1915

The foreign policy of the United States toward Japan from 1832-1901

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THE FOREIGN POLICY OF THE UNITED STATES TOWARD JAPAN
FROM 1832 TO 1901

By
Totaro Wada

Submitted to the Faculty of the Graduate College of the State University of Iowa in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

Iowa City Iowa
1915
The nineteenth century witnessed great progress in the field of American diplomacy, especially with the nations of the Far East. Relations between the United States and the Japanese Empire became so important at the end of the century as to determine the balance of power in Far Eastern affairs. Moreover, the foreign policy of the United States toward Japan from 1832 to 1901 was prominent in fostering a decided influence upon the promotion and protection of their ascendency in the vast North Pacific ocean.

American foreign policy toward Japan, considered in a somewhat technical sense, would seem to have two component parts in its conceptions, the subjective and the objective. The latter consists of the interpretation of what may seem to have been the national attitude adopted by the United States in its relations with Japan, while the subjective conception is concerned with what has been the national attitude of the United States in its relations with Japan.

On account of the insufficient emphasis of the subjective conception in the study of foreign policy, public opinion becomes exposed to the danger of falling into gross misunderstandings and even sentimental hatred. The study of the foreign policy of one nation toward another requires that proper recognition be given to the importance of its subjec-
tive conception as a means of protection against such dangers.

In short, the subjective conception reveals the source from which the foreign policy of one country originates in its relations with another. Indeed, in the final analysis this source lies deep in the basic conditions of a country's existence as a nation. In other words, the foreign policy of one country toward another may be expressed as an outward indication or at least a reflection of what a nation exerts for its own supremacy and how it strives to attain the actual realization of its ideals. The higher the ideals of two nations and the nobler their ambition to attain ascendancy, the greater and more sincere will be their confidence in one another.

The foreign policy of the United States toward Japan may be said to be only a by-product of her great development as a nation. On the other hand, the character, purpose and results of this policy can hardly be overestimated, for they constitute a new contribution to the advancement of international culture in the relations between the Oriental and Occidental civilizations. It is these features of American foreign policy which the writer of the present thesis will attempt to develop from an impersonal, and he hopes, an unprejudiced point of view.

The materials used in the preparation of this monograph are almost entirely taken from primary sources, the most important of which are Papers Relating to the Foreign Relations
of the United States, an annual publication of the Department of State of the United States Government; documents and reports of the United States Senate and House of Representatives, and Kaikoku Kigen, a Japanese compilation of diplomatic and executive documents. Numerous foot note references will indicate other source materials used.

The writer is especially indebted to Dr. Frank E. Horack, under whose direction these researches were pursued, for his kind assistance in offering many important criticisms and in reading and revising the whole manuscript. To Mr. Jacob Van der Zee, Instructor in Political Science in the State University of Iowa, the writer is also indebted for thoughtful suggestions and corrections. Grateful acknowledgement is due to Dr. Paul S. Peirce for many useful suggestions relative to the economic history of the United States; and sincere gratitude is hereby intimated to Mr. Minoru Maita, foreign editor of the Asaki Shinbun (The Daily Morning Sun) of Tokyo for obtaining certain Japanese diplomatic documents needed in the preparation of this thesis. Thanks, more than the writer can express, are due to Professor Benj. F. Shambaugh who has evinced great interest in the writer's work and spared no pains in carefully reading the manuscript and offering much valuable advice; without his encouragement, its completion would have been impossible.

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CHAPTER I

THE INTEREST OF THE UNITED STATES IN THE ORIENT WITH
ESPECIAL REFERENCE TO JAPAN BEFORE 1832

A progressive nation can not always conceal its ambition, its power, and its interests. Continued and increasing interest in its intercourse with other nations is the product of historical evolution. The formation of an important foreign policy at any particular time consummates what has taken place in the relations between the nations concerned and furthermore inaugurates for one nation an era of new concern in the development of the other.

Long before the government of the United States recognized the Japanese Empire, the people of America had come to cherish commercial intercourse with the countries of the Orient. As early as 1789 under the first tariff act the United States gave special encouragement to Oriental trade by discriminating duties. If bohea tea was brought directly from the Orient in vessels owned by American citizens, the importer was required to pay a tariff of six cents per pound; but if brought indirectly through another country by the same American vessels, the importer was required to pay eight cents per pound; while tea shipped from any country in vessels owned by foreigners was taxed fifteen cents per pound.1 Al-
though the latter discrimination may have been aimed at the monopoly of the British East India Company, yet American interest in Oriental commerce as such was not entirely lacking. James Madison in his memorandum of December, 1789, says that a considerable number of Senators and Representatives objected to this discrimination "as defective in energy rather than as wrong in its principle". 3

In 1797 Captain Edmund Fanning sailed around the world. His enterprising voyage ended in the discovery of the opportunity presented by new foreign markets in the Orient and induced Americans to engage in Pacific and Chinese commerce. Such native products of the South Sea and Pacific regions as sandal wood, beach la mer, birds' nests, turtle shell, shark's fins, seal's fur, mother of pearl, and pearls were taken and exchanged for Chinese goods. The articles thus obtained were shipped to the ports of the United States. 4 No wonder Thomas Jefferson cherished the idea of commercial intercourse between his country and Asia. 5

Not only the United States government showed an interest in the trade possibilities of the Orient. During the early history of the Republic, while European nations were engaged in Napoleonic wars, merchantmen entered the waters of Japan. Since Holland was under the control of Napoleon, the Dutch, in order to avoid the danger of being captured by British
cruisers in East Indian waters, hired several neutral vessels to ply between Batavia, Java, the capital of their eastern possessions, and Decima, the outer island in front of Nagasaki, Japan, where the Japanese government allowed the Dutch the privilege of residence and a paltry trade. During the years from 1797 to 1809 the Dutch hired no less than eight American vessels to make voyages from Batavia to Deshima: the "Eliza" of Boston, Captain W. R. Stewart; the "Franklin" of Boston, Captain J. Devereux; the "Massachusetts" of Boston, Captain W. V. Hutchings; the "Margaret" of Salem, Captain Samuel Derby; the "Samuel Smith", Captain G. Stiles; the "Rebecca", Captain J. Deal; the "America", Captain Henry Lelar; and the "Mount Vernon", Captain J. Davison. United States vessels thus found their way to Japanese waters under the Dutch flag. It is interesting to note that the Dutch had been recognized by the Japanese government as the sole agents of European trade since 1638.

As the "Eliza" is recorded as having accomplished her first two voyages to Japan in 1797 and 1798, so her Captain, W. R. Stewart, was perhaps the first citizen of the United States who ever visited the Island Empire. There is also an old Japanese record that the ship of Captain Stewart was wrecked in the sea not far distant from Nagasaki, Kiushu,
Japan, in the tenth year of Kuwan Sei (1798). Captain Stewart appears to have been a shrewd American, for in 1803 after performing his contract with the Dutch, he sailed boldly into the harbor of Nagasaki under the Stars and Stripes with a cargo purchased in the East Indies and China. He asked permission to trade and to obtain some provisions. The Japanese refused the first request, but granted the second, and after supplying his wants ordered him to depart. Four years later another American vessel, the "Eclipse", came to Nagasaki, was likewise denied the right to trade with the Japanese, and was also ordered to continue her voyage.

Another early attempt of the United States to establish intercourse with Japan is evidenced by the following: "This [expedition to Japan] has been long in contemplation by our government. Com. Porter, as far back as 1815, addressed a letter to Mr. Monroe (secretary of state) on the subject, and it was then intended to send out Com. Porter with a frigate and two sloops of war, but the plan was defeated." This statement, so far as it refers to Porter, unfortunately cannot be verified, and it is very doubtful whether that officer ever proposed such an expedition. However that may be, Captain David Porter of the United States frigate "Essex", which, it is claimed, was the first United States ship-of-war to cruise in
the Pacific Ocean, declared the formal occupation of Nukuhiva
(Sir Henry Martin's Island) in the Marquesas Islands by the
United States on November the 19th, 1813. The United States,
however, never took any action to effect the actual occupation. 11

So far as the balance of trade is concerned, American trade
with the countries of the Orient appears to have been unfavorable
early in 1818. One of the serious disadvantages was that al­
though the United States did not have enough coin in circulation,
yet nearly all American purchases from the Orient were made
with specie. 12 Despite the bad condition of trade President
Monroe on November the 16th, 1818, in his second annual message
to Congress, declared that it had been necessary to send United
States ships to the Pacific. One year later he announced that
the United States had found it necessary to maintain a strong
naval force in the Pacific in order to protect American trade. 13

Under the impetus of the flourishing condition of the
whaling industry, American whalers made their appearance near
the Japanese coast in 1820 and still more cruised near and off
Japan in the following year. The number of these ships in­
creased to more than thirty in 1822. 14 It may be that some
of these American whalers wanted to secure provisions on the
Japanese shore as well as bays to shelter them against the
hardships of storms which might threaten their safety.

American interest in the North Pacific did not diminish.
On January 25, 1821, Dr. John Floyd, a member of the house of
Representatives from Virginia, estimated that the United States already owned $8,000,000 worth of property in the Pacific. Calling attention to Russia's menacing attitude toward Turkey, Persia, Japan, China, and Spanish America, and her plans to command the North Pacific, he urged upon the government of the United States the propriety of taking energetic steps to guard American interests on the Columbia River. Referring to Dr. Floyd's report Senator Thomas Hart Benton of Missouri spoke of the effect upon Asia of the arrival of Americans upon the Pacific coast and declared: "Upon the people of Eastern Asia the establishment of a civilized power on the opposite coast of America, could not fail to produce great and wonderful benefits. Science, liberal principles in government, and the true religion, might cast their lights across the intervening sea. The valley of the Columbia might become the granary of China and Japan, and an outlet to their imprisoned and exuberant population. The inhabitants of the oldest and the newest, the most despotic and freest governments, would become the neighbors, and the friends of each other. To my mind the proposition is clear, that Eastern Asia and the two Americas, as they become neighbors should become friends; and I for one had as lief see American ministers going to the emperors of China and Japan, to the King of Persia, and even to the Grand Turk, as to see them dancing attendance upon those European legitimates who hold every thing American in contempt and detestation." Senator Benton claimed
that the suggestion of sending American ministers to Oriental countries was first publicly made in the United States in his speech. Thirty years later he said: "It was then a 'wild' suggestion: it is now history."  

It became evident that American commerce in the Pacific was increasing. In his eighth annual message to Congress on the 7th of December, 1824, President Monroe made the following statement: "On the Pacific our commerce has much increased, and on that coast, as well as on that sea, the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent."  

It is certain that some part of a United States squadron had already been kept in the Pacific in the interests of American commerce and the whale fishery before the year 1827. In the correspondence between the House Committee on Naval Affairs and Mr. J. N. Reynolds concerning the exploring expedition to the South Sea and Pacific Ocean, Mr. Reynolds in 1828 gave it as his opinion that the cause of American trade in the Pacific had been changed for the better since the opening of ports in South America. He also emphasized the characteristic spirit of early American sea adventurers as follows: "We fear no storms, no icebergs, no monsters of the deep, in any sea; we will conduct ourselves with prudence, and
discretion, and judgment; and, if we succeed, the glory and profit will be yours; if we perish in our attempts, we alone shall suffer: for the very inquiry after us will redound to your honor."19

The increasing number of enterprising voyages then pursued by American ships upon the Pacific--both in trading and whaling had undoubtedly brought about new dangers and losses to American merchants and mariners. The cruises of these American vessels had already extended to some islands of Japan. The expansion of American activity was accordingly attended by the risk of shipwreck on rocks and reefs which were not yet indicated upon nautical charts. It is not improbable that of the many American vessels which sailed to the little-known seas of the Pacific, some never returned home and some were never again heard of through surviving members of their crews.

Japanese junks exposed to the hazards and perils of sea life also encountered great hardships in the Pacific. It is said that one vessel of this type was found adrift near the mouth of the Columbia River in 1831.20 Probably disabled in a storm and borne along by the Kuri-Shiwa (Black Current) which washes the eastern coast of Japan and joins the great Japan Current, the luckless craft reached the coast of the American continent. With a most humane and Christian spirit, an American shipmaster transported the crew of the ill-fated
Japanese junk to Yeddo, the seat of the Japanese Shogun's government. Unfortunately this United States vessel was forced to leave Japan on account of the hostility of the Japanese people. Such an incident may perhaps have roused the government of the United States to make new efforts to open up commercial relations with Japan.

The opening of Japan was a favorite conception of John Quincy Adams. In an ingenuous address, he persisted in urging the right and even "the duty of Japan to assent, on the ground that no nation has a right more than any man has to withdraw its private contribution to the welfare of the whole."

Thus American interest in the Orient was the result of a gradual development of commercial and industrial activity both in the Far East and in the North Pacific. Undoubtedly the United States was very eager to preserve her trade with the Orient against the competition of European powers which had promoted their commercial interests in the Far East long before the United States became an independent nation. To show how national characteristics mold the spirit of an age, the United States encouraged freedom of trade at the beginning of her national existence. As the harvest from her policy of neutrality during the prolonged Napoleonic wars, the United States enjoyed an unprecedented prosperity due to the enormous expansion of her carrying trade, which practically annihilated the barrier of distance between the Occidental American Republic
and the Oriental Island Empire. The United States had already begun the internal development which naturally gave rise to territorial expansion and the great westward movement. The shipping interests of New England, discouraged by hostile European trade regulations, had found a new foreign market in the Far East. The superabundant energy of the youthful American Republic discovered new fields for national activity through the outlets toward the Far West and the Far East, both of which in a way are to be regarded as close neighbors. Moreover, the wonderful growth of the American whaling industry had awakened the nation's interest in protecting American seamen in various parts of the North Pacific. To American mariners the islands of Japan were no longer a fiction but rather a substantial attraction; to American statesmen, "How to bring Japan into commercial relations with the United States" was a problem of great importance.
CHAPTER II

THE POLICY OF THE UNITED STATES TOWARD JAPAN

FROM 1832 TO 1847

not all of a nation's interests are traceable to the development of its policy with regard to other nations, and yet no nation adopts its foreign policy without a consideration of some of its national interests. It would seem that in the course of time the policy of one nation toward another tends to formulate itself consciously or unconsciously, along the paths indicated by national interests. However that may be, a great nation is never willing to sacrifice its ideals merely for the sake of its own interests.

Although the United States was awakened by the new political principles of democracy under the presidency of General Andrew Jackson, a conspicuous exponent of the ideals of popular sovereignty, the American people enjoyed general prosperity during the era of international peace and of great territorial and business expansion. Indeed, just before 1832, President Jackson was fully aware that national prosperity derived from an intercourse with foreign nations must be guided by the eternal principles of justice and reciprocal good-will.25 In some parts of the Far East like Sumatra the United States maintained the security of her commerce and commanded on increased respect for the American flag.26

So far as the history of the relations between the United
States and Japan is concerned, no student can overlook the importance of an event which first evidenced the policy of the United States toward Japan. On the 28th, of October, 1832, Edmund Roberts, a wealthy ship-owner of Portsmouth, New Hampshire, received instructions from the Department of State in regard to an American expedition to the Japanese Empire.

According to the instructions of the Secretary of State, Edward Livingston, Mr. Roberts was authorized to proceed to Japan to open commerce if prospects seemed favorable. Mr. Roberts was further trusted to fill up one of the letters of credence to the Emperor of Japan with the appropriate title of trade, but he was directed to use no vessel belonging to the United States, for the reason that the ship might be forced to submit to the indignity of being disarmed by the Japanese government. Furthermore, he was strongly advised not to enter any port of Japan until he should receive assurance that the dignity and honor of the United States would not be violated. As to expenditures for this expedition, he was carefully instructed not to incur any extraordinary expense unless there was very good prospect of accomplishing the purpose in view. Lastly, he was allowed postpone the enterprise until he had completed the negotiation of treaties with Siam and Muscat—in respect to which the Department of State had already instructed him.

In general these instructions were wise and prudent.
Their purpose was to open the Japanese Empire to American commerce. Despite their brevity they contained several important considerations. First of all, it is clear that the United States was anxious to maintain her national honor and dignity in opening up the markets of Japan, in spite of the many possible difficulties involved in doing so, even if the main purpose of the expedition were defeated. Secondly, Secretary Livingston had probably long since been informed of the undignified treatment to which some European powers had been forced to submit by Japanese authority in order to obtain the privilege of trade in Japan. Thirdly, Edmund Roberts was virtually given discretionary power in the matter of negotiating a treaty with the Japanese government, for he was entrusted not only to carry more than one letter of credence to the Emperor of Japan but also to fill any one of them with the appropriate title of trade. It is apparent that Congress had not made a large appropriation for the American expedition to the Orient, and that the government of the United States desired first to negotiate treaties with Oriental countries other than the Japanese Empire. Furthermore, this American policy toward Japan stands for a glorious vision of international progress. Nothing is more significant than the American spirit of 'Freedom' in the world's commerce especially in the friendly and peaceful desire for intercourse with Japan.

Edmund Roberts with his knowledge of conditions in Far
Eastern countries succeeded in concluding a treaty of amity and commerce with the King of Siam on March the 20th, 1833. It was the first diplomatic bond between the United States and an independent country of the Orient. The characteristic spirit of American diplomacy in the early part of the nineteenth century has nowhere been so well shown as in the first article of this treaty, which reads as follows: "There shall be a perpetual peace between the United States of America and the Magnificent King of Siam." The United States also concluded the same sort of treaty with Seyed Seyed Bin, Sultan of Muscat, and his dependencies on September 21, 1833.

Two years later when the government of the United States sent Mr. Roberts as an envoy to announce the ratification of the treaties with Siam and Muscat, President Jackson furnished him a letter to the Emperor of Japan in the Dutch and Latin languages. The Secretary of State, John Forsyth, instructed Mr. Roberts to proceed to Japan and to open negotiations after performing his mission to the other two countries. Mr. Roberts was advised to deal very cautiously with the Dutch and not to cause any international jealousy by entering a Japanese port instead of calling at the Dutch factory near Nagasaki, Japan.

A collection of valuable presents to the Japanese Emperor was provided for Mr. Roberts' Japanese expedition. Among them was a gold watch with a heavy gold chain eight feet long, a sabre, a rifle, a shot-gun and a pair of pistols, an assortment of broad cloth and cut glass, a music box, maps, a set of
of pictures of United States naval victories, and ten Merino sheep of finest wool, two bucks and eight ewes. In addition he was authorized to promise presents to the value of ten thousand dollars if his negotiations with the Japanese government led to the successful consummation of a treaty with Japan. Unfortunately this well-disposed policy of the United States toward Japan failed, not because of any defects in its merits, but because of the untimely death of Mr. Roberts in Macao, China, on June the 12th, 1836.\(^{32}\)

One of the American firms in Canton, China, Olyphant & Company, fitted out the "Morrison" under Captain David Ingersoll to obtain commercial intercourse with Japan. Among the passengers were seven ship-wrecked Japanese rescued from a junk which had gone ashore near the mouth of the Columbia River in 1831. Other persons on board the ship were the German missionary, Chinese scholar, and historian, Dr. Charles Gutzlair, the American medical missionary, Dr. Peter Parker, and Rev. S. Well Williams, the representatives of the American Board of Missions, and Mr. Charles W. King, a member of the firm, and his wife. Mr. King had charge of the expedition. Since the object of the voyage was peaceful intercourse with Japan, all cannons and arms were removed from the ship. On July 29, 1837, the "Morrison" arrived in the Bay of Yeddo with no demonstration of hostility, but was welcomed by firings from the Japanese on shore. The "Morrison" therefore sailed away, directing her
course to the Japanese port of Kagoshima the well known capital of the powerful daimio of Kagoshima, and again met with a hostile reception. Mr. King abandoned all further attempts to reach the Japanese, and so the "Morrison" returned to China without being able to land even the ship-wrecked Japanese.33

Two years after the first treaty of peace, amity, and commerce was concluded between the United States and the Chinese Empire on July 3, 1844, there was another American voyage to Japan. The "Manhattan", a whaling vessel under Captain Mercator Cooper of Sag Harbor, Long Island, while on a whaling cruise, found and saved eleven shipwrecked Japanese seamen at St. Peter's Island. Shortly afterward Captain Cooper rescued eleven more Japanese sailors on a floating wreck. All of the twenty-two Japanese were landed at Yeddo, the seat of Shogun's government of Japan. Captain Cooper was received with much Oriental civility by the Japanese authorities and was supplied with all necessary provisions as well as a rare present of some Japanese lacquered ware and crockery. But the Japanese government, not waiving its policy of seclusion, refused to allow anyone to leave the vessel. The "Manhattan", after anchoring in the bay of Yeddo for four days, left Japan and continued her whaling cruise in the North Pacific.34

On February 15, 1845, Hon. Zadoc Pratt chairman of the Select Committee on Statistics in the House of Representatives submitted a resolution concerning the probable effects of
American commercial arrangements with the Empire of Japan and the Kingdom of Korea. In this bill Congressman Pratt urged that the government of the United States send an embassy characterized by the principle of justice in order to succeed in establishing intercourse between those countries and the United States.

Mr. Pratt maintained that the American people must pay heed to commercial relations with Japan since the world paid less attention to the Japanese Empire than its position justly demanded and especially because of the flourishing conditions of its internal commerce, teeming population, and advanced civilization. He was also confident of the opening of Japan to American commerce, because the Japanese Empire was situated near the Chinese Empire with which the United States had already succeeded in establishing commercial intercourse. In order to make commercial arrangements between the United States and Japan he thought the American mission should be placed on a liberal basis. 'The day and the hour', he said, 'have now arrived for turning the enterprise of our merchants and seamen into the harbors and the markets of those long-secluded countries. Another year will not elapse before the American people will be able to rejoice in the knowledge that the 'star spangled banner' is recognized as an ample passport and protection for all who, of our enterprising country men, may be engaged in extending American commerce into the countries to which it is now proposed to dis-
patch suitable diplomatic and commercial agents on behalf of our government."35

Reminded of the successful negotiation of the first treaty with the Chinese Empire in 1844, and stimulated by the introduction of Platt's resolution in the House of Representatives, the government of the United States showed increased interest in establishing diplomatic relations with Japan. On May the 22d, 1845, the Department of State issued instructions to Commodore James Biddle, a distinguished veteran of the War of 1812 and commander of the naval squadron in the East Indies, to place his ships at the disposal of Mr. Alexander H. Everett, American diplomatic representative in China, for the purpose of conveying him to any part of the coast of China or Japan which he might have occasion to visit! Furthermore, if Mr. Everett should wish to make the effort to gain access to Japan, Commodore Biddle was to have the squadron in readiness for that purpose; and if Mr. Everett should decide not to gain access to Japan, Commodore Biddle himself might "persevere in the design, yet not in such a manner as to excite a hostile feeling, or a distrust of the government of the United States."36 The primary purpose of this mission to Japan was to ascertain whether Japan, like China, had already opened her ports to foreign trade, but not to force the Japanese government to negotiate a commercial treaty with the United States, although authority was conferred to conclude a treaty with Japan if the Japanese government was
Suffering from ill health, Mr. Everett delegated his powers to Commodore Biddle. After occupying many months in dealing with the relations between the governments of China, and the United States, Commodore Biddle sailed with the "Columbus" and the "Vincennes" from the Chusan Islands, China, on July the 7th 1846, and arrived at the bay of Yeddo, Japan, on the 20th of July. Concerning his first conference with a Japanese officer through a Dutch interpreter on board the "Columbus", Commodore Biddle wrote to George Bancroft, Secretary of the Navy, as follows: "He inquired what was my object in coming to Japan; I answered that I came as a friend to ascertain whether Japan had, like China, opened their ports to foreign trade, and if she had, to fix by treaty the conditions on which American vessels should trade with Japan. He requested me to commit this answer to writing, and I gave him a written paper, a copy of which is herewith transmitted. He informed me that any supplies I might require would be furnished by the government. To my inquiry whether I would be allowed to go on shore, he replied in the negative. He objected to our boats passing between this ship and the Vincennes, but as I insisted upon it, he yielded."

On the following day, another Japanese officer apparently of higher rank came on board the "Columbus" and stated that foreign ships upon entering a port of Japan always landed their ammunition and guns, muskets, swords, etc. But Commodore
Biddle explained that it would be impossible in the case of his ships, since they were not private trading ships, and assured him that they were peaceably disposed. The Japanese officer informed the Commodore that his written paper had been transmitted to the Japanese Emperor, and that the answer would be received in five or six days. The reason why the United States vessels were surrounded by Japanese boats at the bay of Yeddo was the Japanese intention to prevent any communication between the Americans and persons on shore. When the Commodore offered copies of treaties in Chinese, which were concluded between France, Great Britain and the United States with China, the Japanese officers refused to accept them because they had no authority from the Japanese Emperor to do so. When Commodore Biddle declared that unless they watered the ship properly, he would send his own boats on shore for water, the Japanese supplied fresh water in abundance.

On the 25th of July Commodore Biddle expressed his surprise at the delay in not receiving a reply from the Japanese Emperor. Two days later a Japanese officer with eight persons came on board the "Columbus" and delivered the Emperor's answer, a translation of which reads as follows: "The object of this communication is to explain the reasons why we refuse to trade with foreigners who come to this country across the ocean for that purpose. This has been the habit of our nation from time immemorial. In all cases of a similar kind that have occurred we positively
refused to trade. Foreigners have come to us from various quarters, but have always been received in the same way. In taking this course with regard to you; we only pursue our accustomed policy. We can make no distinction between different foreign nations— we trust them all alike; and you, as Americans, must receive the same answer with the rest. It will be of no use to renew the attempt, as all applications of the kind, however numerous they may be, will be steadily rejected.

"We are aware that our customs are in this respect different from those of some other countries, but every nation has a right to manage its affairs in its own way.

"The trade carried on with the Dutch at Nangasacki, [Nagasaki] is not to be regarded as furnishing a precedent for trade with other foreign nations. The place is one of few inhabitants and very little business, and the whole affair is of no importance.

"In conclusion we have to say that the Emperor positively refuses the permission you desire. He earnestly advises you to depart immediately, and to consult your own safety by not appearing again upon our coast."39

In delivering the Emperor's letter, there was an incident of unpleasant character. Then the Commodore was requested to go on board a Japanese junk to receive the Emperor's letter, he refused and informed the interpreter that the Japanese officer must deliver it on board the "Columbus". To this the Japanese officer replied that the Commodore's letter having been delivered on board the American ship, the Emperor's letter should be
delivered on board the Japanese vessel. Attaching importance to the proposal, the Japanese officer persisted in withholding the Emperor's letter when the Commodore objected. The Commodore finally yielded. Just as he was stepping on board the Japanese junk, he received a blow or push from a common Japanese soldier. All the Japanese officers with the greatest concern apologized for this. They asked in what manner the Commodore desired the Japanese soldier to be punished. The Commodore replied "according to laws of Japan". The Commodore also stated that the Japanese officers were greatly to blame, as they ought to have been on deck to receive him. They declared that they did not expect the Commodore to come over the deck of the Japanese junk. On this point, the Commodore later expressed himself as follows: "I was subsequently convinced that owing to bad interpretation, they believed my final decision had been that they were to come to the ship." In the course of the day, the Governor of Yeddo sent an officer to inform the Commodore that the man should be severely punished, and that the Governor hoped the Commodore would not think too seriously of the affair. "The conduct of the man is inexplicable," writes the Commodore, "especially as all the Japanese in and about the ship had evinced great good nature in all their intercourse with us.

"As I was convinced that the outrage had been committed without the procurement or knowledge of the Japanese officers, as every atonement that I could expect or desire was promptly
rendered, I should not have deemed it necessary to communicate this occurrence, except to guard against any incorrect statement that may appear in the public prints."

The Commodore stated to the Japanese officers that the United States wished to make a commercial treaty with Japan, but not unless Japan also wished a treaty. Having ascertained that Japan was not yet prepared for foreign commercial intercourse, the Commodore replied that he would sail the next day if the weather permitted. Accordingly, on the 29th day of July, 1846, after a stay of about ten days in the bay of Yedo, the United States squadron sailed away.

Thus, the fact that the Japanese had always rigidly enforced the policy of seclusion against foreigners other than the Dutch and the Chinese became very clear to the government of the United States. Commodore Biddle was already aware that the trade of Holland with Japan was confined to the single port of Nagasaki, and limited to one ship annually from Batavia. That Japanese officers at Nagasaki had no authority to accede to the propositions of foreign countries but only to transmit them to the seat of the Japanese government at Yedo also became well known to American diplomats in the Orient.

The characteristics of American diplomatic relations with Japan under Commodore Biddle were honesty, directness, friendship, and conciliation. The Commodore employed neither pretentious nor devious methods in the transaction of business be-
tween the Japanese Empire and his country. So far as his con-
versations with the Japanese representatives were concerned, he
was strictly honest. Not only that, but he maintained an effect-
ive directness in the matter of interviews. Indeed, he never
refused the request of a personal interview from any of the
Japanese officers even of a lower rank. "Upon anchoring," he
wrote to George Bancroft, Secretary of the Navy, "the ship was
surrounded by a vast number of boats belonging to the govern-
ment. The ship was soon thronged with Japanese; I permitted
them to come on board in large numbers, that all might be con-
vinced of our friendly disposition, as well as of our ability, in
any event, to take care of ourselves." He recognized that
conditions at that time were not ripe for the opening of commer-
cial relations between the United States and Japan.

It is clear that Commodore Biddle masterfully handled a
difficult situation in the case of the dispute between him and
the Japanese officer concerning the place where the Emperor's
letter should be delivered. In a still greater degree the
Commodore proved himself an unbiased and broad-minded man who was
ready to forgive rather than to revenge an insult such as he re-
ceived from a common Japanese soldier. Such an incident might
have appeared very grave and confusing to an unprepared and
overbearing diplomat of the early nineteenth century.

Perhaps the most important feature of the mission of Com-
modore Biddle was the fact that he respected Japanese law as
the law of a sovereign state. In other words, the Commodore seems to have recognized that Japanese law should not be disregarded by the national interests of his own country. The Japanese emperor's letter in answer to the Commodore's inquiry was orally translated by a Dutch interpreter as follows:

"According to the Japanese laws, the Japanese may not trade except with the Dutch and Chinese. It won't be allowed that America make a treaty with Japan or trade with her, as the same is not allowed to any other nation. Concerning strange lands, all things are fixed at Nangasacki, but not here in the bay; therefore you must depart as quick as possible, and not come any more in Japan." The Commodore raised neither protest nor argument with regard to such Japanese laws: he yielded to the law despite its defiance. Indeed, he did not provoke any hostile feeling nor distrust of the American government. Whatever may be said about Commodore Biddle's diplomacy, it is a fact that he was eminently true to a vital principle of international law, which no one has stated better than De Vattel: "Though a nation be obliged to promote, as far as lies in its power, the perfection of others, it is not entitled forcibly to obtrude these good offices on them. Such an attempt would be a violation of their natural liberty. In order to compel any one to receive a kindness, we must have an authority over him; but nations are absolutely free and independent."

It is also noteworthy that the original copy of the
Japanese Emperor's letter to Commodore Biddle was first translated into Chinese by a native of Japan residing at Macao, China, and then from Chinese into English by the secretary of the legation of the United States at the same place. As to the character of this admirably plain statement of the policy of the Japanese Emperor, Mr. Everett reported to Secretary of State James Buchanan that it had been prepared with manifestly studied and intentional disregard of the rules of courtesy usually observed in the written intercourse of nations. The reasons which Mr. Everett advanced were these: "The paper is addressed to no one by name, either within or without. The phrase translated explanatory edict is written on a cover, which, ..., was not sealed. There is no signature and no date of time or place, or other indication of the quarter from which the document proceeds, excepting that it purports to speak the sentiments of the nation, which can regularly be done only by the government, and is called an edict, a term which can properly be applied only to an act of the Emperor."  

In the same report, Mr. Everett recognizes that the Japanese were extremely reluctant to enter into commercial relations with foreigners, and that they appeared to have considered a mere proposal of commercial intercourse by the United States as an offence, and rejected it decisively and in a rude and discourteous manner. Furthermore, Mr. Everett expressed it as his opinion that the attempt of Commodore Biddle to open negotia-
tions with the Japanese authorities was perhaps not made with all the tact that might have been desired, and that Commodore Biddle had placed the subject of inducing Japan to have commercial intercourse with America in a rather less favorable position than it held before. Mr. Everett also informed Secretary Buchanan that he was confident of the successful establishment of diplomatic relations with Japan if he were given the power to renew the attempt to conclude a treaty with the Island Empire. 48

In spite of these unfavorable comments by Mr. Everett, Commodore Biddle was successful in effecting the primary object of his mission to Japan which was to ascertain whether Japan had opened her ports to foreign trade. On this point the Commodore obtained a definite reply from the government of Japan. Moreover, the presence of the American fleet in the bay of Yeddo, the seat of the Japanese government, and the Commodore's judicious interviews with Japanese officials may be regarded as having created among them a strong conviction that the United States must be a powerful country. The Commodore deserves the honor and the distinction of being the pioneer in undertaking the negotiation of a treaty between Japan and the United States. 49

The policy of the United States toward Japan during the period between 1832 and 1847 was characterized by difficult experiences. The United States became doubly strong with her increasing material progress and with the utmost confidence in
her national ideals in regard to both internal and external policies, which President Jackson happily emphasized in his fourth annual message in 1832. As to general internal policy he declared that "to enforce human rights, this Government will find its strength and its glory in the faithful discharge of these plain and simple duties." As to general foreign policy he quoted the famous words of President Washington's Farewell Address: "to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none." At home, politically speaking, the principle of Jacksonian democracy ruled the day. The people of the United States found abundant opportunities of promoting economic and industrial development. Although the administration of President Jackson was feared especially in the matter of the conduct of foreign affairs with other countries, yet he furthered a successful as well as an honorable foreign policy for his country. Indeed, Senator Benton has well said that President Jackson not only left the world at peace with the United States, but also engaged in good offices of trade and hospitality between the United States and other countries.

It was during this period that the United States attained her wonderful internal development. All economic and industrial factors contributed to that end. Some of the most conspicuous factors to be enumerated are the increase of population, the opening up of a vast territory in the Middle West which
followed a constant westward movement of population, the invention of numerous labor-saving machines, and increased facilities of transportation due to the introduction of canals, railroads, and steamships. Accordingly foreign commerce grew by leaps and bounds. In the course of time the United States ceased to take much interest in the principle of the extreme protection of her industries against foreign competition. With but few exceptions, the need of protecting shipping and manufactures—the leading interests of New England—diminished during this period, while the agricultural and extractive interests of the western and middle states gradually gained the benefit of protection.

The interests of the United States in the North Pacific increased as years went by. The American whaling industry there reached a greater degree of efficiency than ever before in its history. Down to the year 1835, the fleet of American whalers from Nantucket, Massachusetts, went mainly to the Pacific. In 1839, some 555 American whaling vessels were recorded as engaged in the whaling industry. Most of them resorted to the Pacific. After 1840, especially the Nantucket fleet made extensive whaling voyages in the Pacific. Then, the large part of the whaling fleet from New Bedford, Massachusetts, followed the Nantucket fleet. In the same way most of the whaling vessels from New London, Connecticut and Sag Harbor, New York found their way to the Pacific and successfully and rapidly developed the
Pacific whaling industry. It is no wonder that the Hawaiian Islands in 1845 were visited by some 497 whaling vessels, of which three-fourths were reported as American whalers.\textsuperscript{54}

In the midst of all these changes in economic, social, industrial, and political development which were accompanied by all sorts of reactions and controversies such as; land speculation, the panic of 1837, the question of slavery, and the annexation of Texas; the statesmen of the United States fixed their eyes upon the ideal of national commercial relations with the countries of the Far East. In 1840, on account of the war between Great Britain and the Chinese Empire, the larger part of the Oriental trade was diverted to American shippers who therefore provided more large ocean vessels for their Far Eastern Commerce. Indeed, in his message to the Senate of the United States in 1847, President Polk, referring to the importance of the isthmian route to the Pacific, said: "The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific are too obvious to require any detail."\textsuperscript{55}

All such events finally led to the successful conclusion of treaties between the United States and the Far Eastern countries like Siam, Muscat, and China, "without an exception, these treaties were formulated according to the ideals of international friendship and the promotion of trade. Moreover, it was the
spirit of humanity and commercial adventure which encouraged American citizens to renew their efforts to open Japan to commerce. It was the American ideal of international trade and friendship which led the government of the United States to instruct Mr. Edmund Roberts to make an attempt to negotiate a treaty with Japan. It was the same ideal which resulted in sending Commodore James Biddle to Japan in order to ascertain whether Japan had opened her ports to foreign trade. Thus the national ideals of the United States based upon her general foreign policy, produced a national interest in the effort to induce Japan to enter into commercial relations with America.
The development of diplomatic relations between any two nations may be determined, with certain exceptions, according to the nature of international events. Other things being equal, the circumstances which foster these international events are largely dependent upon the characteristic of the national interests of the two particular nations concerned. The differences of national interests are greatest when both nations have little resemblance in customs, laws, and institutions. The interests of Japan under the feudal system favored the foreign policy of seclusion, while the interests of the United States under a democratic system favored intercourse. However, unlike their foreign policies might be, Japan's geographical position could not remain permanently isolated from the increasing interest of the United States in the North Pacific.

One important influence in the development of the policy of the United States toward Japan was the divergent yet necessary relations between the United States and Holland in respect to the Japanese Empire. As has already been said in the preceding chapter, the United States very cautiously avoided mediation by the Dutch in matters of diplomacy between Japan and the United States. In spite of this American policy, Sec-
retary of State Buchanan on the 14th of April, 1847, accepted from the charge d'affaires of the Netherlands at Washington a political communication to the United States. This paper had two objects in view. First, it was a declaration that shipwrecked Japanese transported to Japan by foreign vessels other than those of Holland or China would not be received by the government of Japan. Secondly, it was a warning that the exploration of the Japanese coasts and islands was prohibited to both Japanese and foreigners by the laws of the Japanese Empire. It is interesting to notice that although the Netherlands had been requested by the Japanese government as early as 1843 to take charge of communicating this decree concerning Japanese policy to the nations which it might concern, yet the Netherlands postponed notifying the United States for four years for the reason that "in 1843 there was no appearance of an intention on the part of the United States government to open intercourse with Japan, as now seems to be the case." 56

On February the 25th, 1848, Mr. Peter Parker, who had been in charge of the American legation at Canton, China, transmitted a report to Secretary of State Buchanan stating that although seven American citizens had been picked up from the whaler "Lawrence" wrecked on Kurile Island on the 27th of May 1846, they had been confined in Japanese prisons ever since June the 5th, 1846. 57 The Japanese government willfully neglected to avail itself of the opportunity to return these un-
fortunate Americans to Commodore Biddle, when the United States men-of-war under him were anchored in the bay of Yeddo, during the latter part of July, 1846. Doubtless, the fact that shipwrecked American citizens had suffered close confinement, privation, and ill treatment for seventeen months appealed to the government of the United States as one of the gravest problems in her relations with the countries of the Far East. While such cruelty on the part of Japanese officers can not be denied, it is well to remember the fact that in 1847 Japan was a land with its own peculiar Oriental laws and customs, and institutions differing widely from those of Occidental civilized countries. Commodore Biddle declared that "the Japanese have always been more rigid in the exclusion of foreigners, than were the Chinese." Nevertheless, in a study of the relations between American and Dutch interests in Japan, it is important to note that Superintendent J. H. Leviyssohn of the Dutch factory at Decima, Japan, not only accomplished a humane purpose by his good offices in securing the liberation of six shipwrecked Americans, one having been killed by the Japanese guard while trying to escape, but at the same time helped to solve a grave international question between the United States and Japan.

In his report Mr. Parker was confident that any more harsh treatment of shipwrecked American sailors by the Japanese would be considered by the government of the United States as a fresh
argument for sending another expedition to Japan. Besides, he stated that the power conferred upon Mr. Everett in regard to Japan arose out of the fact that the President of the United States was fully impressed with the expediency of negotiating a treaty with Japan to secure from the Japanese government hospitality and humane treatment for shipwrecked American seamen at least. Indeed, after the recovery of his health Mr. Everett was again granted power to open negotiations for a treaty with Japan, but before exercising such authority, he died in Macao, China, on June the 28th, 1847.

On January 25, 1849, Mr. Robert Browne Consul of the Netherlands at Canton, China, by the authority of Mr. Levyssohn, Dutch Superintendent at Decima, notified Mr. John W. Davis, Commissioner of the United States to China, that fifteen American sailors, the crew of the whaler "Lagoda" of New Bedford, Massachusetts, were confined in the prison of Nagasaki, Japan. On the following day Mr. Davis advised Commodore David Geisinger, the Commander-in-chief of the United States East India squadron, to promptly send an American man-of-war to Japan to obtain the release of the sailors according to "your own mature judgment". Here again the kindness already manifested by the Dutch superintendent at Decima toward the United States was fully recognized by Mr. Davis, as he wrote to Commodore Geisinger in the following language: "I am satisfied you may rely upon him [Mr. Levyssohn] for any friendly aid that it is in his power to give."
Accordingly on January the 31st, 1849, Commodore Geisinger ordered the United States ship "Preble", Commander James Glynn, to proceed at once to the bay of Nagasaki and demand the surrender of the fifteen Americans and of any other American seamen confined in Japan. If Commander Glynn failed to obtain the release of the sailors in Nagasaki, he was ordered to proceed again to the bay of Yeddo and enter into direct communication with the Japanese imperial court with the same object in view. In conducting negotiations with the Japanese, Commander Glynn was directed to be "conciliatory" but "firm". His sailing instructions further provided:

"You will be careful not to violate the laws or customs of the country, or by any means prejudice the success of any pacific policy our government may be inclined to pursue. Nevertheless, you may be placed in situations and circumstances which cannot be foreseen, and on which special instructions cannot be given you in anticipation. In all such cases, every confidence is reposed in your discretion and ability to guard the interests as well as the honor of your country." 6

On March the 22d, 1849, the "Preble" a sixteen gun sloop, carrying one hundred and forty-one men, started from Hong Kong, China. After spending three days at the islands of Loo Choo, the "Preble" continued her voyage and finally arrived at the harbor of Nagasaki on the 17th, of April, 1847. On the following day the "Preble" having passed the Northern Cavallos,
boldly sailed forward and anchored inside the harbor abreast
the island of Happenberg, in spite of the protest of a Japanese
officer, Moreama, with seven assistants, that the foreign ship
must take anchorage in a certain place according to the Japanese
law. After a while, the officer withdrew his protest and per-
mitted the "Preble" to anchor where she wished. When one of
the Japanese boats tried to present an official communication
by throwing a bamboo stick enclosing the paper, Commander Glynn
declared that it was not a proper and respectful manner of
communication. The Japanese officer yielded to the Commander's
protest.

