

# 廣源輪案

黃朝琴編

THE CASE OF THE  
公理战胜：现代史上  
海外抗战著名公案

(中英双语版)

S.S. KWANG YUAN

Edited By CHAO-CHIN HUANG

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## 出版說明

『廣源輪案』發生於一九三七年至一九三九年的美國舊金山，在美愛國華僑以及民國政府駐舊金山外交人員圍繞着廣源輪的國籍、主權以及廣源輪所載貨物等訴訟案，與日本人展開了爭鋒相對的鬥爭，經過不懈的努力和充滿智慧的應訴，將日方指控我國同胞刑民三案逐一予以辯駁，最終大獲全勝。『廣源輪案』既是出奇制勝的國際法著名公案，也是抗日戰爭爆發後海外華人維護國家利益、民族尊嚴的一次對日鬥爭的勝利。故於結案後參與此次司法訴訟的愛國華僑將案中法庭辯詞、問答記錄及相關文件編輯付梓，通過《廣源輪案》一書完整反映該案始末。

該書凝結了海外華人深厚熱忱的愛國之心，而且『愛國』一詞在這裏體現了雙重含義：首先是當時駐美同胞不屈不撓地維護民族尊嚴，運用法律武器伸張正義；再者是旅美華僑招思虹女士及其團隊，長達十年以來，向中國人民抗日戰爭紀念館等全國各地三十多個博物館和圖書館無償捐贈了逾四千件珍貴文物文獻的義舉。

中國書店精心選擇這部一九三九年『旅美華僑廣源輪案出版委員會』刊印發行的文獻，整理考證後以原貌出版，再現了七十餘年前旅美華人與日本進行抗爭的歷史原貌，為我們打開一部旅美華僑的抗戰史，讓我們看到華僑的海外奮鬥史上，不僅飽含屈辱血淚，亦有慷慨激昂、揚眉吐氣的華彩篇章——這是中華民族種性的體現、精魄的凝聚。正是這份綿延千里、歷經數代而不絕的興國愛族之心，令『國祚屢斬而不殊，民族屢危而復振』。

當前，隨着海外華人華僑的影響力日益顯著，華僑歷史文獻研究的現實意義逐漸受到關注并被重新認識。《廣源輪案》初版發行之時恰逢國內抗戰正酣，所以國內存世量極少，版本極為罕見。而在舊金山，由于當時美國華僑的經濟收入和文化素養所限，此書藏量也非常有限。受時局影響，此書當時多由關注中日戰況的美國人購置，而歷經七十六年，多已毀失。幸得招思虹女士從一位美國人家傳舊書中發現完好底本，又為中國書店所揀選發掘。『廣源輪案』是中國近現代外交史上運用國際公法獲得重大完勝的經典案例，對海內外華人而言意義非凡。

中國書店對該書的發掘出版看似妙手偶得，實則蘊含必然條件。六十餘年來我店始終秉承着北京古舊書業的優良傳統，堅守古籍保護、傳播的行業信念，為我國古籍圖書和歷史文獻的發掘、搶救、保護以及傳承、流通做出了重要貢獻，取得了卓越成就。中國書店古舊書收購人員不僅足跡遍布中華，而且眼光投向海外，使散失四海的古籍文獻遺珍搶救性回流。

本書的出版旨在將這份形同『海外遺珠』的珍稀檔案文本化身千百，傳之民間，揭開一段塵封已久的海外華僑抗戰史，讓這份鮮為人知的驕傲與榮光，如同中華民族抗戰史上燦若群星的英雄事迹一樣為世人所知，為後代津津樂道，并供各界專家學者，特別是法理研究者和歷史愛好者研習借鑒。

中國書店出版社

二〇一五年五月

## 前言

『廣源輪案』於一九三七年七月三十日發生於美國舊金山，是中、美、日三方在法律上經過長達兩年的角力之國際法中一大名案。一九三九年六月該案中方獲全勝，成功阻止日本將廢鐵兩千餘噸運往大阪製造軍火送往中國戰場殺害中國同胞。

