヲ承認ヲ求ムルコトニ決意セリ  
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公使「マートリン」ド「伯爵閣下ヨリ五月十二日附書翰ヲ以テ御申越ノ趣致敬承候帝國政府ハ丁抹國政府ガ其ノ政治上並經濟上ノ利益ヲ「ダグリンランド」全島ニ擴張セムトスルニ對シ異議ヲ有セザルニテ「ダグリンランド」全島ニ對シ主權ヲ有シ候前記書翰ニ對スル閣下申進旁本大臣ハ茲ニ重ク貴方ト同ク敬意ヲ表シ候 敬具  
 Doyens de Hon. Gundersen, 1st. Division, of the Senate of 1910, Copenhagen, 1910. 172  
 (附註) Department of Foreign Affairs, Tokyo, June 24th, 1920.

No. 14  
 Monsieur le Chargé d'Affaires,  
 I have the honour to acknowledge the receipt of His Excellency the Minister of Denmark Count P. Alstedts Laurvig's note dated the 12th ultimo, relative to the recognition of the Danish sovereignty over Greenland.  
 I have the further honour to declare herewith on behalf of the Imperial Government that they have no objection to the Danish Government extending their political and economic interest to the whole of Greenland.  
 Accept, Monsieur le Chargé d'Affaires, the renewed assurances of my high consideration.

Signed: Viscount Yasuya Uchida,  
Minister for Foreign Affairs.

The Chargé d'Affaires for Sweden,  
in charge of the Affairs of the Legation of  
Denmark in Japan.

別紙附録 諾威代辦公館ヨリ帝國外務大臣宛書翰

Légation de Norvège.

Tokio, le 13 juillet 1931.

Monsieur le Baron,  
D'ordre de mon Gouvernement j'ai l'honneur de faire savoir à Votre Excellence que par Décret Royal en date du 10 de ce mois le territoire au Groenland Oriental entre 71° degrés 30 minutes et 75 degrés 40 minutes Nord a été soumis à la Souveraineté de la Norvège et que l'autorité de police est exercée pour la région au sud de Chaveringford par M. Hallvard Devold, stationné à Myggbukta, et pour la région au nord du même fiord par M. Herman Andersen, stationné à Cap Herschel.

Veuillez agréer, Monsieur le Baron, les assurances de ma plus haute considération.

Signé: Chargé d'Affaires a. i.

Son Excellence

Monsieur le Baron Shidehara,  
Ministre des Affaires Etrangères,

etc, etc, etc.

別紙丁號 諾威公使ヨリ内田外務大臣宛書翰

Légation de Norvège

Tokio, le 13 juillet 1932.

Monsieur le Comte,

En me référant à la lettre adressée à Monsieur le Baron Shidehara le 13 juillet 1931 par M. Rauech, jadis Chargé d'Affaires a. i., j'ai l'honneur de faire savoir à Votre Excellence, d'ordre de mon Gouvernement, que par Proclamation Royale en date du 12 courant le territoire au Groenland Oriental entre 60 degrés 30 minutes et 63 degrés 40 minutes Nord a été soumis à la Souveraineté de la Norvège, et que par Décret Royal en même date M. Heidge

Ingsand a été nommé Préfet du territoire, et que l'autorité de police est exercée par M. Finn Devold, stationné à Finshu.

Veuillez agréer, Monsieur le Comte, les assurances de ma plus haute considération.

Signed: Ludvig Albert.

Son Excellence

Monsieur le Comte Yasuya Uchida,

Ministre des Affaires Etrangères,

etc., etc., etc.

別紙茂號 丁抹公使ヨリ幣原外務大臣宛書翰

Légation Royale de Danemark.

No. 8. U. I.

Tokio, July 14th, 1931.

Monsieur le Baron,

In 1920, in reply to a communication from the then Danish Minister, the Imperial Japanese Government declared by a note under date of June 24th, that they had no objection to

the Danish Government extending their political and economic interests to the whole of Greenland. Declarations were made in similar terms by the Governments of the other principal powers at that time.

Disagreements have arisen, however, between my Government and the Royal Norwegian Government concerning the position in law of certain territories in the Eastern part of Greenland about which negotiations have taken place between the two Governments for some time but which it has proved impossible to solve through the ordinary diplomatic channels. The Danish Government therefore on the 3rd of this month proposed to the Norwegian Government that the entire question of territorial rights involved in their dispute be submitted to international arbitration or settlement. They pointed out at the same time that under the treaties in force between the two countries on the procedure in case of disputes it is possible to obtain a final settlement of the question of territorial rights in its entirety without further protection.

Subsequent to a brief exchange of notes concerning this proposal, the Norwegian Government has now discontinued the negotiations in question by deciding to declare that Norwegian Sovereignty has been extended to certain territories of the Eastern part of Greenland. The said Government has granted police authority in Eastern Greenland at the same time to two Norwegian whalers.

With reference to the above I have the honour, under instructions from my Government, to convey to Your Excellency the following details relative to the matter:

1. Greenland in its entirety was long ago brought within the sphere of Denmark's full territorial rights, a fact which expressed itself in Legislation, in Administration and in Treaties of which some date far back while others are of more recent date.

2. The said position of law was recognized in due course by formal declarations made by the United States of America, France, Great Britain, Italy, Japan and Sweden and other countries have approved of it in different ways expressly or by implication. Norway has also approved of this position of law by treaties with Denmark now in force and has given approval expressly of the Danish territorial rights over Greenland in its entirety in recent times. The Norwegian assertion that Eastern Greenland is terra nullius was not made till after 1921.