Meanwhile many questions and answers had already passed be-
tween Japanese officers and Commander Glynn. In a straight-
forward manner Glynn told of the purpose of the coming of the
"Preble". When he was asked by an officer named Serai Tatsunoson,
whether the "Preble" was in need of fuel and provisions, the
Commander answered in the affirmative, adding, "if you furnish
these articles, I must be permitted to pay for them. I am told
it is contrary to your usages towards foreign shipping; but it is
a rule of conduct laid down for me, by the laws of my country, to
receive nothing in the way of presents. I cannot depart from
this rule in the slightest degree." Such firmness on the
part of commander Glynn in his first interview with the officers
strongly impressed the Japanese authorities that negotiations
with Americans should be carried on with great care. In fact
Commander Glynn was successful in every contention against
Japanese laws and customs.

The main result of the following day's interview was a mutual exchange of good-will. The Governor of Nagasaki sent a high Japanese military chief, Matsmora Schal, to the "Preble" to congratulate the Commander on his good health and safe arrival in the harbor of Nagasaki. In reply Commander Glynn spoke as follows: "I receive the congratulations of the governor of Nagasaki with pleasure. Say to him that I am much indebted for his politeness, and much gratified with my reception in the waters of Japan." The commander added however, that his only objection was that the Japanese boats anchored around the "Preble". He also presented a written communication to the Governor, requesting the surrender of the sixteen Americans.

The third day's interview took place on April the 22nd and Military Chief Serai with a Japanese interpreter, Morrama, was the spokesman. The chief argument of the Commander was that the Governor of Nagasaki should answer the Commander's request in writing rather than by word or mouth. When Serai explained to the Commander that a verbal reply was according to the usages and customs of Japan, the Commander bluntly declared that had he known it before he would have gone to the Governor himself and obtained a reply from the Governor's own lips. Again and again the Commander insisted that the Governor make a written reply as early as possible. To this Serai finally yielded.
In the afternoon of the same day, Commander Glynn received a letter from Levyssohn, the Dutch superintendent of the Dutch factory at Decima. Mr. Levyssohn wrote that he had been requested by the Governor to translate the Commander's letter, and that by an old custom the Japanese government had always given foreign shipwrecked men to the Dutch or Chinese to convey to their native countries. The same letter predicted probable delay in liberating the shipwrecked men on account of the fact that the Governor of Nagasaki had no power to grant Commander Glynn's request before he had received a special order to that effect from the Japanese Emperor at Yeddo. Mr. Levyssohn had already advised the Governor of the necessity of complying with Glynn's request to release the imprisoned Americans.

In the fourth interview held on April the 23rd, Commander Glynn began to suspect dilatory tactics on the part of Military Chief Serai, since he could not obtain definite answers as to the date when the shipwrecked men would be restored. Believing that the Japanese were practicing a measure of prevarication and equivocation, the Commander said with unusual firmness: "It is the custom of my country, under such circumstances; and if it is necessary to send to the Emperor before giving me these shipwrecked men, I cannot stay here. My government knows very well how to recover its citizens." The severe tone of the Commander's statement seemed to impress itself upon the mind of
the Japanese officer as indicating that a terrible calamity might befall the Japanese. At last, the Commander very frankly told the Japanese Military Chief that he would stay three days—"certainly no longer—but you must promise me now that in three days you will deliver up the men. Do you promise?" The Military Chief replied in the affirmative and assured the Commander that he would get possession of the American sailors.

Two days later, the fifth interview, Commander Glynn received a Japanese official document written in Dutch by Mr. Bassle, Mr. Levyssohn's agent, after conference with Matemora Schal. It contained an account of the imprisonment of the American seamen. They were first imprisoned at Matsusmaik, Japan, and then taken to Nagasaki and again placed in confinement. Two of the men died there and were buried in Japanese soil by permission of the Japanese officers. One man had committed suicide, and the other died of sickness. Although their wants were attended to, the seamen gave their Japanese jailors much trouble in the matter of discipline. Of the sixteen men only seven were Americans and they were not shipwrecked men. Ronald McDonald, a sailor of the whaler "Plymouth" of Sag Harbor, New York, deserted his ship in a spirit of adventure and landed on the Japanese island in a Timoshee (or Dessey of the Japanese) on July the 1st, 1848. The other thirteen sailors were also deserters. Having left the American whaler "Lagoda" on account of ill treatment, they had landed on an island near the straits.
of Sangar and later on the coast of Yesso on June the 6th, 1848. The sworn statements of these men before Commander Glynn showed that they had suffered unusually cruel treatment. Besides many physical hardships, they were compelled to spit and even trample upon the Christian cross.

While such cruel treatment can not be doubted, the question whether it was the real intention of the Japanese government to treat them so without reason cannot be answered with certainty. The evidence showed that all the deserted sailors from the "Lagoda" were regarded and treated as "spies" rather than mere shipwrecked seamen according to the Japanese laws. On the other hand McDonald received much better treatment from the Japanese officers than the unfortunate sailors from the "Lagoda". At the same time it must be remembered that Japan in 1849 was a country which still adhered to a foreign policy of strict isolation and consequently enforced her laws. An extract from the laws of Japan reads as follows:

"Shipwrecked seamen of other countries who are cast upon the shores of Japan, having no means to reach their homes, will remain in Japan and be treated well, and sent in the first opportunity in the Dutch ship to Batavia, or the Chinese ship to China." 74

On the 26th of April, the last interview took place between Commodore Glynn and Hågewara Matasak, a high military chief of Nagasaki, with his interpreter, Moreama. When they were intro-
duced, Hagewara spoke first, saying that the imprisoned American seamen would be surrendered to the "Preble", and that the Governor of Nagasaki requested the Commander to depart from the harbor immediately upon receiving the men. To this request the Commander assented without any hesitation, saying: "I have nothing more to keep me here, after I get the men I came for." The conference continued, however, on the subject of the nature of Japanese laws in regard to Japanese foreign relations. Commander Glynn recorded his conference in the form of a dialogue between himself and Military Chief Hagewara as follows:

"Chief.-- At the last interview you spoke of going to Decima, to see Mr. Levyssohn, the Dutch director. I spoke to the governor; but he will not give you permission, as it is against the laws of Japan.

"Commander Glynn.-- When you say that your laws would not permit this, you have said enough. Do you put your laws in a book?"

"Chief.-- No, no; not so. The French and Dutch put their laws in books, but our governor gives us the law.

"Commander Glynn.-- Did the governor make that law which prohibits foreigners visiting the Dutch factory at Decima, or did the Emperor make it?

"Chief.-- It is a law made by the Emperor of Japan.

"Commander Glynn.-- Your government has laws, you say. My government has also laws, which are printed in a book. I have
a copy of them, (reaching to the book, Ingersoll's digest, and handing it to the interpreter.) Will you accept this book?

"Chief.-- No, no. I cannot, by our law accept of it.

"Commander Glynn.-- Very well. If it is against your laws to receive and study the laws of other nations, it is a great object for my government to get a copy of the laws of Japan. Our merchants, who send ships to Japan seas, are very anxious to acquaint themselves with your laws, so that they may know what to expect, if shipwrecked or cast upon your shores.

"Chief.-- No, that cannot be. I am not at liberty to give the laws of Japan to people of another nation. This is the first instance of a request having been made for a copy of our laws.

"Commander Glynn.-- Very well. I understand you. I am ready to receive the men."76

Meanwhile Commander Glynn had received from Mr. Bassle and another Dutch gentleman documents from the Japanese government written in Dutch. One of these documents was an extract from the laws of Japan in regard to the treatment of foreign shipwrecked seamen cast upon Japanese shores. After the interview was over, the fourteen sailors who had been confined in Japanese prisons for some ten months were delivered to Commander Glynn. On the morning of the 27th of April, after anchoring for about ten days in the harbor of Nagasaki, the "Preble" sailed away.

American foreign policy toward Japan as shown in Glynn's negotiations at Nagasaki may be characterized as bold, firm,
and straightforward in character. It is doubtful whether Japan intentionally used any evasive or dilatory diplomacy at this time if we take into consideration the actual conditions of Japan especially in respect to her peculiar Oriental laws, customs, and institutions. It was very natural for Commander Glynn to believe that the Japanese methods of dealing with him were dishonorable, for he looked upon Japan in 1849 from the American point of view, not from the Japanese. Nevertheless, it is significant that the Commander throughout all his interviews with the Japanese officers convinced Japanese authorities of his straightforwardness.

Moreover, Glynn clung to the principles which he believed to be right not only in his conversations with Japanese officers and the Dutchmen of Decima, but also in dealing with the Japanese authorities. Above all, he did not ask for anything but what he believed to be his duty and the right of his country--namely the surrender of the fourteen seamen.

This American firmness, however, did not entirely exclude a policy of conciliation. It is true there was no evidence that men under Commander Glynn had violated the warning of the Governor of Nagasaki. This warning read as follows:

"During the time foreign vessels are on the coast of Japan, or near, as well as in the bay of Nagasaki, it is expected and likewise ordered that every one of the ship's company will behave properly towards and accost civilly the Japanese govern-
ment officers and all the Japanese subjects in general. No one may leave the vessel or use her boats for cruising or landing on the islands or main coast, and ought to remain on board until further advice from the Japanese government has been received. It is likewise forbidden to fire guns or to use other fire arms on board the vessels, as well as in their boats.  

It is also a fact that Commander Glynn violated the prohibitory order of the Governor of Nagasaki. He did not comply with the instructions of Commodore Geisinger to express to Superintendent Levyssohn of the Dutch factory at Decima the appreciation of the United States government for his generous and humane interest in the American seamen imprisoned in Japan. Though this omission was not approved by Commodore Geisinger, its value can not be overlooked, since it saved Commander Glynn's negotiations with the Japanese government from unnecessary conflicts with Japanese regulations.

The purpose of the American policy towards Japan at this time was to guard and maintain the rights as well as the honor of the United States in the diplomatic negotiations respecting the release of American seamen imprisoned in Japan. Commander Glynn deserved success in performing his duty as the Commissioner to Japan. In a despatch to Wm. Ballard Preston, Secretary of the Navy, on June the 18th, 1849, Commodore Geisinger well remarked that the release and surrender of the American seamen by the Japanese authorities was probably the first instance in
which the stubborn policy of the Japanese had yielded to the demand of foreigners. Whatever may be said about this claim it is a fact that the Japanese government learned to respect the rights of the United States on demanding the surrender of American citizens within the jurisdiction of the Japanese Empire.

On the 9th of August, 1850, the House of Representatives passed a resolution of inquiry relative to the visit of the United States ship "Preble" to the port of Nagasaki, Japan. In compliance with this resolution William A. Graham, Secretary of the Navy, on the 15th of August, 1850, transmitted copies of all correspondence of the Navy Department on the subject to Howell Cobb, Speaker of the House of Representatives.

On January the 6th, 1851, Aaron H. Palmer, a man of considerable knowledge of affairs in the Far East, sent to President Fillmore a strong letter in which he discussed the desirability of the United States sending a special commissioner with an imposing squadron to Japan. Mr. Palmer also had several interviews with Secretary of State Webster relative to this suggestion.

On January the 28th, 1851, Peter Parker, in charge of the United States legation at Canton, China, sent a despatch to Daniel Webster, Secretary of State, to inform him that the Dutch ship "Delft" had brought from Japan to Batavia, Java, about thirty foreign sailors. Of these three were Americans and the rest English. All had been shipwrecked in an English whaling
vessel on the coast of Japan. 81

On April the 30th, 1851, the government of the United States received a communication from the Japanese government through Chevalier Testa, in charge of the Dutch legation at Washington. The chief object of this communication was to make a formal declaration of the Japanese policy of excluding foreigners from Japan. Its secondary object was to prevent any false interpretation of Japanese policy among the nations which were interested in Japan. 82

It is interesting to know that Commander Glynn felt confident that an abundant coal supply and a large number of safe bays and harbors in Japan would prove very useful if a line of steamers between Asia and America could be established. He saw, therefore, the importance of securing an American depot at any point upon the Japanese coast. 83

Accordingly, he sent a letter to President Fillmore on June the 10th, 1851, in which he emphasized the point that a commercial treaty between the United States and the Japanese Empire was an absolute necessity for the accommodation of any American steamship line between California and China. "These arrangements," the Commander said, "must be effected soon or late, and if not peaceably, then by force." He believed that the progress of civilization demanded such action on the part of the United States. But at the same time he recognized the fact that necessary changes should be effected with as little violence
as possible.

Commander Glynn was likewise confident that the United States would take up the negotiation of a commercial treaty with Japan with little delay, because of the good will existing between the people of both countries in spite of the "Preble" incident. As to the next official communication from the United States to Japan, he suggested that it should contain the most positive assurances that the United States would not interfere with Japanese internal and religious affairs; and that it should declare the object of the United States to be to secure free trade and the necessary trade accommodations. Moreover, the Commander thought that it would be very desirable to word this American document to the Japanese government in such a way as to treat the Japanese on the basis of equality; and he urged the President that in order to justify ourselves before the world such a document should be carefully drawn up respecting the American policy toward Japan.

For other precautionary measures to meet the opposition from European powers, Commander Glynn made four distinct suggestions. The first was that a treaty of commerce between the United States and Japan should not contain any exclusive privileges for American citizens. The reason for this he stated as follows: "Opposition may be anticipated from Europeans in China, and particularly from the English, unless measures are taken to neutralize their power. They are always jealous of
our commercial success, and they are getting alarmed at the rapid strides we are making toward the weak side of their possessions in Asia." The second was that in order to conciliate the commercial interests of the Dutch in respect to Japan, the United States should endeavor to gain a friendly state of feeling from the Dutch. The third was the selection of a proper naval officer of mature judgment and of ready tact for the negotiation of a commercial treaty with Japan, because on him would depend, in a great degree, the result of the American attempt to change the foreign policy of Japan. Finally, he suggested that the bearer of the diplomatic document to Japan had better proceed by way of Europe, since he could confer with the American ministers in both England and Holland, and make unofficial the explanations necessary to secure the friendly attitude of these governments.

It is evident that Secretary of State Webster had already taken up the question relative to relations between the United States and the Japanese Empire. Commodore John H. Aulick, Commander of the American East India squadron, had made a proposal, in the early part of May, 1851, that the return of shipwrecked Japanese seamen, who had been brought to San Francisco, California, might afford a favorable opportunity for opening Japan to American commerce. Secretary Webster seems to have taken a deep interest in the suggestion. He, therefore, brought the proposal of Commodore Aulick to the careful attention of
President Fillmore. On May 39, 1851, Commodore Aulick received a letter of credence as envoy to Japan, and Secretary Webster issued instructions to him on June the 10th, 1851.

In the letter of instruction, Commodore Aulick was invested with full power to negotiate and sign a treaty of amity and commerce between the United States and the Japanese Empire. Secretary Webster, however, advised the Commodore to fix the period for the exchange of ratifications at three years on account of unforeseen difficulties and because of the great distance between the two countries. In the main, Secretary Webster emphasized particularly the president's opinion in respect to the American effort to establish commercial relations with Japan. There were, however, three main objects in view. The first was to induce the Emperor of Japan to permit American steamers engaged in commerce between China and the United States to purchase Japanese coal. The second was to obtain an assurance from the Japanese government that would bind itself to protect American sailors and property which might be wrecked on the shores of Japan. The third was to secure from the Japanese government the right of American vessels to dispose of their cargoes, either by sale or by barter at one or more of the ports of Japan. For use as precedents, the Commodore was permitted to carry with him copies of the treaties between the United States and China, Siam, and Muscat. Moreover, the Commodore was entrusted to deliver to the Emperor of Japan the following
letter from President Fillmore:

"Great and good friend:

I send you this letter by an envoy of my own appointment, an officer of high rank in his country, who is no missionary of religion. He goes by my command to bear to you my greeting and good wishes, and to promote friendship and commerce between the two countries.

"You know that the United States of America now extends from sea to sea; that the great countries of Oregon and California are parts of the United States, and that from these countries, which are rich in gold, and silver, and precious stones, our steamers can reach the shores of your happy land in less than twenty days.

"Many of our ships will now pass in every year, and some perhaps in every week, between California and China; these ships must pass along the coasts of your empire; storms and winds may cause them to be wrecked on your shores, and we ask and expect from your friendship and your greatness, kindness for our men and protection for our property. We wish that our people may be permitted to trade with your people; but we shall not authorize them to break any laws of your empire.

"Our object is friendly commercial intercourse, and nothing more. You have many productions which we should be glad to buy; and we have productions which might suit your people.

"Your empire hath a great abundance of coal; this is an article which our steamships, in going from California to China, must use. They would be glad that a harbor in your empire
should be appointed to which coal might be brought, and where they might always be able to purchase it.

"In many other respects, commerce between your empire and our country would be useful to both. Let us consider well that new interests arise from these recent events which have brought our two countries so near together, and what purposes of friendship, amity, and intercourse they ought to inspire in the breasts of those who govern both countries. Farewell.

Given under my hand and seal, at the City of Washington, the 10th day of May, 1851, and of the independence of the United States the seventy-fifth."86

Secretary Webster directed the Commodore to deliver the President's letter to high Japanese officers who were appointed by the Emperor of Japan for the purpose of receiving it. The nature of Secretary Webster's instructions to the Commodore as a whole, seemed to bear marked similarity in many respects to Commander Glynn's suggestions to President Fillmore.

On account of the unpleasant removal of Commodore Aulick from his command of the American East India squadron the United States was compelled to postpone carrying out her policy with reference to Japan.87.

The purpose of the American policy toward Japan under the proposed mission of Commodore Aulick was to negotiate a treaty of amity and commerce between the United States and Japan. Secretary Webster's advice to the Commodore about delivering
the President's letter to the Japanese authorities and over­
coming the great reluctance of the Japanese government to enter
into an American treaty and formulating a new treaty with Japan
was quite discreet. The fact that the United States in a friend­
ly spirit demanded that the Japanese government give kind treat­
ment to American sailors cast upon the Japanese coast, and at the
same time gave assurance that the American government would treat
with kindness any Japanese natives who might be brought to the
American shore, can not help but reveal the humane character of
the American policy toward Japan. The essential feature, however,
underlying the American attitude toward Japan was undoubtedly
commercial. "The interest of commerce", said Secretary Webster,
"and even those of humanity, demand, however, that we should
make another appeal to the sovereign of that country (Japan)".

The policy of the United States toward Japan during the
period under review received strong stimulus from renewed attempts
to establish better relations with the Island Empire. This
stimulus seems to have been due to a considerable extent to the
national interest awakened by Japanese imprisonment of American
and non-American sailors, who had deserted from American whaling
vessels while cruising near the northern shore of Japan. Other
causes likewise contributed, as for instance American internal
development and activity in the North Pacific.

The prosperous settlement of the vast territory of Oregon
and the acquisition of California, made famous by the discovery of gold, gave great encouragement to American commerce with the countries of the Far East. It was no wonder that some American statesmen had prophesied that the occupation of Oregon by the United States would be of the utmost commercial importance in the trade between America and the Orient. In his fourth message dated December the 5th, 1848, President Polk said that the position of California must command the rich commerce of China, Asia, and the islands of the Pacific. Six days later Robert J. Walker, Secretary of the Treasury, in his annual report on the state of the finances, said:

"By our recent acquisitions on the Pacific, Asia has suddenly become our neighbor, with a placid, intervening ocean, inviting our steamships upon the track of a commerce greater than that of all Europe combined."

Secretary Walker also reasoned about the geographical importance of Japan as follows: "Our steamships would pass, on their way to China, through the narrow channel separating the two great islands composing the empire of Japan, monthly or weekly, in sight of both their coasts; and by thus familiarising them with our mercantile marine, extending their knowledge, overcoming their prejudice, and opening to them new views of their own true interests, would soon unseal their ports to our commerce."

Moreover, on February the 24th, 1851, Commander
Glynn with a definite knowledge of the geographical position of Japan discussed the same matter as follows:

"The island of Nipahon (in Japan) lies directly on the line from San Francisco to Shanghai, and the passage may be made either to the northward through the straits of Matsmai or south by Cape Acoa, the southeast point of the island, the distance being one hundred and sixty miles in favor of the northern route; the southeast point of the island of Matsmai, the best land to run for is 4,000 miles from San Francisco, while Cape Acoa is 4,474 miles; if the northern route be taken, the fogs must be encountered; but by taking the southern one we may escape them perhaps entirely, and at all seasons of the year."

According to his personal observations, the Commander was confident that the United States would be able to find some suitable depot on any coast of Japan, where American steamships might stop most conveniently. Although there was little knowledge about Japan in the United States, American statesmen did not fail to grasp the essential importance of the natural geographical position of the Japanese Empire in relation to the development of American interests in the North Pacific.

American activities in the North Pacific, which had stimulated the interest of the United States in Japan, seem to have been largely due to two causes. One was the development of the American foreign trade with China. According to the records of the Treasury Department the total amount of imports
and exports from one country to another had grown from $5,636,044 in 1849 to $7,394,456 in 1851. Such an increase in American foreign trade with China would naturally attract the attention of American statesmen as well as enterprising merchants to the possible establishment of commercial relations between the United States and Japan. The other cause was the development of the American whaling industry northeast of the Japanese Empire. Hence many American whaling vessels had begun to cruise off the coast of the northern part of Japan. Some of these whalers suffering from distress in stormy weather or in want of necessary supplies of water and provisions, or even in signal danger of shipwreck could not obtain friendly aid or hospitable treatment from the Japanese people, on account of the Japanese policy of strict isolation. No doubt the government of the United States had already considered complaints from whalers in the North Pacific. In his instructions to Commander Glynn, Commodore Geisinger wrote as follows: "The protection of our valuable fleet and the encouragement of the whale fishery, are of deep interest to our government. You will, therefore, should an opportunity present itself, be prompt to aid and promote these objects".

The events which arose out of the Japanese imprisonment of sailors who had deserted from American whalers strongly stimulated the American conception of the right of an independent
nation to extend protection over all its citizens in another country. To the firmness of Commander Glynn in favor of the American conception the exclusive laws of Japan yielded. "If a nation is obliged to preserve itself," said De Vattel, "it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it, and is injurious to its preservation." Finally, the United States government was deliberately preparing to open the isolated empire of Japan to American commerce.
CHAPTER IV

THE POLICY OF THE UNITED STATES TOWARD JAPAN
FROM 1852 TO 1855

The development of the foreign policy of a country is intimately related to its power as a nation. No nation can successfully pursue a foreign policy without the ability to maintain its independent national existence. A nation's power, therefore, seems to be essential to the promotion of its interests and ideals with reference to other nations. The need of power is most urgently felt when a nation assumes an aggressive attitude in its foreign policy since other nations may resent aggression. While two nations are unequal in power, dangers arising from an aggressive foreign policy may be greatly abated or even entirely diverted by the wisdom of diplomatists who may not only be able to agree upon but also carry out the principle of international justice in their diplomatic intercourse. To render successful any positive steps taken in pursuit of a definite foreign policy depends largely upon the ability of a diplomat to make use of the power of his country to promote international good-will.

For some time, the United States Navy Department had been concerned with the appointment of the commander of the American East India squadron. On the 24th of March, 1852, Commodore Matthew Calbraith Perry was formally appointed.
While the government was making extensive preparations for an expedition to Japan, Secretary Webster requested the Netherlands to direct the chief officer of the Dutch factory at Decima to use his good offices to promote a friendly attitude on the part of the Japanese government toward Commodore Perry's mission. The government of the Netherlands received this request in a friendly spirit. J. H. Donker Curtius, the newly appointed Dutch chief at Decima, was instructed by Duymaer Van Twist, Governor General of the Netherlands Indies to urge upon the Japanese government a change in the foreign policy of exclusion. Although these instructions did not refer to the intention of the American government, sometime between June and September, 1852, Mr. Curtius presented to the Japanese authorities at Nagasaki several reports together with advice in regard to the important problem which would be raised by the proposed American expedition to Japan. The Japanese government at Yeddo, however, delayed the consideration of Mr. Curtius' advice.

On November the 8th, 1852, Acting Secretary C. M. Conrad of the Department of State sent to J. P. Kennedy, Secretary of the Navy, a letter in which he stated the three main objects of the United States expedition under Commodore Perry. The first was to effect some permanent arrangement with the Japanese government for the protection of American seamen and property wrecked on the Japanese islands or driven into Japanese ports by the stress of
weather.

The second was to obtain from the Japanese Emperor permission for American vessels to enter one or more Japanese ports in order to obtain provisions, water, fuel, and to refit, in case of disaster, so as to enable American vessels to proceed on their voyages, and to establish a coaling station for American steamers on one of the principal islands of Japan. The last object was to secure from the Japanese Emperor the privilege of entering one or more Japanese ports for the purpose of disposing of cargoes by sale or barter. Thus, the objects of the American expeditions under Commodore Aulick and under Commodore Perry were exactly the same.

The Secretary's letter explained the way in which these objects were to be accomplished with the same prudence which characterized the instructions of Secretary Webster to Commodore Aulick. There were several principal suggestions. Commodore Perry should explain to the Japanese government that the United States government would not interfere with the religion of the Japanese people. He should also make clear to the Japanese that the United States was an independent nation, since they entertained against the English a prejudice which might be extended to Americans who spoke the same language. To avoid trouble with European powers, the Commodore should not obtain commercial advantages which would exclude other nations from
beneficial participation. The fourth suggestion was that in drawing up a treaty with the Japanese government, Perry might use the treaties of the United States with China, Siam, and Muscat as precedents. He might also use large discretionary power and feel assured that any departure from diplomatic usage or any error of judgment which he might commit would be viewed with indulgence by the government. Finally the Commodore was advised to be courteous and conciliatory in his intercourse with the Japanese but at the same time firm and decided, and to bear in mind that his mission to Japan should necessarily be pacific in character unless the protection of his fleet and crews required a resort to force under unpleasant circumstances.

The Department of the Navy notified Commodore Perry, on the 13th of November, 1852, that the American East India squadron which consisted of the steam frigate "Susquehanna", sloop "Plymouth", and sloop "Saratoga" would be supplemented by the storeship "Supply" and seven other vessels as soon as possible. The reason for this increase was stated by Acting Secretary Conrad as follows: "It is manifest, from past experience, that arguments or persuasion addressed to this people [Japan], unless they be seconded by some imposing manifestation of power, will be utterly unavailing."

After making every possible preparation, such as obtaining all necessary information about Japan, the careful selection of
subordinates, and collecting a considerable variety of suitable presents for the Japanese court, Commodore Perry started from Norfolk on his voyage to Japan on the steam frigate "Mississippi" on November the 24th, 1852. 104 As to the probable result of his mission Commodore Perry wrote an informal letter to Secretary Kennedy from Madeira emphasizing the need of initiating some action on the part of the United States to counteract the discreditable machinations of the Dutch who might work harm to the American policy. The Commodore believed that it would be necessary to adopt some means of circulating printed publications which would set forth the true condition of the various governments of the world and especially the extraordinary prosperity of the United States. Furthermore, he earnestly wished the United States to occupy the principal ports of the Loo Choo Islands, Japan, for the accommodation of American men-of-war and for the safety of merchant vessels of civilized countries. The justification for taking such positive action, in his opinion, could be based upon both the laws of stern necessity and the rules of moral law. He was convinced that the argument for the occupation of good harbors in the Loo Choo Islands might be further strengthened in consequence of the amelioration of the condition of the natives. Although the Commodore admitted that his anticipation might be too ardent, yet he felt certain that the United States should be successful in occupying some ports
in the Loo Choo Islands under any circumstances, since American honor and American commercial interests demanded such a step. He believed that Americans should be warned of the necessity of this important measure, because England, a great maritime rival, was extending her possession of fortified ports in the Far East.

In reply to this communication Edward Everett, Secretary of State, on February the 15th, 1853, stated that the President concurred in everything except the proposed American occupation of Loo Choo ports. The President encouraged the Commodore by saying: "If you find that these [ports of refuge of easy access] can not be obtained in the Japanese islands without resort to force, it will be necessary that you should seek them elsewhere". The President approved the Commodore's suggestion that the government of the United States would issue some publication in order to checkmate the tactics of the Dutch to discredit the American expedition. In addition Secretary Everett instructed Perry to pursue the most friendly and conciliatory course toward the Loo Choo natives, so that they might understand that the coming of the American squadron was a benefit rather than an evil.  

The "Mississippi" and the "Saratoga" arrived at Napa, Loo Choo Islands, on May the 26th, 1853, and the "Supply" joined them two days later. In his letter dated June 2, 1853, Commodore Perry reported that the whole population of the Loo
Choo Islands might become quite friendly to the Americans, as he proposed to make the port of Napa a rendezvous for his squadron. This course was approved by J. C. Dobbin, Secretary of the Navy, in his instructions dated September 5, 1853. Meanwhile Perry reported that he had made considerable progress in conciliating the people of Loo Choo and that a statement of all the events which happened there as the result of the visit of the American squadron were duly transmitted to Japan. The people of the Loo Choo Islands showed no hostility toward the Americans. Indeed, parties from the American squadron landed and travelled over one of the islands without molestation. In the same report, the Commodore expressed his opinion that Port Lloyd, Bonin Islands, a territory of Japan, must be made a free port for the vessels of all nations and especially for the mail steamers of both England and the United States. Here he distributed gratuitously all kinds of garden seeds among the inhabitants. His most important action in these islands was securing a tract of land for the erection of wharves and coal sheds. The government of the United States, though interested in the account of the Bonin Islands, did not approve such a policy.

On the afternoon of Friday the 8th of July, 1853, the American squadron anchored off the west side of the town of Uraga in the bay of Yeddo. The squadron consisted of the steamers "Susquehanna" and "Mississippi", and the sloops of war
"Plymouth" and "Saratoga", commanded respectively by Commanders Buchanan, Lee, Kelley, and Walker. The Commodore ordered each of his ships to be as ready for action as in time of war, and commanded all of his crews to drill for the duty of admitting no one on board any ship, except that officers after having declared their rank and business might be allowed to come on board his flag ship the "Susquehanna". The squadron was surrounded by numerous Japanese boats. The "Susquehanna" received the Vice Governor of Uraga, who was on board of one of the most conspicuous Japanese boats. When the Vice Governor desired to see the commanding officer, Commodore Perry refused to meet him because he had resolved not to hold interviews with any Japanese officer except functionaries of the highest rank in the Japanese Empire. Nevertheless, after some intentional delay, the Commodore permitted Lieutenant Contee to confer with the Vice Governor.

Lieutenant Contee, assisted by the interpreters, S. W. Williams and A. L. C. Portman, one speaking Chinese and the other Dutch, explained to the Vice Governor that the Commodore had been sent by the United States government on a friendly mission with a letter from the President of the United States for the Emperor of Japan; and that the Commodore desired to have a personal interview with a dignitary of the highest rank in order to make arrangements for the delivery of copies and trans-
lations of documents preparatory to the formal presentation of the originals. The Vice Governor replied that it would be necessary for the squadron to go to Nagasaki, since according to the laws of Japan that was the only place in Japan for negotiating foreign business. Lieutenant Contee asserted that the squadron would not go to Nagasaki because the Commodore had come purposely to Uraga on account of its nearness to Yeddo and the letter from the President of the United States should be duly and properly received right there.

Moreover, the Vice Governor was told that if the Japanese boats collecting about the ships were not immediately removed, the Commodore would disperse them by force. Upon the order of the Vice Governor most of the boats returned to shore, but a few remained in clusters. All were motioned away by the display of cannon and fire arms on board the ships of the squadron. The Vice Governor shortly after took his leave without promising anything in respect to the reception of the President's letter, but he promised that another visit would be made to the squadron by a Japanese officer of higher rank on the following morning.

Kayama Yezaimon, the Governor of Uraga, with his interpreter came on board the flag ship to continue the conference with Commanders Buchanan and Adams and Lieutenant Contee. Governor Kayama declared more than once that Japanese law made it impossible to receive the letter at Uraga and that the squad-
The Governor was told that Commodore Perry would never consent to such an arrangement and would persist in delivering the letter where he then was; that whatever the consequences might be, the Commodore would disembark with a sufficient force to deliver the documents addressed to the Japanese Emperor if the Japanese government at Yeddo did not appoint a proper person to receive them. The Governor replied that a communication would be sent to Yeddo for further instructions which would take four days. When he was told that the Commodore would not wait four days but three days, he yielded the point. At this interview, however, the Governor showed his good-will by offering to supply water and refreshments which the American officers would not accept. While four boats from the squadron were surveying the harbor within range of its guns under direction of the Commodore, the Governor protested that this was contrary to the laws of Japan. The American officers replied that since American laws commanded them to do the surveying, they were bound to obey. The Governor made no further protest on the subject.

On Sunday, July the 10th, the squadron refused to receive calls from the Japanese officers. The next day in accordance with the order of Commodore Perry, the "Mississippi" proceeded farther up the bay toward Yeddo as a convoy for the surveying boats. This movement was purposely ordered to induce the Japanese government at Yeddo to give a more favorable answer to the Com-
Governor Kayama came on board the flagship to make inquiry and was informed that since anchorage in the harbor of Uraga was neither safe nor convenient, a more favorable situation would be necessary for a still larger squadron which the Commodore expected to bring to Yeddo the following spring.

On the morning of July the 12th, Governor Kayama boarded the "Susquehanna" for a conference concerning the delivery of the American official documents to the Japanese Emperor. Commodore Perry consented to deliver both translations and originals together with his letter to a functionary of the highest rank appointed by the Japanese Emperor to receive them. This proposition having been agreed upon, the Governor stated that an appropriate building would be erected by the Japanese government for the reception of the Commodore and his suite; and that the Emperor's answer would be transmitted to Nagasaki through the Dutch or Chinese superintendent. The Commodore not being satisfied with such treatment wrote a memorandum which was immediately translated into Dutch and handed to the Governor.

The memorandum contained three propositions: first, the Commander-in-chief (Commodore Perry) would not go to Nagasaki, nor would he receive any communication through the Dutch or Chinese; secondly, the Commander-in-chief would deliver the original letter from the President of the United States only to the Japanese Emperor or to the Emperor's Secretary of Foreign Affairs; not only did he believe that the United States had been
insulted, but also declared that he would not be responsible for the consequences if the Japanese government declined to receive and to reply to the friendly letter of the President to the Emperor; third, the Commander-in-chief announced that he would receive, in the course of a few days, a reply of some sort nowhere but in the neighborhood of Uraga. Having accepted the memorandum, the Governor departed for shore. In the afternoon he returned to the flagship and stated that a most distinguished personage would be properly appointed by the Emperor in order to receive the Commodore at Kurihama, a village situated at the head of the harbor of Uraga, on the 14th of July.

On the afternoon of July the 13th the Governor came to the "Susquehanna" with a letter of credence from the Emperor to his councilor, Toda Idzu-no-kami, and a certificate which verified the authenticity of the Emperor's appointment. He stated that Toda Idzu-no-kami had no power to enter into discussion with Commodore Perry but was empowered merely to receive the original documents and to carry them to his sovereign. Having come to an agreement with the Commodore concerning the place of the ceremony for the reception of the President's letter, the Governor departed. The surveying party, having examined the harbor of Uraga according to the order of the Commodore, reported that the squadron could be brought within gun-shot of the place where the Japanese were erecting the reception hall. As
a precautionary measure the Commodore directed the squadron to proceed farther up the harbor of Uraga the following morning.

On the 14th of July, the day for the reception of Commodore Perry by the Japanese dignitaries, the Commodore landed and marched to the reception hall with the Japanese master of ceremonies, Governor Kayama, and a formidable escort of about four hundred of his officers, seamen, and mariners in the midst of from five to seven thousand armed Japanese troops. After reaching the reception hall, the Commodore was formally received by the Imperial Councilor for foreign affairs, Toda Idzu-no-kami, Edo Iwami-no-kami, with Governor Kayama, the chief interpreter, Hori Tatsunoske, and a secretary. The interpreter Horis opened the conference by telling A. L. C. Portman, the Dutch interpreter of the Commodore, that Councilor Toda was ready to receive the documents if these were ready for delivery. The Commodore through his subordinates then presented the President's letter, the Commodore's letter of credence and three more communications, together with a translation of the same in the Dutch and Chinese languages.

The imperial Councilor Toda then handed to the Commodore a receipt which read as follows:

"The letter of the President of the United States of North America, and copy, are hereby received and will be delivered to the emperor. It has been many times communicated that business relating to foreign countries can not be transacted here in Uraga, but in Nagasaki. Now as it has been observed that the
admiral, (Commodore Perry) in his quality of ambassador of the President, would be insulted by it; [a refusal to receive the letter at this place], the justice of this has been acknowledged: consequently the abovementioned letter is hereby received, in opposition to the Japanese law. —

"As this is not a place wherein to negotiate with foreigners, so neither can conferences nor entertainment be held. Therefore, as the letter has been received you can depart." 115

After this communication the Commodore informed the Imperial Councilor through the interpreter that the American squadron would leave in two or three days, but would return to the same place the coming spring in order to receive the answer of the Emperor. The Governor of Uraga asked the Commodore whether all vessels of the squadron would return. The Commodore replied in the affirmative and added that probably more vessels would come as the four vessels present were only a portion of the squadron. 116 When the Commodore and his suite arose to depart, the Imperial Councilors also arose and remained erect in absolute silence until the Americans had left the reception hall. Thus ended the brief yet formal Japanese reception of Commodore Perry. 117

It may be well to present here the letter of President Fillmore to the Emperor of Japan. It read as follows:

*Great and Good Friend:

I send you this public letter by Commodore Matthew C. Perry, an officer of the highest rank in the navy
of the United States and commander of the squadron now visiting your imperial majesty's dominions.

"I have directed Commodore Perry to assure your Imperial majesty that I entertain the kindest feelings toward your majesty's person and government, and that I have no other object in sending him to Japan but to propose to your imperial majesty that the United States and Japan should live in friendship and have commercial intercourse with each other.

"The Constitution and laws of the United States forbid all interference with the religious or political concerns of other nations. I have particularly charged Commodore Perry to abstain from every act which could possibly disturb the tranquillity of your imperial majesty's dominions.

"The United States of America reach from ocean to ocean, and our Territory of Oregon and State of California lie directly opposite to the dominions of your imperial majesty. Our steamships can go from California to Japan in eighteen days.

"Our great State of California produces about sixty millions of dollars in gold every year, besides silver, quicksilver, precious stones, and many other valuable articles. Japan is also a rich and fertile country, and produces many very valuable articles. Your imperial majesty's subjects are skilled in many of the arts. I am desirous that our two countries should trade with each other, for the benefit both of Japan and the United States."
"We know that the ancient laws of your imperial majesty's government do not allow of foreign trade except with the Chinese and the Dutch; but as the state of the world changes and new governments are formed, it seems to be wise, from time to time, to make new laws. There was a time when the ancient laws of your imperial majesty's government were first made.

"About the same time America, which is sometimes called the New World, was first discovered and settled by the Europeans. For a long time there were but a few people, and they were poor. They have now become quite numerous; their commerce is very extensive; and they think that if your imperial majesty were so far to change the ancient laws as to allow a free trade between the two countries, it would be extremely beneficial to both.

"If your imperial majesty is not satisfied that it would be safe altogether to abrogate the ancient laws which forbid foreign trade, they might be suspended for five or ten years, so as to try the experiment. If it does not prove as beneficial as was hoped the ancient laws can be restored. The United States often limit their treaties with foreign states to a few years, and then renew them or not, as they please.

"I have directed Commodore Perry to mention another thing to your imperial majesty. Many of our ships pass every year from California to China; and great numbers of our people pursue the whale fishery near the shores of Japan. It sometimes happens, in stormy weather, that one of our ships is wrecked on your imperial majesty's shores. In all such cases we ask, and expect, that our unfortunate people should be treated with kindness and that their property would be protected, till
we can send a vessel and bring them away. We are very much in earnest in this.

"Commodore Perry is also directed by me to represent to your imperial majesty that we understand there is a great abundance of coal and provisions in the empire of Japan. Our steamships, in crossing the great ocean, burn a great deal of coal, and it is not convenient to bring it all the way from America. We wish that our steamships and other vessels should be allowed to stop in Japan and supply themselves with coal, provisions, and water. They will pay for them in money, or anything else your imperial majesty's subjects may prefer; and we request your imperial majesty to appoint a convenient port, in the southern part of the empire, where our vessels may stop for this purpose. We are very desirous of this.

"These are the only objects for which I have sent Commodore Perry, with a powerful squadron, to pay a visit to your imperial majesty's renowned city of Yeddo: friendship, commerce, a supply of coal and provisions, and protection for our shipwrecked people.

"We have directed Commodore Perry to beg your imperial majesty's acceptance of a few presents. They are of no great value in themselves; but some of them may serve as specimens of the articles manufactured in the United States, and they are intended as tokens of our sincere and respectful friendship."
"May the Almighty have your imperial majesty in His great and holy keeping!

"In witness whereof, I have caused the great seal of the United States to be hereunto affixed, and have subscribed the same with my name, at the city of Washington, in America, the seat of my government, on the thirteenth day of month of November, in the year one thousand eight hundred and fifty two."\(^{118}\)

When all the Americans had returned to their ships, by order of the Commodore the squadron ascended rather than departed from the bay of Yeddo in order to humiliate the pride and conceit of the government of Yeddo. During the day of July 15th, the "Mississippi" with the surveying boats ascended still further to a position which was within seven miles from the city of Yeddo. Then the Commodore directed the "Mississippi" and surveying boats to join the squadron, lest the Japanese government be so alarmed as to offer obstacles to the favorable consideration by the Japanese court of the American terms. While the Commodore was on board the "Mississippi" the Governor of Uraga brought a message to the "Susquehanna" that the President's letter had been received at court and would doubtless receive favorable consideration, and begged the acceptance of a few presents. The Governor of Uraga himself was not received nor were the presents accepted on the flagship, as the Commodore was absent.