該案發生在美國華僑抗日救國運動最熱烈的時刻，駐舊金山總領事黃朝琴先生發揮了他的國際法專長，彰顯了外交官的風範，以果敢的決斷不失時機地予以處理，中方法律顧問隨機應變、融會貫通，美國各地華僑僑胞踴躍捐款、熱切支持，最終贏得了空前的外交和司法勝利。

本書由在廣源輪案訴訟期間時任中華民國駐美國舊金山總領事黃朝琴先生編，『旅美華僑廣源輪案出版委員會』於一九三九年發行，當時擔任駐美大使的胡適以及王正廷、王寵惠、蔣中正分別為此書作序和題詞。值此『紀念中國人民抗日戰爭暨世界反法西斯戰爭勝利七十周年』之際，以保護祖國文化遺產、弘揚優秀傳統文化為己任的中國書店整理出版此書，意義尤為突顯。該書的面世，可以使得廣大讀者一起展讀舊金山愛國華僑抗日運動的壯麗篇章，一起探究全面抗戰爆發當年一場令人拍案叫絕的抗日官司。

招思虹於舊金山

二〇一五年五月

黃朝琴編

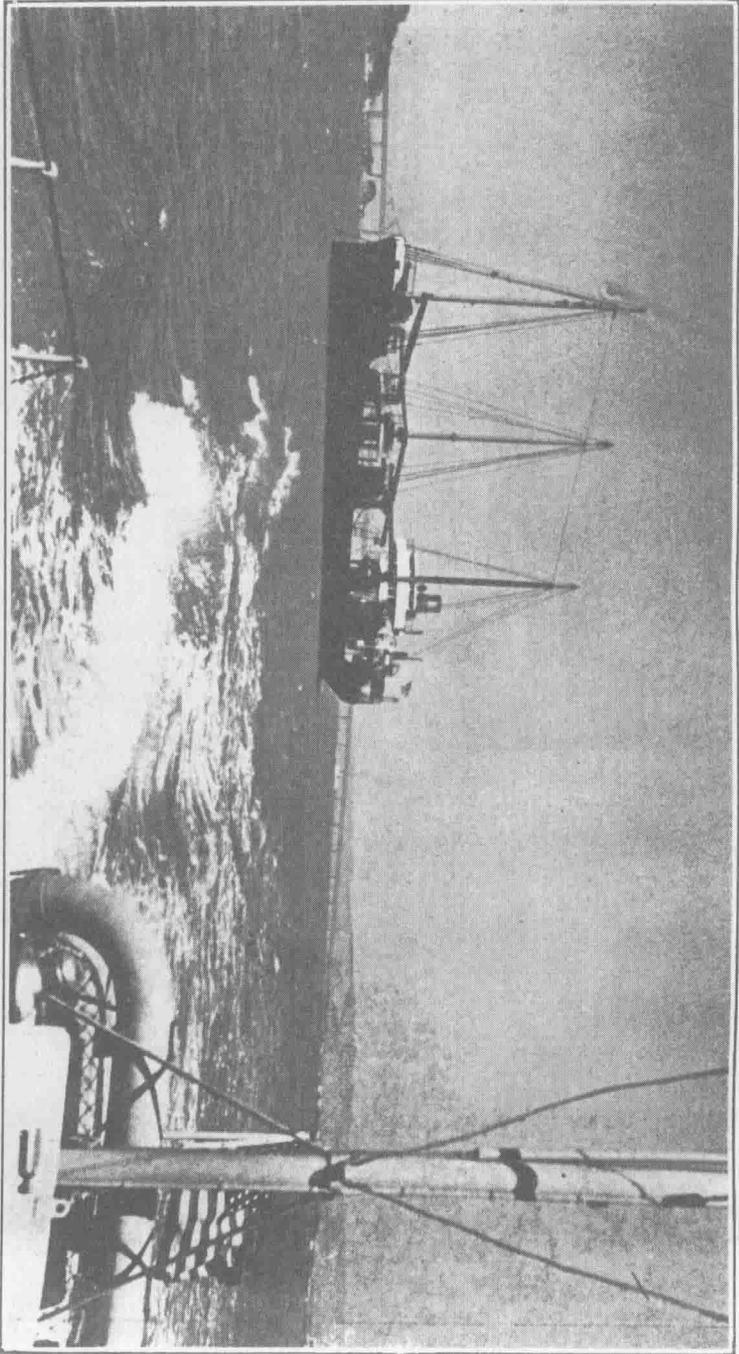
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旅美華僑廣源輪案出版委員會發行