3. In order to calm the atmosphere, Denmark entered into a treaty with Norway in 1924 by which Norwegian subjects obtained the same rights in Eastern Greenland as Danish subjects. Most favoured nation treatment within the same territorial limits were later granted to Great Britain and France. However, the existing disagreements between Denmark and Norway concerning the position of law of Eastern Greenland were not settled by this treaty.

4. Colonies of Eskimos were founded in Eastern Greenland by Denmark in 1884 and 1924 and sovereign rights exercised to an extent compatible with conditions pre-

vailing there. The assertion that Eastern Greenland is a no man's land open for occupation is consequently lacking foundation.

5. The Norwegian standpoint is mainly based on the Norwegian interest in industry as manifested by 80 hunting huts erected in the occupied territory. However, it is a matter of course that territorial rights already acquired can not be invalidated through certain industry. Furthermore the huts in question are spread over a territory of several hundred kilometers and most of them are merely offering a bare shelter for huntsmen during search of hunting districts but not arranged with a view to habitation of a lasting character. It may be added that there are also Danish huntsmen and whalers who dispose of a not inconsiderable number of houses and just partly within the same territory.

6. As the industry referred to above can only be carried on to a comparatively limited extent in view of the nature of the country, more importance should be attached to the extraordinarily extensive scientific work of exploration which has been carried out from Denmark in Eastern Greenland through a period of many years.

7. Denmark is most desirous to accommodate Norwegian activities in Eastern Greenland which fact has been proved in actual practice, more particularly by the treaty of 1924. The Danish Government considers, however, the declaration issued by the Norwegian Government as an encroachment on treaties in force and has lodged a firm protest with the said Government

adding that they consider the declaration of occupation and the measures taken in consequence thereof as being without any legal effect whatsoever.

8. On the 11th of this month, Denmark has brought the case before the Permanent Court of International Justice asking the Court to decide that the declaration of occupation and the measures taken in this connection are illegal and void.

I avail myself of this opportunity, Monsieur le Baron, to renew to Your Excellency the assurance of my highest consideration.

Signed: Hugo Hergel.

別紙已發 丁林公使ヨリ内田外務大臣宛書翰

Des Danais Gesandtskab

No. 8. U. 1.

Tokio.

Monsieur le Comte,

Le 18 juillet 1932.

Le Gouvernement norvégien ayant, par proclamation du 12, de ce mois, soumis à la sou-

veraineté de la Norvège, le territoire du Groenland Oriental entre 60-grades 30' minutes et 63-grades 40' minutes latitude Nord, j'ai l'honneur, d'ordre de mon Gouvernement, de communiquer à Votre Excellence ce qui suit.

Le Gouvernement danois considère que ladite déclaration d'occupation constitue un empiètement injustifié et une infraction à l'état juridique existant, tel qu'il découle des traités en vigueur entre le Danemark et la Norvège. Le Gouvernement danois a protesté vis-à-vis du Gouvernement norvégien et lui a déclaré qu'il considère la déclaration du 12 de ce mois de même que la précédente du 10 juillet 1931 ainsi que toutes mesures prises par le Gouvernement norvégien conformément à ces déclarations comme dénuées de tout effet juridique. Le Gouvernement danois a porté ce différend devant la Cour Permanente de Justice Internationale en demandant quelle dise et juge que la promulgation de l'occupation susmentionnée ainsi que toute mesure prise à cet égard par le Gouvernement norvégien constituent une infraction à l'état juridique existant et par conséquent sont illégales et non valables.

Je profite de cette occasion, Monsieur le Comte, pour renouveler à Votre Excellence les assurances de ma plus haute considération.

Signed: Hugo Hergel.

Son Excellence  
Monsieur le Comte Yasuya Uchida,  
Ministre des Affaires Etrangères,  
etc. etc. etc.

別紙東號 駐威公使ヨリ内田外務大臣宛書翰

Légation de Norvège  
Tokio, le 1er mai 1933.

Monsieur le Comte,

La Cour Permanente de Justice Internationale a donné, le 5 avril dernier, un jugement par lequel l'occupation norvégienne au Groenland Oriental entre 71 degrés 30 minutes et 75 degrés 40 minutes Nord a été déclarée invalide.

Par conséquent j'ai l'honneur, chargé de mon Gouvernement, de faire savoir à Votre Excellence que par Décret Royal en date du 7 avril dernier, le Gouvernement norvégien a supprimé l'occupation susmentionnée, notifiée à Son Excellence Monsieur le Baron Shidehara par M. Kaishi, Attaché d'Affaires au Consulat de Norvège, par lettre en date du 13 juillet 1931, ainsi que l'occupation au Groenland Oriental entre 60 degrés 30 minutes et 65 degrés 40

minutes Nord, notifiée à Votre Excellence par ma lettre en date du 13 juillet 1932. L'autorité de police qui avait été accordée à des sujets norvégiens ainsi que l'autorité accordée au Pêche nommé pour ces territoires, est annulée par le même Décret Royal.  
Veuillez agréer, Monsieur le Comte, les assurances de ma plus haute considération.

Signed: Ludvig Aubert

Son Excellence  
Monsieur le Comte Yasuya Uchida,  
Ministre des Affaires Etrangères,  
etc, etc, etc.