On July the 16th, the Governor of Uraga boarded the "Sus-
quehanna" and offered presents from the government of Yeddo. He was told by the American officers that Commodore Perry would receive them provided the Japanese government would accept the American presents in return. Finally, in spite of the Japanese law, which forbade the acceptance of any favors from aliens, presents were exchanged between the Governor and the Commodore with a reciprocal spirit of courtesy.

As he had already stated verbally to the Imperial Councillors and in the written communication to the Emperor, the Commodore decided not to await a reply from the Japanese government to the President's letter. Evidently the Commodore had several reasons for reaching this decision. Knowing that the propositions contained in the President's letter were very important to the Japanese nation, the Commodore thought it to be wise to give the Japanese government time for deliberation. Another reason was that the squadron could not remain on Japanese water more than a month without a supply of water and provisions. Moreover, the restlessness of China demanded the presence of the Commodore's fleet in Chinese waters for the protection of American interests. The Commodore, therefore, determined to act with decision at this time in order to secure favorable concessions from the Japanese government in the following spring. On the 17th of July, after a stay of about nine days, the American squadron left the bay of Yeddo for China. Thus ended the first visit of Com-
The purpose of the American policy toward Japan at the time of the first visit of Commodore Perry was substantially the same as has already been stated in the preceding chapter in reference to Commodore Aulick's mission. It was to establish friendship and commerce with the Japanese Empire so that the government of the United States might obtain a supply of coal and provisions for its ships and steamers and secure the assurance of protection for American shipwrecked people.

The diplomacy of Commodore Perry was exclusive, direct, and aggressive. During the interviews between the Japanese authorities and the Americans, the Commodore never waived his precious determination to maintain the attitude of exclusiveness in the matter of interviews with officers specially appointed to conduct diplomatic negotiations with him. In order to preserve the respect of the Japanese government Commodore Perry adopted a policy of directness. He not only appeared with his squadron near the seat of the Yeddo government, but he secured direct communication with the Japanese imperial councillors for foreign affairs by his firmness in dealing with minor Japanese authorities. He told them that he should go directly to Yeddo if the Japanese government would not accept his propositions in a proper way.

The aggressiveness of Commodore Perry worked hand in hand with his firm opposition to Japanese laws respecting relations
with foreigners. Indeed, the Japanese government was compelled to yield one point after another through its own weakness. More than once the Commodore purposely displayed his superior naval force as a means of compelling the Japanese to set aside their laws in regard to foreigners. The Commodore expressed his aggressiveness by saying that he came "to demand as a right, and not to solicit as a favor." While assuming such an attitude however, the Commodore was not too aggressive in his treatment of the Japanese. That the Commodore kept perfect order and drilled his officers and crews as in time of war proved that he wished to make his dealings with the Japanese government more effective.

The dependence of the Commodore's policy upon a superior naval force is shown in his report to the Secretary of the Navy, on August 3, 1853, when he wrote: "I shall be prepared to act very decidedly, and, I trust, with continued success, provided there shall be no curtailment of the force promised me by the government before my departure from home." To quote again from the Commodore's confidential communication to the Navy Department:

"It is very certain that the Japanese can be brought to reason only through the influence of their fears, and when they find that their seacoast is entirely at the mercy of a strong naval force they will be induced, I confidently hope, to concede
all that will be asked of them; and I feel assured that, even if they can not be brought to any treaty arrangement, strangers who may hereafter be thrown upon their shores will be treated with kindness. 121

In the instructions of the Navy Department dated November 14, 1853, Secretary Dobbin emphasized the peaceful character of the proposed negotiations with the Japanese government, and stated that it was the President's desire that the American squadron should attain the great end of opening Japan not only with credit to the United States but without wrong to Japan. The Commodore's decision to wait for the reply of the Japanese government the following spring, Secretary Dobbin approved, but at the same time he regretted that such a delay would involve vast expense to the government and the great need of some of the squadron for other important purposes would have to be sacrificed.

In his reply of September 2, 1853, Commodore Perry stated that he should have the most formidable squadron as a means of working upon the fears of the Japanese rulers, which would induce them to make favorable concessions to him. Among other things, he very emphatically declared: "I trust that there will be no change in my instructions that will divert me from this great object of my life. I had the assurance of the former administration, especially of Mr. Webster, that I should act alone in this responsible duty, and such was the understanding
Indeed, the Commodore was very anxious that his efforts should be crowned with success.

The question of Commodore Perry's purchase of a tract of land in the Bonin Islands was again taken up in the report of Alex Simpson, British Acting Consul for the Sandwich Islands, on October 1, 1853. Mr. Simpson asserted that the Bonin Islands were really a part of the British possessions in the Pacific. On being informed of this report by J. G. Bonham, Chief Superintendent of British Trade in Hong Kong, China, the Commodore wrote a letter in which he proved that Mr. Simpson's assertion was far from correct and that the actual sovereignty in the Bonin Islands would be a question of little importance, so long as their ports were open to the hospitable reception of all nations seeking shelter and refreshment.  

On November the 12th, 1853, the Russian Admiral Pontiatine sent a communication to Commodore Perry desiring mutual cooperation in opening the Japanese Empire. The Commodore, however, declined to entertain the Russian Admiral's proposal for the reason that it would be inconsistent with the policy of the United States not to enter into alliances with foreign powers. Knowing that Admiral Pontiatine had lately visited Nagasaki, and that French men-of-war had already sailed from Macao, China, under sealed orders, the Commodore decided to return to Japan before either the Russian or the French attempts became successful.
Perry left Hong Kong, China, on January the 14th, 1854, on the "Susquehanna". While stopping at Napa Keang, Great Loo Choo, on his way to Japan, the Commodore wrote a letter to the Navy Department stating that the government should adopt an alternative policy, namely, to hold Great Loo Choo under such restraint as he deemed proper in compensation for the insults and injuries committed by the Japanese upon American citizens, until the attitude of the United States could be learned in case the Japanese government refused to negotiate a treaty with the United States or to assign a Japanese port of resort for American merchant and whaling ships. With reference to this alternative policy, Secretary Dobbin sent the Commodore the following instructions:

"The subject has been laid before the President, who, while he appreciates highly the patriotic motive which prompts the suggestion, is disinclined, without the authority of Congress, to take and retain the possession of an island in that distant country, particularly unless more urgent and potent reasons demanded it than now exist. If, in future, resistance should be offered and threatened, it would also be mortifying to surrender the island, if once seized, and rather inconvenient and expensive to maintain a force there to retain it. Indulging the hope that the contingency may not arise to occasion any resort to the expedient suggested, and that your skill, prudence,
and good judgment may enable you to triumph over the ignorant obstinacy of the Japanese without violence, it is considered sounder policy not to seize the island as suggested in your despatch." 123

Meanwhile Perry received a letter written by Governor General Twist of the Dutch East Indies at the request of the Japanese government, dated December 23, 1853. It stated that the Emperor of Japan had died soon after receiving the letter of the President of the United States, and that until the time of mourning was over no business of any importance could be transacted in Japan. Having expressed his sympathy upon hearing this sad intelligence, the Commodore expressed his confidence through the Dutch authorities to the Japanese government that the present rulers of Japan had become so well satisfied of the President's intentions that they would not be disposed to throw any obstacles in the way of a friendly understanding between the two nations. 124

After Commodore Perry arrived on Great Loo Choo Island, all the vessels of his powerful squadron in Chinese waters assembled at Napa Keang. The four sailing vessels—the "Macedonian", Captain Joel Abbot, the "Vandalia", Commander John Pope, the "Southampton", Lieutenant J. J. Boyle, and the "Lexington", J. J. Glasson, started for the bay of Yeddo on February the 1st, while the three steamers— the "Mississippi", Commander S. S. Lee, the
"Powhatan", Commander W. J. McCluney, the "Susquehanna", Commander Franklin Buchanan, followed six days later. The "Southampton" was the first to anchor about ten miles above the city of Uraga, bay of Yeddo, on February the 11th. The remaining vessels of the squadron arrived two days later.

Commodore Perry selected the "Powhatan" as his flag ship instead of the "Susquehanna". He issued orders similar to those at the time of his first visit to the bay of Yeddo. In order to maintain a show of exclusiveness, the Commodore again decided not to have personal conferences with Japanese officers, except with functionaries of high rank. He appointed Commander H. A. Adams as his representative and Messrs. Williams and Portman as interpreters to receive the Japanese officers.

Shortly after the flag ship anchored above the city of Uraga, the Japanese officers, Komdo Rioji and Sasakura Kiritaro, with their Dutch interpreters came alongside and stated that the Emperor, in expectation of the squadron's arrival had given orders to receive the Americans in the most friendly manner, and had appointed commissioners of high distinction to meet and confer with the Commodore upon the proposition of the President's letter of July last, and that the town of Kamakura, some twenty miles below Uraga, had been designated for the meeting. When they were told that the town of Kamakura was unsuitable because the Macedonian had run ashore there, the Japanese officers pro-
posed the city of Uraga. This proposition too was declined on account of inconvenience and actual lack of safety for the anchorage of the squadron. But the Japanese replied that Uraga was the only place at which the conferences could be held; and that the Emperor had issued a decree to that effect which could not be changed. The Commodore nevertheless, insisted that he would not go to Uraga, but would consent to meet the Japanese commissioners anywhere between Yeddo and the present anchorage of the squadron.¹²⁶

The question of the meeting place remained unsettled for almost two weeks, although many conferences were held between Commander Adams and the Japanese officers Kurokawa Kahei and Kayama. On Washington's birthday many Japanese officers were admitted on board the "Powhatan" to witness an American holiday celebration and the firing of salutes. On the other hand, the Japanese presented supplies of water and refreshments with all good-will. When the powerful American squadron ascended the bay and anchored within sight of Yeddo,¹²⁷ the Japanese government yielded and proposed as a meeting place a village near Yokohama which was not far from the anchorage. After having received a favorable report from Commander Adams who examined the proposed meeting place, the Commodore sent a letter to Hayashi Daigaku-no-kami, which read, as follows:

"Your Excellency: The letter of your excellency from Uraga
was duly delivered by Captain Adams; and shortly after, when it was ascertained that I could not agree to return to Uraga, Kayama Yezaimon suggested that the negotiations might be conducted at a village opposite the present anchorage of the squadron.

"Being exceedingly desirous of meeting the wishes of your excellency, in every way consistent with the honor and interest of my country, and learning that the place pointed out was in all respects convenient for the purpose, I at once consented to defer my visit to Yedo until after the completion of the negotiations.

"I the more readily entered into this arrangement, as, on examination of the port by the surveying boats, it has been found that the ships can approach near to the city, where I propose at some future time to anchor them, as well to do honor to his Imperial Majesty by salutes, etc., as to be in full view of the palace, and convenient to be visited by such of the court as may desire to examine the steamers and their machinery, and I hardly need say that they will be kindly and politely received." 128

The Japanese government was thus compelled to go to the trouble and expense of erecting another council hall. A few days before the new hall was completed, the Japanese government sent to the Commodore the credentials of the Imperial Commissioners Hayashi, Daigaku-no-kami, member of the council, Ido, Lord of Tsu-Sima, Izawa, Lord of Mima-Saku, Udono (Mimbu-Shiyoyu), member of the council, and Matsusaki Michitaro. The Commodore was notified that the Imperial Commissioners would be ready to
begin the conference at noon on Wednesday, the 8th of March. Meanwhile, by order of the Commodore the vessels of his imposing squadron were moored in a line abreast of one another within a mile of Yokohama, so that their heavy guns could be brought to bear upon a shore line five miles long.

On the day appointed the Commodore with a formidable escort of about five hundred armed officers, seamen, and mariners disembarked from twenty-seven barges under command of Commander Buchanan. When the Commodore arrived at the reception hall, salutes were fired, as he had planned, from the howitzers which were mounted in the launches, twenty-one guns in honor of the Emperor, and seventeen for the Japanese commissioners. The Japanese Imperial Commissioners made no military display except to present a small force of armed guards.

During the preliminary negotiation following his reception of a letter from the Japanese government in reply to the President's letter, Commodore Perry handed a note, two letters, and a draft of a treaty between Japan and the United States to the Chief Imperial Commissioner Hayashi. In the note, dated March 8, the Commodore explained that the treaty would prevent mistakes and consequent disputes between the contracting powers by making their citizens and subjects bound by law which was in conformity with all its stipulations. In the same note the Commodore expressed his view on the subject of respecting Japanese laws as
The health of the officers and men require that they should have exercise on shore; and though I have hitherto, out of respect to the Japanese laws, forbidden any one to land except for purposes of duty, I feel assured that some arrangement will be made to admit of some reasonable intercourse with the neighborhood."

In one of the letters Perry described how Japan might obtain advantages like China from a treaty with the United States. To quote:

"The government of China has derived much benefit from its treaty with the United States. The purchase of teas by the Americans during the present year [1853] will amount to three million six hundred thousand (3,600,000) of taels, and of raw and manufactured silks to nearly three million (3,000,000) of taels.

Nearly thirty thousand subjects of the Emperor of China have visited America, where they have been kindly received, and permitted by the American laws to engage in whatever occupation best suited them. They have also been allowed to erect temples, and to enjoy in all freedom their religious rites. All have accumulated money, and some have returned to China, after a short absence, with sums varying from 300 to 10,000 taels."

Before entering into further negotiations as to the letters and the note, Perry demanded of the Imperial Commissioners suitable interment of the body of a marine who had died recently on
the "Mississippi". After several arguments, of which the Commodore advanced one to the effect that resting places for the dead were granted by all nations, the Imperial Commissioners yielded. On the following day the corpse was taken on shore and placed in a grave near a Japanese temple with all the religious ceremonies prescribed by the Episcopal Church.

On March the 10th, the Imperial Commissioners sent to Commodore Perry the Emperor's formal reply to the President's letter together with a Dutch translation. The Emperor promised the great epoch-making concession of two Japanese ports for American use, and gave assurance of the protection of distressed American mariners and their properties. Nagasaki would be opened as a coaling station by the 16th of February, 1855, some other port to be selected by the Commodore would also be fitted up by the Japanese government; and the prices of merchandise and articles for barter would be fixed by the Japanese officers Mariyama Yenoski and Kurokawa Kahei. The Commodore wrote to the Chief Imperial Commissioner that he had the greatest satisfaction in the new policy which the Japanese government had adopted toward foreign nations, and thanked him especially for his friendly attitude toward the United States, but added that the Emperor's concessions would fall far short of the President's anticipations. Indeed, in the hope of gaining still more favorable concessions from the Japanese government, Perry resolved to negotiate further with the Imperial Commissioners.
Three days later, on March the 13th, the American presents to the Emperor were landed with much ceremony by a detachment of twenty-four boats in command of Captain Abbot and placed safely in the council hall where they were received by the Imperial Commissioners. Among the American presents were American coins (gold, silver and copper, two pieces of each), one locomotive with tender, passenger car, rails, three life boats, a collection of swords, rifles, muskets, pistols, and carbines, a variety of agricultural implements, eight baskets of Irish potatoes, a cask of American wine, one hundred gallons of whiskey, several casks of Champagne, a box of perfumery, a telescope, two telegraphic instruments, and four volumes of Audubon's *Birds of America*. The superiority of American ingenuity was very much impressed upon the Japanese when the telegraphic apparatus and the locomotive were set up and operated near the council hall by the American engineers and operatives who landed from the squadron.  

On Thursday March the 17th, the conference was renewed in order to discuss several articles of the proposed treaty. The negotiations proceeded by means of written replies by the Commodore to the written propositions presented by the Imperial Commissioners. They read as follows:

"First Japanese proposition-- From the next first month, wood, water, provisions, coal, and other things, the production
of this country, that American ships may need, can be had at Nangasaki; and after five years from this, a port in another principality shall be opened for ships to go to. Note.—Those articles to be charged at the same prices that are charged to the Dutch and Chinese, and to be paid for in gold and silver coin."

" Commodore Perry's reply — Agreed to; but one or more ports must be substituted for Nangasaki, as that is out of the route of American commerce; and the time for the opening of the ports to be agreed upon must be immediate, or within a space of sixty days. The manner of paying for articles received shall be arranged by treaty."

" Second Japanese proposition — Upon whatever part of the coast people may be shipwrecked, those people and their property shall be sent to Nangasaki by sea. Note.—When, after five years shall have expired, and another harbor shall be opened, those shipwrecked men will be sent either there or to Nangasaki, as may be most convenient."

" Commodore Perry's reply — Agreed to, excepting as to the port to which the shipwrecked men are to be carried."

" Third Japanese proposition — It being impossible for us to ascertain who are pirates and who are not, such men shall not be allowed to walk about wherever they please."

" Commodore Perry's reply — Shipwrecked men and others who
may resort to the ports of Japan are not to be confined, and shall enjoy all the freedom granted to Japanese, and be subject to no further restraints. They shall, however, be held amenable to just laws, or such as may be agreed upon by treaty. It is altogether inconsistent with justice, that persons thrown by the providence of God upon the shores of a friendly nation should be looked upon and treated as pirates, before any proof shall be given of their being so; and the continuance of the treatment which has hitherto been visited upon strangers, will no longer be tolerated by the government of the United States, so far as Americans are concerned."

"Fourth Japanese proposition -- At Nagasaki they shall have no intercourse with the Dutch and Chinese."

"Commodore Perry's reply -- The Americans will never submit to the restrictions which have been imposed upon the Dutch and Chinese, and any further allusion to such restraints will be considered offensive."

"Fifth Japanese proposition -- After the other port is opened, if there be any other sort of articles wanted, or business which requires to be arranged, there shall be careful deliberation between the parties in order to settle them."

"Commodore Perry's reply -- Agreed to, so far as it applies to ports other than Nagasaki."

"Sixth Japanese proposition -- Lew-Chew (Loo Choo) is very
distant country, and the opening of its harbor cannot be dis-
cussed by us."

"Commodore Perry's reply -- As there can be no good reason
why the Americans should not communicate freely with Lew Chew
(Loo Choo), this point was insisted on."

"Seventh Japanese proposition -- Matsumai is also a very
distant country, and belongs to its Prince; this cannot be
settled now, but a definite answer on this subject shall be
given when the ships are expected next spring."

"Commodore Perry's reply -- The same with respect to the
port of Matamai, (Matsumai) for our whaling ships, steamers,
and other vessels." 135

The main point strongly emphasized by Commodore Perry was
that the Japanese government would open to the American flag
five ports, three of them immediately; one in the island of
Nippon (either Uraga or Kagoshima); another in Yesso (Matsumai);
a third in Loo Choo (Napa Keang). But the Imperial Commission-
ers contended that the laws of the empire positively forbade
any more concessions. Finally, the port of Shimoda in the
principality of Idzu was proposed by the Imperial Commissioners
as a substitute for Nagasaki since the Commodore positively
refused to accept Nagasaki as an open port. The opening of
Napa Keang and Matsumai to Americans was tenaciously objected
to by the Japanese on the ground that the Emperor had but limit-
ed power to control the ports of such distant dependencies as they were governed by great hereditary Lords. At last the Commodore compromised by giving up Napa Keang, but clung to his original demand for Matsumai with the argument that if the port of Matsumai was governed by an independent sovereign, the Commodore would go there and negotiate with him directly. In reply, however, the Imperial Commissioners said that a definite answer would be ready on the 23rd of March.

On the morning of March the 20th the "Vandalia" and the "Southampton" sailed for the port of Shimoda with the understanding of the Imperial Commissioners that they might examine its fitness as a stopping place for American vessels. As their report was very satisfactory, Commodore Perry decided to accept the port of Shimoda as a substitute for Nagasaki.

On March the 23rd, Perry received through the chief Japanese interpreter a definite answer with respect to the opening of a port in Yesso. The document read as follows:

"The ships of your country passing by, and in want of provisions, fuel, and water, are permitted to come into the port of Hakodad and procure them, and we desire that this permission may be considered as granting what was requested by your government." But as this place is a distant spot, and much time will be requisite to prepare and settle everything, we therefore set the time for opening this port in the seventh month (September 6 to October 5) of next year (1855)
The chief interpreter was informed that the Commodore would consent provided on examination he found the place fit for the purpose.

On the following day, the Imperial Commissioners received the Commodore at the council hall and presented the Emperor's gifts to the United States. Among these gifts were numerous umbrellas, dolls, three hundred chickens, rice, several pieces of pongee, crape, and silk, and gold lacquered writing implements, boxes, and book cases. American good-will and hospitality were well shown at a banquet which the Commodore gave in his flag ship to the Imperial Commissioners and their followers, about seventy in number at noon, on the 27th of March. The banquet was a unique and very successful affair at which noble sentiments were expressed about the future prosperity, peace, and friendship of Nippon and America.

On the 28th of March, another interview took place at the reception hall. Here the final details of the proposed treaty were settled after much discussion and compromise on both sides. Probably one of the most difficult problems was the fixing of the boundary within which American citizens could travel without molestation by the Japanese authorities at the port of Shimoda. Finally both sides agreed upon seven ri (about sixteen miles) as the boundary. One of the greatest difficulties which the Commodore encountered was to satisfy the Imperial Commissioners that some delay would be necessary before the treaty could be
ratified by the President and the Senate of the United States. The Japanese Commissioners remarked that the treaty would be honorably and scrupulously observed by the Japanese government; when it was signed by them, and, therefore, they could see no reason why it should not be so observed by the government and the people of the United States. The Commodore failed to make the Imperial Commissioners understand the nature of the American federal government in regard to its treaty making power. During the conference, moreover, the Commodore repeatedly stated his desire to make an extensive survey of the bay of Yeddo and especially to visit the seat of the Yeddo government. The Imperial Commissioners, however, positively declined to accede to the Commodore's request on the ground that not only the inhabitants in the city of Yeddo would be much disturbed by the foreigners' visit, but also the laws of Japan would not tolerate it. So strenuous was the Japanese objection that the Commodore gave up the point.

The protracted negotiations terminated in the conclusion of a treaty of peace and amity between Japan and the United States which was signed by both the Imperial Commissioners and Commodore Perry at Kanagawa about noon on Friday, March the 31st, 1854. The Imperial Commissioners delivered to the Commodore a copy of the treaty in the Japanese language with their signature together with two translations in the Chinese and Dutch languages without
signatures. The reason assigned by the Imperial Commissioners for this Japanese practice was that the laws of Japan forbade the subjects of the Empire from putting their names to documents written in a foreign language. When the Commodore had accepted the three copies of the treaty from the Japanese, he handed back three copies of the treaty in English, Dutch, and Chinese. After signing and delivering the treaty, the Commodore and his subordinates were entertained most cordially at a great banquet by the Imperial Commissioners in native fashion.\textsuperscript{141}

The treaty of peace and amity between Japan and the United States was modeled largely after a combination of the American treaties with Siam, China, and Muscat. The treaty consisted of twelve articles which covered practically all the objects enumerated in the letter of President Fillmore to the Japanese Emperor. Friendship between Japan and the United States was secured by the first article.\textsuperscript{142} The sixth, seventh, and eleventh articles satisfied the American desire for commerce with Japan, while the second, third, fourth, fifth, eighth, ninth, and tenth articles gave assurance of the Japanese protection of shipwrecked American citizens, and the supplying of coal and provisions to American vessels.

To the Commodore the ninth article seemed "a most important" one and it reads as follows: "It is agreed, that if, at any future day, the Government of Japan shall grant to any other
nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and the citizens thereof without any consultation or delay." By this article Americans would gain all the advantages which the English, French, and Russians would sooner or later obtain by following the example set by the United States in regard to treaty relations with Japan. Undoubtedly the Commodore believed he was very successful when he secured such advantageous terms in a treaty between Japan and the United States.

By order of Commodore Perry, the treaty documents were forwarded to Washington through Commander Henry A. Adams, who started for California on board the "Saratoga" on the 4th of April. Gradually the other vessels sailed away, and the "Powhatan" and the "Mississippi" under the Commodore left the bay of Yeddo on April the 18th for Hakodate. From there they proceeded on June the 3d, reaching Shimoda four days later. During the next three days, the Commodore continued his conferences at the Riosenji, Shimoda, with the six Imperial Commissioners, as two new members had been added: Tsudzuki Suruga-no-kami (Lord of Suruga) and Takenouchi Seitaro (Comptroller of the Treasury). During these conferences four important propositions received special attention on both sides.
First, the Imperial Commissioners recommended that the Commodore should agree to a regulation which would compel Americans who visited Shimoda and desired to travel first to obtain permission from a Japanese officer on duty at the gates which were erected upon roads leading into the country. Perry positively refused to consent to such a proposition, because he believed the advantages already secured by him in the treaty would be impaired. Another problem was to settle the limits within which Americans might freely travel in the vicinity of the port of Hakodate. The Commodore's proposition was that his countrymen should enjoy the same limits there as at Shimoda. On the other hand, the Japanese Commissioners desired at first to confine the limits to one street of Shimoda and then after much yielding to fix the limits at three and a half ri (8½ miles). Finally both sides compromised on five ri.

Another problem was to make some arrangement respecting the currency and exchange and especially the prices to be paid for articles which the Japanese furnished to Americans. Since the nature of this proposition was rather technical, both sides agreed to settle it by a special conference. On June the 15th, Pursers William Speiden and J. C. Eldridge with Messrs. Williams and Portman on the American side discussed the difficulty on board the "Powhatan" with nine Japanese officers appointed by the Imperial Commissioners. They failed to arrive at a reason-
able agreement. The Japanese proposal was manifestly unfair as shown by the following:

"The Japanese have a decimal system of weight, like the Chinese, of catty, tael, mace, candareen, and cash, by which articles in general are weighed; but gold and silver are not reckoned above taels. In China a tael of silver in weight and one in currency are the same, for the Chinese have no silver coin; but in Japan, as in European countries, the standard of value weight and that of currency weight differ. We were told that a tael weight of silver has now come to be reckoned, when it is bullion, as equal to 225 candareens, or 2 taels 2 mace 5 candareens; but when coined, the same amount in weight is held to be worth 6 taels and 4 mace. It is at the bullion value that the government [the Japanese Government] has decided to receive our dollar, the same at which they [the appointed Japanese officers] take the silver from the mines; asserting that, as its present die and assay give it no additional value, it is worth no more to them. In proportion to a tael, a dollar weighs 7 mace 1 1/5 candareen, which, at the rates of bullion value, makes it worth 1 tael 6 mace, or 1600 cash. Thus the Japanese government will make a profit of 66 2/3 per cent on every dollar paid them of full weight, with the trifling deduction of the expense of recoining it." 144

On the 17th of June the documents of the twelve additional
regulations for the open port of Shimoda with certified translations in the Dutch language were signed by and exchanged between the commissioners of the United States and Japan. The most important regulation read as follows: "It is agreed that nothing herein contained shall in any way affect or modify the stipulations of the treaty of Kanagawa, should that be found to be contrary to these regulations."\(^{145}\) While the imperial Commissioners were not prepared to establish any additional regulations in respect to the open port of Hakodate, the copies of supplemental regulations as to piloting and the supplying of American vessels entering the open port of Shimoda were duly signed on June the 23d by Lieutenant Governor Kurokawa Kahei and Flag Lieutenant Silas Bent. Having thus completed his trying task and after having entertained the Imperial Commissioners and continues on board of the flag ship, Commodore Perry with his fleet left\(^{146}\) the land of the rising sun on the 26th of June for the sea of China.

On the way to China Perry's fleet touched at Napa, where he settled a case of mob violence involving a sailor of the "Lexington", and he succeeded on July the 11th in making a compact of courtesy and friendship with the Loo Choo government. The Commodore thus secured for his countrymen about the same privileges and rights found in the treaty of Kanagawa. Having received favorable orders from the Navy Department in answer to
his request to return home after his mission to Japan had been completed, the Commodore on September the 11th sailed from Hong Kong on board the British mail steamer "Hindustan". On the 12th of January, 1855, he arrived in the United States by the steamer "Baltic".

Meanwhile Commander Adams had reached Washington on the 12th of July, 1854. The news of the treaty of Kanagawa was received with much pleasure in the United States, and was ratified promptly and unanimously by the Senate on July the 15th, 1854. The government of the United States instructed Commander Adams to proceed to the Japanese Empire with the ratified copy of the treaty. He sailed from New York on the 30th of September but could not reach his destination during the year of 1854.

The purpose of the American policy pursued by Commodore Perry on his second visit to the bay of Yeddo was to establish peaceful and friendly relations with Japan as a means to achieve three main objects: to get assurance of protection for American citizens who were accidentally thrown upon Japanese shores; to obtain the opening of one or more Japanese ports; and to negotiate if possible, a just and equitable treaty with the Japanese Empire.

The characteristics of Commodore Perry's diplomacy were directness, aggressiveness, conciliation, and good-will. When the Governor General of the Dutch East Indies informed Perry of Japan's desire that the American squadron should postpone its
return to the Empire on account of the death of the Emperor, the Commodore decided to act directly with the Japanese government instead of depending upon the mediation of the Dutch East India government. The Commodore's refusal to cooperate with the Russian Admiral in opening Japan to western civilization made his direct negotiations with the Japanese authorities more effective. Moreover, the Commodore conducted nearly all important conferences directly with the Imperial Commissioners. In order to emphasize his policy of directness, Perry adopted an attitude of exclusiveness by refusing to hold interviews with any Japanese officers, except imperial dignitaries of the highest rank.

Commodore Perry had from the first determined to establish rather "a character for unbearable obstinacy than that of a yielding disposition,"\(^{147}\) as a means of securing better concessions. Indeed, the firmness of the Commodore's resolution to maintain the dignity of his country in opening Japan is shown in the following:

"It struck me that it was better to have no treaty than one that would in the least compromise the dignity of the American character, and to agree to any arrangement that would recognize, in the remotest degree, the restrictions submitted to by the Dutch, could not for a moment be thought of."\(^{148}\)

In order to maintain firmness in his negotiations with the Imperial Commissioners, the Commodore resorted to aggressiveness.
As early as December 24, 1853, Commodore Perry said:

"It is self evident that the course of coming events will ere long make it necessary for the United States to extend its territorial jurisdiction beyond the limits of the western continent, and I assume the responsibility of urging the expediency of establishing a foothold in this quarter of the globe, as a measure of positive necessity to the sustainment of our maritime rights in the east."\(^{149}\)

Again the Commodore urged the government at Washington to permit him to occupy the port of Napa, Great Loo Choo, as an alternative to the failure of his mission to Japan. This policy of the Commodore could not be realized, because the President disapproved it, as has already been shown.\(^{150}\)

Perry made much use of his naval force to accomplish his mission. Sudden movements of his most imposing squadron near the shore, a pompous parade of his formidable armed escort on shore, and a successive firing of heavy-gun salutes served well to play upon the fears of the Japanese; the demands of the United States seemed to be backed up by superior warlike preparation. The government at Yeddo could not conceal its weakness and the Commodore was master of the situation. The Imperial Commissioners at first yielded a great deal and at last conceded all the privileges and rights enumerated in the treaty of Kanagawa. In fact the Commodore used the naval power of his country to add
to his aggressive policy in dealing with the Japanese government. His diplomacy in the bay of Yeddo was, therefore, so successful that the Japanese Empire gave up her traditional seclusion and adopted a new national life of friendly and peaceful intercourse with the United States.

On the other hand, Commodore Perry did not hesitate to conciliate the Japanese on less important and trifling matters, when all the main objects of his mission to Japan had practically been conceded to him by the Japanese government. Hence his conciliatory attitude did not come until the last strenuous conferences with the Imperial Commissioners. Moreover, he showed successfully America's desire to establish lasting friendship with the Japanese government. His nation's gifts and a banquet to the Japanese were wisely used by him as a means of promoting good-will between his country and Japan. Above all he expressed his own most sincere good-will toward Japan at the conclusion of the treaty as follows:

"I feel assured that in a short period experience will satisfy every one that no injury will result to Japan from such arrangement, but that the empire will be benefitted by the adoption of laws more congenial to the spirit of the times." 151

Commander Adams arrived at Hong Kong on January the 1st, 1855 and proceeded thence on board the "Powhatan" to Shimoda, where he arrived on January the 26th. On the same day, through
the Governor of Shimoda, Isawa Mimasaki-no-kami, the Commander addressed to Abe Ise-no-kami, the chief of the Japanese Supreme Council, the following official letter:

"Your Excellency: I have the honor to acquaint you, for the information of his Majesty the Emperor of Japan, that I have arrived here from the United States of North America, and bring with me a copy of the treaty made by Commodore Perry with the Empire of Japan, which has been approved by the Senate of the United States, and signed by the President. I am furnished with full powers to exchange ratifications agreeably to the 12th article of the treaty, and am ready at any time to meet such high officer as shall be properly authorized for the same purpose by the Japanese Government." \(^{152}\)

Three days later when the Commander with Mr. Wilhelm Lob-scheid, the interpreter, paid a ceremonial visit to Governor Isawa, who had been one of the Imperial Commissioners/was informed by the Governor that the Japanese government would not be prepared to exchange ratifications at this time, because the Japanese government understood that the ratification according to the treaty, would be exchanged after eighteen months had elapsed from the time when the treaty was made. \(^{153}\) But the Commander pointed out to the Governor that there must be a misunderstanding on the part of the Japanese government, because the treaty in the English language provided, that "ratification shall be exchanged within
eighteen months from the date of the signature thereof, or sooner if practicable.\textsuperscript{154} After being cordially received in the Japanese temple, the Commander left for the "Powhatan" with the Governor's promise that an answer from the Yeddo government would be made in six days.

On February the 4th, 1855, the first formal conference took place on shore between Governor Isawa and Commander Adams, as letters from the Yeddo government had been received. The Governor, finding that the Commander did not have a Dutch translation of the treaty, said that the conference could not proceed as the Japanese did not understand English. The commander replied that the Americans would be in a similar position because none of his men could understand the Japanese, but added that since he had brought a copy of the treaty in English, which was signed and sealed by the President of the United States, he would require from the Japanese government a copy in Japanese in return signed and sealed by the Emperor.

The Governor replied that a Dutch translation of the treaty had already been sent to the Yeddo government for verification with the original; but the Imperial answer could not be obtained for a short time. Knowing that the Russian frigate "Diana" had foundered at Shimoda on December the 23rd, 1854, on account of violent earthquakes, the Commander insisted on getting a definite answer from the Japanese government, as early as possible lest
the "Powhatan" might suffer the same fate from the insecurity of the harbor and the frequent earthquakes. Further, the Commander emphasized his announcement that he would ascend the bay of Yeddo in order to obtain a definite answer if he were long kept waiting at Shimoda. The Governor, assured him that the Japanese government would act according to the treaty, but declared that the Emperor's name should not be attached to the treaty, because such practice was contrary to the customs of Japan.

The Commander insisted that the treaty should be signed by the Emperor, or the august sovereign, or the person of supreme power in Japan, no matter what he was called. But the Governor explained repeatedly that the sovereign power of Japan was really in the hands of the Supreme Council, and that the Emperor had nothing to do with foreign affairs; and he further stated that according to the supplementary articles which were made to the treaty of Kanagawa by Commodore Perry at Shimoda, only the Imperial Commissioners should sign the ratification. The Commander, instead of refuting the difficult arguments presented by the Japanese, stated his point most vigorously as follows:

"I would like to see these articles, but they could not govern me in this case. I wish to know distinctly whether the Japanese government is willing to comply with the stipulations of the 12th article of the treaty or not; and if not, that the chief of the supreme council will please state the reasons in
writing, in order that I may lay them before my own government. Among western nations such a denial would be considered a great affront." 156

Again the Commander stated that if the Commissioners could not give answer to his letter within five or six days, he would go up the bay of Yeddo in order to have safe anchorage. Convinced by the intense firmness of the American point of view, the Governor promised the Commander that the Japanese government would do everything quickly according to the treaty of Kanagawa.

On the 9th of February, Hirajama Kanjiro, a Japanese officer from the Yeddo government, had an interview with Commander Adams on board the "Powhatan". When the Japanese officer said that the Japanese were wholly ignorant of treaty making, the Commander explained to the Japanese officer every detail which Commodore Perry thought important in treaty making as practised by western nations. Moreover, the Commander furnished the Japanese officer a memorandum, in which, among other things, it was stated that no preparation was necessary for the exchange of ratifications except a comparison with the originals, which would be made by the interpreters in the presence of the Imperial Commissioners and the Commander.

Three days later, Lieutenant Governor Kurokawa Kahei called at the "Powhatan" and demanded Commander Adams to carry back to the United States a bundle of books on religion which had been
left in Shimoda by an American, because such action was contrary to the laws of Japan. The Commander complied with this demand.

The following day, on February the 13th, the conference for exchanging the ratification of the treaty of Kanagawa was held at the Cho-Lakji, Shimoda, between Commander Adams and his suite composed of Lieutenant Pegram, Purser Eldridge, Messrs. Lobscheid and Crag and the Imperial Commissioners Ido Tsushima-no-kami, Isawa Mimasaki-no-kami, Tochiku Suruga-no-kami, Matsumoto Dzulö, and Koga Kinichiro, and their chief interpreter Hori Tatsunoske. The business of the conference was, first, the comparison of the different copies of the treaty of Kanagawa in the English, Dutch, Chinese, and Japanese languages. Both sides discovered that the Japanese copy of the treaty was different from all the other copies, because it had been worded in the twelfth article "after eighteen months" where it should have been "within eighteen months". The Imperial Commissioners admitted the error was in their copy of the treaty and sent it back to the Yeddo government.

The Commander's proposition that the Emperor must affix his name to the treaty as the President of the United States had done was repeatedly objected to by the Imperial Commissioners in the most formal manner for the same reason that Governor Isawa had presented in the previous interview with the Commander. At last the Commander handed to the Imperial Commissioners the following note translated into Dutch:
"It appears that the ratification of the treaty brought by you from Yedo was not signed by the Emperor, or august sovereign, as it should be according to the 12th article of the treaty. Therefore it will be impossible for me to receive it in exchange for the one brought by me from the United States signed and sealed by the President. I will prepare a letter to Abe Ise Mōkami, and send it to the governor by an officer; and I beg the favor of him to forward it immediately to Yedo. In a case so unexpected as this, it is my duty to inform the President of the United States as soon as possible that he may take such measures as he shall think necessary for the honor and dignity of the country." 

After a consultation among themselves, the Imperial Commissioners yielded to the Commander's proposition that the treaty should have the signatures of the Emperor and the Supreme Council in the manner which the Commander had already described, in order to avoid misunderstanding and preserve friendship with the United States. Lastly, by concessions on both sides the 21st day of February, 1855 became the date when the treaty would be ratified.

On February the 20th, Commander Adams received from Lieutenant Governor Kurogawa acting for the Supreme Council at Yeddo the treaty with Japanese signatures and a document for preliminary examination. Both were entirely satisfactory to the Commander. The document read as follows:
"The reason of this is -- that though his excellency, Adams, wishes to have the word 'Kubo' written, the government, after consultation, finds this word improper, because the/'kubo' is with us only used by the common people; and that, in so important a document as the stipulations of the treaty, and such like, always Tai-Koen (Tycoon) is written, which is in accordance with Japanese usage; and especially should this title, 'Grand Lord', or 'August Sovereign', be written in a public document which is to be sent to a foreign country and faithfully kept till in eternal life. In such a document, the word 'Kubo', as a common vulgar word, may never be written. Also in the letters which are sent from Corea to Japan, and from Japan to Corea, the word 'Tai-Koen' has been used for many hundred years. Therefore, according to the old usage, the word 'Tai-Koen' is used in the confirmation of the treaty, not only because it is becoming to do so, but because it would be impolite to insert a word used only by the common people in a document on a level with his Majesty the President of the United States' signature, written with his own hand. The above mentioned will be well known to his excellency, Adams, if he remembers the Japanese usage of last year. But should he not remember this, or the high officers of the United States doubt it, them the plenipotentiaries Ido-Tsu-Sima, Isawa Mimasaki, Tsosocki Soeroega, Matumoto Dzulo, and Hokakin Idsero, will sign a declaration to that effect to remove all doubt. The word
command or order, signifies what proceeds from the grand lord to his subjects. He assembles his subjects and verbally communicates to them. Thus it speaks for itself that in such a case he has also the power to enforce the obedience of his subjects. Hitherto, in important documents, by or through authority, the words, power and order are used, which express the above meaning. The confirmation of the treaty is also signed by the six supreme councillors, as desired by his excellency, Adams, and with this reason, because all political affairs, be they large or small, must be done by these persons, who, in all affairs of the government, must meet at the same time, and in all councils and affairs of state must sit in the same chamber. Therefore, in all home affairs, as well as those that have reference to foreign countries, the names of all persons are written. So it has hitherto been the case in those documents sent to Russia or Holland. Thus, according to our old usage, this will also be strictly observed. If only one name was written in the confirmation of the treaty, which, as an important document, will be kept till eternal life, it would be contrary to Japanese custom, and besides, impolite to the United States. All this is written after the council of the government, and sent with the confirmation of the treaty. In order to prevent any mistake in the interpretation, this has been written in Dutch."\textsuperscript{158}

On the 21st of February, the final conference for exchang-
ing the ratification of the treaty took place at the Cho Lak Ji, Shimoda, between the Imperial Commissioners and Commander Adams with much ceremony and good-will. The former sent presents to Commander Adams and the captain and officers of the "Powhatan". Both sides took turns in banqueting each other in a spirit of the warmest friendship for one another. The following morning Commander Adams left Japan for China after a stay of twenty-seven days, and then took the English overland route arriving at Washington on the 25th of June, 1855, where he delivered the Japanese ratification to the Secretary of State. 159

In spite of many difficulties, Commander Adams had succeeded in exchanging the ratification of the treaty by his attitude of firmness, candor, and good-will toward the Japanese authorities. The experience also showed how difficult was the task of the Japanese government to adjust the old order to the new situation which resulted from Commodore Perry's visits to Japan. Perry's crowning success in opening Japan to friendly commercial relations with the United States was the greatest triumph of American foreign policy toward the Island Empire. It can not be denied that the Commodore, as Secretary Dobbin said, secured for his country blessings which might be enjoyed by generations yet unborn. It is a fact that his honored achievement will always be cherished deep in the hearts of the educated people of the New Nippon. 160
The foreign policy of the United States toward Japan during the period from 1852 to 1854 was a product of strong American interests in the North Pacific. Moreover, it created for both countries an excellent field for the cultivation of good-will and understanding in their international affairs. Indeed, the United States had succeeded in her forward step to promote a lofty national ideal\textsuperscript{161}-- "Peace and Amity" -- with reference to her relations with the Japanese Empire.
CHAPTER V
THE POLITICAL FOREIGN POLICY OF THE UNITED STATES TOWARD
JAPAN FROM 1855 TO 1901

No relations between two progressive nations can be more essential than those of true peace and friendship. The development of such relations should encourage not only the ascendency of the nations concerned but also the betterment of relations generally among members of the family of nations. It furnishes a new field for the development of the best qualities of international morality and justice. The United States had now entered into friendly and pacific relations with the Island Empire but in the course of time America gradually developed her foreign policy in order to solve certain political problems vitally connected with America's national welfare, security, and right.