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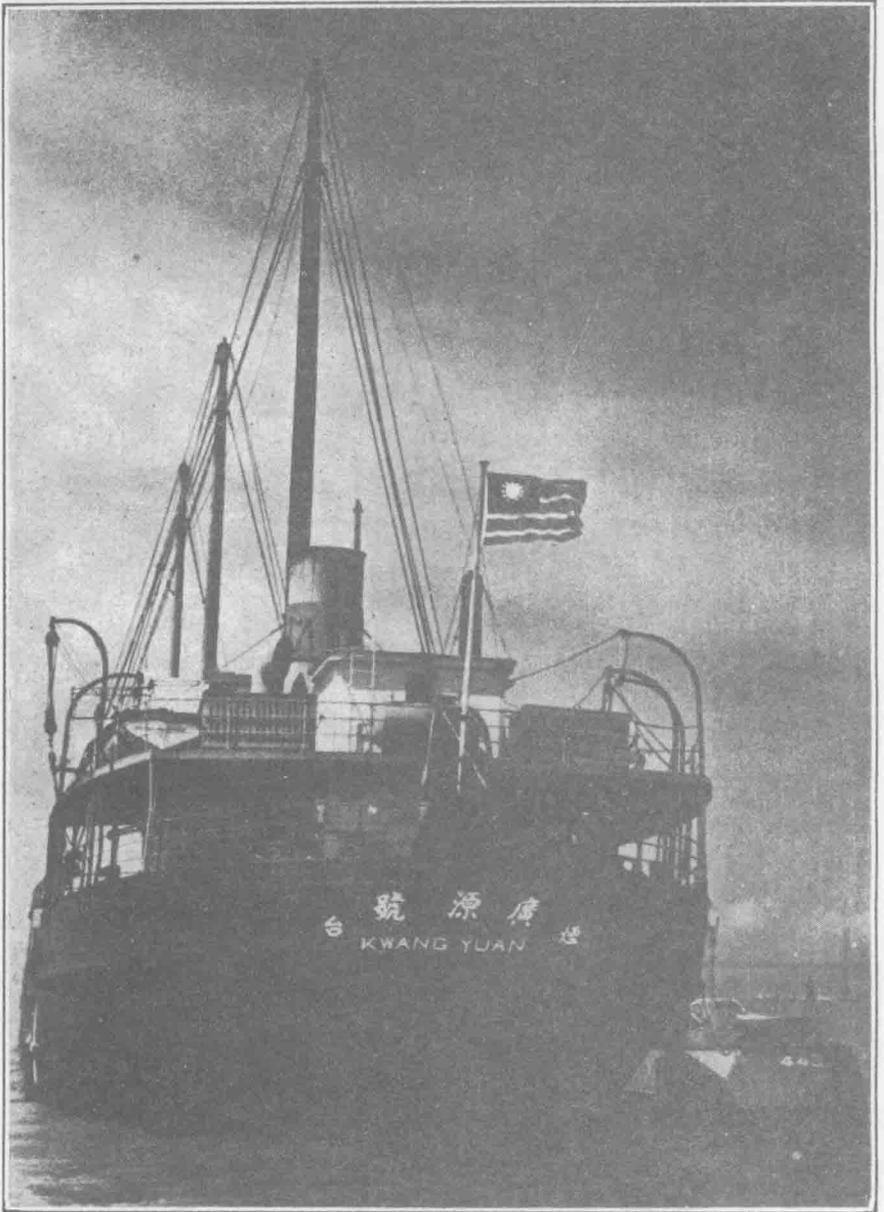