Consular Courts of the United States in Japan.

In order to protect the rights of American persons and property within the jurisdiction of Japan, the United States government exerted itself to secure from Japan the important privilege of establishing American consular courts within the Empire. At the time of negotiating the treaty of Kanagawa, the United States desired to acquire immunities for her citizens, as shown by the fourth article of the treaty which particularly emphasized "Just laws". By the fourth article of the commercial and
consular treaty of 1857 the United States extended her policy so that Americans in Japan would be tried by American law and be controlled by American consuls there.  

One year later, the United States made strenuous endeavors and finally succeeded in securing the following agreement in the sixth article of the commerce and navigation treaty:

"Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American or Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects."  

Again, two years later, in 1860, the United States Congress adopted a policy toward non-Christian countries by passing an
act entitled "An Act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes." This act provided that the American ministers and the consuls who were duly appointed to reside in each of the countries mentioned above should be invested with judicial authority described in the act, in addition to their diplomatic and consular duties. These American officials should exercise their judicial powers in conformity with the statutes of the United States, applying also common law, equity and admiralty principles in all cases where the laws of the United States failed to furnish suitable remedies. They might further render justice by issuing decrees and regulations whenever appropriate remedies could not be obtained by the application of the rules above enumerated. Thus the United States granted very extensive judicial powers to her ministers and consuls in Japan.

The United States absolutely refused to accept the Japanese system of jurisprudence, and by skillful diplomatic negotiations succeeded in making the Japanese government surrender one of the most important attributes of Japanese sovereignty, namely: "the right of a state to manage all its affairs, whether external or internal, without control from other states." To the people
of Japan this long remained a national humiliation. On the other hand, the United States was prudent to avoid any serious trouble from an extensive application of the principle of her extraterritoriality in the Japanese Empire, especially during the years while Japan was struggling for the Imperial Restoration of 1868. The United States, however, published the regulations for her consular courts in Japan on November the 16th, 1870.

On July the 5th, 1873, an American citizen, named Doyle, residing in Yokohama, sent C. E. De Long, Minister Resident of the United States in Japan, an inquiry asking if an American citizen, on becoming subject to the Japanese laws by his own choice, even though he resided within the limits of the American consular jurisdiction, would thereby forfeit his rights of citizenship in the United States. To this note Minister De Long answered that an American citizen in Japan carried with him the protection of American law wherever he went; and such privilege must be conditioned upon his remaining subject to the duties which the American law enjoined upon him, until his government should consent to withdraw its protection over him. On August the 21st, 1873, J. C. B. Davis, Acting Secretary of State, instructed Minister De Long that an American citizen in Japan could not alter treaties which existed between Japan and the United States, but he could expatriate himself if he wished.

Ever since the Restoration the Japanese Empire has faced
the serious international question whether foreign residents in Japan should have the right of free travel and trade in the interior of the Empire. On December the 20th, 1873, M. Terashima, Japanese Minister for Foreign Affairs, notified American Minister Plenipotentiary Bingham at Tokyo that the Japanese government believed that foreigners traveling in the Japanese interior with extraterritorial rights would be injurious to the country. In the same memorandum Minister Terashima advanced three important reasons: first, by the law of nations in free and independent states, such extraterritorial rights were never conceded to foreigners; secondly, if an American citizen were found guilty in a case involving him and a Japanese native, he might shield himself behind the special authority and protection of his consul and might thus sometimes be exempted from punishment; and lastly, the Japanese government could not call on American citizens who sojourned, traveled and traded in the Japanese interior, to observe either the laws and regulations of Japan, nor compel them to pay other Japanese taxes than those which were specified in the treaties. Minister Bingham, in his letter to Hamilton Fish, Secretary of State expressed it as his opinion that to satisfy the complaints of the Japanese government it would be necessary to enforce strictly the penalties prescribed by the common law whenever his countrymen in Japan violated proper restrictions. 170
In the early summer of 1874, J. H. Hawes, the American consul in Hakodate, Japan, imposed a fine on an American citizen named Wood, who in defiance of the Japanese authorities started off into the interior of Hokukaido, after he had been arrested and returned to the American consulate. Secretary Fish approved Consul Hawes' action in this case for the reason that Americans in Japan who passed the treaty limit would be subject to Japanese laws and to the rules of international laws. Furthermore on February the 23rd, 1874, Secretary Fish sent Minister Singham at Tokyo the following instructions in regard to the right of exercising judicial powers in the American consular courts in Japan:

"When this offender [Wood] was delivered to the principal officer of an American consular court, it became the duty of that officer to try him, and, if he should be found guilty, to punish him according to American law. It is the opinion of this Department that good faith called upon the consul to endeavor to do so.

"Whether the existing laws warranted the conviction and punishment, is a legal question, upon which I can only express the views of the Department without assuming to instruct judicial officers in the performance of their duty as judges.

"A treaty of the United States, duly concluded, is the supreme law of the land.

"The treaty in question confers upon American consular courts jurisdiction over offense against Japanese.

"The statute of 1860 (Section 7) authorizes a consul to arraign and try citizens of the United States charged with com-
mitting 'an offense against law in Japan and upon, conviction
to sentence him to fine or imprisonment. The same statute
(Section 4 and 5) authorizes the minister of the United States
in Japan to make regulations for the due execution of these
powers.” 171

In the case of an American citizen named Dunn who sued the
Japanese Petroleum Company for wrongful dismissal from service
as a chief engineer, the Japanese court procedure was complained
of by Dickens, Dunn’s counsel, to Minister Bingham on May the
30th, 1874, because the Japanese court refused to summon the
witness whom the plaintiff requested. Secretary Fish instructed
Minister Bingham that Minister Bingham must ascertain whether
there had been a denial of justice on the part of the Japanese
court, and must make a presentation to the Japanese government
of the facts whether Mr. Dunn was not accorded the same facil-
ities and opportunities to obtain testimony as were allowed
Japanese suitors. Besides, Secretary Fish declared in the same
letter that the Department of State would hesitate in demanding
in behalf of American citizens an intervention of the court not
exercised or allowed in behalf of Japanese if the Japanese system
of administering justice did not provide for the compulsory
attendance of an unwilling witness. 172

During the month of September, 1873, the European and Ameri-
can diplomatic corps in Yokohama, upon the suggestion of Aaron
Von Brandt, German Minister in Japan, drafted regulations for
governing their countrymen in order to guard against public inconveniences, if they were permitted to travel in the Japanese interior. On the 27th of September the foreign representatives in Japan forwarded a written communication together with a draft of these regulations to the Japanese government for its consideration. This draft was composed of ten articles, and provided mainly for the establishment of a passport system for foreigners who might travel for their pleasure or for trading purposes to all parts of Japan: and such passports would be issued upon the demand of their respective ministers or consuls by the Japanese authorities. Under the same regulations any foreigners who were traveling in the Japanese interior should enjoy the same facilities as Japanese natives if they would observe all Japanese local and municipal laws. It provided further that the Japanese authorities should arrest and convey those foreigners who had violated the Japanese laws.

The government of the United States particularly opposed the following article:

"Every foreigner, before obtaining a passport from the Japanese authorities, will have to deposit with them the sum of $300. Only the paid officials of the foreign legations and consulates, merchant consulates excepted, will be exempt from this obligation. This sum will serve to reimburse the Japanese government any expenses which may have been occasioned to them by the misbehavior of the foreigner, necessitating his arrest
and transport to the nearest consulate of his nation." The reason for America's objection was that laws of the United States did not authorize her government to incur any responsibility for such deposit. 173

When the Japanese authorities arrested and detained William A. Richardson and Commander R. F. R. Lewis who were visiting Hachoji in the province of Musashi, which was within the limit specified in the treaty between the United States and Japan, Minister Bingham on August the 16th, 1875, addressed a note to the Japanese Minister, for Foreign Affairs, in which the facts were stated and a demand was made to punish the offenders. The Japanese government promptly complied with Minister Bingham's demand. The offenders were speedily punished by dismissal from their positions by the Japanese government.

As to the judicial power of the diplomatic representatives of the United States in Japan, Secretary Fish instructed Minister Bingham on January the 20th, 1876, that the American Minister should not exercise the power to make any regulations which would impair those rights which had existed between parties by creating new obligations on citizens; but that he should confine his activities to making regulations which would enable the consular courts to administer justice between parties according to existing laws, and to punish those who offended against the laws. As to American citizens resident in Japan, Secretary Fish declared that they could be held answerable only in the extraterritorial
By the fourth article of the Commercial Convention of 1878 the United States secured further privileges in respect to the jurisdiction of American consular courts in Japan as follows:

"It is further stipulated and agreed, that so long as the first three sentences which were comprised in the first paragraph of article VI, of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese government for forfeitures or penalties for violations of such existing treaty, as well as for violations of the customs, bonded-warehouse and harbor regulations, which may, under this convention, from time to time, be established by that government, shall be sued for in the consular courts of the United States, whose duty it shall be to try each and every case fairly and render judgment in accordance with the provisions of such treaty and of such regulations; and the amount of all forfeitures and fines shall be delivered to the Japanese authorities."¹⁷⁵

On July the 17th, 1880, the Japanese government proclaimed a new Penal Code and Code of Procedure. When the new Japanese codes went into effect, Minister Bingham decreed an amendment to the criminal proceedings which were defined in the twenty-second section of the Regulations of 1870 for American consular courts in Japan. After it had been duly assented to and approved by all the American consuls in Japan, the amendment went into effect
and was in force on the 3d of February, 1881. This amendment read in part as follows:

"Murder shall be punishable by death; manslaughter shall be punishable by imprisonment for a term not exceeding ten years and a fine not exceeding $1000; all other felonies shall be punishable as provided by the laws of the United States of America, and for misdemeanors at common law the punishment shall be by fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court."

The United States desired to act in harmony with all other foreign representatives in reference to her interests in Japan. Nevertheless, the United States had shown a reluctance in formulating jointly with other European representatives extra regulations for her citizens resident in Japan, lest the United States should become involved in the difficulties of constitutional questions and international complication.  

On March the 4th, 1886, Robert R. Hitt, a Representative from Illinois, introduced in Congress a bill concerning the "Jurisdiction of the United States in places out of their territory and dominion" intended to reform the American Consular Courts in Japan and other Oriental countries. It passed the Senate and received a large majority in the House, but failed to receive the two-thirds necessary on motion to suspend the rules.

In the case of Joseph Ratcliffe, a British subject and a seaman on the U. S. S. Monocacy who had made application for
registry of his wife, a Japanese subject at the American Con­
sulate-General at Yokohama, with a view to having her placed
under American protection, T. F. Bayard, Secretary of State,
instructed Minister Hubbard on November the 10th, 1888, that the
Japanese wife of Ratcliffe would not be entitled to the pro­
tection of the United States, because there was no evidence by
which Ratcliffe, her husband, could be regarded as an American
seaman. On May, the 21st, 1891, the United States Supreme
Court affirmed a sentence of death rendered by an American Con­
court in Japan
sular/on the ground that the existence of the consular court and
the validity of its sentence had the basis in the right of Con­
gress to legislate in order to carry out treaty provisions. 178

If an American citizen violated the seventh article of the
treaty of 1858, he would lose the treaty right of sojourning in
Japan. But the Department of State maintained on June the 22d,
1894, that mere defiance of a Japanese order of deportation in
pursuance of treaty stipulations would not be a triable offense
in the American consular court, unless the American citizen
should commit some violently criminal act; and added further
that in such case his expulsion from Japan could only be en­
forced after punishment for his offenses had been imposed and
completed. 179

Of all the cases which were decided in the American consular
courts in Japan some hardship could not be entirely avoided, as
long as one nation became distrustful of what the other decided. Especially in the department of law where emotional elements entered, certain misunderstandings would very likely creep in and might defeat the international good-will which the two nations had endeavored to promote. In the light of principles of international law and even of American constitutional law it was a grave question whether the establishment of American consular courts within the jurisdiction of the Japanese Empire by the United States was justifiable. And so, on July the 17th, 1899, the United States abolished the jurisdiction of all her consular courts in Japan by the seventeenth article of the Treaty of Commerce and Navigation.

Undoubtedly the purpose of the United States in establishing consular courts in the Japanese Empire was to protect the rights of persons and the property of her citizens, because the laws of Japan were not compatible with American civilization and ideas of justice.

Indemnities.

In order to solve the serious international complications arising from violent acts causing destruction of property and injury, or loss of life, the United States developed the principle of indemnity as the political foreign policy in her relations with the Japanese Empire.

The Huesken Indemnity

After the conclusion of the treaty of Kanagawa with the
United States, the Tycoon or Shogun government entered into further relations with the European powers. But many conservative daimios or feudal lords and ronins or outlawed knights who clung to antiforeigner propaganda were discontented with the new foreign policy of the Tycoon's government. Under the orders of the Gorogio or the Supreme Council of the Tycoon's government all foreign legations were vigilantly protected from the violence of ronins by Japanese soldiers; especially after March 23, 1860, when Ii Kamon-no-kami, chief member of the Gorogio, was assassinated at the hands of ronins. 180

On August the 1st, 1860, Minister Harris wrote to Lewis Cass, Secretary of State, the following observation: "If all the foreigners in Japan were prudent and discreet men, the danger arising from their residence in this city would be diminished, but not entirely averted. Unfortunately, a portion of them are neither prudent nor discreet, and they are numerous enough to imperil the safety of the orderly and well-disposed, and seriously endanger the amicable relations that have been established with so much difficulty and labor with this government."181

Unfortunately on the night of January the 15th, 1861. C. J. Heusken, secretary of the American legation, was suddenly assassinated near Akahane, Yeddo, by lawless ronins without any other provocation than the fact that he was a foreigner. The body of Mr. Heusken was buried three days later at Ko-Rin-gi,
Minister Harris was immediately informed by the Gorogio that the Japanese government would take the responsibility for the crime. One of the steps taken by Minister Harris was to demand of the Japanese government that they give assurance of the proper arrest and punishment of the murderers. The Japanese government thereupon arrested a large number of persons on suspicion, several of whom were properly executed and punished according to Japanese law. As a matter of fact, Heusken ran a risk of being murdered by the outlaw ronins, because he had been previously warned by the Japanese authorities not to expose himself as he had done.

Mr. Harris believed that there would be a twofold difficulty in demanding a money indemnity from the Japanese government for the death of Mr. Heusken. On the one hand it might likely lead to a postponement of consent to the American treaty stipulation with Japan; on the other it might look like selling Mr. Heusken's blood. The Gorogio, however, was willing to promise, so far as it could the satisfaction which Minister Harris desired: the arrest and punishment of the murderers. Owing to the complexity of the situation, the Japanese government was unable to arrest and punish all who had participated in the assassination, and inquired of Minister Harris what he would require for its unperformed promise. It was then proposed that the Japanese government should pay a sum sufficient for the support of Heusken's
mother, either in annual payments or in a sum sufficient to pur-
chase a life annuity equal in amount to the income she received
from her son.

Further, Minister Harris stated that the Japanese government
should not conclude that a money indemnity could atone for the
murder. On November the 23rd, 1861, the Japanese government
agreed to pay the sum of ten thousand dollars for the benefit
of Heusken's mother and promised to continue to prosecute the
murderers. The Japanese government promptly paid the money to
the Minister and fulfilled its promise to punish Heusken's slayers.
For these evidences of good faith on the part of the Japanese
government President Lincoln and Secretary Seward expressed their
sincere satisfaction. Thus the United States succeeded in
solving the Heusken case, which involved a serious international
problem, by peaceful means through the able, honest, and straight-
forward diplomacy of Minister Harris.

The Shimonoseki Indemnity

The pressure of the political unrest in Japan during the
year 1863 accelerated strong prejudices and animosities against
all foreigners in the Empire. Some of the most powerful daimios
or lords who were very hostile to the new foreign policy of open-
ing Japan to foreign intercourse prepared to exclude the foreign
residents from Japan. The hostility of these daimios culminated
in separate attacks by the daimio of Nagato on the vessels of France, Holland, and the United States.

On the afternoon of the 25th of June, 1863, the batteries and two war ships which belonged to the daimio of Nagato fired on the "Pembroke", a merchant steamer owned by the American house of Russel & Co., in China, while she was at anchor in the straits of Shimonoseki. The "Pembroke" escaped destruction; only her top mast was damaged, and she arrived a few days later at Shanghai without mishap. The owner of the "Pembroke" reported to Minister Pruyn that the loss suffered by his steamer in consequence of the Shimonoseki attacks amounted to ten thousand dollars. Again on the 16th of July when the "Wyoming", a United States vessel, entered the straits of Shimonoseki, the same daimio violently attacked her. Captain McDougal of the "Wyoming", avoiding shots and shells from the shore, exchanged shots with the two Nagato vessels, one of which ran aground and the other sank immediately. This affray was attended with the loss of five American seamen killed and six wounded.

Minister Pruyn was of the opinion that the failure of the United States to act with energy in case of such outrages would be attributed by the Japanese government to American inability to act at all, and hence American citizens in Japan would become liable to insult and injury. Furthermore, he hoped that the Japanese Empire could not be sealed up again without serious
international complications with other nations. On July the 20th, 1863, Minister Pruyn addressed a note to the Gorogio to the effect that the United States had sent the "Wyoming" to Shimonoseki to punish the outrage since the attack on the "Pembroke" by the daimio of Nagato had been regarded as an act of piracy. Five days later, Minister Pruyn made an agreement with the representatives of Great Britain, the Netherlands, and France in Japan to take joint action for the purpose of reopening the Japanese inland sea (Setonai Kai) closed by the daimio of Nagato as a commercial route. Since the Japanese government did not act promptly in punishing the daimio of Nagato, Minister Pruyn informed the Gorogio that it would be necessary for treaty powers in the Empire to intervene in the domestic affairs of Japan in reference to the Shimonoseki incident. At the same time Minister Pruyn warned the Tycoon to fulfill all international obligations by means of immediate and vigorous action against the daimio of Nagato in order to avoid foreign intervention. Minister Pruyn declared he deeply regretted this because of the friendly relations between Japan and the United States. In compliance with his demand that ten thousand dollars be paid as claimed in the bill presented by the owner of the "Pembroke", the Japanese government agreed to pay the indemnity after public feeling in Japan became more tranquil. Finally the government paid out ($11,200) in principal and interest on September the
Because the Japanese government had notified the representatives of the treaty powers of its intention to close the port of Kanagawa, and on account of the delay in punishing the daimio of Nagato, lest great trouble might arise from lack of mutual public feeling, the representatives of treaty powers in Japan including Minister Pruyn on July the 22nd, 1864, agreed to give up their past policy of forbearance and conciliation and to adopt a new policy expressed as follows:

"Whereas, a more energetic attitude would, on the contrary, have undoubtedly for immediate result the dissipation of the idea now entertained by the Daimios, that patience has only been dictated by weakness or fear. A vigorous demonstration will disarrange schemes scarcely yet formed, and is calculated to give support to the party favorable to the maintenance of treaties before its opponents will have time to crush it. It will, moreover, give a salutary lesson to those semi-independent feudal chiefs who scoff at the obligations of treaties, the validity of which they deny, and who, for the justification of these continuous acts of violence, appeal to a decree (still in existence) which makes foreigners outlaws. In a word, this decided attitude may furnish to the Tycoon an occasion to regain an influence which is slipping away from his weak hands, although he is far from being willing to abdicate or renounce his governing powers."
In respect to the chastisement of the daimio of Nagato, Minister Pruyn with his colleagues, the representatives of European treaty powers, decided to bombard the straits of Shimonoseki without further communication with the members of the Gorogio if the Japanese government did not give satisfactory guarantees for future security within twenty days.

On the 12th of August, 1864, Minister Pruyn and his colleagues agreed immediately to use their naval forces at Yokohama harbor in destroying and disarming the batteries of the daimio of Nagato. Besides, they believed that it would be better to avoid any demonstration in the vicinity of Osaka in order to prevent new complications with the Japanese and to refrain from entering into direct negotiations with the daimio of Nagato "reserving the solution of all ulterior questions to the action of the Tycoon's government, in connection with the foreign representatives." Though the Japanese government concluded a convention with France to open the Japanese inland sea by the removal of the obstructions at Shimonoseki, it refused to ratify the convention so far as the straits of Shimonoseki were concerned. Having ascertained this Japanese declaration, Minister Pruyn sent the following telegram to Secretary Seward on August the 26th, 1864:

"At a joint meeting of the ministers of the treaty powers, held yesterday, it was determined, on the failure of the govern-
ment within twenty days to do so, to open the inland sea, now closed, even to Japanese commerce with Nagasaki, by Nagato. The British will have fifteen ships of war, the Dutch four, the French three, the United States one only, the "Jamestown". I would respectfully ask for steamers, which, though they will not arrive in time for this movement, may...and probably will be necessary for the protection of American interests."

The instructions from the Department of State dated August 29, 1864, approved such concerted action by all the treaty powers. During the four days between the 4th and 8th days of September, 1864, the combined fleet under Admiral A. L. Kuper bombarded and destroyed entirely the batteries and magazines of the daimio of Nagato and carried away more than sixty guns. The daimio made an unconditional surrender, and agreed to pay such indemnity as the representatives of the treaty powers might demand for the expenses of the expedition.

At the joint conference held on September the 18th, 1864, by representatives of the combined fleet, it was found according to the documents in the Admiral's hands that all of the flagrant violations of treaties by daimio of Nagato were really the acts of the Tycoon and the Mikado. It was Minister Pruyn's opinion that some indemnity might be required from the Tycoon for the sacrifices made by the treaty powers in order to open the Japanese
inland sea. 190

On the 2nd of October, in an interview with the Gorogio the representatives of the treaty powers, including Minister Pruyn, were very careful to state that their governments did not desire to impose pecuniary fines upon the Japanese government, but to secure more trade and friendship with the Empire. Further, they demanded that the Japanese government must open another port near the straits of Shimonoseki. The Gorogio replied that the Japanese government would rather prefer to assume the payment of indemnities than to open another port. The treaty powers, therefore, demanded an indemnity from the Tycoon for the expense of their expedition.

The convention of October the 22d, 1864, between Sakai Hidano-kami, representative of the Tycoon and the representatives of the United States, Great Britain, France, and the Netherland fixed the amount of the Shimonoseki indemnities at six million dollars payable in quarterly installments of one-sixth after ratification by the Tycoon's government. The treaty powers also agreed to accept the opening of Shimonoseki or some other desirable port in the Japanese inland sea in lieu of the payment of the sum claimed. A week later Minister Pruyn reported to the Department of State that the convention gave America an indemnity larger than the actual expense incurred by participation in the
Shimonoseki naval affair. As a matter of fact, Minister Pruyn and the British minister in Japan, prior to the interview with representatives of the Tycoon, had agreed on two million dollars as the Shimonoseki indemnity to be paid to the treaty powers. Afterward Minister Pruyn assented to the proposition of the French minister to fix the amount to three million dollars, because he, Minister Pruyn, thought that the Japanese government might very likely substitute the opening of a port for a cash indemnity. Indeed, he gave his most hearty approval to the declaration which was embodied in the convention "That the receipt of money has never been the object of the treaty powers, but the establishment of better relations with Japan, and the desire to place them on a more satisfactory and mutually advantageous footing is still the leading object in view."

On September the 4th, 1865, the Japanese government paid the sum of five hundred thousand dollars as the first installment of the Shimonoseki indemnity. The government of the United States apparently had difficulty in managing her share of the indemnity, because the convention was not ratified by the Senate, until the 21st of February, 1866, and approved by the President on April the 9th, 1866.\textsuperscript{191}

Owing to domestic difficulties due to political and economic unrest, the Japanese government requested the treaty powers in Japan to permit a delay of one year for the payment of the second
installment of the Shimonoseki indemnity. But this was absolutely refused on the ground that their representatives in Japan were not empowered to grant the postponement asked for. On September the 17th, 1865, however, the second installment and later the third installment, which amounted to one million dollars, were paid by the government. 192

On April the 13th, 1866, the government of the Tycoon requested Mr. Portman, United States Charge d'Affaires ad interim in Yeddo, to grant the postponement of the remaining three installments of the Shimonoseki indemnity, because its public finances were greatly disturbed by the payment of the indemnities and other outlays for the Nagato affair. The more important reasons which the government of the Tycoon advanced were that the Mikado had sanctioned treaties according to the desire of the treaty powers, and that the object of the treaty powers was not the receipt of money, but the establishment of better relations with Japan. As to this request from the Tycoon's government, Mr. Portman on April the 22nd, 1866 wrote to Secretary Seward as follows:

"If the Tycoon's government had offered a fair equivalent for the concession applied for, or if any equivalent, yet to be tendered, denoted, an adhesion to a permanently liberal and friendly policy, I would not hesitate in such case to recommend this application to your favorable consideration." 193
Secretary Seward instructed Mr. Portman that the extension of the three remaining installments ought not to be allowed unless the Japanese government gave adequate guarantees for "a more just and faithful execution of the treaties."194 and further advised that he must concur in the policy adopted by the European powers in relation to the Japanese Empire.

In the forty-second Congress the House of Representatives passed a bill to release Japan from the payment of the unpaid balance of the Shimonoseki indemnity, but the Senate objected. On January the 8th, 1874, Secretary Fish instructed Minister Bingham to demand the payment of the indemnity. On April the 13th, 1874, the sum of $5,833.33 as the American share of the indemnity was received by Minister Bingham through Sir Harry Parkes, the British Minister to Japan. Again on June the 4th, 1874, the Japanese government paid a further installment of $5,833.33 to the United States in the same way. On July the 10th, 1874, according to an order from the Department of State, dated April 20, 1874, Minister Bingham informed the Japanese Minister for Foreign Affairs that the United States expected to receive the unpaid portion of the Shimonoseki indemnity, inasmuch as the other powers also would receive the balance due to them. Between August the 1st and September the 4th of 1874, the Japanese government paid $375,833.33 to the United States as the remaining installment.195
In his sixth annual message dated December 7, 1874, President Grant made a strong recommendation in reference to the Shimonoseki indemnity as follows:

"Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese Government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to regard the obligations of the convention as in force; and as the other powers interested had received their portion of the indemnity in full, the Minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Shimonoseki. I submit the propriety of applying the income of a part, if not of the whole, of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits to both Governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country can not readily be overestimated."
It is evident that the twenty years' exaction of more than three quarter of a million dollars from the Japanese government as the American portion of the Shimonoseki indemnity irritated the American conscience based on international friendship and justice. During the forty-seventh Congress several bills were introduced for the reimbursement of the Japanese government. On the 22nd of February, 1883, Congress passed an act to return the amount received by the United States to the Japanese Empire as an evidence of "the friendly interest felt by the government of the United States in everything that concerned the welfare and progress of the people and government of that country." According to the instructions from Secretary Frelinghuysen, Minister Bingham returned the sum of $785,000.87 on April the 23d, 1883. The Japanese government appreciated this friendly disposition of the United States "as a strong manifestation of that spirit of justice and equity which has always animated the United States in its relation with Japan."

The American Legation Indemnity

The year 1863 marked many international events, some of them giving rise to serious difficulties in the diplomatic relations between Japan and the United States. In the early part of May of 1863, three American residents in Yokohama were either mal-treated or violently attacked by Japanese subjects who were ex-
This episode became the source of difficult diplomatic negotiations between the Gorogio and Minister Pruyn, because the evidence presented by both Americans and the Japanese conflicted. Consequently neither side would yield to the other's proposition as a just claim.

Another difficulty arose out of the settlement for the destruction of the American legation in Yedo by fire on May the 22d, 1863. The conflagration swept over only the legation buildings, three dwellings occupied by Japanese priests, the building occupied by the officers of the legation guard, and a few of the guard houses, while the adjoining temple was left untouched. Nearly all of Minister Pruyn's furniture was destroyed, but fortunately the legation documents were saved from the calamity. In the despatch which he sent on June the 22d, 1863, to Secretary Seward, Minister Pruyn stated that his loss would amount to something over six thousand dollars, and Mr. Portman's loss about four hundred dollars.

On September the 1st, 1863, Secretary Seward instructed Minister Pruyn to demand of the Tycoon's government prompt payment of a sum sufficient to indemnify for all the losses resulting from the destruction of the American legation and for the Yokohama episode. The Department of State would regard the act of firing the American legation as an act of Japanese hos-
tility to the United States if the government of Tycoon would neither punish the incendiaries nor pay the indemnity. Since there were similar claims of European powers against Japan, Secretary Seward directed Minister Pruyn to make the American demand distinct and separate from those of the other governments. As to the manner of executing these instructions, Secretary Seward emphatically advised Minister Pruyn to conduct the negotiations "with the utmost sincerity and friendship, to favor the interests of internal peace in Japan, and of peace between that country and the several powers of Europe and America." 200

About three months later Minister Pruyn demanded of the Tycoon's government the payment of the sum of ten thousand dollars as indemnity for all losses sustained by fire, twenty thousand dollars as satisfaction for injuries to American citizens in the Yokohama episode, and two thousand dollars for the expense of taking an American citizen named Horton to the Bonin Islands whence he had been wrongfully transported to Japan. In an interview with the members of the Gorogio, Minister Pruyn announced his purpose not to resort to any demonstration of naval force while indemnity demands were pending. They refused to accept Minister Pruyn's proposition of indemnity for many reasons. They stated that the American suspicion that the cause of the fire was due to the secret instigation of criminals by the Tycoon's government was an extraordinary indignity to Japan, because the
government had no knowledge of the affair. Further they argued that if the Tycoon's government paid the money for indemnity, according to the American demands, it would then be taken for granted that the Tycoon's government had been guilty in all of the cases.

Minister Pruyn informed the members of the Gorogio in a strong communication dated January 20, 1864, that he would enforce the indemnity instruction from his government and would use the United States squadron in Chinese waters "if events in Japan shall render the use of force necessary for the maintenance of the national dignity and of the rights of our citizens." Minister Pruyn's object in adopting such firmness was to save Secretary Seward from the trouble of explanations at home by enabling the Tycoon's government to answer each allegation in the controversy. The Gorogio refused to pay the indemnity to the United States though Minister Pruyn explained that President Lincoln did not suspect the Tycoon's government of any complicity in the destruction of the American legation.

After receiving a letter dated March 18, 1864 approving his indemnity demand, Minister Pruyn renewed negotiations in regard to the indemnity complication. On June the 18th, 1864 he sent to the members of the Gorogio a temporary ultimatum in which he said:

"In proportion to the confidence with which such amicable
settlement was relied on will now be the sorrow with which the President will learn that your excellencies are so little inclined to reciprocate his friendly feelings as to have rejected, without even a word of regret or excuse, my suggestions for further conferences, through which I confidently hoped and believed an amicable understanding would result.”

Two weeks later Minister Pruyn accepted the sum of one thousand dollars instead of the two thousand dollars, originally demanded as indemnity for Horton; it was the result of a compromise because the Tycoon's government had chosen to take Horton back to the Bonin islands. Finally, on the 2nd of August, 1864, after Minister Pruyn admitted to the Gorogio that the cause of the legation fire was entirely accidental, the government paid him the sum of ten thousand dollars as the legation indemnity but never complied with the demand to pay an indemnity for the Yokohama episode.

The Omaha Indemnity.

The "Omaha" a United States ship, while on a voyage from Hiogo to Nagasaki, stopped for target practice near the island of Iki, Japan, on March the 4th, 1884. After the departure of the ship Japanese natives dug up shells which were buried unexploded in the island. Without any knowledge of danger they carried these shells to a village where they burst suddenly and
killed four Japanese youths and wounded seven more Japanese subjects on the same day.

The sum of fifteen hundred dollars was appropriated by Congress as an indemnity to the Japanese government for damages resulting from the Omaha's shells, and about five weeks later it was paid to Minister Mutsu at Washington by James G. Blaine, Secretary of State. The Japanese government appreciated it as an evidence of the American spirit of justice and good-will.204

Although the United States demanded and received for the damage to the "Pembroke" and for the legation fire indemnities larger than deserved,205 yet she manifested a sense of international morality by her reimbursement of Japan for the Shimonoseki indemnity. Indeed, the United States had developed the principle of indemnity on the basis of justice in her relation with Japan.

The Protection of American Seamen.

The government of the United States took particular interest in protecting her seamen from the disasters of shipwreck in Japanese waters. By the Kanagawa treaty, the United States secured assurances that American shipwrecked men who were thrown upon the coast of Japan would receive adequate protection. Among other stipulations the Japanese government promised to assist wrecked American ships, and carry their crews to the
treaty ports, Shimoda and Hakodate in order to hand them over to their countrymen. Another advantage which the United States gained by this treaty was that the Japanese government agreed to treat American shipwrecked men according to "just laws",\(^{206}\) not according to the Japanese laws which imposed restrictions and confinement for other foreigners in the Empire.

When the American bark "Chevalier" was lost off Hirato on the eastern coast of Japan in November, 1862, the Japanese government promptly sent her ship-of-war "Choyo-maru" to the scene and rendered humane and efficient service to American officers and seamen. In addition, the officers of the Japanese province of Hirato cooperated in the rescue. President Lincoln expressed the appreciation of the United States for such considerate action on the part of the Japanese government as follows: "this manifestation on the part of the Japanese government people, of a desire not merely to fulfill their treaty obligations to the United States, but to increase and perpetuate the cordial and accepted by the President as friendly relations between the two countries is a sure indication that nothing will ever arise to disturb the firm friendship existing between the United States and Japan."\(^{207}\)

On July the 9th, 1863, President Lincoln sent two chronometer watches, with Japanese dials and heavy chains, one marine glass, and one silver speaking trumpet to the two principal officers of the "Choyo-maru" and the two principal Japanese
authorities of the province where the wreck occurred in recognition of their noble and humane services.

On May the 17th, 1880, a convention for reimbursing shipwreck expenses was concluded between the United States and Japan. In this convention both countries agreed to repay all expenses incurred by either government for the rescue, protection, traveling, and medical treatment of needy shipwrecked subjects or citizens, and for their burial by the other government in case of death. Furthermore, the convention provided that no charge should be made by either government for the repayment of the expenses incurred by the other government in the recovery of a wrecked vessel and its property or for the expenses of public communications and of the public officers in proceeding to the wreck. This convention went into effect July 16th, 1880.

Fourteen years later, the convention of 1880 was strengthened by additional provisions found in the eleventh article of the United States' treaty of commerce and navigation which was concluded on November the 22d, 1894. This article provided that any ship of war or merchant vessel of either country could seek the shelter of any port of the other when she was under stress of weather. In disposing of his cargo for defraying the expenses, the master of the vessel should conform to the tariff regulations of the country where his vessel happened to stop. The United States recognized that all proceedings in respect to the salvage
of American vessels wrecked on the Japanese shore should take place in accordance with the laws, ordinances, and regulations of Japan. When these vessels belonged to Japan or her subjects and the place where their wreckage took place was the American shore, the United States laws, ordinances and regulations should prevail in the matter. It was also agreed to exempt from all custom duties the goods and merchandise saved from the wreck which were not meant for purposes of consumption; otherwise they should be subject to the ordinary duties in either country where they were landed. Thus, in order to realize the national interest in the protection of her seamen, the United States assumed treaty obligations. 211

Extradition

In the progress of her relations with the Japanese Empire, the United States developed a means of extradition in order to repress such crimes as escaped unpunished on account of the changing of the malefactor's jurisdiction from one country to another. Extradition may be considered as the surrender by one state of a person accused or convicted of crime and found within its territory to another state within whose jurisdiction he committed a crime. The delivery of such criminals is made with a view to international comity and justice. 212 A rudiment of such an idea can well be traced, as has been mentioned above, in the establishment of American consular courts in Japan.
On April the 29th, 1886, the United States concluded a treaty of extradition with the Japanese Empire. The two countries agreed to deliver up to each other such persons as were accused or convicted as malefactors in one and found within the jurisdiction of the other country, the following offenses or crimes being specified as extraditable: murder, counterfeiting money, forgery, embezzlement of the public funds, robbery, burglary, perjury, rape, arson, piracy and other malicious offences. An exception was made in the case of offenses of a political character. The treaty provided further that a requisition for extradition should be made through diplomatic agents, and each country should deliver up its own citizens or subjects under the treaty stipulations "if in their discretion it be deemed proper to do so." The government which requested the extradition would pay the expenses of the arrest, detention, examination, and transportation of the accused. The treaty of extradition went into effect on August the 14th, 1886, and was still enforced in 1901, the contracting parties having agreed that it might be terminated by either of them, but shall remain in force for six months after notice has been given of its termination.

Immediately after the conclusion of the extradition treaty, the Japanese government surrendered one Calvin Platt who was a fugitive from justice charged with crimes against the laws of the
State of California, as an act of comity towards the government of the United States. Thus the extradition treaty of the United States with Japan promoted mutual interests and the spirit of comity and justice without which no treaty obligation could really be carried out.

The United States Legation

By the eleventh article of the treaty of Kanagawa, the United States secured the privilege of permitting her consuls or agents to reside in Shimoda, eighteen months after the treaty was signed. Under this privilege, Mr. Townsend Harris who had already been appointed as a consul general to Japan by President Pierce on August the 4th, 1855, upon the joint recommendation of Senator William H. Seward and Commodore Perry, arrived on board the "San Jacinto" at the port of Shimoda on August the 21st, 1856. Mr. Harris at once notified the Japanese authorities of his intention to reside in Shimoda. After considerable equivocation on the part of the Japanese, Mr. Harris obtained an interview with the Governor of Shimoda on August the 26th.

In this interview the Governor presented many objections against the establishment of the American consulate at Shimoda on the ground that the United States should send no consul to Japan while there was no trouble between the countries; and
since the eleventh article of the treaty of Kanagawa provided that "a consul was to come if both nations wished it",\textsuperscript{217} the matter of sending one would not be left to American choice alone. Moreover, the Japanese insisted that it would be better for Mr. Harris to leave Japan and to return in about a year, when the Japanese government would have a residence prepared for him. But Mr. Harris positively refused to accept the Japanese proposition. In the interviews of the following days the Japanese officers protested against Mr. Harris' intention to reside at Shimoda for the reason that the treaty provided for a consul, but not a consul general. In order to maintain the dignity of his position, Mr. Harris declined to have any further conversation with any Japanese officers except the Governor or the Vice Governor of Shimoda. He stated that Commodore Armstrong on board the "San Jacinto" would take him directly to Yeddo in order to settle the question satisfactorily. Such remarks aroused much uneasiness on the part of the Japanese.

Again in a conference between Mr. Harris with Commodore Armstrong and the two Japanese Governors and a Vice Governor on the 1st of September, the same objections were positively rejected by Mr. Harris. Finally, on the 3d, of September, by his firmness and sincerity Mr. Harris secured a residence from the Japanese authorities in the temple of Gokoku-Shem, Kakisaki,\textsuperscript{218} and opened there his consulate office the following day.\textsuperscript{219}
Thus for the first time the United States established an American consulate on the soil of the long secluded Island Empire.

The American government had secured other privileges by the first article of the treaty of amity and commerce of 1858, namely, that the President of the United States might appoint a diplomatic agent to reside at the city of Yeddo; and that the American diplomatic agent and consul-general should have the right to travel freely in any part of the Japanese Empire from the time they assumed their duties. Such privileges the Japanese government did not readily grant to the United States, but only after persistent objections which Mr. Harris stated in his diary as follows:

"I had at one time serious [fears] that the whole treaty might be wrecked on this point. They went over the old ground of objections, the claims of the daimios to exclusive jurisdiction in their own principalities, their furious objections to any infringement of their ancient rights, and the certainty that serious difficulties would arise from the clause."

On January the 7th, 1859, Mr. Harris was promoted by President Buchanan to be Minister Resident of the United States to Japan. Seven months later, on the 7th, of July, he established the American legation at the Zem-Puku-ji, Mafu, Yeddo (Tokyo). Only four years before the Japanese government had strenuously opposed the desire of Commodore Perry to visit the city of Yeddo, the seat of the Japanese government. Now the United States
Minister found his residence in the midst of Yeddo and conducted many important diplomatic negotiations with the Japanese government. Although the Japanese evaded the faithful observance of the treaty stipulations with a passive resistance, yet Minister Harris was unwearied in his sincere efforts to convince the Japanese government that its course of diplomacy would be very dangerous to the national welfare of the Empire. During the years of internal discord among the powerful and ambitious Japanese daimios at the seat of the Japanese government, Minister Harris insisted on remaining in the American legation undaunted on the principle that the "proper place for an envoy was in the nation's Capital," while all other ministers of the European powers in Japan had retired to Yokohama in order to protect themselves. Indeed, no one knew the noble ambition of Minister Harris recorded in his diary on August the 18th, 1856.

"I shall be the first recognized agent from a civilized power to reside in Japan. This forms an epoch in my life, and may be the beginning of a new order of things in Japan. I hope I may so conduct myself that I may have honorable mention in the histories which will be written on Japan, and its future destiny." In the interview between Minister R. H. Pruyn and the two Japanese governors for foreign affairs on the 31st of January, 1863, the location of the American legation was discussed.
The Japanese desired to postpone indefinitely their promise of appropriating Goten Yama, Yeddo, on account of the strong opposition of the hostile daimios and the people of Yeddo who had used the grounds of Goten Yama for many years as a pleasure resort. Minister Pruyn replied that he had no particular preference for Goten Yama and would willingly accept any other location which was equally convenient and pleasant. The intense opposition of the Japanese against the erection of foreign legations on the ground of Goten Yama was evidenced by the destruction of the British legation buildings by Japanese incendiaries. On June the 6th, 1863, Secretary Seward instructed Minister Pruyn to exercise discretionary power and, if possible, to confer and agree upon the same subject with the representatives of the other treaty powers in Japan.\(^{225}\)

Unfortunately, the building occupied by the American legation was totally destroyed by fire at two o'clock in the morning of May 24, 1863. Minister Pruyn determined to stay in Yeddo until the Japanese government acknowledged his residence there by assigning him some other quarters for his residence, though he was advised by his countrymen at Yokohama and by Captain McDougal of the "Wyoming" to take refuge outside the city. On the same evening, it was discovered by the Japanese authorities that there was a conspiracy of nearly five hundred ronins (two sworded Japanese who left the service of their lords and roamed the country with or without definite purpose) to attack the American legation
cited by the extreme anti-foreign sentiment then greatly aggravated in Yeddo. Accordingly the Japanese government acted promptly and proved its efficiency to protect the personal safety of Minister Pruyn from imminent danger by an additional armed force. After inconveniences and discomforts for about a week, on the 31st of May Minister Pruyn left for Yokohama. President Lincoln was satisfied with the removal of the American legation from Yeddo to Yokohama. 226

On the other hand, Secretary Seward instructed Minister Pruyn that the Japanese government ought to have controlled those circumstances so as to make the removal of the American Minister unnecessary; and that the permanent reestablishment of the American legation in Yeddo should be provided upon the Minister's safe return to that capital. It is true that Yeddo was less secure as a place for the legation residence, while the Tycoon was absent during the later part of 1863 on account of his visit to Kioto. Minister Pruyn, however, found much comfort after he removed to Kanagawa where he was free to enjoy the society of his European colleagues. The Japanese government offered to compensate Minister Pruyn for his greatly increased expenses on account of his establishment of the American legation at that place. 227

On December the 21st, 1863, Minister Pruyn made two important demands of the Gorogio: first, the Japanese government must
immediately rebuild his late residence in Yeddo; secondly, the Japanese government must give assurance to facilitate his safe return to Yeddo. At first the Japanese government refused to guarantee what Minister Pruyn demanded, but finally promised to comply. Diplomatic representatives of the European powers in Japan who were content to remain at Kanagawa regarded Minister Pruyn's persistency as a proof of unfriendliness toward the Japanese government.

On September the 29th, 1864, Minister Pruyn made another inquiry as to whether the Japanese government would extend the requisite protection to the American legation, but the Japanese governors for foreign affairs declined to give the assurance which Minister Pruyn desired on the ground that they were apprehensive of accidents in Kanagawa as the Japanese government had not succeeded in restoring satisfactory order among the discontented people there. Indeed, while Minister Pruyn was visiting Yeddo for three weeks during the same month to settle the question of indemnity for the "Pembroke", sixty-five American marines and sailors under the command of Lieutenant Huntington landed as a body guard from the "Jamestown". Secretary Seward fully appreciated the difficulties and dangers which surrounded Minister Pruyn's position in Japan.

In May, 1865, the legation residence was again removed to Yeddo from Yokohama after the earnest efforts of A. L. C. Port-
man, American Charge d'Affaires ad interim. This success with the Japanese government was highly approved by Secretary Seward. When the Tycoon and four of the five members of the Gorogio (the supreme council) left Yeddo for Osaka, Mr. Portman on November the 1st made a temporary transfer of the American legation to Hiogo where he obtained the Mikado's formal sanction to the treaties together with the representatives of Great Britain, France, and Holland. Mr. Portman left Osaka Bay on the 26th of November and arrived at Yeddo four days later where the American legation was again reestablished. 230

Mr. Van Valkenburgh, Minister Resident of the United States to Japan, had conducted many important diplomatic negotiations with the Gorogio and with the Tycoon, first in Osaka for nineteen days following December the 28th, 1867, and in Hiogo between January the 16th, 1868, and March the 12th, and then in Yeddo for some days following March the 18th. In the later part of March, 1868, Minister Valkenburgh returned to Yokohama, where the American legation had already been 231 transferred from Yeddo, on account of the prevalence of lawlessness due to civil wars which preceded the abolition of the Tycoon's government and the Imperial Restoration of 1868. Finally Minister Bingham established the American legation in Tokyo, the seat of the Japanese Imperial Government sometime in March or April of 1874. The United States has ever since maintained the legation at the
capital of Japan. 232

On December the 20th, 1884, the Japanese government sent to John A. Bingham, the United States Envoy Extraordinary and Minister Plenipotentiary in Tokyo, a verbal message that his Imperial Japanese Majesty's government desired to make a perpetual gift of five acres or more of land, which would be valued at twenty-five thousand dollars or more, in the central part of Tokyo, near the new Imperial palace, as a token of Japanese friendship for the United States. Two days later Mr. Bingham wrote to Frederick T. Frelinghuysen, Secretary of State, a letter which read in part as follows:

"I do not doubt that it will be a wise economy, and greatly promote our commercial interests as well, to accept the generous offer of this Government, and to appropriate, say, $40,000 to inclose and ornament the grounds and erect suitable buildings for legation purposes, and for court-house and jail and necessary outbuildings... To do this would save annually to our Government in ground rent and rental of buildings a large sum of money, which, say at 3 per cent, on the outlay, in my opinion, in fifteen years would leave the United States possessed of a property free of all costs, worth $100,000." 233

Secretary Frelinghuysen immediately made a favorable recommendation for a sufficient appropriation to the Committee of Foreign Relations and Foreign Affairs of the Senate and the
House of Representatives. On February the 5th, 1885, President Arthur earnestly recommended in his message to Congress that the Executive "be immediately authorized to accept the gift in the name of the United States and to tender to his Imperial Japanese Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground." 234

Under the administration of President Cleveland, this gift of land by the Japanese to the American government was recognized by Secretary Bayard as a token of Japan's courtesy and friendship toward the United States. On April the 5th, 1886, Congress authorized the President to accept the Japanese gift and to erect thereon the legation buildings of the United States. In 1896, however, the United States purchased from the Japanese government the premises which are now occupied by the American legation at Tokyo at a cost of sixteen thousand dollars. 235

Thus did the United States succeed in obtaining a permanent grant for her legation in Japan. Although many difficulties were encountered in establishing the legation in different places in Japan, the United States maintained the policy that her minister must reside at the Imperial capital so long as internal conditions permitted.

Japanese Immigration and Hawaiian Affairs.

The United States had increased her national strength very
such by the reception of vast numbers of foreign emigrants to her thriving population. Enormous natural resources were steadily developed by the newcomers from the old world. Near the end of the nineteenth century the Japanese were gradually attracted by American industries and prosperity. Although Japanese immigration to the United States has shown a tendency to increase yet it falls far short in comparison with the European seekers of American shores.

As early as May the 23d, 1866, the United States conceded to Japanese subjects the privilege to travel for purposes of study or trade under the passport system. The United States recognized a passport issued in due form by the Japanese government as a certificate of respectability and promised to bestow all needful aid and protection to Japanese subjects who should come to her shores. 236

While the Island Empire was struggling for the Restoration of 1868, Mr. Van Reed, an American citizen, who was acting as consul general of the Hawaiian Kingdom in Japan, continued negotiations with the Tycoon's government for the purpose of sending Japanese subjects to the Hawaiian islands to labor on plantations. One hundred and eighty Japanese were granted the right to emigrate to those islands at the earnest request of Mr. Reed. When the Mikado's Imperial Government had been restored in place of the Tycoon's government, Mr. Reed informed
the new Japanese Commissioners for Foreign Affairs that he had engaged in contracting for the emigration of Japanese to the archipelago of Hawaii. They refused to recognize his right to transport subjects out of the Empire on the ground that the Japanese government had not yet concluded a treaty with the Hawaiian Kingdom. They promised him however, that since he was an American citizen, the Japanese government would grant permits of emigration to Japanese subjects should any one of the ministers of the treaty powers in Japan sanction the transaction applied for.

On May the 25th, 1868, a number of Japanese emigrants were suddenly carried away on board the "Scioto", a British vessel under the management of Mr. Reed, to the Hawaiian plantations, without his giving any information to the Japanese government that he had obtained a favorable decision at the conference of the treaty powers in regard to the subject. Thereupon the Japanese Foreign Commissioners protested. Instead of giving a reasonable answer, Mr. Reed insisted that the Japanese government should give Japanese subjects permission to go to Hawaii or refund the money which he had expended upon their emigration. As Mr. Reed was so unreasonable in his attitude, the Japanese government called the attention of Minister Valkenburgh to the matter. In reply the latter stated that though he much regretted the occurrence, he could not interfere, because Mr. Reed had
acted in the capacity of consul-general of the Hawaiian Kingdom in Japan.

About one year later, on February the 9th, 1869, Congress passed the act by which Japanese subjects known as "coolies" were prohibited from coming to the United States as servants or apprentices or to be held to service or labor. According to instructions issued by the Department of State in May, 1875, Minister Bingham sent a communication to the Japanese government as to the effect of "an act supplementary to the acts in relation to immigration," which forbade alien contract labor in the United States. On August the 3d, 1882, Congress passed another act which authorized the government of the United States to collect a head money duty of fifty cents as a restrictive measure on every immigrant who arrived at her ports. Again, the United States adopted a policy restricting the influx of foreigners by the act of Congress of February the 26th, 1885. As a matter of fact, all these American regulations in regard to immigration seem to have had almost no concern for Japanese immigration, because up to the year 1885 very few Japanese subjects sought American shores. During the twenty years between 1866 and 1885 only 437 Japanese subjects came to the United States. No doubt many of them returned to their native land. During the following thirteen years the number of Japanese immigrants to the United States reached a little more than an average of eighteen
Meanwhile the United States restricted immigration by additional acts of Congress. The list of immigrants excluded from entering the country was enlarged by the act of 1891, while five years later the head money duty was raised to one dollar for each incoming foreigner.

In the early part of 1893, the United States showed considerable interest in the annexation of the Hawaiian Islands. On February the 1st, 1893, American action saved the provisional government of the Hawaiian Islands from complications with Great Britain and Japan; while the American Minister at Honolulu, J. L. Stevens, established a virtual protectorate over the islands. Through the new Hawaiian government Japanese Commissioner at Honolulu maintained a cordial attitude toward the American legation. Nevertheless, Minister Stevens wrote to Secretary Gresham on March the 24th, 1894, that Japanese interest in Hawaiian affairs was cherished and pushed forward by at least one political clique in Tokyo. In an interview with the Japanese commissioner, Minister Stevens gave assurances that the United States would strictly protect the life, property, and interests of Japanese residents in the islands should the annexation of Hawaii by the United States become a fact.

During the following eventful months the warships of the United States, Japan, and Great Britain were anchoring in Hawaiian waters in order to protect the interests of their re-
spective countries. Although the Japanese commissioner was more ready to respond to the purposes of the United States representatives than those of any other power, yet Minister Stevens thought that it would be very important to maintain the American position there, as long as Japanese ships remained in the waters of the islands. Minister Stevens was also of the opinion that there would be occasion for keeping a strict vigilance on Japanese, British, and perhaps other foreign intrigues in Hawaii against American plans of predominance in the North Pacific. Indeed, President Harrison strongly supported a treaty for the annexation of Hawaii to the United States; the Senate also showed a favorable attitude. But President Cleveland withdrew the annexation treaty on March the 9th, 1893, on the ground that the United States had entered into improper complications in overthrowing the Hawaiian monarchy. 241

In spite of several counter movements, agitation for Hawaiian annexation continued in the United States. Meanwhile, the Hawaiian Republic renewed negotiations for an annexation treaty with the government of the United States. President McKinley in 1897 earnestly urged a reluctant Senate to ratify the treaty. The Hawaiian Republic ratified the treaty favored by President McKinley. Following the outbreak of the Spanish-American war, the United States showed renewed interest in Hawaii. Especially the destruction of the Spanish fleet in Manila Bay
by the American Navy on May the 1st, 1898, accelerated the annexation movement in the highest degree. Consequently the problem of Japanese subjects in the Hawaiian Islands attracted a great deal of attention from the thinkers and statesmen of the United States. The debates in Congress during June 11th and July 6th, 1898 laid emphasis upon the fact that the Japanese would seize Hawaii if the United States should not get political control of it. The proposal of Hawaiian annexation was finally consummated by a joint resolution of Congress on July the 6th, 1898, and was approved two days later by President McKinley.

Only a few days before the conclusion of the annexation treaty, Secretary Sherman in an official interview assured Japanese Minister Hoshi at Washington, that the United States did not negotiate the treaty with the Hawaiian Republic. The leaders of the Democratic party were informed by Minister Hoshi that Japan had never adopted a colonial policy to annex the Hawaiian Islands.

On July the 10th, 1898, the Japanese government protested against the American annexation of Hawaii on the following grounds: first, prosperity in the Pacific would be greatly disturbed by the aggressive territorial expansion of the other powers which would follow the example of the American absorption of Hawaii; secondly, the annexation would impair the rights of the Japanese Empire in the Pacific; thirdly, the United States
should negotiate with the Japanese government for the adoption of a treaty which would apply to the interests of the two countries in Hawaii. On August the 24th, the United States assured the Japanese government; first, that the American annexation of Hawaii would not cause territorial aggressions by the powers in the Pacific; secondly, that the United States would guard Japanese interests in the Pacific should the annexation endanger them; thirdly, that the United States government would in the near future negotiate a new treaty in lieu of the Japanese-Hawaiian treaty which was abrogated as a result of the annexation, in order to protect the rights of Japanese subjects in the islands, and lastly, that the United States was satisfied with the peaceful attitude by which the Japanese government maintained the rights secured by the Japanese-Hawaiian treaty.

President McKinley in his second annual message on December the 5th, 1898, said: "The questions heretofore pending between Hawaii and Japan growing out of the alleged mistreatment of Japanese treaty immigrants were, I am pleased to say, adjusted before the act of transfer by the payment of a reasonable indemnity to the Government of Japan." The American annexation of Hawaii led the Japanese government to compromise its claim of one hundred twenty-five thousand dollars against the Hawaiian Republic at only one-half that sum.

Under the Japanese-Hawaiian convention of 1886, in pursuance
of its provisions that so long as the same shall remain in force, Japanese subjects may freely emigrate to the Hawaiian Islands.\textsuperscript{247}

About twenty-seven thousand Japanese emigrated to the islands between 1886 and 1897. The number of Americans in the islands also increased a little over one thousand during the thirteen years from 1884 to 1897. Both the American and the Japanese population before 1898 can be surveyed in the following table:\textsuperscript{248}

<table>
<thead>
<tr>
<th>Nationality</th>
<th>1853</th>
<th>1856</th>
<th>1872</th>
<th>1878</th>
<th>1884</th>
<th>1890</th>
<th>1897</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natives</td>
<td>70,036</td>
<td>57,125</td>
<td>49,044</td>
<td>44,088</td>
<td>40,014</td>
<td>34,436</td>
<td>39,504</td>
</tr>
<tr>
<td>Americans</td>
<td>692</td>
<td>889</td>
<td>1,276</td>
<td>2,066</td>
<td>1,928</td>
<td>3,086</td>
<td>249</td>
</tr>
<tr>
<td>Japanese</td>
<td>116</td>
<td>12,360</td>
<td>27,282</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

From 1898 until June the 14th, 1900, when Hawaii was constituted a territory of the United States, about thirty-six thousand Japanese emigrants came to the islands. The number of Japanese subjects who arrived in Hawaii in 1901 was over seven thousand. And during the four years between 1898 and 1901 a little more than twenty thousand Japanese subjects were attracted to the mainland of America.\textsuperscript{250}

On May the 16th, 1900, the Senate passed the resolution in which the Secretary of the Treasury was directed to send to the Senate any information which he might have in regard to the importation of Japanese laborers under contract in violation of the contract labor laws. On the following day Secretary Gage submitted the report from the Commissioners-General of
Immigration showing that the Bureau of Immigration had already despatched a special officer to Japan with the purpose of investigating the subject of Japanese immigration to the United States, and had maintained a strict examination of Japanese immigrants along the Pacific coast in order to prevent violations of the alien contract labor and immigration laws with an attitude of even greater jealousy for the interests of American laborers than had been displayed at eastern immigration stations. A similar attitude was also adopted in the House of Representatives during the latter half of the same year.

On the 16th of March, 1901, a party of thirteen Japanese subjects having all the qualifications required by the immigration laws of the United States arrived at Seattle, Washington, from Victoria. The United States immigration officers not only refused to permit the Japanese to land but also imprisoned and deported them. Another group of seven Japanese subjects who arrived at Seattle from Vancouver on the following day suffered similar treatment. The Japanese Minister Takahira at Washington protested against such treatment of Japanese subjects, because they were entitled to land under the provisions of the United States laws and by virtue of the stipulations of the treaty between the two countries. The Japanese protests were not directly replied to by John Hay, Secretary of State, but were indirectly answered by L. J. Gage, Secretary of the Treasury,
in a letter which read as follows:

"In response to the further statement of the minister the Department can only reiterate its original averment to the effect that, so far as it is aware, there is no discrimination made between immigrants from Japan and those from other countries the provisions of the law giving authority for no such discrimination, the Department itself having no justification to offer therefor if such discrimination is shown by its officials. It submits, furthermore, that the accompanying note of the Japanese minister, while it offered just cause of complaint upon other grounds, failed to show such a discrimination with respect to the points suggested."

Although the Department of State did not give an adequate answer to what Minister Takahira offered as "just cause of complaint upon other grounds" in respect to the American deportation of Japanese subjects, yet the government of the United States gave assurances that Japanese immigrants to the United States would not be discriminated against.\(^{251}\)

The United States had shown marked discrimination against Japanese immigrants in the acts of Congress of 1867 and 1875,\(^{252}\) while all American emigrants to the Japanese Empire had enjoyed the special privileges of extraterritorial right. This same characteristic of the American policy has been much intensified since the annexation of the Hawaiian Islands by the United
States. At the beginning of the twentieth century, therefore, the United States declared non-discrimination as her policy in the matter of Japanese immigrants.
CHAPTER VI

THE COMMERCIAL POLICY OF THE UNITED STATES TOWARD JAPAN FROM 1855 TO 1901

The nature of national activities and resources determines the essential tendencies in the formation of the commercial foreign policy of one country toward another. In the course of time, the vast resources of the United States had been directly and indirectly turned into enormous national wealth not only through production but also through distribution and exchange. The economic motive of national interest was greatly reinforced by private commercial and industrial enterprises, federal legislation, and treaty stipulations. The spirit of expansion became the impelling force of American life and was characterized by the increase of wealth, population, territory, and power. Under this spirit of expansion, the United States had already succeeded in opening the Japanese Empire to her commerce. In fact, the United States deliberately entered into commercial competition with other nations to secure a foreign market in Japan.

Open Ports

The commercial interests of the United States gave rise to a strong desire to secure good and commodious harbors along
the Japanese coast, as open ports for American foreign trade in Japan. During the thirteen years between 1855 and 1868, in spite of the civil wars and anti-foreigner agitations in Japan, and even against the will of the Tycoon's government, the United States constantly insisted upon an increase in the number of open Japanese ports.

By the sixth and seventh articles of the Kanagawa treaty, the United States obtained for American vessels the privilege to resort to the ports of Shimoda, Izu, and Hakodate, Matsumai (Oshima), for commercial transactions subject to trade regulations established by the Japanese government. On March the 7th, 1857, Mr. Harris presented a protest against the flagrant violation of the treaty. In the same month the Japanese authorities ordered two American merchants, Reed and Dougherty, to leave Shimoda, and refused them permission to land in Hakodate though they came for trading purposes. It was afterwards discovered that the Japanese authorities had made a mistake through an incorrect understanding of the treaty stipulations.

In the same year the port of Nagasaki was declared to be opened to American vessels under the Commerce and Consular Treaty of 1857. Again the treaty of amity and commerce of 1858 provided for the opening of additional ports to American commerce: Kanagawa harbor on July the 4th, 1859, Niigata harbor on January the 1st, 1860, and Hiogo harbor on January the
1st, 1863. It stated further that if the port of Niigata was found to be unsuitable for trading purposes, another port on the west coast of Japan would be selected by the two governments as a substitute. It was agreed that the port of Shimoda should be closed six months after the opening of Kanagawa. American citizens, according to treaty stipulations, should have the right to lease ground, and purchase buildings and might erect dwellings and warehouses in all the open Japanese ports.

The limits within which Americans would be free to go in these ports was declared to be ten ri in any direction or about 24 miles. Some exceptions, however, were agreed upon, viz: that no American could approach nearer than ten ri to the city of Kioto, the Mikado's Capital, or while he was at Hiogo; on the other hand, Americans might go to any part of the imperial domain in the vicinity of Nagasaki. Furthermore, the Japanese government promised to open the city of Yedo, now Tokyo, for Americans on January the 1st, 1862, and the city of Osaka one year later but only for trading purposes. In these cities and open ports, American merchants were forbidden to sell ammunition to any one except to foreigners and the Japanese government, and also to purchase rice or wheat for exportation.

The international trade developed in the next two years between Japan and the United States gave hopeful prospects for still larger commerce in the future. But Mr. Harris feared that
such prospects might be seriously damaged by a collision between the foreigners and Japanese if the former were permitted to reside indiscriminately in the city of Yeddo. On May the 8th, 1861, the Japanese government sent a written communication to the government of the United States to the effect that the opening of the cities of Yeddo and Osaka and the harbors of Hiogo and Niigata should be postponed until 1868, because the Japanese Empire found much uneasiness in the political and economic conditions arising out of commercial treaties with the United States and other European powers. The prices of articles of general consumption in Japan had risen rapidly, in some cases from a hundred to three hundred percent, owing to extensive exportation. The people of the humbler class had already suffered from the great change of prices of their daily necessaries. Besides complaints of the humbler Japanese against the new order about one-half of some three hundred daimios or lords in the Japanese principalities were not favorably disposed towards foreign commerce.

In view of these obstacles to the execution of treaty stipulations, the Japanese government desired to avoid serious conflict with public opinion. To settle the open port question arising out of the treaty of 1858, the government of the United States conferred upon Minister Harris discretionary power to act in concert with the European representatives in Japan in such
a way as he might deem most advisable for the mutual interests of America and Japan. Furthermore, the Department of State communicated with the ministers of Great Britain, France, Russia, and Holland in Washington in respect to the Japanese request. On August the 1st, 1861, Secretary Seward forwarded to the Gorogio a letter in which he said that the spirit of the United States government was liberal and friendly towards Japan, and that the American minister to Japan should be protected as the first element of national fraternity. On the same day President Lincoln addressed a letter to the Tycoon which read as follows:

"Great and good Friend: I have received the letter which you have addressed to me on the subject of a desired extension of the time stipulated by treaty for the opening of certain ports and cities in Japan. The question is surrounded with many difficulties. While it is my earnest desire to consult the convenience of your Majesty, and to accede, so far as I can, to your reasonable wishes, so kindly expressed, the interests of the United States must, nevertheless, have due consideration. Townsend Harris, minister resident near your Majesty, will be fully instructed as to the views of this government, and will make them known to you at large. I do not permit myself to doubt that these views will meet with your Majesty's approval, for they proceed not less from a just regard for the interest and prosperity of your empire than from considerations affecting
our own welfare and honor.

"Wishing abundant prosperity and length of years to the great state over which you preside, I pray God to have your Majesty always in His safe and holy keeping." 256

During the month of November, Minister Harris was active in bringing about concerted action among the treaty powers in Japan in reference to the open ports. His own views were favorable to the Japanese proposition. 257

In the following year, no diplomatic negotiations regarding the open ports were made by the United States, as the Japanese government had sent an embassy to Europe in order to conclude new treaties with France and Great Britain. Minister Pruyn held the opinion that it would be unnecessary to accept the opening of Yeddo and Osaka, as business could not be much affected. On December the 2nd, 1862, the Department of State approved Minister Pruyn's opinion on the question of postponing the opening of additional ports in Japan. 258

Under the pressure of political opinions among the Mikado's advisers in Kioto, the Tycoon issued an order on June the 24th, 1863, closing the open ports and banishing the citizens and subjects of treaty powers from the Empire. Minister Pruyn immediately sent a vigorous statement to the effect that the United States would not surrender the treaty rights granted to its citizens to reside and trade at the Japanese ports.
his solemn protest, he said that he should regard the Japanese proposal not only as an insult to the United States, but also a declaration of war against all the treaty powers in Japan. On the other hand, he advised the Tycoon not to run the risk of extreme folly by a measure which would bring overwhelming ruin upon the Empire.

On June the 27th, 1863, Minister Pruyn reported to Secretary Seward that Japan would not be quieted unless the treaties should be ratified by the Mikado who was the rightful sovereign of the Empire, and added further that to secure this end some powerful demonstration of a land force at Osaka would be necessary. About two months later, Secretary Seward instructed Minister Pruyn to demand from the Japanese government the full observance of the treaties between the United States and Japan in all particulars which had not been heretofore waived or postponed by the government of the United States. Minister Pruyn was empowered by his instructions to employ the American naval force to protect himself, his countrymen in Japan, and to maintain the foregoing demands, under any circumstances which might occur. "The friendship of this country," said Secretary Seward, "can not be secured by the government and people of Japan, nor would it be of any avail, if the United States should fail to maintain their own dignity and self respect in their intercourse with Japan, with the same firmness which they practice in regard
to all other nations."\(^{260}\)

The Japanese government invited Minister Pruyn and the consul-general of the Netherlands to a special conference at Yeddo on the 26th of October, 1863, and through its two commissioners, Takemoto Kai-no-kami and Ikido Siuri, proposed that foreign trade at Yokohama should cease because the Empire was approaching an internal revolution due to a general uprising of Japanese subjects against foreign trade and traders. The commissioners reasoned that foreign trade should be subordinate to friendship which should be the corner-stone of international relations, and remarked that the framers of the treaty intended foreign trade as an experiment, so long as it did not prove injurious to the Empire. Although the commissioners withdrew the declaration relating to the expulsion of foreigners from Japan, they desired that the port of Yokohama be closed for the sake of mutual interests and friendship.

Minister Pruyn and the consul-general of the Netherlands declined to accept the Japanese proposal. Furthermore, Minister Pruyn stated that the government of the United States had not yet formally consented to postpone the opening of Osaka and Hiogo, and that it would be a mistake to allow any postponement which would encourage the hostile party of the Tycoon's government to raise more demands. Both the consul-general of Holland and Minister Pruyn denied the Japanese contention that the
treaties were made as experiments and at the same time advised the commissioners to maintain a rigid and faithful execution of all the articles of the treaties. Two weeks later on November the 11th, the Japanese government withdrew its proposal to close the port of Yokohama, after having received a bit of sincere advice from Minister Pruyn on the subject.261

On January the 28th, 1864, the United States consented to extend the time for the opening of the cities and ports of Yeddo, Osaka, Hiogo, and Niigata until January 1, 1868. Four months later, the Japanese government revived the reactionary policy which declared the port of Yokohama closed to foreigners. Minister Pruyn with his European colleagues decided to make a new protest and to defend the port of Yokohama by naval and military forces. While the combined fleet of the treaty powers was engaged in the bombardment of the batteries in the Shimonoseki straits, Yokohama was guarded by about eight hundred European and American troops, and by the French steamer, "Corvette", one despatch steamer, two gunboats, and the U. S. S. "Jamestown". The Japanese government finally abandoned its policy at a conference held at the British legation on September the 23d, 1864.262

On November the 11th, 1865, at a conference with the members of the Gorogio on board the British ship "Princess Royal" lying off Hiogo bay, Mr. Portman with his European colleagues, the
ministers of Great Britain and France and the consul-general of Holland in Japan, proposed the immediate opening of Kiogo and Osaka for foreign commerce. The treaty powers openly announced that the refusal of their demand by the Japanese government would be considered by their respective government as evidence whether the Empire had kept good faith. The Japanese government was offered a remission of two-thirds of the Shimono-seki indemnity if Kiogo and Osaka were speedily opened. After long negotiations the government preferred to pay the indemnity rather than open Kiogo and Osaka for foreign commerce, because of the internal revolution which might spread to other parts of the Empire if additional ports were opened and also because of the great difficulty of obtaining the Mikado's sanction to the proposal.263

The Tycoon's government issued a proclamation on April the 13th, 1866 (the 28th day of the 2nd month of the 2nd year of Keio) to the effect that all Japanese in the provinces of the daimios or the lords of principalities might freely trade with foreigners at the open ports Yokohama, Nagasaki, and Hakodate. In May, 1867, the regulations for the trade and residence of foreigners at Osaka were agreed to between the Tycoon's government and the United States, Great Britain, France, and Holland. The Japanese authorities prepared the site selected for the foreign settlement and for the erection of the necessary bonded warehouse and custom house. All goods imported to or exported
from Osaka by foreigners had to be cleared according to the Japanese tariff regulations at Hiogo. Foreigners secured the privilege of engaging in the transportation of cargoes and passengers between Hiogo and Osaka. The foreign residents at Osaka were permitted to go where they pleased within the following limits: to the south of the Yamato river, from its mouth as far as Funabashi village and a line drawn from that place through Kiokoji village to Sada. Six months later on October the 22nd, the treaty powers succeeded in completing with the Tycoon's government a new arrangement for the opening of Niigata and Ebisminato on the island of Sado. According to the stipulations, the entire island was to be opened on April the 1st, 1868, for travel to foreigners with residence, and storehouse privileges at Ebisminato; while Niigata was to be opened at the same time for foreign residence and trade, and a light-house and bonded warehouse would be erected there by the Tycoon's government for the benefit of the subjects and citizens of the treaty powers. 264

During the Japanese civil war in the spring of 1868, the United States steamers "Oneida" and "Iroquids", the English ironclad "Ocean", two gun boats, and the French corvette "Laplace" protected the port of Hiogo. The English fleet landed about three hundred sailors and marines with two rifle guns, the French about fifty, and the United States one hundred and fifty sailors under Commanders J. B. Creighton and Earl English in order to
protect the foreign residents at Hiogo. 265

On February the 3rd, 1868, the Mikado's government was restored by the proclamation of His Majesty, Emperor Mutsuhito. 267 Five days later the representatives of France, Great Britain, Italy, the Netherlands, Prussia, and the United States presented a written communication to the effect that the Empire should insure the protection of the persons and property of all foreign subjects and citizens in Hiogo, and the outrage committed there by the retainers of Matsudaira Bezen-no-kami upon the guards of the foreign representatives. Three days later, in an interview held between the Japanese superintendents 268 and the representatives of foreign powers, at the custom house of Kobe in Hiogo, the Mikado's government promised to punish the Bezen's retainers and promised proper protection for foreigners in that port. On July the 13th, 1868, just before the Uyeno civil war at Yeddo was started, the Japanese minister for foreign affairs, Higashi Kuze Chinjio, informed the foreign representatives that they might establish their residence in that city if they so desired. Minister Van Valkenburgh, however, clung to the policy of protecting American citizens in Japan by his own resources because the Mikado's government was not strong enough to render adequate protection. In view of the unsettled conditions, he acceded to the desire of the Mikado's government to postpone the opening of Niigata, but this port was opened to foreign trade in the latter
part of the year. 269

On July the 8th, 1868, the representatives of France, Great Britain, Italy, the Netherlands, Prussia, and the United States adopted the following resolution for the safety of Yokohama:

"1. That owing to the present disturbed state of affairs, the undersigned are of opinion that due regard for the safety of foreign residents at Yokohama renders it necessary that the foreign guards should be posted at the following four points, namely: the police station, opposite the custom-house, the center of the main street, called Honcho Dori, and at the northern extremity of the same street.

"2. That the duties of these guards should be confined to those of assisting any foreigners who may be attacked, or who may apply to them for protection, and generally, also, in observing the state of the quarter in which they are stationed. Patrols might pass for this purpose between the different posts, but they should not interfere with armed or other Japanese, except in defense of foreigners.

"It is proposed that guard-houses shall be provided at all the four points above named, and that the Japanese authorities shall be invited to cooperate with the undersigned in the execution of these arrangements." 270

Since the Japanese government admitted the expediency of the measure, the foreign representatives 271 established the four
posts in Yokohama for the protection of foreigners according to the following arrangement: the first post was held by French troops; the second post by the British; the third by the Dutch; the fourth by Americans, one officer and twenty men. In the same month, July 25th, 1868, the Japanese government announced the result of a conference with the foreign representatives: Osaka would be opened as a port of entry after August the 24th, 1868; while it had already notified their legations that the city of Yeddo would be opened as a city. The government of the United States accepted these proposals.272

Thus the United States successfully realized her open door policy by securing from the Japanese government the great privilege of utilizing the five Japanese ports of Nagasaki, Niigata, Hakodate, Kobe, and Yokohama, for the promotion of American trade. Firmness, sincerity, and friendship were characteristics steadily developed in American diplomatic relations with Japan. In addition to such marks of an enlightened diplomacy, the United States added a new feature, the policy of concerted action with European powers—in order to realize her ambition with reference to commerce in the Japanese Empire.

Trade Marks

In order to promote commercial arrangements with Japan, the United States in a treaty of 1894, agreed that the citizens or subjects of either country should enjoy within the jurisdic-
tion of the other reciprocal protection in regard to patents, trade marks, and designs according to the conditions imposed by the law of the land. 273

Before the treaty of 1894 went into operation, on September the 14th, 1896, Minister Dun advised the Department of State that American citizens, under the most favored nation clause in the treaty of the United States with Japan, would be entitled to the same privileges and protection which the Japanese-German treaty of April the 4th, 1896, extended to the German subjects in regard to trade marks, patents, etc. On Minister Dun's inquiry whether the United States would return the assurance of reciprocal treatment to Japanese subjects in the event of Japan's willingness to extend to American citizens such privileges as were granted to the German subjects, Secretary Olney instructed Minister Dun to postpone the negotiation until July 17th, 1899, when the treaty of 1894 would go into effect, and added:

"So far as concerns 'copyright', and the statement that the Japanese Government propose to join the International Convention at Berne bearing upon that subject, I may observe that the act of March 3, 1891, authorizes the President, when he is satisfied that any foreign state permits to citizens of the United States the benefit of copyright on substantially the same basis as its own citizens, to issue a proclamation declaring the benefits of our copyright laws are extended to the citizens or subjects of such foreign state." 274

In spite of Secretary Olney's instructions, Minister Dun
was anxious to secure a better commercial arrangement with the Japanese government in order that American citizens might be placed on an equal footing with the peoples of other treaty powers in Japan. After an interview with Count Okuma, Japanese minister of foreign affairs, Minister Dun urged the Department of State to renew negotiations with the Japanese government in reference to the new trade mark convention. As his views were favorably received by the Department of State, Minister Dun reopened negotiations which culminated in the conclusion of a convention as to patents, trade marks, and designs on January the 13th, 1897. The new convention, which went into effect two months later, reads as follows:

"The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfillment of the formalities prescribed by law." 275

Thus the American trade mark policy had for its chief purpose the placing of American citizens upon an equality with the citizens or subjects of other treaty powers in Japan. The United States realized its aim by making reciprocal commercial arrangements with the Japanese Empire.

Currency and Coinage

In the early development of American commercial relations
with Japan, the United States endeavored to settle a fair rate of exchange. American citizens were obliged to exchange one Mexican dollar for one ½ (the Japanese silver coin) which was really worth only thirty-four cents in United States money in the latter part of 1856.\textsuperscript{276} To remedy such disadvantages the United States inserted into the third article of her commercial and consular treaty of 1857 with Japan the following stipulation:

"In settlement of accounts the value of the money brought by the Americans shall be ascertained by weighing it with Japanese coin (gold and silver issues) that is, gold with gold, and silver with silver, or weights representing Japanese coin may be used, after such weights have been carefully examined and found to be correct."\textsuperscript{277}

At first the Japanese authorities insisted that their government would charge a rate of twenty-five percent for seigniorage, but it was finally reduced to six percent through the able diplomacy of Mr. Harris. In his diary dated February 25, 1857, Mr. Harris wrote as follows:

"I told them [the Japanese authorities -- members of the Gorogie] their government had undoubted right to deal with the precious metals produced in Japan as they pleased, but they had no such right over a foreigner, and that to attempt to exercise such a right over him would, in effect, be a confiscation of his property."\textsuperscript{278}
One year later, by the treaty of 1858, the United States secured the privilege to use foreign coins for any payment in Japan without recoining discount at the rate of corresponding weight of Japanese coins of the same description. During the next ten years the Japanese Empire faced a grave economic crisis due to the debasement of coins resulting from her novel policy of intercourse with the outside world which gave rise to an enormous export of precious metals, especially of gold. Meanwhile the Japanese customs house received from American citizens the payment of duties at the rate of three hundred and eleven boos per hundred dollars. After the Mikado's authority was restored, the Japanese government notified the American legation at Tokyo on March 30, 1868, that the Mexican dollar would pass current in the Empire at the rate of three boos. 279

During the month of November, 1869, when the Japanese government declined to receive the paper currency 280 which had been issued by the Mikado's authorities at Osaka and was then offered by foreign merchants in payment of duties at the customs house at Yokohama, Minister Valkenburgh maintained his policy of not interfering with the currency question in Japan. By the eighth article of a commercial convention which was concluded on July 25, 1876, the United States recognized the abrogation of the currency stipulation in the treaty of 1858 which has already been mentioned. 281
In 1879 when the Japanese government succeeded in coining silver money of 416 grains in weight and 900 in fineness; it rapidly expelled the Mexican dollar from Japanese trade. On this point Minister Bingham said:

"It is gratifying to know that this government has had the courage to coin money, fix its value, and declare it a legal tender within its own dominion, without yielding to any demand of the treaty powers for safeguards and guarantees for the exercise of its rightful powers."262

Although the Japanese Empire had increased the volume of her foreign trade by leaps and bounds for seventeen years, some American statesman at Washington created the impression that Japanese producers would have an additional advantage in the American market in competition with the manufacturing and agricultural industries in the United States, on account of the difference of exchange between gold standard and silver standard countries. This impression culminated in a resolution of the House of Representatives, on June 11, 1896, as follows:

"Resolved, that the Committee of Ways and Means be directed to inquire what effect the difference of exchange between gold-standard and silver-standard countries has upon the agricultural and manufacturing industries of the United States, and report by bill or otherwise."283 The Committee of Ways and Means admitted that Japanese would obtain the advantage over American manufacturers as the result of diminishing the purchasing power of
Japanese laborers through the depreciated silver basis. As a remedy the Committee suggested the creation of an international agreement to establish a common coinage ratio between gold and silver among a sufficient number of leading commercial nations, as it would increase the demand for silver and would control the relative value of those two money metals in the commercial markets of the world. In addition it was shown that any independent action on the part of the United States would be futile in arriving at the desirable end of fixing an international ratio of gold and silver, while her mints were opened to the unlimited coinage of silver at the ratio of sixteen to one when the commercial ratio was about thirty to one. The Committee, however, was confident that the defense of the United States against the competition of Japanese products was to raise the tariff wall, as had been done successfully for more than thirty years against the products of the lower wage labor of Europe.

American apprehension of the Japanese silver standard, however, was a trifling matter, when the Japanese Empire adopted the gold standard in 1897, which was about three years in advance of the American adoption of the single gold standard. Thus, so far as the early American attitude towards the Japanese currency system was concerned, the United States pursued the policy of what was a fair arrangement of monetary exchange, though in later years she injected into it her tariff policy.
In her mercantile relations the United States gradually developed the tariff as her commercial foreign policy toward Japan. It was the period of American prosperity and free trade when the United States concluded with Japan the treaty of commerce and navigation of 1858. Under the seventh trade regulation supplementary to this treaty, the United States agreed to observe the classified tariff schedule on all goods imported by Americans into Japan. There were four classes in the schedule. Class one which included coined or uncoined gold and silver, wearing apparel in actual use, and household furniture and printed books not intended for sale, but the property of persons who came to reside in Japan, was set free of duty. Class two which included all articles for the purpose of building, rigging, repairing, or fitting out ships, whaling gear of all kinds, salted provisions of all kinds, bread and breadstuffs, living animals of all kinds, coals, rice, paddy, steam machinery, zinc, lead, tin, and timber for building houses, was required to pay a duty of five percent. Class three which extended to all intoxicating liquors, whether prepared by distillation, fermentation or in any other manner was subject to a duty of thirty-five percent; whereas a duty of twenty percent was fixed for class four, which included all other goods not in any of the three preceding classes.286
Such tariff schedules were entirely a new subject for the Japanese government which had had no experience to guide it. While the Japanese authorities knew very little of matters of commercial importance, Mr. Harris gave them many valuable suggestions in regard to tariff regulations. Among these suggestions he stated that export duties would not be of much benefit to the national revenue for the reason that they induced smuggling and they were also a burden on industry and a vexation to trade. He frankly advised the Japanese authorities that all tonnage duties would bring evils to their national commerce and revenue system. Despite of Mr. Harris' suggestions, the Japanese authorities insisted on a provision for export duties, which was finally agreed on, viz: that all Japanese articles to be exported from Japan were required to pay a duty of five percent, except gold and silver coins and copper in bars. In the tariff negotiations Mr. Harris gave to the Japanese government an opportunity to revise the import and export duties at the end of six years (July 4, 1864).

In spite of many hardships the trade between Japan and the United States began to develop. Perhaps the earliest trade directly carried on between Japanese and Americans was the adventure of Messrs. Reed and Dougherty in March, 1855, at the open port of Shimoda where they contracted a debt for the purchase of goods from Japanese subjects. But real commerce
started in the year of 1856, the first year in which the extent of American trade in Japan is recorded in the public documents relative to foreign commerce. According to a report of James Guthrie, Secretary of the Treasury, on commerce and navigation in 1856, the United States exported four thousand dollars in silver coins to Japan and imported more than sixteen thousand dollars worth of Japanese goods. In the next two years, no trade was transacted between the two countries. In the year 1859 Japanese gilded ware valued at two hundred and ninety-five dollars was imported into the United States, but nothing was exported to Japan in return. The years between 1860 and 1863 showed a good start for regular international trade in spite of the fact that the United States was so much under the strain and pressure of the Civil War. The following table will indicate the amount of exports and imports between 1855 and 1863.