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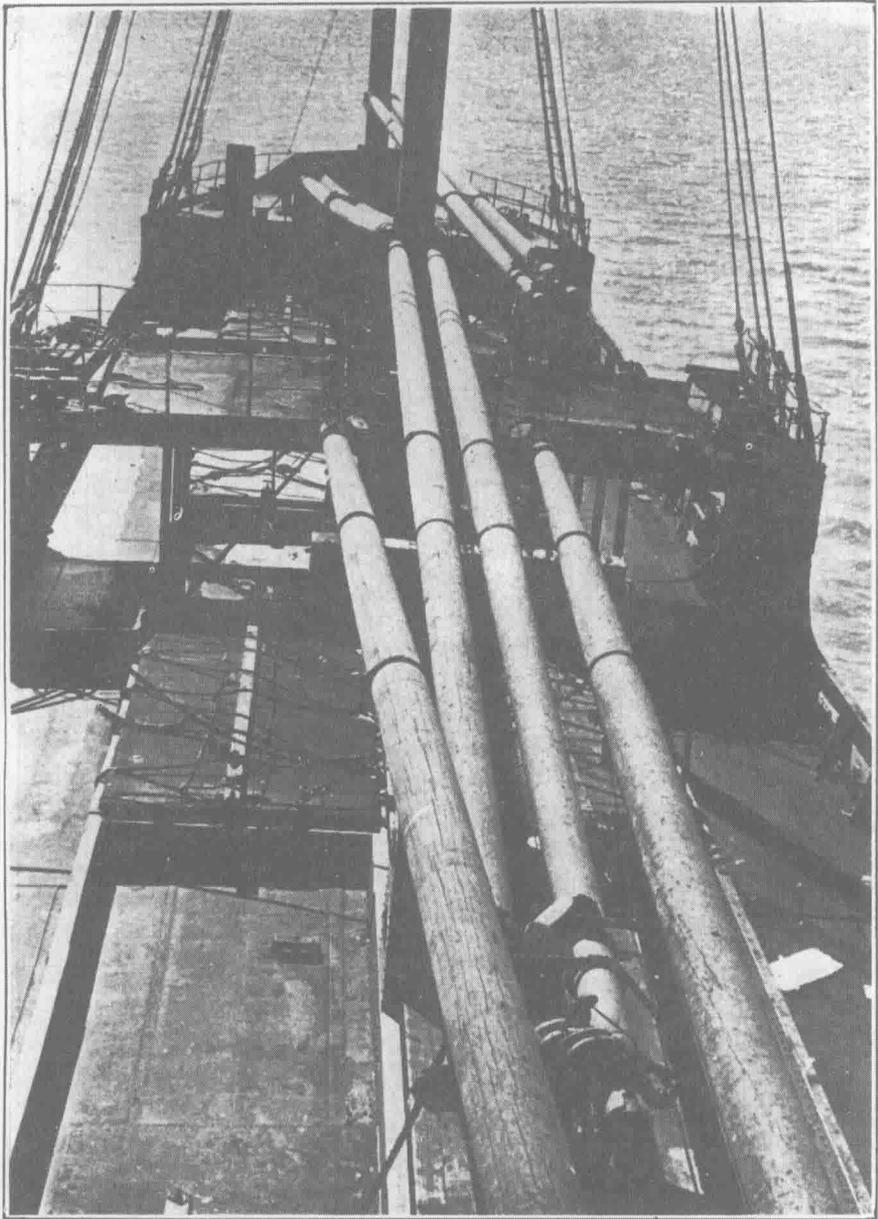
廣源輪側面圖

The S. S. Kwang Yuan at Anchor.



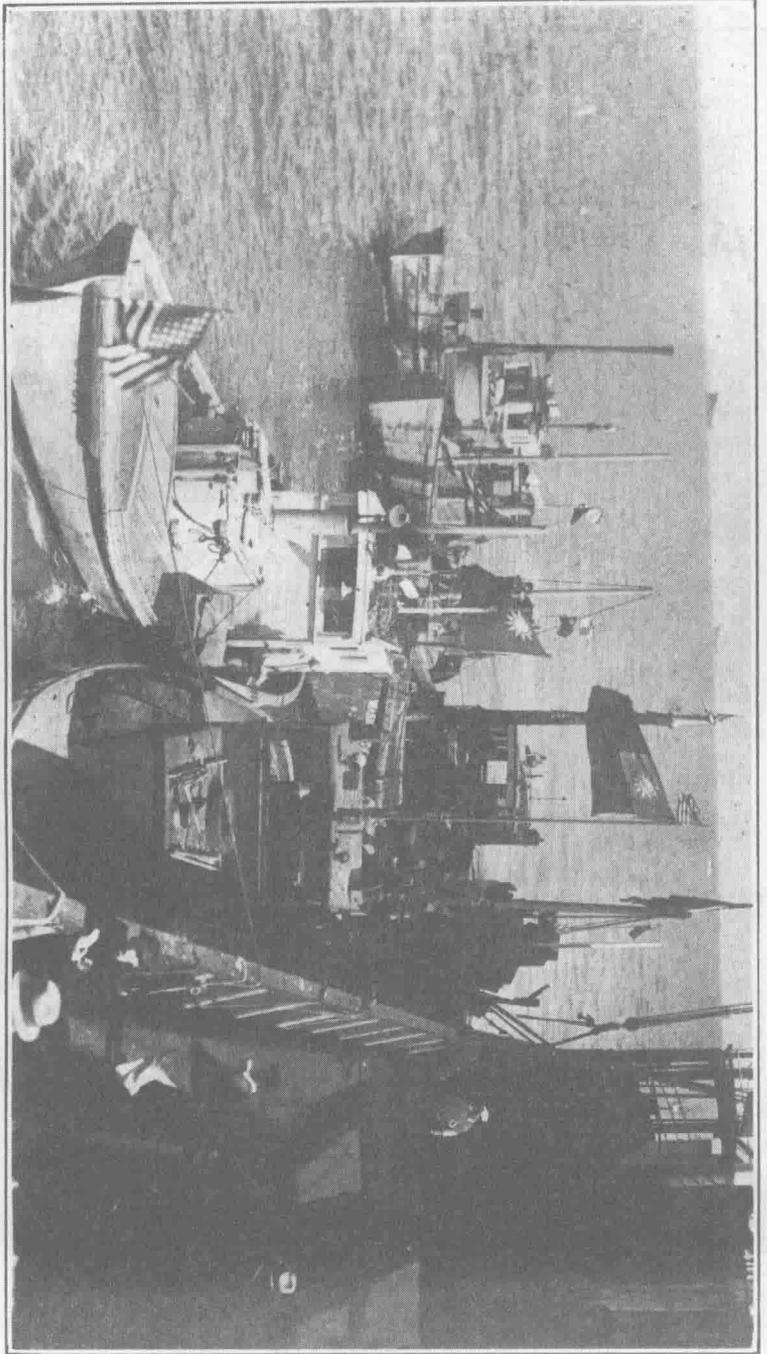
廣源輪船尾

The S. S. Kwang Yuan—the stern.