<table>
<thead>
<tr>
<th>Years</th>
<th>Exports from the United States to Japan</th>
<th>Exports from Japan to the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1855</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1856</td>
<td>$4,000</td>
<td>$16,821</td>
</tr>
<tr>
<td>1857</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1858</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1859</td>
<td></td>
<td>295</td>
</tr>
<tr>
<td>1860</td>
<td>136,774</td>
<td>55,091</td>
</tr>
<tr>
<td>1861</td>
<td>40,553</td>
<td>102,522</td>
</tr>
<tr>
<td>1862</td>
<td>122,950</td>
<td>87,813</td>
</tr>
<tr>
<td>1863</td>
<td>213,937</td>
<td>73,851</td>
</tr>
<tr>
<td>Total</td>
<td>$522,214</td>
<td>$336,393</td>
</tr>
</tbody>
</table>
According to the table American exports to Japan between 1860 and 1863 greatly increased. On the other hand, Japanese exports to the United States after 1860 did not show great variation. As to the total amount of exports and imports, American exports to Japan exceeded Japanese exports to the United States by more than eighty percent. In 1863 American exports to Japan were about three times as large as Japanese exports to the United States.

The following table will show the four leading articles of trade between the United States and Japan in the years 1856, 1860, and 1861:

<table>
<thead>
<tr>
<th>Years</th>
<th>Exports of the United States to Japan</th>
<th>Exports from Japan to the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1856</td>
<td>1 Silver coin (the only export)</td>
<td>1 Earthen and china ware</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Brown sugar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Oranges &amp; lemons</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Plated &amp; gilded ware</td>
</tr>
<tr>
<td>1860</td>
<td>1 Silver coin</td>
<td>1 Japanese coin (gold and silver)</td>
</tr>
<tr>
<td></td>
<td>2 Spirits &amp; wine</td>
<td>2 Tea</td>
</tr>
<tr>
<td></td>
<td>3 Iron manufactures</td>
<td>3 Articles of wear</td>
</tr>
<tr>
<td></td>
<td>4 Skins &amp; furs</td>
<td>4 China &amp; earthen ware</td>
</tr>
<tr>
<td>1861</td>
<td>1 Silver coin</td>
<td>1 Japanese coin (gold &amp; silver)</td>
</tr>
<tr>
<td></td>
<td>2 Iron manufactures</td>
<td>2 Dried and smoked fish</td>
</tr>
<tr>
<td></td>
<td>3 Flannels</td>
<td>3 Iron ware</td>
</tr>
<tr>
<td></td>
<td>4 Wheat flour</td>
<td>4 Coal (180 tons)</td>
</tr>
</tbody>
</table>

Evidently silver coin was the most important item of American commerce in Japan. As a matter of fact, American exports to Japan in 1856 consisted of only one article -- silver coin (Mexican dollars), while Japanese exports to the United States
comprised a variety of articles. The effect of the seventh trade regulation revealed the fact that in the American commerce with Japan $113,300 out of $138,774 (the total American export to the Empire) was silver coin. In other words, the article of silver coin alone comprised eighty percent of the exports of the United States to Japan in 1860, and was more than twice as large in amount as the total imports from that country to the United States in the same year. A similar tendency could be traced in a less degree in the following year, 1861. The amount of $7720 out of $40,553, the value of exports to Japan, was silver coin, or about twenty percent of the total. Indeed, American merchants in Japan obtained very large profits by the exchange of Mexican silver dollars for Japanese gold coins (Koban and Oban).

Among the other leading articles of American export to Japan, iron and wheat flour, which came to be the most important items in the American commerce with the country should be noticed. Articles of earthen and china ware were the leading Japanese imports to the United States for many years. Japanese tea was steadily imported to the United States under the encouragement of the Walker tariff which placed it in the free list. A war duty of twenty cents per pound on all teas imported from foreign countries was enacted by Congress on December the 24th, 1861. In spite of heavy duties Japanese imports
of tea always remained in the first rank.

At first the teas of Japan were sent to China to be refined and placed in suitable boxes in order to meet the conditions of the foreign market. Then the necessary materials, such as lead, rosin, iron hoops, etc., were imported into Japan by Mr. R. B. Smith, the agent of Messrs. A. A. Low Brothers of New York, for the better packing of tea for export. The Japanese government collected a duty of twenty percent on these articles imported as non-enumerated articles. When they were exported with tea from Japan an export duty of five percent was collected from American tea-exporting firms in Kanagawa. Minister Pruyn believed that the free admission of such articles solely for packing tea for exportation would greatly increase the sale of tea to the United States. For this reason he negotiated with the Japanese government on June the 20th, 1862, the addition of an explanatory article to the treaty of 1858, though he feared that the free admission of such articles necessary for the packing of Japanese tea might be made a precedent of the further free admission of other non-enumerated articles. The following month the United States adopted the protective tariff of 1862 which fixed the average rate of 37.2 percent on dutiable commodities and retained a duty of twenty cents per pound on all kinds of tea.

On January the 28th, 1864, the United States concluded with Japan a convention for the reduction of import duties. The
articles used in the preparation and packing of tea were made free of duty. Machines, machinery, iron in pigs, bars, sheet, or wire, tin plate, loaf, or granulated sugar, glass and glassware, clocks, watches, watch chains, malted and spirited liquors, and drugs and medicines (the importation of opium to Japan was prohibited) were placed at a reduced duty of five percent. Further, the convention provided that American citizens who imported or exported goods from Japan should always pay the duty according to tariff stipulations whether such goods were intended for the use of the owner or not.  

Five months later on June the 30th, 1864, Congress raised a high tariff act in order to defray war expenses. The average rate on dutiable commodities was about 47.06 percent or 10.02 percent higher than that of 1862. The act raised a duty of from twenty to twenty-five cents per pound on all kinds of tea.  

American commerce with Japan in 1864 was worth over $320,845, an increase of more than thirty thousand dollars over the two years preceding 1863. The following table will indicate the character of the commercial relations between the two countries:
Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Dutiable</th>
<th>Amounts</th>
<th>Free</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leading articles</td>
<td></td>
<td>Leading articles</td>
<td></td>
</tr>
<tr>
<td>Floor matting</td>
<td>800</td>
<td>Bag of cotton linem</td>
<td>51,566</td>
</tr>
<tr>
<td>Tea</td>
<td>279,637</td>
<td>Household effects</td>
<td>1,200</td>
</tr>
</tbody>
</table>

Total value of Japanese exports to the United States in 1864 ............. $285,176

United States exports to Japan

<table>
<thead>
<tr>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steam engines</td>
<td>$ 3,350</td>
</tr>
<tr>
<td>Finish machinery</td>
<td>24,000</td>
</tr>
<tr>
<td>Hardware</td>
<td>2,224</td>
</tr>
<tr>
<td>Lumber</td>
<td>1,693</td>
</tr>
</tbody>
</table>

Total value of the United States exports to Japan in 1864 ............. $42,769

Immediately after the convention for the payment of the Shimonoseki indemnities was signed the foreign representatives in Japan, including the charge d'affairs of the United States, adopted resolutions at their conference of October 30, 1865. One of the resolutions was a demand upon the Japanese government that the tariff on foreign imports to the Japanese Empire should be fixed for the most part at five percent and should in no case exceed ten percent. The treaty powers accordingly pursued vigorous diplomatic negotiations with the weak government.
of the Tycoon. In an interview between the members of the Gorogio and the foreign representatives on November the 14th, 1865, the former declared that the Tycoon who had formerly had the power as ruler of the Empire to open ports was now subject to the Mikado though matters relating to customs need not be referred to the Mikado as tariff questions were not considered to be of sufficient importance. Indeed, the Japanese government under the Tycoon, not understanding the importance of tariff regulations in relation to national welfare, promptly consented to an amendment of the tariff as demanded by the foreign representatives without demanding of them any reciprocal benefit.

On the other hand, extensive smuggling operations had been carried on by foreigners in Yokohama without any censure from their respective legations.297 On August the 4th, 1865, Mizuno Izumi-no-kami, a member of the Supreme Council, sent to A. L. C. Portman, charge d'affaires of the United States in Japan, the following letter:

"I have to inform you that, having learned that foreign ships are trading clandestinely at Shimonoseki, in the province of Nagato, two ships-of-war, the Shokoku and Kokurio, stationed at Osaka, have been sent, on the 25th, of July, to cruise off the coast of Nagato for the purpose of seizing all vessels engaging in illicit traffic. This has been communicated to me by my colleagues, then at Osaka. I request you
to make the foregoing known to all American ship-masters who may sail through the straits, (Shimonoseki), and also to the commanders of the American ships-of-war in the eastern seas, in order that a friendly understanding may exist when the officers of our respective nations shall meet each other.  

In compliance with the desire of the Japanese government the Department of State instructed American consuls in China to prevent American citizens from engaging in illicit trade at Shimonoseki.

On June the 25th, 1866, a convention establishing a tariff of duties between Japan and the United States, Great Britain, France, and the Netherlands was concluded. This convention superseded all tariff regulations attached to past treaties between Japan and the four powers. As to the exportation of tea and silk, each contracting party was entitled to claim a readjustment of duties on the basis of five percent on their average values during the last three preceding years, after giving six months' notice to the others. In almost the same manner the duty on timber could be changed from an ad valorem to a specific rate. The convention provided that the Japanese government would erect warehouses at the three ports of Yokohama, Hakodate, and Nagasaki for the imported goods of the treaty powers. For the safe custody of the goods the Japanese government was made responsible, while it could col-
lect a storage charge in any case, and duties only as fixed by the tariff when the goods were removed other than for exportation.

Under the convention of 1866 the import tariff was divided into four classes: the first provided for specific duties; the second for free duties; the third for prohibited goods; the last for an ad valorem duty of five percent on the original value. The third class contained only one article -- opium, while the second class included all animals used for food or draught, anchors, and chain cables, coal, clothing, gold and silver coined and uncoined, grain such as rice, paddy, wheat, barley, oats, rye, peas, beans, millet, Indian corn, and flour, oil cake, packing matting, printed books, salt, salted meats in casks, saltpetre, solder, tar, pitch, tea firing pans and baskets, tea lead, and traveling baggage. The export tariff was divided into four classes: the first provided for specific duties; the second for free duties; the third for prohibited articles; the fourth for an ad valorem duty of five percent. The second class included articles of gold and silver coin, and uncoined gold, silver, and copper of Japanese production (to be sold only by the Japanese government at public auction); whereas the third class was confined to food stuffs such as rice, paddy, wheat, barley, flour of grain, and saltpetre. It
was agreed that these regulations of the Japanese tariff were to take effect on the first day of July, 1866, and to be revised at the end of six years.

For a long time the treaty powers had been anxious to obtain plenty of Japanese silk-worms and raw silk. As there had been a disease among the silk worms of large districts in Europe during 1864, the treaty powers competed for the purchase of fresh silk-worm stock. But the Japanese authorities rather objected to the excessive foreign demand for silk as well as for sheets of silk-worm seeds. When the Japanese authorities tried to regulate the exportation of silk, the treaty powers protested against it as an alleged attempt to create a governmental monopoly of silk for the benefit of the Gorogio. On August the 15th, 1865, A. L. C. Portman addressed a letter to Mizuno Izumi-no-kami in regard to the silk trade which read as follows:

"I have the honor to inform your excellency that I received this day a letter from the American consul at Kanagawa, containing serious complaints of interference in the purchase of silk-worm eggs and cocoons by American merchants at that place, in daily violation of article 3 of the treaty, and to request you to desire the governor of Kanagawa, with such officers who are well acquainted with the matter, to visit me at the earliest
moment, for the purpose of examining those complaints in view of their prompt removal. 300

The Japanese government acted promptly in removing the difficulties of Americans in the purchase of Japanese silk-worms and cocoons. According to the tariff convention of 1866, raw silk was made subject to an average export duty of 30.5 boos ($9.79) per 100 catt, silk-worm eggs to an export duty of 7 boos ($2.44) per 100 catt, silk-worm eggs to an export duty of 7½ cents per sheet, while manufactured silk was subject to an ad valorem export duty of 5 percent on its market value, and tea to a specific export duty of 3 boos ($0.96) per 100 catt.

After the restoration of the Mikado's government, the Japanese Minister for Foreign Affairs, Higashi Kaze Chinzi, on August the 17th, 1868, addressed a written communication to Minister Valkenburgh for the readjustment of the duties on tea and silk under the tariff convention of 1866. Minister Valkenburgh was of the opinion that such a revision was not demanded by the interests of the treaty powers in Japan, because foreign merchant's desired lower duties instead of higher ones which the Mikado's government might very likely propose on case of tariff readjustment. American interests favored a lower duty on tea rather than on raw silk, since the former had been principally exported to the United States. The following table will show the commerce between the United States and Japan during the year ending June 30, 1869:
## Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Dutiable Leading articles</th>
<th>Amounts</th>
<th>Free Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articles of wear</td>
<td>$ 42,616</td>
<td>Articles, household and personal effects</td>
<td>$ 2,306</td>
</tr>
<tr>
<td>(not specified)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured paper</td>
<td>2,789</td>
<td>Raw silk</td>
<td>26,519</td>
</tr>
<tr>
<td>(parchment)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tea</td>
<td>3,124,837</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured wood</td>
<td>17,557</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total value of Japanese exports to the United States: $3,303,561

## United States Exports to Japan

<table>
<thead>
<tr>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Books, etc.</td>
<td>$ 9,421</td>
</tr>
<tr>
<td>Wheat flour</td>
<td>67,296</td>
</tr>
<tr>
<td>Bread stuffs</td>
<td>5,739</td>
</tr>
<tr>
<td>Clothing</td>
<td>162,971</td>
</tr>
<tr>
<td>Cotton manufactures</td>
<td>52,128</td>
</tr>
<tr>
<td>Coal</td>
<td>88,599</td>
</tr>
<tr>
<td>Gold bullion</td>
<td>419,133</td>
</tr>
<tr>
<td>Silver bullion</td>
<td>1,161,884</td>
</tr>
<tr>
<td>Iron manufactures</td>
<td>170,947</td>
</tr>
</tbody>
</table>

Total value of the United States exports to Japan: $2,836,720

According to the above table, the United States exported pre-
cious metals which amounted to almost one-half of the total exports. The articles of iron manufacture occupied second place in American exports to Japan while tea and raw silk were the chief Japanese exports to the United States, amounting to more than ninety percent of the total.

The United States after a lapse of six years adopted a tariff reform reducing duties on purely revenue articles among which was tea. The tariff act of July 14, 1870, cut down the duty on tea from twenty-five cents to fifteen cents per pound. This duty was finally repealed by Congress on May the 1st, 1872. In the next four years great quantities of tea were imported into the United States. By the tariff act of February 2, 1875, Congress revoked the general ten percent reduction enacted in 1872. Meanwhile a duty of 60 percent on silk goods was retained for revenue purposes, though no duty on raw silk had been imposed since 1857.

American commerce with Japan between 1872 and 1874 is indicated in the following table:

<table>
<thead>
<tr>
<th>Japanese exports to the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1872</strong></td>
</tr>
<tr>
<td>Raw silk</td>
</tr>
<tr>
<td>(Gold coin</td>
</tr>
<tr>
<td>(Silver coin</td>
</tr>
<tr>
<td>Tea</td>
</tr>
<tr>
<td>Fancy goods</td>
</tr>
<tr>
<td><strong>Total value of Japanese exports to the United States</strong></td>
</tr>
</tbody>
</table>
### United States Exports to Japan 1872

<table>
<thead>
<tr>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Drugs</td>
<td>$1,102</td>
</tr>
<tr>
<td>Chinaware</td>
<td>4,500</td>
</tr>
<tr>
<td>Silver coins</td>
<td>105,246</td>
</tr>
<tr>
<td>Wine</td>
<td>2,010</td>
</tr>
</tbody>
</table>

Total value of United States exports to Japan, ......................... $122,371

### Japanese exports to the United States 1873

<table>
<thead>
<tr>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tea</td>
<td>$6,843,500</td>
</tr>
<tr>
<td>Gold coin</td>
<td>1,007,630</td>
</tr>
<tr>
<td>Silver coin</td>
<td>6,450</td>
</tr>
<tr>
<td>Gold bullion</td>
<td>335,500</td>
</tr>
<tr>
<td>Fancy goods</td>
<td>84,722</td>
</tr>
<tr>
<td>Pig bars</td>
<td>87,665</td>
</tr>
<tr>
<td>Raw silks</td>
<td>240,964</td>
</tr>
</tbody>
</table>

Total value of Japanese exports to the United States ...................... $9,252,377

### United States Exports to Japan 1873

<table>
<thead>
<tr>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clocks and parts</td>
<td>$72,310</td>
</tr>
<tr>
<td>Gold bullion</td>
<td>5,527,762</td>
</tr>
<tr>
<td>Gold coin</td>
<td>502,629</td>
</tr>
<tr>
<td>Silver bullion</td>
<td>465,695</td>
</tr>
<tr>
<td>Illuminating oil</td>
<td>131,709</td>
</tr>
<tr>
<td>Leather</td>
<td>145,227</td>
</tr>
<tr>
<td>Lamps</td>
<td>58,495</td>
</tr>
</tbody>
</table>

Total value of United States Exports to Japan ........................ $7,614,054
### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>1874</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Raw silk</td>
<td>$45,583</td>
</tr>
<tr>
<td></td>
<td>Sulphur</td>
<td>11,244</td>
</tr>
<tr>
<td></td>
<td>Tea</td>
<td>5,717,891</td>
</tr>
<tr>
<td></td>
<td>Chinaware</td>
<td>10,522</td>
</tr>
<tr>
<td></td>
<td>Wood manufactures</td>
<td>27,957</td>
</tr>
<tr>
<td></td>
<td>Total value of Japanese exports to the United States ..........</td>
<td>$6,489,370</td>
</tr>
</tbody>
</table>

### United States Exports to Japan

<table>
<thead>
<tr>
<th>1874</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Illuminating oil</td>
<td>$120,065</td>
</tr>
<tr>
<td></td>
<td>Clocks</td>
<td>61,485</td>
</tr>
<tr>
<td></td>
<td>Gold bullion</td>
<td>615,322</td>
</tr>
<tr>
<td></td>
<td>Silver bullion</td>
<td>49,500</td>
</tr>
<tr>
<td></td>
<td>Silver coin</td>
<td>120,000</td>
</tr>
<tr>
<td></td>
<td>Machinery</td>
<td>99,295</td>
</tr>
<tr>
<td></td>
<td>Glassware</td>
<td>31,382</td>
</tr>
<tr>
<td></td>
<td>Total value of United States exports to Japan ..................</td>
<td>$1,808,107</td>
</tr>
</tbody>
</table>

The above table shows that great encouragement was given to the importation of those Japanese articles which were classed in the free list by the tariff acts of 1872 and 1875. Among these articles, tea and raw silk stood most prominent. On the other hand the United States exported to Japan great
quantities of illuminating oil and precious metals.

By 1877, the United States began to realize that her trade in Japan had been ousted by the British, because Great Britain had adopted the "Gunboat policy", as the British journals called it. It was a method of influencing Japan by furnishing loans to the Japanese government at high interest and by creating large banking establishments in the Japanese Empire. But Minister Bingham believed that American commerce with Japan could successfully be fostered by restoring to Japan the rightful control of her foreign commerce by a revision of American commercial treaties with the Empire.*06

On July the 25th, 1878, another commercial convention was concluded between the United States and Japan, superseding that of 1866 and the trade regulations attached to the treaty of 1858. The United States recognized the exclusive power and right of the Japanese government to adjust the customs tariff and taxes, to establish regulations of foreign commerce, and to control the Japanese coasting trade. The Japanese government agreed not to discriminate against American products, vessels, and citizens in favor of other countries in the matter of commercial relations with the Empire. Export duties were reciprocally abolished on commodities exported or imported from either of the two countries. The United States assented to the Japanese government's request that this convention should
take effect when the Empire had concluded similar conventions with all the other treaty powers.307

This commercial treaty was sufficient evidence that the United States was in sympathy with the Japanese government in the matter of tariff revision. Indeed, Minister Bingham concluded the treaty without the cooperation of the other treaty powers in Japan.308 In his second annual message, on December the 2nd, 1878, President Hayes expressed his views on the Japanese tariff revision as follows:

"The Japanese Government has been desirous of a revision of such parts of its treaties with foreign powers as relate to commerce, and it is understood has addressed to each of the treaty powers a request to open negotiations with that view. The United States Government has been inclined to regard the matter favorably. Whatever restrictions upon trade with Japan are found injurious to that people can but affect injuriously nations holding commercial intercourse with them. Japan, after a long period of seclusion, has within the past few years made rapid strides in the path of enlightenment and progress, and, not unreasonably, is looking forward to the time when her relations with the nations of Europe and America shall be assimilated to those which they hold with each other. A treaty looking to this end has been made, which will be submitted for the consideration of the Senate."309
By the valuable advice of Minister Harris the Japanese Empire had been saved from the evils of opium for its importation was expressly prohibited by the treaty of 1858. The United States had always united with Japan to prohibit opium importation, while other treaty powers tried to smuggle the article into the Empire on the ground of the extraterritorial rights of foreigners. When the Japanese government in 1878 issued a proclamation in regard to regulating the sale of opium, Minister Bingham was the only powerful foreign representative in Japan who favored its action on that subject. 310

In the following year the Japanese Prime Minister Sanjo Sanetomi notified the United States that the Japanese government after July the 1st, 1879, would abolish export duties on the following articles: 311 silk manufactures, cotton manufactures, silk and cotton mixture, made dresses, porcelain ware, bronzes, manufactured bamboo, manufactured copper, paper, fans, lacquer ware, and umbrellas.

American commerce with Japan made great strides. The following table 312 indicates the commerce between the two countries during the years 1879, 1881, and 1882:
### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>Tea</td>
<td>$6,235,803</td>
</tr>
<tr>
<td></td>
<td>Raw silk</td>
<td>2,197,287</td>
</tr>
<tr>
<td></td>
<td>Wood manufactures (cabinet, etc)</td>
<td>119,752</td>
</tr>
<tr>
<td></td>
<td>Fancy goods</td>
<td>205,478</td>
</tr>
<tr>
<td></td>
<td>Manufactured paper</td>
<td>28,843</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
<td>$9,894,884</td>
</tr>
</tbody>
</table>

### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>Illuminating oil</td>
<td>$1,959,643</td>
</tr>
<tr>
<td></td>
<td>Clocks and their parts</td>
<td>104,995</td>
</tr>
<tr>
<td></td>
<td>Lead manufacture</td>
<td>32,281</td>
</tr>
<tr>
<td></td>
<td>Quick silver</td>
<td>26,826</td>
</tr>
<tr>
<td></td>
<td>&quot;heat flour</td>
<td>38,225</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td>$2,674,790</td>
</tr>
</tbody>
</table>

### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>Tea</td>
<td>$8,886,897</td>
</tr>
<tr>
<td></td>
<td>Raw silk</td>
<td>3,270,068</td>
</tr>
<tr>
<td></td>
<td>Camphor</td>
<td>181,784</td>
</tr>
<tr>
<td></td>
<td>Copper ware</td>
<td>175,364</td>
</tr>
<tr>
<td></td>
<td>Manufacture woods</td>
<td>165,075</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
<td>$14,217,600</td>
</tr>
</tbody>
</table>
### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>Illuminating oil</td>
<td>$853,175</td>
</tr>
<tr>
<td></td>
<td>Wheat flour</td>
<td>93,491</td>
</tr>
<tr>
<td></td>
<td>Clocks and their parts</td>
<td>64,155</td>
</tr>
<tr>
<td></td>
<td>Spirits</td>
<td>84,401</td>
</tr>
<tr>
<td></td>
<td>Iron manufactures</td>
<td>28,277</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$1,440,146</strong></td>
</tr>
</tbody>
</table>

### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1882</td>
<td>Tea</td>
<td>$8,460,597</td>
</tr>
<tr>
<td></td>
<td>Raw silk</td>
<td>4,588,139</td>
</tr>
<tr>
<td></td>
<td>Camphor</td>
<td>172,489</td>
</tr>
<tr>
<td></td>
<td>Sulphur</td>
<td>66,356</td>
</tr>
<tr>
<td></td>
<td>Silk manufactures</td>
<td>522,417</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
<td><strong>$14,439,495</strong></td>
</tr>
</tbody>
</table>

### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1882</td>
<td>Illuminating oil</td>
<td>$2,000,796</td>
</tr>
<tr>
<td></td>
<td>Leather</td>
<td>48,567</td>
</tr>
<tr>
<td></td>
<td>Clocks and their parts</td>
<td>33,623</td>
</tr>
<tr>
<td></td>
<td>Drugs</td>
<td>17,961</td>
</tr>
<tr>
<td></td>
<td>Condensed Milk</td>
<td>25,096</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$2,534,265</strong></td>
</tr>
</tbody>
</table>
The character of the chief commodities entering into American commerce with Japan had not changed much in eight years. The total value of imports and exports, however, had been more than doubled. It should be noted that the Japanese articles imported into the United States consisted of almost exclusively raw materials, while the articles exported from the United States to Japan consisted of finished products. In other words, the progress of American commerce with Japan had been largely enhanced by the national development of the two countries.

While the Japanese government was struggling for the revision of the tariff treaties with the European treaty powers, President Arthur expressed the attitude of the United States government in his third annual message on December the 4th, 1883 as follows:

"The question of the general revision of the foreign treaties of Japan has been considered in an international conference held at Tokyo, but without definite result as yet. This Government is disposed to concede the requests of Japan to determine its own tariff duties, to provide such proper judicial tribunals as may commend themselves to the Western powers for the trial of causes to which foreigners are parties, and to assimilate the terms and duration of its treaties to those of other civilized states." 313
Indeed Minister Bingham was the only foreign representative in Japan who was ready to accede to the Japanese proposal for treaty revision.314

On March the 3d, 1883, the United States adopted a new tariff act under which the duty on manufactured silk was reduced from sixty to fifty-five percent, though the average duty on dutiable goods was increased from 41.61 to 55.86 percent. This was gradually increased to 47.10 percent in 1886.315

During 1886 and 1887 the Japanese government renewed negotiations with the treaty powers for tariff revision. But despite earnest efforts it failed to accomplish its purpose, because the European treaty powers in Japan insisted upon the submission of the Japanese criminal code along with treaty revision to their supervision, something which Japan could not tolerate. Richard B. Hubbard, the United States Envoy Extraordinary and Minister Plenipotentiary to Japan, exerted every effort to create sympathy for the Japanese desire of treaty revision, but his European colleagues objected to it.316 President Cleveland in his fourth annual message on December the 4th, 1888, expressed his opinion on the subject as follows:

"Notwithstanding this temporary interruption of negotiations it is hoped that improvements may soon be secured in the jurisdictional system as respects foreigners in Japan, and relief afforded to that country from the present undue and oppressive
On October the 1st, 1890, the United States extended the protective system and created a measure of reciprocity in her tariff policy. The duty of ten cents per pound on tea was scheduled under a reciprocal trade provision as follows:

"That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the first day of January eighteen hundred and ninety-two, whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, hides, production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country."
the essential features of the protective schedule on silk, though there was some reduction on certain pile silk fabrics.  

After the establishment of peace between Japan and China, the Japanese government renewed its efforts to obtain the long desired treaty revision from the treaty powers. The United States acceded to the Japanese desire when treaty revision had already been assured by Great Britain. Through the friendly service of J. W. Foster, negotiations were much facilitated, and finally consummated in the conclusion of a treaty of commerce and navigation between Japan and the United States on November the 22d, 1894, which went into operation on the 17th day of July, 1899. Under this treaty, the two countries agreed to foster reciprocal advantages in the matter of tariff regulations so far as it did not conflict with "the sanitary and other provisions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture." All other powers in Japan followed one after another the example set by Great Britain and the United States.

Treaty revision having been accomplished, the Emperor of Japan issued a proclamation which read as follows:

"It is a source of heartfelt gratification to us that, in the sequel of exhaustive planning and repeated negotiations, an agreement has been come to with the powers, and the revision of the treaties, our long-cherished aim, is today on the eve of
becoming an accomplished fact; a result which, while it adds materially to the responsibilities of our Empire, will greatly strengthen the basis of our friendship with foreign countries. Indeed, the Japanese government appreciated the attitude of the United States with reference to the problem of tariff revision.

The progress of American commerce with Japan during the years 1892 and 1893 is shown in the following table:

<table>
<thead>
<tr>
<th>Japanese Exports to the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1892</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total value of Japanese Exports to the United States</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>United States Exports to Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1892</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total value of United States Exports to Japan</td>
</tr>
<tr>
<td>Japanese Exports to the United States</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
<tr>
<td>1893</td>
</tr>
<tr>
<td><strong>Leading articles</strong></td>
</tr>
<tr>
<td>Raw silk</td>
</tr>
<tr>
<td>Manufactured silk</td>
</tr>
<tr>
<td>Tea</td>
</tr>
<tr>
<td>Earthen, stone ware</td>
</tr>
<tr>
<td>Wood manufactures</td>
</tr>
<tr>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>United States Exports to Japan</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1893</td>
<td></td>
</tr>
<tr>
<td><strong>Leading articles</strong></td>
<td></td>
</tr>
<tr>
<td>Wheat flour</td>
<td>$ 193,945</td>
</tr>
<tr>
<td>Iron manufactures, machinery, etc.</td>
<td>193,268</td>
</tr>
<tr>
<td>Illuminating oil (refined)</td>
<td>1,724,972</td>
</tr>
<tr>
<td>Manufactured tobacco</td>
<td>232,662</td>
</tr>
<tr>
<td>Silver</td>
<td>4,159,980</td>
</tr>
<tr>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$7,355,474</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Japanese Exports to the United States</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1894</td>
<td></td>
</tr>
<tr>
<td><strong>Leading articles</strong></td>
<td></td>
</tr>
<tr>
<td>Raw silk</td>
<td>$3,065,240</td>
</tr>
<tr>
<td>Manufactured silk</td>
<td>2,387,775</td>
</tr>
<tr>
<td>Tea</td>
<td>5,504,411</td>
</tr>
<tr>
<td>Rice and rice meal</td>
<td>387,775</td>
</tr>
<tr>
<td>Earthen, stone ware</td>
<td>335,461</td>
</tr>
<tr>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
<td><strong>$19,461,202</strong></td>
</tr>
</tbody>
</table>
United States Exports to Japan

1894 Leading articles Amounts

- Wheat flour $ 211,579
- Iron manufactures, machinery, etc. 2,188,701
- Illuminating oil (refined) 2,226,247
- Wood manufactured 654,288
- Silver 3,849,030

Total value of United States Exports to Japan, ......................... $7,835,845

During a period of twelve years, according to the preceding table, the United States imported great quantities of raw silk and tea from Japan, and exported silver and refined oil to that country, though the actual value of tea and refined oil in American Japanese commerce had decreased. New commodities like tobacco, earthen ware, and silver came to appear in the list of the leading articles of commerce, while other articles like sulphur, drugs, clocks, and camphor disappeared. In other words, American commerce with Japan showed a tendency to follow the national development of consuming and productive powers which were more or less influenced by the tariff legislation. Nevertheless, the United States found in Japan a flourishing trade worth more than twenty-seven million dollars in 1894, which was an increase of more than ten million dollars over that of 1882.
By the new Dingley tariff act of July 24, 1897, the United States adopted a higher protective system than ever before. A heavy specific duty was imposed on silk under a complicated schedule. Certain cheaper kinds of silk containing forty-five percent silk were subject to the high duty of two dollars and fifty-five cents per pound. In other words, the less expensive silks came under a specific duty amounting to from fifty-four to seven hundred percent, while a duty of about fifty percent was placed on the finest silk articles. 

During the next five years, however, American commerce with Japan increased by leaps and bounds. Its tendency is indicated in the following table:

<table>
<thead>
<tr>
<th>Japanese Exports to the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1897 Leading articles</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Silk (raw)</td>
</tr>
<tr>
<td>Silk (manufactured)</td>
</tr>
<tr>
<td>Tea</td>
</tr>
<tr>
<td>Floor matting</td>
</tr>
<tr>
<td>Wood manufactures</td>
</tr>
</tbody>
</table>

Total value of Japanese Exports to the United States $24,009,756
### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1897</td>
<td>Wheat flour</td>
<td>$819,620</td>
</tr>
<tr>
<td></td>
<td>Iron manufactures, machinery etc.</td>
<td>$970,027</td>
</tr>
<tr>
<td></td>
<td>Illuminating (oil refined)</td>
<td>$2,285,476</td>
</tr>
<tr>
<td></td>
<td>Manufactured tobacco</td>
<td>$1,211,178</td>
</tr>
<tr>
<td></td>
<td>Wood manufactures</td>
<td>$880,781</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$13,233,970</strong></td>
</tr>
</tbody>
</table>

### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1898</td>
<td>Silk (raw)</td>
<td>$16,453,406</td>
</tr>
<tr>
<td></td>
<td>Silk (manufactured)</td>
<td>$2,068,668</td>
</tr>
<tr>
<td></td>
<td>Tea</td>
<td>$2,489,780</td>
</tr>
<tr>
<td></td>
<td>Floor matting</td>
<td>$903,747</td>
</tr>
<tr>
<td></td>
<td>Wood manufactures</td>
<td>$1,564,803</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of Japanese Exports to United States</strong></td>
<td><strong>$25,223,610</strong></td>
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### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1898</td>
<td>Iron manufactures, machinery etc.</td>
<td>$1,637,166</td>
</tr>
<tr>
<td></td>
<td>Illuminating oil (refined)</td>
<td>$5,592,228</td>
</tr>
<tr>
<td></td>
<td>Manufactured tobacco</td>
<td>$1,550,368</td>
</tr>
<tr>
<td></td>
<td>Rails</td>
<td>$1,150,766</td>
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<tr>
<td></td>
<td>Raw cotton</td>
<td>$7,428,226</td>
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<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$20,354,689</strong></td>
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### Japanese Exports to the United States

<table>
<thead>
<tr>
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<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1899</td>
<td>Silk (raw)</td>
<td>$19,885,666</td>
</tr>
<tr>
<td></td>
<td>Silk (manufactured)</td>
<td>3,292,270</td>
</tr>
<tr>
<td></td>
<td>Tea</td>
<td>3,463,867</td>
</tr>
<tr>
<td></td>
<td>Camphor</td>
<td>215,948</td>
</tr>
<tr>
<td></td>
<td>Floor matting</td>
<td>1,729,725</td>
</tr>
<tr>
<td></td>
<td><strong>Total value</strong></td>
<td><strong>$31,631,800</strong></td>
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### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
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<tbody>
<tr>
<td>1899</td>
<td>Wheat flour</td>
<td>$664,170</td>
</tr>
<tr>
<td></td>
<td>Iron manufactures, machinery etc.</td>
<td>1,464,784</td>
</tr>
<tr>
<td></td>
<td>Illuminating oil (refined)</td>
<td>2,707,437</td>
</tr>
<tr>
<td></td>
<td>Manufactured tobacco</td>
<td>2,622,493</td>
</tr>
<tr>
<td></td>
<td>Raw cotton</td>
<td>8,241,102</td>
</tr>
<tr>
<td></td>
<td><strong>Total value</strong></td>
<td><strong>$19,031,500</strong></td>
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### Japanese Exports to the United States

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<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>Silk (raw)</td>
<td>$13,301,604</td>
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<tr>
<td></td>
<td>Silk (manufactured)</td>
<td>3,096,780</td>
</tr>
<tr>
<td></td>
<td>Tea</td>
<td>3,542,038</td>
</tr>
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<td>Floor matting</td>
<td>1,495,254</td>
</tr>
<tr>
<td></td>
<td>Straw manufactures</td>
<td>668,006</td>
</tr>
<tr>
<td></td>
<td><strong>Total value</strong></td>
<td><strong>$26,178,065</strong></td>
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</table>
### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
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</thead>
<tbody>
<tr>
<td>1900</td>
<td>Wheat flour</td>
<td>$1,850,147</td>
</tr>
<tr>
<td></td>
<td>Iron manufactures, machinery etc.</td>
<td>3,632,465</td>
</tr>
<tr>
<td></td>
<td>Illuminating oil refined</td>
<td>5,366,007</td>
</tr>
<tr>
<td></td>
<td>Rails</td>
<td>1,574,377</td>
</tr>
<tr>
<td></td>
<td>Raw cotton</td>
<td>13,451,046</td>
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<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$31,255,075</strong></td>
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### Japanese Exports to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>Silk (raw)</td>
<td>$22,198,662</td>
</tr>
<tr>
<td></td>
<td>Silk (manufactured)</td>
<td>3,827,846</td>
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<tr>
<td></td>
<td>Tea</td>
<td>3,396,553</td>
</tr>
<tr>
<td></td>
<td>Earthen, stone, china ware</td>
<td>511,516</td>
</tr>
<tr>
<td></td>
<td>Floor matting</td>
<td>2,534,438</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of Japanese Exports to the United States</strong></td>
<td><strong>$35,010,060</strong></td>
</tr>
</tbody>
</table>

### United States Exports to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Leading articles</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>Wheat flour</td>
<td>$1,387,702</td>
</tr>
<tr>
<td></td>
<td>Iron manufactures, machinery, etc.</td>
<td>3,376,437</td>
</tr>
<tr>
<td></td>
<td>Illuminating oil (refined)</td>
<td>5,870,414</td>
</tr>
<tr>
<td></td>
<td>Rails</td>
<td>496,917</td>
</tr>
<tr>
<td></td>
<td>Raw cotton</td>
<td>6,467,400</td>
</tr>
<tr>
<td></td>
<td><strong>Total value of United States Exports to Japan</strong></td>
<td><strong>$21,299,176</strong></td>
</tr>
</tbody>
</table>
While such commodities as raw and manufactured silk, refined oil, tea, and wheat flour retained an important position in American commerce with Japan, there were in addition new articles of importance such as tobacco, rails, matting, and raw cotton. The Japanese exportation of tea to the United States seemed to be handicapped by the war duty of 1898. On the other hand, the Japanese exportation of manufactured silk to the United States greatly increased in spite of the prohibitory schedules of the American tariff. As a matter of fact the high tariff wall in the United States could not sufficiently prevent the natural growth of the commerce between the two countries. The growth of American trade with Japan was remarkably steady. The total value of exports and imports in 1901 more than doubled what it was during the seven years previous. The value of American exports to Japan increased practically more than sixfold, and that of Japanese exports to the United States about threefold during the same period.

The early free trade policy of the United States toward Japan had encouraged commerce between the two countries. The tariff regulation which was appended to the treaty of 1858 was deliberately drafted by Minister Harris for the purpose of encouraging Japanese interest in foreign trade and guarding the Tycoon's government from commercial troubles with European powers. While the Japanese Empire was suffering
from internal turmoils, the United States adopted the tariff policy of concerted action with the European treaty powers in Japan well illustrated in the tariff convention of 1866. On the other hand, the later development of the protective tariff in the United States created a new burden upon the commerce between America and Japan. In spite of this unfavorable tariff policy, American foreign trade with Japan witnessed a wonderful growth due to the progress of their economic efficiency and the friendship and good-will between the two countries.

Commercial Controversies

*The Scott's Emulsion Controversy*

During the year 1889 the China and Japan Trading Company, an American firm, began to import a medicinal preparation known as "Scott's Emulsion" into Japan, as the firm had been advised by the American legation at Tokyo, that no Japanese license regulation would interfere with the sale of that commodity in the Empire. Nevertheless, the local authorities at Osaka had directed certain Japanese druggists who were selling "Scott's Emulsion" to obtain a license under the Japanese law which classified such medicinal articles as patented medicines. In Tokyo the authorities also warned Japanese merchants engaged in the sale of emulsion that they must obtain a license in accordance
with the provisions of the Japanese regulations of licensed medicines. Trade in the emulsion was seriously handicapped on account of the enforcement of the Japanese law.326

In the following spring, Minister J. F. Swift presented a vigorous protest against the Japanese license law on the ground that its enforcement as to articles which paid import duty would be a violation of the treaty of 1858 between the United States and Japan. In his interview with Viscount Aoki, Japanese Minister for Foreign Affairs, on January the 30th, 1890, Minister Swift maintained that Japan was equally prohibited from instituting any kind of excise tax upon duty-paid imports if Japan waived her right to levy the likin tax (a transit tax) on them by reason of the following stipulation found in the fourth article of the treaty of 1858:

"All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever."327

Viscount Aoki adhered to his proposition that Japan had abandoned her right in regard to transit taxes but not to other kinds of taxes. "So long", said he, "as Japan makes no distinction between domestic and imported goods in the matter of taxation, I am unable to perceive what valid objection can exist."328 Minister Swift based the American objection upon his opinion
that the Japanese claim was a violation of the treaty, though he declined to discuss the merits of the question to impose an internal tax upon licensed medicines imported into the empire. Although Secretary Blaine approved the action of Minister Swift in regard to the sale of the emulsion, he said:

"Indeed, the efforts that have been put forth through so many years to reach a readjustment of the conventional tariffs have been, so far as Japan is concerned, misdirected and unnecessary if she possesses the power, immediately after goods have passed into Japanese hands, to subject them to such further duties as she may see fit to impose."\(^{329}\)

Thus, the "Scott's Emulsion" controversy gave an important occasion for the United States and Japan to exchange their views in regard to the interpretation of the antiquated treaty provision of 1858. Trade between the two countries had been entirely revolutionized, since their treaty of commerce and navigation had been concluded thirty years before. The ever increasing foreign trade of Japan with the United States had been helplessly fettered by such an antiquated treaty stipulation that they could no longer promote commercial equity between the two countries. It was evident that the United States desired that the Japanese Empire should not discriminate against American citizens in favor of the subjects and citizens of the European powers in Japan. The Japanese government fully proved
that Japan neither discriminated against American citizens to the advantage of European subjects in the Empire, nor violated the treaty stipulation of 1858.

The Silk Bounty Law Controversy

When the Japanese government on April the 27th, 1897, promulgated the law which granted a bounty for the direct importation of the best raw silk by Japanese subjects, American merchants who had already invested a considerable amount of capital in the Japanese silk exporting trade complained that the proposed Japanese law would threaten their business with virtual extinction. The government of the United States took up the matter with a view of protecting the commercial privileges of American citizens in Japan.