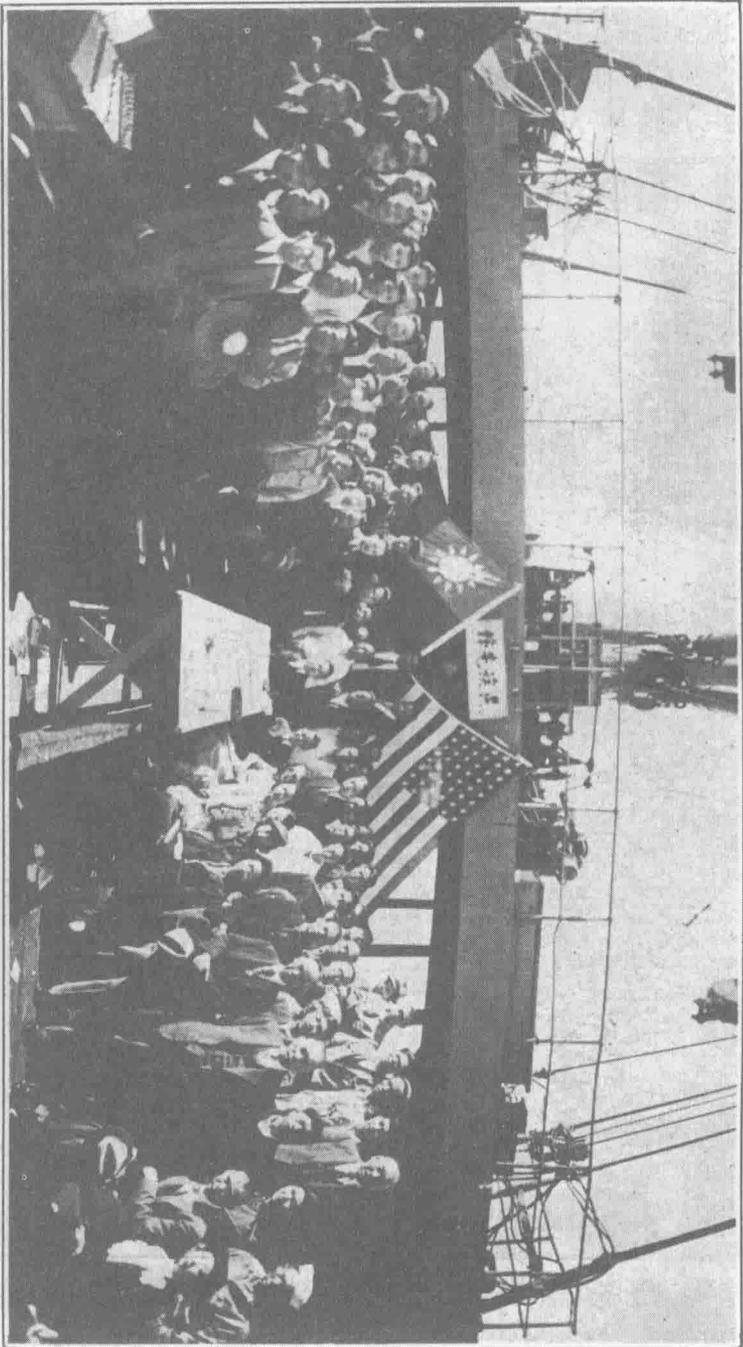
廣源輪甲版

The S. S. Kwang Yuan—the deck



廣源輪及華人蝦寮工會之汽艇

The S. S. Kwang Yuan and the fleet of Chinese shrimp boats



華人蝦寮工會餞別廣源輪全體海員

The farewell party given by the Chinese shrimp fishermen in honor of the Chinese crew of the S. S. Kwang Yuan.



美國報紙騰載廣源輪案新聞之一斑(一)  
 Newspaper headlines concerning the S. S. Kwang Yuan (1)

### S. F. PHASE OF SINO-JAPANESE WAR CONTINUES

**Under Relations in Issue War With Japan Chinese Crew Who Fought In Officers**

More than 100 Chinese sailors and officers who fought in the Sino-Japanese war are now in San Francisco, waiting for the return of their country.

The Chinese government has agreed to return the crew of the S.S. Kwang Yuan to their homes in China.

The sailors had been arrested and held in Japan for several months. They were then transferred to the United States.

The Chinese government has agreed to return the crew of the S.S. Kwang Yuan to their homes in China.

### Chinese Crew Merry As Consul Removes Japanese Captain

**Small Hospital Vessel of Kwan Yuan Has New Master as Chinese Expatriates Escort Japanese to Cargo**

SAN FRANCISCO, April 28. — A joyful mood prevailed on the small hospital ship Kwang Yuan as the Chinese government removed expatriation of the vessel by the United States.

Consul C. C. Hanson and Hugh McNeill, attorney for the vessel, had a great success in the removal of the Japanese captain, who was held in custody here.

The crew of the Kwang Yuan, which was captured by the Japanese in the Yellow Sea, are now in San Francisco, waiting for the return of their country.

### Still Flying



**THE CHINESE RESCUED FROM THE JAPANESE SHIP**

### CHINESE HERE ACT AS SPIES ON JAPANESE

**Keep Watchful Eye on Vessels Belonging to Enemy of Homeland**

American Customs authorities are keeping a watchful eye on the vessels of the Japanese government which are in the waters of the United States.

The vessels are kept under surveillance by the Customs authorities, who are looking for any signs of espionage.

The Japanese government has been accused of using its vessels to spy on the United States.

### S. F. SHIP GETS RECORD FOR LONG DELAY

**Chinese-Owned Schooner Here Seven Months Waiting for Word**

The S.S. Kwang Yuan, a Chinese-owned schooner, has been in San Francisco for seven months, waiting for word from the Chinese government.

The vessel was captured by the Japanese in the Yellow Sea and was held in Japan for several months.

The Chinese government has agreed to return the vessel to its owners, but the Japanese government has refused to do so.

### Chinese Victors in Battle Over Disputed Ship

**Jap Captain Quoted When Freighters Is Expropriated**

The Japanese government has expropriated the S.S. Kwang Yuan, a Chinese-owned schooner, in the Yellow Sea.

The Japanese government has claimed that the vessel was carrying contraband goods.

The Chinese government has denied this claim and has demanded the return of the vessel.

### KWANG YUAN TAKEN OVER BY CHINESE

The Chinese government has taken over the S.S. Kwang Yuan, a schooner captured by the Japanese in the Yellow Sea.

The vessel was held in Japan for several months and was then transferred to the United States.

The Chinese government has agreed to return the vessel to its owners, but the Japanese government has refused to do so.

### Chinese Seize Ship in Bay

The Chinese government has seized the S.S. Kwang Yuan in San Francisco Bay.

The vessel was captured by the Japanese in the Yellow Sea and was held in Japan for several months.

The Chinese government has agreed to return the vessel to its owners, but the Japanese government has refused to do so.

### Men of 'Chinese Navy' In S. F. Paid Tribute

**RESIDENTS HONOR CREW OF DISPUTED SHIP**

The residents of San Francisco have paid tribute to the crew of the S.S. Kwang Yuan, a Chinese-owned schooner captured by the Japanese in the Yellow Sea.

The crew members were held in Japan for several months and were then transferred to the United States.

The residents of San Francisco have organized a committee to honor the crew members for their bravery.

### Chinese 'Navy' Men Given Farewell

**Residents Honor Sailors Who Held Disputed Ship**

The residents of San Francisco have given a farewell dinner to the crew of the S.S. Kwang Yuan, a Chinese-owned schooner captured by the Japanese in the Yellow Sea.

The crew members were held in Japan for several months and were then transferred to the United States.

The residents of San Francisco have organized a committee to honor the crew members for their bravery.

### CHINA 'SEIZES' S. F. JAP SHIP

The Chinese government has seized the S.S. Kwang Yuan, a Japanese-owned schooner, in San Francisco Bay.