On June the 2nd, 1897, Secretary Sherman wrote to Japanese Minister Hoshi at Washington that the Japanese law for the encouragement of direct silk export would not only be antagonistic to the spirit of reciprocal freedom of commerce and navigation, but would directly contravene the letter and intent of the sixth article of the treaty of 1894 between Japan and the United States which provided that "the citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native citizens or subjects in all that re-
lates to warehouses, bounties, facilities, and drawbacks."331

While admitting the fact that the treaty of 1894 was not in operation, the Secretary emphasized how unjustly discriminating such treatment would be to American exporters of Japanese silk, because he was of the opinion that the object of the Japanese subsidy to the native silk exporters would create a reserve export trade exclusively for Japanese subjects. "To my mind", said Secretary Sherman, "not only is there danger of the destruction of a large and growing trade between the two countries but I can foresee the extremely unfavorable effect such action the by Japan would have upon the mind of Congress of the United States and the possibility of that body feeling constrained to adopt appropriate legislation in view of the contingencies thereby presented."332

In reply the Japanese government explained that the bounties provided in the law would only apply to the highest grades of silk as an encouragement for an improved quality of silk production, and thereby provide mutual benefit for the development of commerce between the United States and Japan. Furthermore, it was stated that the Japanese government never intended special advantages for Japanese who were interested in the exportation of the raw silk, Count Okuma, Japanese Minister for Foreign Affairs, declared:

"Since, however, penalties must necessarily form a part of
the law, and since it would be impossible to enforce those penalties against foreigners while consular jurisdiction continues to exist, the only alternative was to limit the application of the law to the Japanese subjects. But the Imperial Government have no hesitation in admitting that, with the abolition of the consular jurisdiction and the enforcement of the new treaties, that is to say, after the 17th day of July, 1899, this law, if continued in force, will have to be made applicable to the citizens and subjects of the treaty powers equally with Japanese subjects." 333

In spite of the Japanese explanation of the nature and object of the bounty law, the United States earnestly remonstrated and insisted upon its reversal because the Department of State considered it detrimental to the American commercial privileges secured in the treaty of 1894. Finally, the Japanese government yielded to the formal protest of the United States and repealed the Japanese bounty law on May the 25th, 1898. 334

Whatever may be said as to the result of the silk bounty law controversy, one thing remains true: the Japanese government labored in good faith to avoid international conflict with the United States. Indeed, the United States manifested that she would not tolerate any infringement of the rights of American citizens in Japan secured by the treaty between the two countries.
CHAPTER VII
THE QUASI POLITICO-SOCIAL POLICY OF THE UNITED STATES
TOWARD JAPAN FROM 1855 TO 1901

The growing intercourse between any two progressive countries gradually determines the importance of their international relations. The development of their external activities affects not only the relation of their mutual interests, rights, and welfare, but also that of other nations which are directly or indirectly concerned with either one or both of them. When their relations are marked by complexity, their international problems can no longer be simple. Ever since the United States assumed her national position in opening Japan to Western civilization, the government of the United States has found many momentous problems which were distinct from the sources of, but contributory to, the promotion of American commercial and political foreign policies toward Japan. In solving these problems the United States has pursued a quasi politico-social policy in her relations with the Japanese Empire.

The Friendly Mediation of the United States in the Relations between Great Britain and Japan

After the conclusion of the Kanagawa treaty with Japan, the United States was eager to take advantage of the new relations with the Japanese Empire, and at the same time to be
courteous in dealing with other European powers which were equally interested in Japanese affairs. In the course of time, however, the government of the United States developed a policy of harmonious action among the treaty powers in Japan with reference to the protection of their representatives against Japanese internal unrest. Secretary Seward laid special emphasis on the principle that the safety of foreign ministers in the Japanese Empire must be preserved. 335

During the first half of the year 1861 the Capital of the Tycoon's government was greatly affected by a civil commotion which had been constantly aggravated by the agitation against foreign intercourse with Japan. The attack on the British legation by lawless Japanese on the night of July the 5th, 1861, created considerable excitement among the foreign representatives in the city of Yeddo. It was soon discovered that the purpose which actuated the Japanese outrage was to commit an atrocius attempt on the life of British Minister Alcock. To avoid a crisis in the foreign affairs of Japan seemed very difficult, because the Tycoon's government was too weak to punish the instigators and agents of the hostile party, being opposed to the presence of any foreigners in Japan, directed their prejudice particularly against the English. Minister Harris who had been personally popular among all classes of the Japanese, took the opportunity to bring about a satisfactory settlement
between the Tycoon's government and the British legation. He endeavored to place before the members of the Gorogio a forceful reason why the Tycoon's government should adopt a firm policy and punish the Japanese desperadoes, namely, as an evidence of good faith, to insure those rights which had been guaranteed to foreign residents by solemn treaty stipulations. In his letter addressed to the Gorogio dated July 8, 1861, Minister Harris said:

"I have given you too many evidences of my friendship for you to doubt my good will; and as your friend, who earnestly wishes to see Japan peaceful, prosperous, and happy, I now say to you, that if you do not promptly arrest and punish the authors of this last deed of blood, that the most lamentable consequences to your country will inevitably ensue; for if you do not punish these men, it will show that you do not wish to do so. I urge you earnestly to consider this friendly and serious warning."336

The news of Japanese assaults upon Minister Alcock in violation of express treaty stipulations and the principles of common humanity had excited a deep concern on the part of the United States government. On October the 21st, 1861, Secretary Seward in his instructions to Minister Harris expressed the attitude of the United States on the subject thus:

"Your prompt, earnest, and decided proceedings in aid of the just desire of her Britannic Majesty's minister to obtain adequate
satisfaction for that outrage meet his [President Lincoln's] emphatic approval. I have lost no time in assuring the British government directly of the willingness of the United States to co-operate with it in any judicious measure it may suggest to insure safety hereafter to diplomatic and consular representatives of the western powers in Japan, with respect to the sovereignties in whose behalf their exposure to such grave perils is incurred. 337

At one of the interviews between the members of the Gorogio and Minister Harris, the Gorogio stated that the motive of the attack was strong Japanese public feeling against all foreign trade and relations, due mainly to the increased cost of the necessaries of life and also partly to a deeply rooted love for the old customs and the traditional policy of seclusion. Indeed, the men who belonged to a band of desperate Japanese outlaws were willing to make themselves the exponents of the national feeling and desired the glory of sacrificing their lives in such a cause by attacking foreigners in the Empire. 338

In the communications between Ministers Alcock and Harris, the former did not fully appreciate the good office of the latter. Although Minister Alcock was glad to know that there was a general agreement between his own and Minister Harris' views upon the subject of Japanese unrest, yet Minister Alcock insisted that "if there be any divergence, it is in the absence
of all hope on my part that the Japanese government will behave otherwise on this than on every former occasion of the like manner."

In spite of the misgivings of Minister Alcock, Harris continued his best efforts to persuade the Japanese government to fulfill its international as well as its treaty responsibilities toward the British Minister. Finally the Japanese government under the strong pressure of the representation of Minister Harris adopted a vigorous policy by arresting as well as punishing the Japanese desperadoes who had attacked the British legation. Many of these Japanese outlaws were arrested and given capital punishment by the Japanese authorities.

Not only did the Japanese government act in good faith according to Minister Harris' advice, but also assured him of the security of the foreign representatives in Yeddo by the same means as the Japanese authorities employed for their own protection. At last Minister Alcock was satisfied that the Tycoon's government had done all in its power with sincerity to insure the safety of foreign residents and the repression of the nefarious crime against him. Thus Minister Harris' good offices in behalf of the relation between Great Britain and Japan met with success. The Secretary of State in his instructions to Minister Pruyn on February the 5th, 1862,
said:

"It will be your pleasant duty to felicitate, in the President's name, not only the Japanese ministers for foreign affairs, but also the British minister, on these gratifying accounts, so honorable to the government of the "tycoon, and so conducive to the peace of his empire."\(^{341}\)

While the British demand for an indemnity against the Japanese government for damages and other matters in relation to the murders committed by the Japanese subjects at the British legation at Yeddo and in the village of Nama-mugi in September, 1862, was pending, the Gorogio earnestly asked Minister Pruyn's friendly mediation for the postponement of the time fixed for its reply to the British government. Minister Pruyn accepted the mission willingly and accordingly proceeded to perform his good offices between the British legation and the Japanese government. At first Colonel Neale, the British charge d'affaires in Japan, informed Minister Pruyn that all arrangements would be made directly with the Japanese authorities without American mediation, but Minister Pruyn finally obtained a postponement of action from the British legation. Such friendly offices the Japanese government accepted with great gratitude and appreciation. Indeed, Minister Pruyn's actions in regard to the controversy between the British government and Japan was approved by the Department of State
on the ground that his proceedings had been fair and just toward both parties.\textsuperscript{342}

The Friendly Mediation of the United States in the Relations between Peru and Japan

In July, 1872, the Peruvian bark "Maria Luz" en route from China to Peru was driven into Japanese waters by stress of weather. While she was anchoring in the harbor of Yokohama, the Japanese government was informed by R. G. Watson, the British chargé d' affaires in Japan, that cruelties had been committed on board the "Maria Luz". Accordingly by an order of the Japanese authorities the witnesses were brought ashore. They were Chinese subjects who had taken passage under contract as coolies from their native land to the coast of Peru. These Chinese contract laborers refused to return voluntarily to the bark, while the Japanese local authorities did not compel them to do so against their will.\textsuperscript{343}

The captain of the "Maria Luz", believing that the Japanese authorities intended to set the Chinese laborers free, asked assistance from the American legation. Mr. Shephard, the American chargé d' affaires, declined to render aid to the Peruvian captain, because he was engaged in the coolie trade which had been prohibited by the laws of the United States. On August the 29th, 1872, the Department of State approved Mr.
Shephard's action.

In the following month, Minister De Long addressed to the Japanese government a note in which he inquired regarding the proceedings of the Japanese prefecture government at Kanagawa and asked for a complete copy of the record of the case of the "Maria Luz", as he had been earnestly requested by the Peruvian captain to obtain such information. The Japanese government furnished Minister De Long all the information which he required but questioned his right to act on behalf of Peru. In his letter to the Japanese minister, dated September 3, 1872, Minister De Long described his position in relation to the affairs of the "Maria Luz" as follows:

"I made my inquiries as representative of the United States, lending my good offices to a power friendly to my own to the extent only of obtaining an authentic history of an action that had been brought and tried in the courts of your country, in which persons and property Peruvian had been involved." 344

As Minister De Long forwarded a copy of the Secretary's instruction which authorized him to act as the minister for the Peruvian government in Japan, the Japanese government recognized him as such. 345 Meanwhile captain, mate, and crew abandoned the Peruvian bark. Under such circumstances the Japanese government proposed to Minister De Long that it would be agreeable if he would assume charge of the vessel and look after the
crew on behalf of the Peruvian government. Minister De Long assented in October, 1872, after he had been officially notified by the Japanese foreign minister Soyeshima that the Peruvian vessel was no longer under Japanese restraint and that the Japanese government would not object to American control of the vessel. When Minister De Long took charge, he was instructed by the Department of State that he should not take any steps which "might wear the aspect of giving the support and countenance of the United States to a vessel suspected by the Japanese government," on the ground that the Peruvian government did not make any reply to previous communications in regard to the friendly offices of the United States in the case of the "Maria Luz".

In an interview with the Japanese foreign minister Soyeshima in January, 1873, Minister De Long was confident that he could do much to avert any international danger between Japan and Peru. Regarding the Japanese inquiry as to what attitude they should assume in case of the coming of a Peruvian mission to Japan with hostile intent, Minister De Long replied that he would lend his good offices to that mission for the objects declared in its letter to him, and added that Japan, in arraying itself against the Peruvian coolie traffic, would enjoy the fullest sympathy of the United States.

When the Department of State intimated that the Republic of Peru had decided to send a special envoy to Japan and de-
sired the American interposition to bring about an amicable settlement of the affair of the "Maria Luz". Secretary Fish instructed Minister De Long to exert the good offices of the United States in behalf of Peru if American efforts were acceptable to the Japanese government; but if the Japanese government did not desire to avail itself of the friendly interposition of the United States, Secretary Fish advised Minister De Long not to tender his good offices formally but to let both the Japanese foreign minister and the Peruvian envoy understand that the United States was ready to tender them whenever they would do any good. In the same instructions, Minister De Long was further directed to declare; if both parties desired to avail themselves of American good offices, that "the President, influenced by his strong desire to restore friendly relations and feelings between the two powers, with each of whom the United States are in such relations of entire amity and cordial friendship, had instructed you to tender the good offices of the United States for that purpose." 348

After the arrival of Senor Garcia, the Peruvian minister to Japan in the early spring of 1873, Minister De Long endeavored to prevent any unhappy rupture between Japan and Peru in reference to the affair of the "Maria Luz". In his interview with Minister Garcia, Minister De Long used every
argument to show that the Japanese government had done the best it could to appease ill feeling toward Peru, and advised the Peruvian minister to reframe the demand for only a pecuniary indemnity which was to be accorded to the private owners of the "Maria Luz". Under the strong persuasion of Minister De Long, Minister Garcia decided accordingly to remodel the Peruvian demands against the Japanese government. On the other hand, Minister De Long, in the course of an interview with Japanese Acting Foreign Minister Ujeno, stated that in regard to the settlement of the controversy between the Japanese and Peruvian governments it would be desirable at once to adjust the case of the "Maria Luz", which had been reduced to a pecuniary demand, by referring it to some arbitrator if nothing came out of the negotiations.

Then Minister De Long suggested that the Japanese government give Peru a treaty similar in all respects to those existing between Japan and other powers as a means to end the whole difficulty and to establish amicable relations between Japan and Peru, the Japanese Acting Minister replied that Japan was opposed to enter into any more new treaty relations which would give to the other nation extraterritorial rights. But Minister De Long tried to persuade the Japanese government with a great deal of emphasis that he feared that if Japan should decline to enter into treaty relations with Peru upon as favorable conditions as she had with other powers, it would be attributed to ill feel-
ing and be preoccupied with future difficulties; and that he would strongly advise the offer of a treaty similar to the others, to be revisable when the others were to be revised, and if at that time Japan could free herself from the extraterritorial provisions with others she could do so with Peru and if not, it was certainly quite immaterial, as there were no Peruvian residents in Japan, and probably never would be any; that in fact it must be desirable for the Japanese government to have its treaty relations with all foreign states as nearly alike as possible. 349

As the Japanese government did not reply to Minister De Long's communication in behalf of Peru, other negotiations took place between the Japanese Acting Minister and the Peruvian Minister in regard to the selection of an arbitrator to settle the indemnity for the "Maria Luz". Their negotiations were much facilitated through the friendly advice of Minister De Long that it would be better for Japan and Peru to agree upon some prominent officer of a power which had no special interest in their national affairs. Finally, the two countries in an earnest desire to cultivate friendly relations arrived at the conclusion to agree on a protocol, which they signed on June the 19th, 1873. According to this protocol, His Majesty, the Emperor of Russia, was selected to be the arbitrator, whose award should be absolutely final and conclusive in
settling the Peruvian claim of indemnity against Japan; and both Japan and Peru decided to sell off the "Maria Luz" at public auction under the friendly supervision of Minister De Long for the benefit of all parties interested in the vessel. Minister De Long complied with their request upon condition that no pecuniary or political responsibility should in any event attach to the United States government. Two months later (August 1st, 1873) the matter of the "Maria Luz" was terminated by its sale in conformity with the protocol. Minister De Long's friendly action was sincerely appreciated by both the Japanese government and the Peruvian minister. In the following month, September of 1873, a treaty of peace, friendship, commerce, and navigation was concluded between Peru and Japan.

In this manner the perilous controversy between the Japanese Empire and the Republic of Peru over the affair of the bark "Maria Luz" was peaceably settled through the good offices of the United States, which undoubtedly facilitated the ratification of the protocol and hastened the conclusion of a friendly treaty.

The Friendly Mediation of the United States in the Relations between China and Japan.

The outbreak of a mutiny in Seoul, the Korean capital during the early part of December, 1884, created considerable
alarm among the foreign residents and representatives in Korea. The mutiny which had been unlawfully participated in by Chinese troops resulted in a violent assault not only upon the Korean ministers but upon Japanese soldiers, some two hundred in number, who protected the King of Korea according to the request of the Korean government. The Japanese buildings were burned, and a number of persons were killed and wounded in this conflict.  

During the disturbance at Seoul, several Japanese subjects who had in vain sought safety in many places, took refuge in the United States legation. Some Japanese who had been unlawfully imprisoned by the Chinese troops, were released through the effort of the United States minister. Moreover, twelve Japanese subjects of both sexes were succored by the humane efforts of General Foote, Minister of the United States in Korea. On behalf of Japanese subjects, General Foote secured assurances from the Chinese and Korean authorities in Seoul that Japanese refugees would not be harmed while traveling to Chamulpo, where they arrived in safety under the guard of Mr. Barnadon, naval attaché of the American legation in Seoul. Japanese Minister Kuki at Washington was instructed by the home government to tender to General Foote through the Department of State profound thanks for his brave and humane assistance in behalf of the defenseless Japanese refugees. The appreciation of the Japan-government was well expressed in a letter from Minister Kuki to
Secretary Frelinghuysen as follows:

"Permit me, sir, in fulfilling this agreeable duty, to add, that acts such as I have recounted not only reflect the high character of the person who performs them, but they tend directly to draw closer the bonds of friendship and good-will which happily exist between our respective countries, because they demonstrate that deeds of generous bravery overstep the bounds of national limits."

Meanwhile, Minister Bingham was earnestly requested by the Chinese government to render his good offices in contemplation of a possible controversy between Japan and China, because Chinese soldiers had participated in the Korean uprising. He promised the Chinese government to use his friendly mediation to bring about, if possible, an amicable settlement should any difficulty arise between the two Oriental empires out of the unhappy incident.

Although he was assured by Count Inouye, Japanese minister for foreign affairs, that the Japanese government would endeavor to settle all questions with China in a friendly spirit, yet Minister Bingham was impressed with the importance of the Far Eastern situation, and exerted himself to induce an amicable settlement of the pending difficulties between Japan and China, because the Japanese government decided to send a special ambassador with full power to negotiate with the Chinese govern-
ment concerning the violent action of the Chinese troops against Japanese subjects in the December riot in Seoul.

In his interview with Count Ito who had been appointed as a special ambassador to China by the Japanese government, Minister Bingham expressed his opinion that a war between Japan and China should not be inaugurated for the general interests of Japan and the commercial interests of the United States, and tried to persuade Count Ito that a peaceful settlement of the difficulties between the two Oriental powers could easily be reached if both countries would agree to withdraw their military forces from Korea, and recognize the rightful and exclusive autonomy of the Korean government within its territorial dominion. As Count Ito concurred in the views thus expressed, Minister Bingham declared with much satisfaction: "I am assured that Japan will only insist upon what is just and reasonable in the premises, and I am not without hope that China will concede to Japan all that can reasonably be demanded." More than that, Minister Bingham was informed through the Japanese Imperial court that His Majesty, the Emperor of Japan, sincerely desired to maintain peace with China by all honorable and peaceable means, to redress national wrongs, and settle national grievances before resorting to the arbitration of war. Finally the unhappy controversy between Japan and China was settled by a conclusion of the Tientsin Convention of April 18, 1885.
When the government of Korea was shaken by the pressure of its own rebellion, during June of 1894, the Chinese government sent her troops across the Korean border without the consent of the Japanese government. Japan declared that the Chinese empire had violated the Tientsin Convention, which stipulated the following provision:

"In case any disturbance of a grave nature occurring in Corea, which necessitates the respective countries, or either of them, to send troops to Corea, it is hereby understood that they shall give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there." 356

Immediately the Japanese government mobilized her troops in Korea and soon occupied the seat of the Korean government. The rebellion was subdued; but the Japanese government persisted in her proposition that the Korean government should be so reformed as to insure the future tranquility essential to Japanese interests. The Chinese government desired to withdraw her forces from Korea, should Japan act in the same way. The Japanese government declined to comply with the Chinese request until the Korean government would accept the Japanese advice concerning reform. 357

The Korean King appealed to the United States and the other
powers to assist him in the difficult and complicated situation of the two Oriental empires. The United States government had already instructed her minister at Seoul to endeavor to bring about an amicable settlement of the controversy pending between Japan and China, according to the first article of a treaty with Korea which read as follows:

"If other Powers deal unjustly or oppressive with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings." The United States and the other European representatives at Seoul carried on the negotiations with the Chinese and Japanese representatives in behalf of Korea for a simultaneous withdrawal of troops from Korean soil. But the negotiations failed because the Japanese government was determined not to comply with the proposal until the government of Korea should be reformed so as to establish future tranquility within Korean territory.

On July the 7th, 1894, the Chinese government requested the government of the United States to take the initiative in urging the other powers to unite in requesting Japan to withdraw her troops from Korea. The United States, however, declined to intervene forcibly in the Korean situation but renewed her friendly interposition to bring about an honorable adjustment between the two Oriental powers. While the Japanese government per-
sisted in maintaining her demand for the administrative reform of Korea, the British ambassador at Washington presented on July the 8th, 1894, instructions from the British government to Secretary Gresham inquiring whether the United States would unite with Great Britain in an intervention to avert a conflict between China and Japan. The British ambassador expressed the belief that only friendly intervention was contemplated; so Secretary Gresham made the following reply: "that this Government could not intervene otherwise than as a friendly neutral; that it had already so intervened with Japan, and I did not think the President would feel authorized to go further in the exercise of our good offices." \(^{362}\)

Five days later the Chinese minister at Washington asked the Department of State that the United States government should instruct its minister at Tokyo to unite with other diplomatic representatives there in a joint effort to influence Japan to abandon her warlike purpose against China. The Chinese request was replied to by Secretary Gresham to the effect that the United States government, hoping to see both Japan and China remain on terms of peace, could not intervene between them otherwise than with good offices and had neither the right nor the inclination to go further. \(^{363}\) Indeed, the United States had made a strong but friendly representation to Japan in the interest of peace.
The aggravated situation between China and Japan was much strained, both countries exhausted all means to peaceably settle their difficulties; and at last war was declared on August the 1st, 1894. At the earnest request of both the Japanese and the Chinese governments, the United States extended her friendly offices to protect the archives and property of their legations and consulates, and the interests of their subjects in both of the two belligerent countries. During the Chinese-Japanese war two Japanese students in the custody of the American consulate at Shanghai were accused by the Chinese authorities of being spies. The American consulate surrendered the alleged spies to the Chinese authorities under the following instructions from the Department of State:

"You and consul-general at Shanghai seem to misapprehend nature of the protection authorized. Lending good offices does not invest Japanese with extraterritoriality nor should legation or consulates be made asylum for Japanese who violate local laws or commit belligerent acts. Protection to be exercised unofficially and consistently with neutrality. Consul-general should not have received two Japanese, and is not authorized to hold them. Your suggestion that our consuls act as arbitrators not entertained."

Although the Chinese Minister at Washington agreed with Secretary Gresham that the two Japanese youths should not be
tried until Colonel C. Denby, Chargé d'Affaires ad interim of the American legation at Peking, returned to China, yet these young men were executed by the Chinese authorities at Nankin before the Colonel reached Shanghai. The propriety of Secretary Gresham's action in the matter of the two Japanese students was admitted by the Japanese minister in spite of much unrestrained criticism of the American attitude on that particular question by the European powers. Meanwhile the British representative at Washington sent a communication to Secretary Gresham in October, 1894, inquiring whether the United States would be willing to act in concert with England, Germany, France, and Russia and intervene in the war between China and Japan on the basis of a joint guarantee of Korean independence and a suitable indemnity to Japan for war expenses. Six days later President Cleveland declined any joint intervention with the European powers, while he hoped earnestly for the peaceful conclusion of hostilities between the two Oriental powers.

One month later on November the 6th, the government of the United States independently renewed her friendly mediation to bring about peace between the two Oriental powers, as Minister Dun at Tokyo had already been instructed to ascertain whether the Japanese government would accept the American proposal of good offices in the interest of peace. Indeed, the United States was confident that the deplorable war between China and
Japan would not endanger the American foreign policy toward the belligerents which was that of an impartial and friendly neutral, with a sincere desire for their welfare. On the other hand, Secretary Gresham realized the outcome of the Chinese-Japanese war in the following words:

"If the struggle continues without check to Japan's mili-
tary operations on land and sea, it is not improbable that other powers having interests in that quarter may demand a settlement not favorable to Japan's future security and well being."\(^{367}\)

On the same day the United States government was requested by the Chinese government to tender its good offices to bring about a conclusion of the Chinese-Japanese war on terms alike honorable to both nations. Two days later Secretary Gresham sent the following instructions by telegram to Minister Denby at Peking: "While President prefers to act alone, he will not decline request to act jointly with other powers simply in determining amount of indemnity if Japan's consent is obtained."\(^{368}\)

Though China was inclined to accept the sole mediation of President Cleveland, yet having been embarrassed by the possible intervention of the five European powers England, France, Germany, Italy, and Russia, the Chinese government could not give a positive answer to the United States government. On the other hand negotiations between the United States and Japan had progressed considerably. On November the 17th, 1894, the Japanese government sent as formal reply to the United States' proposal in the interests of peace a note which read as follows:
"The Imperial Government do not fail in appreciation of the amicable sentiments which induced the Government of the United States to tender their good offices in the interest of peace between Japan and China.

The universal success which has thus far during the conflict attended the arms of Japan, would seem to relieve the Imperial Government of the necessity of invoking the cooperation of friendly powers to bring about a cessation of hostilities.

The Imperial Government have no wish to press their victories beyond the limits which will guarantee to them the just and reasonable fruits of the war. Those limits can not, however, be said to have been reached until China finds herself in a position to approach Japan directly on the subject of peace."

Again on November the 26th, the United States made known to both the Chinese and the Japanese government its willingness to offer its friendly offices toward the restoration of peace between them. Meanwhile Japan kept up her success until China was willing to seek peace. In the following month, through the friendly interposition of the United States, the Chinese and Japanese governments resumed diplomatic negotiations which were much facilitated by J. W. Foster, an American adviser to the Chinese peace commissioners, and finally consummated in the conclusion of the Shimonoseki Treaty of April 14th, 1895.

The good offices which the United States had unselfishly
rendered for the restoration of peaceful relations between China and Japan became memorable in the history of Modern Japan. Indeed, His Majesty, the Emperor of Japan, expressed Japan's deep appreciation toward the United States in a letter to President Cleveland dated May 12, 1894, which read in part as follows:

"We make this opportunity to express to Your Excellency our high appreciation of those acts on the part of Your Excellency as well as on the part of Your Excellency's officers, acting under Your Excellency's wise directions, which not only tended to mitigate the severities and hardships of the war and finally to promote the successful issue of the negotiations for peace, but served to draw still closer the bonds of friendship and good neighborhood which happily unite our countries."  

The Controversy about Perpetual Leases

On July the 7th, 1899, the Japanese government issued imperial ordinances with reference to the registration of titles to perpetual leases held by foreign residents in Japan. As they required a payment of two and one-half percent of the property value held under the perpetual lease as a registration tax, United States Minister Buck considered such a requirement inadmissible because it would alter the conditions of the original lease which was confirmed by the Kanagawa Treaty.
In the diplomatic note which was addressed by him to the Japanese government, he called attention to the fact that the Japanese registration tax upon perpetual leases in the foreign settlements of Japan would contravene the rights of American citizens who held real property under the seventeenth article of the treaty of 1894, which read as follows:

"The several Foreign Settlements in Japan shall, from the date this Treaty comes into force, be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. The competent Japanese Authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements shall at the same time be transferred to the said Japanese Authorities.

When such incorporation takes place existing leases in perpetuity upon which property is now held in the said Settlement shall be confirmed, and no conditions whatsoever other than those contained, in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular Authorities mentioned in the same are in all cases to be replaced by the Japanese Authorities. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved
free of all taxes and charges for the public purposes for which they were originally set apart."372

On November the 6th, 1899, Secretary Hay approved Minister Buck's action in regard to the controversy about the Japanese registration tax. In his instructions the Secretary stated that the vested rights of perpetual leases could not be affected by the Japanese requirement of their registration as "perpetual superficies". For the assignment of such leases between private parties for private purposes, the Secretary instructed Minister Buck that American citizens in Japan would be subject to the same registration fee or charge as was imposed on Japanese subjects, unless the original leases had stipulated to the contrary.373

With a good-will the Japanese government substantially conceded the American claim by amending the law of registration in a new imperial ordinance dated December 27th, 1899, so as to recognize that perpetual leases of property in foreign settlements should be registered as such without change. Moreover, Minister Buck obtained the assurance from the Japanese minister for foreign affairs that no registration tax would be enforced against the assignee of a perpetual lease in the foreign settlements.374

Without knowing what Minister Buck had already done for the interests of American citizens in Japan, concerning the registra-
tion of titles of perpetual leases, the American residents joined with the subjects or citizens of European powers, all of whom were perpetual lease holders in the former foreign settlements in Yokohama, and passed the following resolution:

1. That although the revised treaties provide that existing Government leases in perpetuity of foreign settlement property shall be confirmed, steps have not yet been taken by the Government to confirm them, and the laws of Japan appear to contemplate their compulsory conversion into a new and different kind of right, which is called 'superficies'.

2. That under existing laws the right of perpetual lease is not recognized, and since the coming into operation of the revised treaties, the holders of such leases have been unable to sell or mortgage their land except on the terms of allowing the leasehold interest to be registered as a 'superficies', which they have been and are unwilling to do.

3. That the non-recognition of what foreigners conceive to be a right plainly secured to them by their title deeds and by treaty has resulted in a general feeling of insecurity, and in stopping all sales and mortgages of former foreign settlement property and is threatening such property with a very serious depreciation in value.

4. That in order to remedy the evils of the situation and to restore confidence it is most desirable that the Imperial
Japanese Government shall at once confirm the aforesaid leases in perpetuity and make all necessary provisions for their recognition by law, and for the registration of them under a separate designation.

5. That properties held by foreigners in the former foreign settlements have been made subject to new conditions and taxes and charges from which in the opinion of this meeting the revised treaties were intended to exempt them.375

When this resolution was transmitted to the American legation at Tokyo, Minister Buck forwarded his reply to a representative body of American citizens at Yokohama, and despatched a copy of the same to the Department of State for approval. Among other things, Minister Buck stated in his reply that the Japanese government interpreted the imperial ordinance of July 7, 1899, not to contravene the treaty, even though the rights of perpetual leases were registered as "superficies" according to the Japanese ordinance, because the Japanese law (in article 45) for the operation of the civil code provided as follows: "As to a superficies created for an alien or a foreign legal person the provisions of the civil code apply only so far as it is not otherwise provided by treaty or regulation."376

For this reason, the Japanese government maintained that the right of perpetual lease should be considered as a kind of special superficies, and would not be the right of superficies
according to the Japanese civil code. Not only that, but the Japanese government made a favorable interpretation that the title deed of a perpetual lease would have the same validity as before, even after the right of perpetual lease had been registered in accordance with the imperial ordinance of July 7, 1899, provided that the transfer of a perpetual lease could not be set up against a third party unless the fact of such transfer was indorsed upon the title deed, and that indorsements of transfer which had hitherto been entered upon the title deed, should have the same effect as an indorsement made in accordance with the above ordinance of December 27th, 1899. Hence the Japanese ordinances in respect to registration of titles would not impair the rights guaranteed to American citizens who were perpetual lease holders, in the Japanese Empire by the treaty of 1894. Even in registering titles according to the imperial ordinance of December 27, 1899, an American citizen's treaty rights in respect to property so registered would not in any way be affected, because his title was guaranteed by the Japanese government.

While the government of the United States made no objection to the practical solution which had already been proposed by the Japanese government in regard to the registration of perpetual leases of property in the foreign settlements in Japan, nevertheless the American Asiatic Society of Yokohama forwarded to Minister Buck a written communication on April the 7th,
in which it set out many reasons for complaint against 
the Japanese imperial ordinances. Their complaints may be 

stated in general as follows:

First, leases in perpetuity held by Americans in the for­
eign settlements had not been fully confirmed by the Japanese 
Government as stipulated by treaty, but rather avoided instead 
by requiring their registration as superficies (perpetual 
leases);

Secondly, in requiring their leases of land to be register­
ed at Japanese prefectual government, and buildings thereon 
at the Japanese local court, with a charge of two and one-half 
percent of value of buildings on registration of a transfer of 
titles to such buildings, would be in conflict with treaty 
provisions;

Thirdly, the tax now levied or any tax to be levied by the 
Japanese authorities on the buildings upon the land held under 
perpetual leases would be a violation of treaty stipulations, 
properly construed;

Fourthly, the method employed in estimating the value of 
buildings for taxation and the taxes so levied would be unjust, 
and with other taxes would be a hardship;

Fifthly, in consequence of long tenure and use of their 
lands and buildings under extraterritorial jurisdiction, not 
taxed and not disturbed by the Japanese Government or the local
authorities, prescriptive rights had been acquired, hence the 
Japanese Government, in assuming jurisdiction over their pro-
erty, should be estopped from enforcing her tax laws upon the 
buildings as well as upon the lands;

Sixthly, in consequence of the failure of the Japanese 
government to comply with the treaty obligations in respect 
to the property rights of foreigners, their holdings had de-
preciated in market value, and transactions in selling or mort-
gaging property would be paralyzed. 377

As to the merit of these complaints, Minister Buck in an 
extensive report to the Department of State declared that the 
most important complaint concerned the registration tax on 
buildings, which should be as much exempt from taxation as lands, 
wheress the other contentions were not well founded. 378  Meanwhile he did not lose any time in reporting to the Department 
of State the attitude assumed by the British and French govern-
ments in reference to these Japanese imperial ordinances.

On January the 28th, 1901, Secretary Hay instructed Min-
ister Buck that the registration of titles to perpetual leases 
as superficies would not be acceptable to the United States 
government without some authoritative interpretation from the 
Japanese government that title under that style would not be 
inferior to that of the perpetual lease. Ten days later the 
United States government maintained that American perpetual 
lease holders in Japan should be entitled to the same exemption
from taxes on buildings as were guaranteed in the French treaty with Japan by virtue of the most favored nation clause in the treaty between the United States and the Japanese Empire. Accordingly, diplomatic negotiations were begun by the United States, and the problem was settled by the passage of a new law by the Japanese Diet in March, 1901, guaranteeing the freedom of perpetual leases from all charges other than rent, but not the buildings thereon. This law effectually removed all dissatisfaction on the part of the United States as to the confirmation of titles. 379

It is evident that the United States was very careful in the interpretation of her treaty with Japan in order to protect the property interests of American citizens in the empire. Moreover, the United States not only adopted the policy of applying a clause regarding the "most favored nation" as a means of remedying a defect in her own treaty with Japan to suit her own particular purposes, but she also protested successfully against the government of Japan modifying the Japanese imperial ordinances in a way which she believed impaired the treaty rights of American citizens in Japan.

The Religious Intervention

The United States has been exceedingly careful in upholding her interests and in guarding against any undue restriction
of the social welfare of American citizens and of native Christian converts in the Japanese Empire. During the early years of her intercourse with Japan, the United States was anxious to prevent any religious controversy between her citizens and Japanese subjects. By the eighth article of the treaty of 1858, the United States secured from the Japanese government the humane concession that American citizens in Japan should be allowed the free exercise of their religion, and the right to erect suitable places of worship without exciting religious animosity in the Empire.380

On May the 11th, 1868, on the occasion of their interview at the American legation at Yokohama, the Japanese Commissioners for Foreign Affairs, Hizen Jijin and Higashi Kuze Jijin presented to Minister Van Valkenburgh a set of nine government gazettes, which had been issued in the city of Kioto under the Mikado's government. Among these gazettes, the Japanese proclamation of April, 1868, prohibiting Christianity in Japan, was discovered. It read as follows:

"The Christian and other evil religions are strictly prohibited. Any person suspected of violating this commandment must be reported to the proper officers, the reporter shall be rewarded."381

Minister Van Valkenburgh lost no time in conferring with the representatives of the other treaty powers in Japan, and
secured a unanimous agreement among them to make a strong protest against the proclamation in question. On May the 26th, 1868, Minister Van Valkenburgh earnestly urged the Japanese commissioners for foreign affairs to repeal the edict for the sake of the humane and enlightened spirit of His Majesty, the Emperor of Japan. In this formal objection, however, the Minister disclaimed any intention of the United States to interfere with the internal affairs of Japan, but he said:

"I deem it my duty to call your excellencies' attention to the fact that the Christian religion is the religion I have the honor to represent; that my government has the most friendly relations with the government of Japan, and that the issue of such an edict as that above mentioned will tend to affect those relations, apart from its being in discord with the ever-enlightened spirit of age."382

Minister Van Valkenburgh's action was approved and commended by President Lincoln. Since it was directly in conflict with the eighth article of the treaty of 1858, President Lincoln regarded the Japanese edict to be injurious and offensive to his country. In his letter to Minister Van Valkenburgh, Secretary Seward stated that the United States did not desire to add any religious controversies to the civil disturbances with which Japan had been fettered since the restoration of the Mikado's government, and further instructed the Minister to
proceed in the matter of obtaining the repeal of the offensive Japanese edict "with firmness and without practicing any injurious hesitation or accepting any abasing compromise."\textsuperscript{383}

During the month of July, 1868, native Christians in Japan were ill treated because of Japanese popular prejudice and superstitions, Minister Van Valkenburgh in concert with his European colleagues persistently urged the Japanese authorities in a firm but friendly manner, to adopt a more humane policy toward Japanese subjects who had been converted to Christianity.\textsuperscript{384}

When the news of the persecution of Japanese Christians reached the Department of State, Secretary Seward despatched to Van Valkenburgh the following instructions:

"You will not be expected in any case to go beyond it [the common policy between the United States, Great Britain and France in respect to the problem of Japanese Christianity], without the full assent and concurrence of your colleagues. Nevertheless, you may make known to them that I am oppressed with a painful apprehension that if the present persecutions shall be continued, then it must happen that in some, perhaps merely accidental way, the sympathies which foreign Christians residing in Japan cannot fail to feel and manifest may bring those foreign Christians themselves into conflict, either with agents of the domestic government or with an infuriated people. When the foreign Christian shall have suffered martyrdom in
Japan for his faith, Christendom will be shocked to its center, and it may demand that the policy of forbearance and encouragement which treaty powers have hitherto practiced in Japan shall be reversed. 385

Meanwhile under the pressure of strong advice from the United States, Great Britain, and France, the Japanese government promised to treat native Christians more humanely than before. When other persecutions of Japanese Christians took place in the islands of Soto, Minister Van Valkenburgh in concert with the British and French ministers on May the 18th, 1869 called attention to the deplorable state of Japan's religious affairs, and expressed a sincere desire that the Japanese authorities should investigate the religious conditions in those islands without interference on the part of the foreign representatives in Japan. 386

In the following year the Japanese Ministers for Foreign Affairs notified the American legation that native Christians at Urakami near Nagasaki would be placed under a sentence of labor. Three days later Minister De.Long wrote that the Japanese Empire would lose the respect and confidence of the friendly treaty powers and consequently would make them prepare against possible contingencies in their future dealings with the Empire should the Japanese government inflict punishment on the native Christians. On January the 16th, 1870, the Japanese government
made the following reply to Minister De Long:

"As you are aware, the profession of Christianity has been prohibited in our country from ancient times; but in consequence of the promise we made last year, that those Christians should be treated leniently, they have been left undisturbed at their homes. Every possible advice to change their Christian belief was given them. In return they insulted the deities, the other thrones, and temples, quarreled with inhabitants, and committed various lawless acts.

"Should such acts be left unrestrained, the local administration would be embarrassed; and our government, having no other means, sent those people to various other places to be educated. Orders were therefore issued to Nagasaki to simply remove them and to inflict no punishment whatever; and after careful consideration it was deemed by our government that this is the most lenient measure that could be adopted."387

In spite of this reply the representatives of the treaty powers, including Minister De Long, adopted a resolution on January the 17th, 1870, to the effect that, before proceeding to report the matter to their respective governments, they would make a joint request for a conference with his excellency, the Hocho, and such other Japanese Ministers as were authorized to deal with foreign affairs, if the Japanese authorities persisted in the present treatment of native Christians. In the same re-
solution they determined to make a further request that the Japanese government should instruct its local authorities at Nagasaki by the United States mail steamer which was about to leave Yokohama to suspend all Japanese proceedings against native Christians until the matter could be mutually considered.

Three days later the conference took place at the Japanese foreign office between the representatives of the treaty powers, Minister De Long, British Minister S. H. Parkes, French Minister, M. M. Outrey, and Mr. M. V. Brandt, Charge d'Affaires of the North German Confederation and the representatives of the Japanese government, Prime Minister Sanjo, ex-Prime Minister Iwakura, and Foreign Ministers Sawa and Terashima. Among other things, the foreign representatives emphasized the point that their friendly relations with Japan would be disturbed by the oppressive policy of deporting her subjects from no other motive than that of having professed Christianity. "More particularly," said Minister De Long, "is this the case in the United States of America, which is a government of people, where all men are permitted to entertain and practice any religion they may believe; and they profess the same faith (Christian) for embracing which you so severely punish this people."

The Japanese representatives on the other hand, proved conclusively that their government treated the native Christians with kindness and generosity. "This government", said Prime
Minister Banjo, "does not move these people on account of their religious professions, but on account of their having been for a long time ungovernable and insubordinate, and on this account the government has determined to change their residence." Recognizing the reasons presented by the Japanese representative, Minister De Long said:

"I wish to state to you, as I have often done before, that my Government feels a most lively interest in the affairs and prosperity of this empire. It wishes to aid you in every possible way, and has no single interest or feeling to serve, but will find fulfillments in your increasing prosperity; but such action as this on the part of your government will send a thrill of horror throughout the United States, where freedom of religious belief is granted to all, and yet where the Christian religion is almost universally professed.

It is not too much for me to say that this action may chill the warm tide of governmental good-will that is now flowing to you from the United States, and by proceeding further in this course you may change that mighty nation, your nearest treaty neighbor into a hostile power."  