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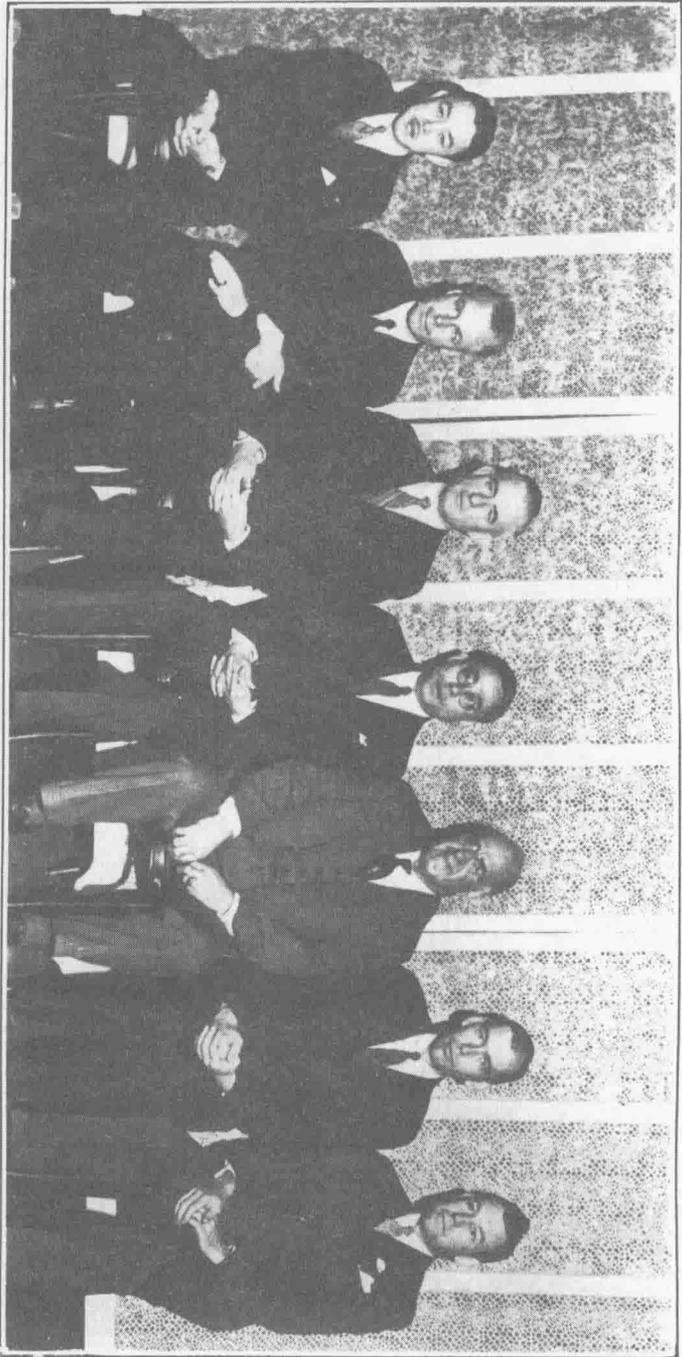
### Chinese Win 'Naval Battle' In San Francisco Courts

The Chinese government has won a 'naval battle' in San Francisco courts.

The courts have ruled in favor of the Chinese government in the dispute over the S.S. Kwang Yuan.

The Japanese government has appealed the decision, but the Chinese government has won the case.





經辦本案之駐金山總領事館職員及律師(自右至左)副領事孫碧奇、律師蒿活、律師多爾、  
總領事黃朝琴、律師麥克威、律師斯底文生、律師胡以、

Officials and attorneys of the Chinese Consulate-General at San Francisco, California, in charge of the case of the S. S. Kwang Yian. (From left to right) Patrick Pichi Sun, Vice-Consul; Jack M. Howard, attorney; Frederick W. Dorr, attorney; Chao Chin Huang, Consul General; Hugh K. McKeivitt, attorney; Archie M. Stevenson, attorney; and Newell J. Hooley, attorney.