Foreign Minister Terashima pointed out that although the Japanese government had given foreigners their own places of worship and had never interfered with them according to the spirit and intent of the treaty, yet foreign missionaries in
Nagasaki had established a place of worship at Owakura, not within the limits of the foreign settlement, and in violation of the solemn treaties between Japan and the American and European powers. As he continued his arguments in respect to the unlawful activities of the foreigners who were closely associated with the Japanese Christian troubles, Minister De Long stated unhesitatingly that "when any complaint is made to me of a wrong done by any American citizen, I shall always be as ready and willing to restrain or punish him, as I am prompt to demand redress for my countrymen from this government when I consider them aggrieved." The representatives of the Japanese government sincerely appreciated such a frank and open statement by Minister De Long, and hoped to come to a better understanding with all the representatives of the treaty powers in Japan.

Three days later Minister De Long reported to the Department of State that the instructions which had previously been given to him in regard to the Japanese religious problem were exhausted so far as their application was concerned, and solicited further instructions upon the subject so that he might proceed should any serious exigencies arise. In the instructions dated April 18, 1870, Secretary Fish maintained that however deplorable had been the acts of the Japanese government in regard to its native Christians, they would not be in violation of any
treaty or agreement between Japan and the United States. Furthermore, the secretary clearly recognized that the treatment of the native Christians belonged to the proper exercise of the internal authority which the Japanese government should possess over its own subjects. The Secretary also advised Minister De Long to continue the policy of concerted action with the three European treaty powers. After diplomatic communications with the governments of Great Britain, France, and the North German Confederation in regard to the Japanese Christian problems, Secretary Fish despatched further instructions to Minister De Long on June the 18th, 1870 to the effect that the United States would be opposed to the employment of force in behalf of Japanese Christian converts both as a matter of principle and expediency but would confine its policy to strong remonstrances to the Japanese government for the more humane treatment of these people. The United States thus developed her religious and humanitarian interests in her foreign relations with Japan and finally resorted to peaceful intervention in the religious affairs of the Japanese Empire.
CHAPTER VIII

THE POLICY OF THE UNITED STATES TOWARD JAPAN WITH REFERENCE TO THEIR INTERNATIONAL AND NATIONAL EVENTS FROM 1855 TO 1901

The development of the foreign policy of one nation toward another constantly depends upon the march of their national and international events. The rise or the fall of their prestige in the family of nations, which may have been the result of some extraordinary event such as unavoidable internal or external warfare is sooner or later reflected upon the previous balance of their traditional relations, and consequently produces in their international dealings certain policies which could not have been expected before. Again, the forward movement of their political, social, and economic condition will undoubtedly create new relations as the years go by between any two nations. All such tendencies require a constant readjustment and adaptation of foreign policy to the ever changing conditions of their mutual relationship.

At the time when the United States was about to enter an era of optimism and free trade, she had Townsend Harris as diplomatic representative in the Japanese Empire to look after the rights and interests secured by the Kanagawa treaty. In the course of time, Japanese confidence in the United States was gradually won by his sincere and efficient diplomacy.
One of the most momentous diplomatic events in the history of American relations with Japan after 1855 was the Japanese government's recognition of Mr. Harris' right to have an audience with the Tycoon. On December the 6th, 1857, Harris addressed the following words to the Tycoon:

"May it please your Majesty: In presenting my letters of credence from the President of the United States, I am directed to express to your Majesty the sincere wishes of the President for your health and happiness, and for the prosperity of your dominions. I consider it a great honor that I have been selected to fill the high and important place of Plenipotentiary of the United States at the court of your Majesty, and as my earnest wishes are to unite the two countries more closely in the ties of enduring friendship, my constant exertions shall be directed to the attainment of that happy end."

The Tycoon's reply to Mr. Harris's address was as follows: "Pleased with the letter sent with the Ambassador from a far distant country, and likewise pleased with his discourse. intercourse shall be continued forever."

The diplomatic negotiations for the Commerce and Consular Treaty were carefully planned by Mr. Harris in order to regulate the intercourse of American citizens within the Empire. On June the 17th, 1857, the treaty was concluded, but was soon superseded by the new treaty of Commerce and Navigation which went into
effect on July the 4th, 1859. The effect of this treaty was far-reaching in Japanese political, social and economic affairs as it gave an impetus to the anti-foreign party in Japan to undermine the stability of the Tycoon's government and consequently shake the foundation of the Japanese social structure. It created economic unrest and discontent among the common people who were the first to suffer from the increased cost of all the articles of daily use, one result of the foreign intercourse which had been greatly extended by treaty stipulations. For more than forty years this treaty served as a solemn contract in regulating the international relations between Japan and the United States. Its main purpose was expressed as follows:

"The President of the United States of America and His Majesty the Tycoon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily existing between the two countries, to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce."

According to the provision relating to the ratification of this treaty, the Japanese government decided to send to the United States a special ambassador. This was "the first instance of a mission ever sent abroad" by the Japanese Empire. On August the 27th, 1858, the Japanese government inquired of
Mr. Harris whether the United States government would permit an American vessel to convey the party of the Japanese ambassador to the United States by way of Panama and return. Undoubtedly Japanese authorities regarded the United States in a more friendly light than any European powers with which they had entered into treaty relations. The Japanese government declined the kind offer of the British government to furnish any conveyances which the Japanese ambassador might require should he be directed to England. Mr. Harris commented upon the proposed Japanese mission to the United States as follows:

"We were the first nation to make a treaty of amity with the Japanese. This we have followed up by making the first commercial treaty with them, and to have the eclect to receive the first embassy from this singular people cannot but rebound to our national honor." 398

On March the 19th, 1859, a convention of four articles was concluded between Minister Harris 399 and the Japanese government whereby the latter promised that Japan would not send an embassy to any foreign nation before the Japanese ambassador who bore the ratification of the treaty of commerce and navigation of 1858 should arrive at Washington, and that the embassy would be ready to leave Yeddo for the United States on February the 22d, 1860. In the following month Secretary Cass accepted the request of the Japanese government relative to the
American mission in the following letter to Minister Harris:

"The arrival of the Japanese commissioners will be hailed with much pleasure by the government and people of the United States. In accordance with your suggestion, orders have already left the Navy Department, directing the ambassadors to be met at Aspinwall by the United States steam frigate Roanoke, and conveyed from thence to New York."400

By an order of the Navy Department, the United States steamer "Powhatan" reached Japanese waters early in 1860. In February the Japanese embassy which consisted of Shimmi Vuz-no-kami, ambassador, Muragaki Awaji-no-kami, vice-ambassador, Oguri Yataichi, chief censor, fifteen officers, and fifty-three servants left Japan on board the "Powhatan" and after touching at Honolulu arrived at San Francisco on the 27th of March. There the Japanese were received with great respect as the guests of the city. Six weeks later the Japanese ambassador with his suite arrived at the port of New York on board the United States steamer "Roanoke", and proceeded immediately to Washington where he had an interview with President Buchanan and completed the ratification of the treaty of commerce and navigation with Secretary Cass. The Japanese embassy sent several valuable presents to the President and other officers, while the Japanese were honored with medals in commemoration of their visit to the United States.401 Finally, on the 29th of June, having been welcomed with unbounded hospitality and liberality in Baltimore, Philadelphia, and New York, they embarked on the United States steamer "Niagara"
for the homeward voyage, arriving at Yeddo after an absence of twenty months. 402

When the Japanese government was informed that Minister Harris would return to the United States by his own desire, the Gorogio expressed sincere regret for his leaving and expressed marked appreciation for what he had contributed to the welfare of Japan in an official letter to Secretary Seward, which read in part as follows:

"During a period of more than five years, since we entered into treaty relations, Townsend Harris, esquire, resided at our court as a diplomatic agent. He has a perfect knowledge of the state of affairs in our empire, and he has always been friendly, and made suitable arrangements without cold feeling. By so doing, our friendly relations, not only with your empire, but also with the other treaty powers, have drawn more closely; this, in fact, is to be attributed to the efforts and exertion of Mr. Harris, for which we are most grateful. And for this reason we expressed a desire to your excellency that he might continue to reside here for some years.

But this desire does not appear to have reached your government, as his successor has been selected, and Mr. Harris has been instructed to return, which we consider as a necessity to be regretted; and it is desirable that he may come back here. 403

In reply to this official communication, Secretary Seward
"I cannot express strongly enough the satisfaction he [President Lincoln] has derived from the testimony you bear to the good character and wise conduct of Townsend Harris, our late minister in Japan.

It is a deserved crown of his long period of public service that the same high appreciation of his merits and usefulness is entertained by the government which sent him abroad and by the government near which he has been accredited.

It was the President's deliberate purpose to continue him in his mission, but Mr. Harris, by pleading increase of years and the failure of health, obliged this government to accede to his desire to be recalled. The change has been reluctantly made, but knowing Mr. Pruyn very well, and having the highest confidence in his ability and virtue, I feel entirely assured that he will soon render himself acceptable to the Tycoon, and will succeed in preserving the good relations now so happily existing between the United States and Japan."  

When the United States faced the great internal dissen-sion of civil war, she recognized the necessity of giving discretionary power to her diplomatic representative in Japan to act in concert with his European colleagues for the interests of the two countries. Secretary Seward emphasized the point that Minister Harris's distinguished service, ability, and
success in dealing with the Tycoon's government would bring benefit not only to the United States but also to all the western nations.

As the civil war showed no sign of an early conclusion, the government of the United States began to realize that her national position and respect among the family of nations was already affected, as her political prestige was greatly impaired by the bloody conflict within, and that her economic stability was nearly paralyzed by the Southern privateers and the fluctuating conditions of the war. Indeed, Secretary Seward was very anxious to learn how the American civil war would affect the Japanese attitude towards the United States. In his instructions dated November 15, 1861, to Minister Pruyn, Secretary Seward said:

"What will be the influence of the news of our divisions among the semi-barbarians of Japan, magnified and painted, as they will doubtless be, by strangers, enemies of the republic, its prosperity, and its power? Will the government of Japan retain the fear which, perhaps, was the best guarantee of its good will toward us? Will the misguided faction in Japan, so hostile to all foreigners, suffer the government to remain in friendship with a nation that will seem to them to have lost the virtue of patriotism so essential to command the respect of other nations? Already we have heard that the Chinese
authorities, informed of our divisions, have come to underrate our power, and to disregard our rights. Is this evil to be experienced also in Japan? To prevent it is the responsibility of your mission -- to watch and guard the national interests there, while storms of faction are spending their force against the government at home, will be your chief duty. It will require great dignity and firmness, combined with equal prudence and moderation. I can give you only one counsel. Have faith, under all circumstances, in the virtue of your countrymen, and, consequently, in the triumph of the Union. If you fail in that faith, your distrust will be discovered by the ill-formed and feeble minded community around you. They will have no respect for a government which they think more pretentious while it is weaker than their own; your mission will be a failure, and perhaps end in disaster and danger... If you have that faith, you can impress it upon the government and people of Japan, and their friendly relations toward us may be retained until, our domestic differences being ended, we are able once more to demonstrate our power in the East, and establish our commerce there on secure foundation. 406

To carry out this purpose, to maintain her commercial interests, and to establish the prestige of western civilization in Japan, the government of the United States adopted the policy of concerted action with the European treaty powers. In conformity with instructions Minister Pruyn endeavored to promote a just and conciliatory disposition in his relations with the
Japanese authorities. On June the 15th, 1862, the Gorogio informed Minister Pruyn that the Tycoon's government desired to send some suitable Japanese subjects to the American legation to receive instruction in the English language in order to avoid past inconveniences in diplomatic interviews and negotiations with foreign representatives. Minister Pruyn cheerfully complied with the Japanese request though it meant an unpleasant burden on the legation. On December the 1st, 1862, President Lincoln in his second annual message said that the United States would continue to maintain favorable relations with Japan. In the spring of 1863, the Gorogio was greatly disturbed because of hostile agitations by the two powerful daimios of Satsuma and Nagato, who had gradually influenced the Mikado's court at Kioto against the foreign policy which the Tycoon's government had adopted in its relations with the western countries. Apprehensive of great internal strife, the Tycoon's government asked Minister Pruyn what would be the American attitude should the Tycoon's government be attacked. The Minister replied that the government of the United States would not only render moral but also such material support as would be justified by international law, because self defense would dictate such action against daimios whose purpose was to drive foreigners out of the Empire. As a matter of fact, Minister Pruyn, in spite of the different opinion of his European colleagues, was confident
of the ultimate success of the Tycoon to maintain his superior political position even against the Mikado. 408

Although the Tycoon had been outwitted in his visit to the Mikado's court at Kioto during the spring of 1863, still Minister Pruyn refused to believe the rumors that the Tycoon would be compelled to abdicate by the Mikado. Moreover, Pruyn in his correspondence with the French minister in Japan was of the opinion that the Tycoon's government not only had full faith in the friendly disposition of the United States but also in its ability to protect citizens and subjects of foreign powers from domestic violence in the Japanese Empire. But he was soon convinced on June the 23d, 1863, by the first Japanese official acknowledgement that the Tycoon's rank was the Nai-dai-jin (the fourth rank) 409 in the Mikado's court at Kioto, though the actual power and rule of the Empire had been vested in him. Up to this time, the United States had regarded the Mikado as the spiritual ruler of Japan and the Tycoon as the temporal. Now it became evident that His Majesty the Emperor of Japan was the Mikado, while the Tycoon was one of the Imperial Ministers. 410

During all these years, the anti-foreign party in Japan worked hard to create the impression that the Tycoon's government had usurped its power in concluding treaties with foreign governments without the consent of the Japanese Emperor. When Minister Pruyn came to recognize the necessity of having the
treaty of the United States with Japan ratified by the Japanese Emperor, he wrote to Secretary Seward, as follows: "Until this is done the position of foreigners must continue precarious, and their presence occasion intrigues, and perhaps civil war, because not sanctioned by the rightful sovereign, which the Mikado doubtless is, theoretically and practically, should the daimioa gather around him." To secure the Mikado's ratification of the treaty, the United States government emphasized the manifest interest and duty of all western treaty powers in Japan to be in harmony and good accord in the matter of diplomatic negotiations with the Japanese authorities. While the Tycoon's government was greatly disturbed on account of the outrages committed by Japanese subjects upon foreigners in Japan, the United States government insisted with firmness but with no spirit of resentment that the Japanese fully observe their treaty obligations with the United States.

During the two years 1863 and 1864, the Japanese Empire was plunged into great internal strife, whereas the United States assumed a more cheerful attitude in its contest with the Confederacy. On February the 2nd, 1864, the Gorogio summed up Japanese relations with the United States as follows:

"We have to inform your excellency that the great departure from the ancient custom in entering upon foreign intercourse led to much trouble of various kinds; public feeling became unsettled--
ed, and civil commotion was the result, as you have heard and 
witnessed. Though we strenuously exerted ourselves in devising 
and taking measures to quiet the public feeling and bring it 
in harmony with the change, yet the result thus far has not been 
satisfactory; and hence we lost some of the good will of your 
government, and the relations of peace and amity are not as 
heretofore, owing to the firing upon the American ship in the 
 principality of Nagato." 414

For the purpose of promoting friendly relations between the 
 Tycoon's government and the treaty powers, Minister Pruyn ad­ 
vised the Gorogio that to establish peace with the western 
countries the Japanese Empire should avoid any injury to their 
citizens or subjects, within the Empire, and make prompt re­ 
 paration to the party injured by the acts of lawless men. On 
February the 29th, 1864, Minister Pruyn despatched to Secretary 
Seward a letter in which he said:

"The present attitude of the [Japanese] government makes 
 me indulge the hope that the reactionary party has entirely fail­ 
ed, and that the foreign policy of the government is now fixed 
and may be relied on as favorable to a continuance of peace and 
the observance of the treaties. The utmost moderation will be 
the best policy. The dictates of an enlightened humanity have 
justified the friendly and patient forbearance which has here­ 
tofore characterized our relations with this government; and it
is pleasant to believe that such forbearance is still compatible with our true interests as being best calculated to overcome the obstacles arising from the laws and institutions of the government and the prejudices of the ruling class.  

As the result of the settling of the Shimonoseki question, Minister Pruyn with his European colleagues succeeded in securing a promise from the Tycoon's government to make every effort to procure the Mikado's ratification of the treaties. In his fourth annual message dated December 6, 1864, President Lincoln commented upon the relations between the United States and Japan, as follows:

"Owing to the peculiar situation of Japan and the anomalous form of its Government, the action of that Empire in performing treaty stipulations is inconstant and capricious. Nevertheless, good progress has been effected by the western powers, moving with enlightened concert. Our own pecuniary claims have been allowed or put in course of settlement, and the Japanese inland sea has been reopened to commerce. There is reason also to believe that these proceedings have increased rather than diminished the friendship of Japan toward the United States."

Under the various treaties with Japan, citizens and subjects of the several powers in Japan had been assigned land, subject to an annual rent payable to the Japanese government, without the payment of any sum by way of purchase money. "Then land in the foreign settlements of Japan had only a nominal value,
the Japanese concessions to distinct nationalities did not cause any trouble among the foreign residents but when the settlements grew rapidly a great increase in property values resulted. As a matter of fact, the lots in the settlement at Yokohama had increased in some cases from a merely normal price up to four or five thousand dollars each by the beginning of the year 1865. European and American speculators in China and elsewhere, attracted by the opportunities in Japanese open ports, realized handsome profits on land deals, and left Japan to newcomers to repeat their speculative operations.

The representatives of the treaty powers, including Minister Pruyn, decided to check the evils arising from such land speculations because they gave rise to serious conflicts between their own consular jurisdictions in Japan. They therefore advised the Tycoon's government to avoid making exceptionally large grants of land to any one of the treaty powers without reference to the rest and thus to give equal rights to all by virtue of the most favored nation clause in the existing treaties with Japan. Through concerted diplomatic negotiations, the treaty powers secured among other concessions from the Tycoon's government a unique privilege: foreign land renters within the foreign settlement at Yokohama might perform certain municipal functions under the stipulation that the Gorogio would agree to a reduction of twenty percent in the yearly rent
paid by all lands leased to foreigners in that city in order that they might defray the expenses incurred by their settlement. 420

During the month of June, 1865, when strife between the Tycoon and the powerful daimio of Nagato became evident, Mr. Portman, chargé d'affaires ad interim of the United States, together with his European colleagues adopted a policy of strict neutrality. In the following month, when the Japanese authorities learned of the assassination of President Lincoln and the attack upon Secretary Seward, the Gorogio lost no time in sending the governors for foreign affairs to the American legation to express in the name of the Tycoon and his government the most sincere sentiment of sympathy and pain for the unexpected calamity of the United States. On September the 3d, 1865, Secretary Seward expressed the appreciation of the United States in his instructions to Mr. Portman as follows:

"He [President Johnson] is profoundly affected by the expressions of sympathy and condolence in the recent afflictions of our country which the Gorogio of Japan have authorized you to communicate to this government. We humbly trust that the danger with which we have been threatened have been averted by an all-merciful Providence. But we are not, therefore, by any means less grateful to friendly powers for the good wishes they have expressed in our behalf. You are authorized to renew to
the Gorogio the assurance of the friendship of the United States for the Emperor and people of Japan."421

In November, 1865, the treaty powers including the United States renewed their diplomatic negotiations relative to the Mikado's ratification of their treaties because the Tycoon's government could not fulfill its promise to do so. They urged that if the Tycoon had so much difficulty in explaining matters at the Imperial court at Kioto, the representatives of the treaty powers would accompany him there as a means of obtaining the Mikado's sanction. The Tycoon positively declined to accept such advice on the ground that it would alarm the people and provoke violence on the part of the Japanese anti-foreign party. At the same time they were assured that the Mikado's sanction to all the treaties, which had been concluded by the Tycoon without the imperial consent, would be obtained. The representatives of the treaty powers vigorously asserted that whether they should have to deal in the future with the Tycoon or the Mikado, they would insist upon the strict fulfillment of treaty obligations.422 Finally they came to an agreement that the treaties which the Tycoon had concluded should be faithfully kept by the ruling power of Japan in whomsoever it might be vested.

At the end of November, 1865, the Tycoon's government obtained the Mikado's approval of the treaties between Japan and
the United States as well as other European powers. On December the 14th, 1865, the Gorogio notified all daimios and hatamoto423 that the treaties between the Tycoon and the western powers had been ratified by the "ikado. Mr. Portman wrote to Secretary Seward:

"I believe I am not too sanguine when venturing to submit it as my opinion that the formal sanction of the treaties by the Mikado, recognized by all Japanese as the real sovereign of their country, will prove an important result of the recent negotiations, due in a great measure, no doubt, to the perfect unanimity of views and action of the foreign representatives. The Tycoon is under lasting obligations to the four powers [the United States, Great Britain, France and the Netherlands] for the action taken by them so opportunely for his interests and the true interests of Japan, and by sanctioning the treaties, the Tycoon is recognized as the de facto chief of the government of this country."424

As the result of aggravated difficulties in both internal and external affairs, the Tycoon on November the 19th, 1867, tendered his resignation as "hogun to the Mikado for the good of the Empire. This important political event could not help but produce a spirit of unrest not only among the Tycoon's followers but among the ambitious daimios who were anxious to seize the opportunity of influencing the imperial court at Kioto.
At last when the Shogunship was abolished by an imperial order of January the 3d, 1868, the Tycoon was called by the respected title of Uyesama or by the family name of Tokugawa. Seven days later the treaty powers in Japan, including the United States addressed to Tokugawa the following:

"At a moment when the government of Japan is undergoing important modifications, the representatives of the foreign powers who signed the treaties feel themselves called on to give expression to their feelings of high esteem and gratitude toward the Uyesama, who, by his energy and loyalty, has succeeded in securing the faithful execution of the said treaties. Thoroughly determined to stand aloof from the existing dissensions relative to the form of government, the representatives here present express but one hope -- it is that a national and stable government may be formed which will afford to them sufficient guarantees for the loyal execution of international engagements.

Independently of their desires, they possess a right -- it is that of being informed officially, and without delay, of the government with whom they have to deal, in maintaining the interests which they have the honor to represent in Japan.

They trust that the Uyesama will take into serious consideration both their wishes and their right, and that he will be pleased to inform them, with the least possible delay, of the government to whom they are in the future to address themselves."
Secretary Seward, having realized the seriousness of the Japanese political revolution as a consequence of the sudden entrance of Japan into foreign relations, instructed Minister Van Valkenburgh to exercise all his ability and skill in maintaining the treaty rights of the United States in that country. During the Japanese civil war which had begun in the early spring of 1868, the United States adopted the policy of neutrality at the earnest request of the Tokugawa's followers. Soon the United States in concert with the other treaty powers adopted the policy of self defense to protect life and property from imminent danger. They erected barricades and batteries in the foreign settlement at Hiogo and landed sailors and marines from their men-of-war in Osaka bay. When their war ships seized the Japanese steamers off the port of Hiogo in order to prevent further disorder on the shore, there unfortunately occurred some skirmishes between the retainers of Matsudaira Bezen-no-kami and the troops of the treaty powers on February the 19th, 1868.426

On February the 8th, 1868, the representatives of the treaty powers held for the first time an interview with Higashi Kuse Saki-no-shosho, envoy of His Majesty the Emperor, at the custom house in the open port Hiogo. In this interview the envoy presented the Emperor's precept to the foreign representatives including Minister Van Valkenburgh, which read as follows:

The Emperor of Japan announces to the sovereigns of all
foreign nations, and to their subjects, that permission has been
granted to the Shogun Tokugawa Yoshuiobu to return the governing
power in accordance with his own request. Henceforward we shall
exercise supreme authority, both in the internal and external
affairs of the country. Consequently, the title of Emperor
should be substituted for that of the Tycoon, which has been
hitherto employed in the treaties.

"Officers are being appointed by us to conduct foreign affairs. It is
desirable that the representatives of all the treaty powers
should recognize this announcement." 427

Although they recognized the new Japanese authorities as
the de jure government, the treaty powers protested against the
unprovoked attacks upon foreign residents in Hiogo by the re­
tainers of Matsudaira Rezen-no-kami and demanded ample reparation
for the outrages committed. Not only were they assured by the
envoy that the Mikado would disapprove the Matsudaira's action,
but in addition their written demands on the subject were will­
ingly forwarded to Kioto for consideration. In the same inter­
view, the envoy proposed that the Mikado's government should
assume the duty of the entire protection of foreigners in Hiogo,
and guarantee to check any recurrence of similar outrages there
in the future, should the treaty powers withdraw their forces
from the Japanese open port. Furthermore, the envoy announced
to the foreign representatives that the former treaties which had been concluded between the Tycoon's government and their countries would be preserved without any alterations. At the conclusion of the interview, the foreign representatives unanimously resolved to ask their naval commanders to withdraw their forces, and to resign the protection of Hiogo to the Mikado's government and also to give up some Japanese vessels which had been seized at their request. On the same day, the treaty powers withdrew all their sailors and marines from the foreign settlement in Hiogo; and the envoy substituted in their place the retainers of Satsuma and the other daimios. In the next two days all the guns were removed, and the barricades and batteries demolished by the treaty powers. Their subjects and citizens reinstated themselves in their places of business without any trouble under the protection of the Mikado's government.\footnote{428}

In the course of several interviews with the Japanese Envoy Higashi Kuse, during the period between February 9th and 17th, 1868, the treaty powers were promised the punishment of the officer of Matsudaira Bezen-no-kami who directed the outrageous attacks upon foreigners. Moreover, they secured the assurance of His Majesty the Emperor that their citizens and subjects in Japan would be protected and their treaties would be faithfully executed on the part of the Japanese government. At the envoy's suggestion, they appointed the English minister and Prussian.
charge d'affaires in Japan to explain, and to furnish him with copies of all the treaties, conventions, and agreements which had been theretofore concluded between them and the Tycoon. 429

In consequence of the Tokugawa's rebellion against the Imperial court at Kioto, the Japanese government made a written communication to Minister Van Valkenburgh to the effect that the United States would kindly observe strict neutrality in behalf of the national interests of Japan. Minister Van Valkenburgh and his European colleagues after careful consideration agreed upon the policy of maintaining strict neutrality in the Japanese internal war. On February the 18th, 1868, Minister Van Valkenburgh issued the following notice to American citizens in Japan:

"Having been officially informed that war existed in Japan between his Majesty the Mikado and the Tycoon, and being desirous of taking measures to secure the observance of a strict neutrality on the part of citizens of the United States of America, I give notice to such citizens that active participation in this war, by entering into service, the sale or charter of vessels of war or transport ships for the transportation of troops, military persons, military despatches, arms, ammunition, or articles contraband of war, to or for either of the contending parties, and similar acts, constitute, according to international law, a breach of neutrality, and may therefore be treat-
Persons in such military service would subject themselves to the rules of war, while ships and other means of conveyance engaged in a breach of neutrality would render themselves liable to capture and confiscation, which rule may extend to cargo belonging to neutrals.

Such breaches would also involve the citizen and vessel in the danger of forfeiting claim to the protection of their government, as well as the rights and privileges granted by the treaty between the United States and Japan.\textsuperscript{430}

During the spring of 1868, in the foreign settlement of Yokohama, the treaty powers in Japan again adopted the policy of self-defense with the aid of the Japanese guard in order to prevent conflicts between their citizens and subjects and the Japanese soldiers who had been straggling there under no responsible Japanese commanders. On April the 4th, 1868, the foreign representatives called attention to the fact that the Imperial force in the vicinity of Yedo could not remove all the causes of misapprehension for the safety of the foreign residents in Yokohama. To comply with this request, the Japanese government appointed new governors in Yokohama and directed the Imperial troops under responsible officers to proceed there for the purpose of insuring further protection to the foreign residents.\textsuperscript{431}

During the second year of the American civil war the
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Tycoon's government requested the United States government to build for Japan two steam sloops of war and one steam gun boat, with heavy guns, small arms, nautical instruments, etc., together with a rifling machine and a field battery of six guns. The Department of State, after submitting the matter to the Secretaries of War and the Navy accepted the ship-building proposition, but declined to supply any armament for these vessels on the ground that such an order would interfere with similar work being done for the Union's war purposes. When the American steamer "Monitor" was attacked by the daimio of Nagato, during the international complications of the Shimonoseki affair already described above, the United States government refused to let the Japanese steamer "Fusiyama" proceed on her homeward voyage. The executive order of President Lincoln dated December 3, 1864, read as follows:

"A war steamer called the Fusiyama Solace, having been built in this country for the Japanese government, and at the instance of that government, it is deemed to comport with the public interest, in view of the unsettled condition of the relations of the United States with that empire, that the steamer should not be allowed to proceed to Japan. If, however, the Secretary of the Navy should ascertain that the steamer is adapted to our service, he is authorized to purchase her, but the purchase money, will be held in trust towards satisfying
any valid claims which may be presented by the Japanese on account of the construction of the steamer, and the failure to deliver the same as above set forth." 432

When all the diplomatic difficulties between the Tycoon's government and the United States had been removed, Minister Pruyn and Mr. Portman advised the government at Washington to grant immediate clearance to the "Fusiyama". On June the 6th, 1865, by an executive order of President Johnson the Secretary of the Treasury issued clearance papers. Eight months later the steam corvette "Fusiyama" was formally delivered to the Japanese authorities by Captain Franklin Hallet, her commander. The other two vessels were not yet constructed in the United States, though the Tycoon's government had already paid to Minister Pruyn six hundred thousand dollars out of eight hundred and sixty thousand dollars, the original contract price for the construction of the three vessels. In reply to the demand of the Tycoon's government for the remaining vessels, Mr. Portman suggested that the United States government might agree to deliver an unregistered warship which had been seized as a prize of war from the Confederacy in case a Japanese commissioner was directed to Washington for the settlement of the undelivered vessels.

After further negotiations with Minister Van Valkenburgh, the Tycoon's government sent to the United States as commissioner
Ono Tomogoro, who settled the question by purchasing the ironclad steamer "Stonewall" and other armament with the balance of the money paid by Japan less the cost of the "Fusiyama". When the "Stonewall" in charge of Commander G. Brown arrived at the harbor of Yokohama on April the 24th, 1868, Minister Van Valkenburgh, in view of the policy of neutrality which had been adopted by him and his colleagues, did not deliver the steamer to Tokugawa (the Tycoon) who was then at war with the Japanese government, but kept her under the American flag until internal peace had been completely reestablished. In order to maintain this policy toward Japan, the United States enjoyed the cooperation of the other western powers having vital interests in the Japanese political revolution of 1868.

When the United States became a real neighbor of Japan by the acquisition of Alaska, Minister Resident Mori was in 1870 for the first time recognized as the Japanese diplomatic representative at Washington. Two years later the Japanese imperial embassy which consisted of Prince Isakura as ambassador, the foremost statesmen Okubo, Kido, Yamaguchi, and Ito as vice ambassadors, and forty-three other leaders of the Empire together with Minister De Long, Mr. Rice, interpreter in the United States legation at Tokyo, arrived in San Francisco where they attracted great attention. When the embassy arrived at Washington, it was received by President Grant with great court-
esy and friendship. Prince Iwakura and his suite were honored as the guests of Congress, where Speaker Blaine delivered an eloquent address of welcome in which he said:

"Reaching the boundary of our continent, we encountered a returning tide from your country, setting eastward, seeking not the trophies of war, but the more shining victories of peace; and these two currents of population appropriately meet and mingle on the shores of the great Pacific sea."\(^{434}\)

Still more important was Secretary Fish's assurance that the United States would be most liberal in her attitude with respect to the revision of the Japanese treaties, which was the principal motive of the embassy. After a stay of seven months during which the Prince and his suite experienced distinct hospitality at the hands of American cities and private citizens, and after they had studied the institutions, laws, and customs of the United States, the Japanese embassy departed for Europe profoundly impressed by western progress and civilization.

Upon learning that the kingdom of Loo Choo had at last been incorporated into the Japanese Empire in October, 1872, Minister De Long secured from the Japanese government certain privileges which had not been embodied in the United States treaty with Japan but had been provided for in the compact between the United States and Loo Choo which had been proclaimed by the President on March the 9th, 1855. As the Japanese
government agreed to regard the same as binding, so the United States recognized the Japanese annexation of the kingdom of Loo Choo on December the 10th, 1872.

The position of the Japanese Empire having been improved, the United States government raised the rank of her embassy in Japan from minister resident to that of envoy extraordinary and minister plenipotentiary. On May the 3rd, 1873, John A. Bingham was appointed to be the first envoy. Five months later, when he was admitted to an audience by the Japanese imperial court, in delivering his letter of credence he made the following address to his Majesty, the Emperor of Japan:

"Your Imperial Majesty has already been advised, through Your Majesty's illustrious minister of foreign affairs, that I have been appointed and commissioned envoy extraordinary and minister plenipotentiary of the United States of America to reside near Your Majesty's government. Obedient to the instruction of my government, and to my own sense of duty as well, it shall be my endeavor by good offices to strengthen, so far as I may be able, the friendship now happily subsisting between Your Majesty's government and my own, and to advance the interests of both. It is a pleasure to me to say that I but obey the instructions of the President who commissioned me when I assure Your Majesty that you have the good-will of the President and of the United States of America, and their best
wishes for the prosperity of Your Majesty and of the people of Japan. The people whom I represent are not unmindful of the trust and confidence uniformly manifested by Your Majesty's government toward the government and citizens of the United States. Thanking Your Majesty for the distinguished consideration shown me, and sincerely desiring that this growing empire of the East may continue to advance with the advancing civilization of the age, I have the honor to place in Your Majesty's hands my letter of credence, signed by the President and authenticated by the great seal of the United States of America."436

To this address, His Imperial Majesty made the following reply:

"We are most happy to receive this letter from the President of the United States announcing to us that you have selected and commissioned envoy extraordinary and minister plenipotentiary accredited to this court.

"We have the full confidence that in fulfilling the functions intrusted to you, you will use your best endeavors, guided by experience, fidelity, and probity, to increase friendship between both nations and to advance our mutual interests.

"Our ardent wishes and hopes are that your country may continuously be in peace and prosperity."437

"Then the Japanese government promulgated certain hunting regulations in January, 1873, the treaty powers under the lead
of the British minister proposed the objection that the proposed
Japanese regulations were in conflict with the rights of consular
jurisdiction secured by the treaties with Japan. Minister Bingham
however, believed that the regulations would not be in con-
flict with the treaty rights of the United States. On January
the 7th, 1874, Secretary Fish approved Minister Bingham's views
and defined the legal principles of American foreign policy in
regard to Japanese local laws and regulations as follows:

"The right of the authorities of Japan to enact and pro-
mulgate laws for the government, security, and good order of its
own people, cannot, of course, be questioned for a moment, and
of the character and sufficiency of these laws, that government
must be the sole judge. Citizens of the United States resident
in Japan are expected and required to observe and obey such laws
in the same manner and to the same extent that the like obliga-
tions rest upon the subjects of that empire. In regard to the
enforcement of these laws, and the imposition of penalties for
their infraction, citizens of the United States have secured
to them, by the provisions of existing treaties, the right of
being tried in the consular courts of their own nation, estab-
lished in Japan, and according to the mode prescribed by the
laws of the United States, and are protected from the infliction
of any other penalties than those prescribed or warranted by the
laws of their own country. So long as these privileges are re-
cognized and respected by the government of Japan, there can no
cause of complaint on the part of this government in relation to the promulgation of any municipal law or regulation which the legislative authority of that country may deem necessary to its public interest and welfare."438

Thus the United States set a new precedent for acting in accordance with her legal principles rather than with her traditional policy of acting in concert with the other treaty powers.

In the early seventies, many unfortunate shipwrecked Japanese seamen were barbarously tortured and even put to death by the aborigines of Formosa. Accordingly, during the spring of 1874, the Japanese government decided to send a military and naval expedition against that island. The American ship "New York" which was owned by the Pacific Mail Steamship Company and three American citizens, General C. W. Le Gendre, Lieut. Commander Cassell, and Mr. Wasson, together with the English ship "Yorkshire", were openly engaged to accompany the expedition. On April the 18th, 1874, Minister Bingham, acting according to an act of Congress of July the 22nd, 1860, which declared that "it shall be competent for the minister of Japan to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of either of said countries to make war upon any foreign power with whom the United States are at peace,"439 sent a strong protest to the Japanese government declaring that the three American
citizens and the ship of the Pacific Mail Steamship Company should not proceed to Formosa until China would consent to Japan's undertaking such a hostile expedition. The prompt compliance of the Japanese with Minister Bingham's demand brought the controversy to a happy termination, and the Japanese government discharged the three citizens of the United States and the American vessel. The United States maintained a policy of neutrality, when the invasion of Formosa by the Japanese had begun in order to inflict fitting retribution upon the island's savages.

On February the 8th, 1876, the Japanese government requested Minister Bingham to notify American citizens to refrain from publishing newspapers or periodicals in any language whatever within the empire according to the Japanese press law of June the 28th, 1875. Bingham was, however, of the opinion that this law was impolitic and a manifest departure from the spirit of the treaty of 1858 between the two countries. He based his objection on the ground that the third article of this treaty guaranteed the citizens of the United States in Japan the free exercise of their religion which he inferred carried with it the right to publish as well as to speak the principles and scriptures of Christianity. But Secretary Fish advised Minister Bingham to comply with the request of the Japanese government in carefully drawn instructions in which he said:
"The laws for the regulation of the press in Japan are Japanese municipal laws, and whether politic or impolitic, wise or unwise, it seems to me to be their undoubted right to establish and enforce them -- the question of their wisdom or policy being one for the Japanese government alone to determine." 

Further, the Secretary instructed Minister Hingham that the right accorded by the third article of the treaty of 1858 permitting American citizens to reside within certain territorial limits did not necessarily carry, by implication, all the rights common to Japanese subjects. Twelve years later the Japanese government again promulgated newspaper regulations, which were far in advance of those which had been previously passed. Minister Hubbard expressed his sincere satisfaction with the new Japanese press act which was undoubtedly a decided step toward the enlightened internal policy on which Japan had already embarked.

As has been already stated in the fourth chapter, Commodore Perry on his voyage to Japan visited and took possession of the Bonin Islands for the United States. This action, however, had never been expressly sanctioned by the United States, and consequently there had been no disposition to support the Commodore's claim to those islands. In the early spring of 1873, Captain B. Pease an American citizen who had
resided for the last three years in the Bonin Islands, at the request of a large number of the residents of that archipelago presented to the American legation at Tokyo, an inquiry as to what governmental protection they would be entitled to. Minister De Long replied that if the United States would not assert jurisdiction over the Bonin Islands, he must recognize Japanese jurisdiction should the Japanese government claim the islands as its possessions. According to instructions from the Department of State dated May 31, 1873, it became evident that the government of the United States would not assert its jurisdiction over the Bonin Islands because the Commodore's action of taking possession of that archipelago had never been sanctioned by Congress. As to the protection of American citizens residing there, the same instructions stated:

"If citizens of the United States have repaired to those islands for the purpose of taking up a residence, this has been done without any promise, express or implied, that this Government would protect them in their pursuits. By resorting to such remote spots on the globe's surface, under such circumstances, they may fairly be held to have deliberately abandoned the United States without a purpose of returning, and therefore to have relinquished the rights as well as the duties of citizen." Finally the Bonin Islands were formally recognized as Japanese
possessions by the United States in the year 1875. 444

Two years later when the Japanese Empire was confronted with the formidable Sei-Nan (Satsuuma) insurrection, Minister Hingham was ready to issue official notice to all American citizens in Japan to abstain from enlisting "in any service of one portion of the people of Japan against any other portion of the people thereof." 445 Grave as it appeared at the beginning, after less than seven months the insurrection was happily suppressed by the efficient forces of the Japanese government without involving complications with the United States.

Because of the commercial depression of 1877, the United States directed her attention to the possible promotion of her foreign trade. In the following year when the returning tide of a general prosperity commenced to manifest itself all over the country, the government of the United States concluded with the Japanese government the commercial convention of July the 25th, 1878, which was proclaimed by the President on April the 8th, 1879. The purpose of this convention was to strengthen friendly relations and to extend and consolidate commercial intercourse between the United States and the Japanese Empire. 446

During the years 1878 and 1879, Japan was greatly alarmed because of the outbreak of an epidemic of cholera. As that disease was prevalent in the open port of Nagasaki for sometime during the autumn of 1878, the Japanese government through its
local officials requested American consuls to observe the quarantine regulations by which all merchant vessels arriving at Yokohama from Nagasaki should be subject to imperial medical inspection, and that any vessel infected with cholera should go into quarantine and not permit any of its crew, passengers, or cargo to be landed on shore during such quarantine. Minister Bingham complied with the Japanese request on the ground that the right of the Japanese government to prevent ships infected with pestilence from coming into its ports was as clear as its manifest right to prohibit the coming into its ports of the armed vessels of a declared public enemy, but some of the European treaty powers in Japan entirely disregarded the Japanese quarantine regulations during the year of 1879. Indeed, in order to be consistent with legal principle the United States government did not hesitate to abandon her traditional policy of acting in harmony with the European treaty powers in regard to diplomatic relations with Japan.

The visit of General U. S. Grant to Japan on his tour around the world in 1879, gave rise to an important event so far as his influence in promoting the friendly relations between the United States and Japan was concerned. Among other things, the most significant thing was his informal interviews with His Majesty the Emperor of Japan, in which he gave his most sincere personal advice to the Emperor for the future welfare of Japan. He likewise did much to ameliorate the impend-
ing conflict between China and Japan over the sovereignty of the Loo Choo Islands. Having complied with the earnest request of the Chinese government, General Grant on July the 22nd, 1879, held a conference at Nikko with the representatives of the Japanese government consisting of Japanese Minister of the Interior Ito, General Saigo, and Mr. Yoshida. Without any intention to interfere with the right of the Japanese government, General Grant availed himself of the opportunity to persuade the Japanese representatives to establish an amicable understanding with China for the following reasons:

"In China opium had been forced upon the people. That was as great a crime against civilization as slavery. In Japan, only the other day, I saw the Germans deliberately violate a Japanese quarantine by sending down a German gun-boat and taking a German merchantman out of quarantine. No European power would dare to do such a thing in the United States. But it illustrates European policy in the East. If war should ensue between China and Japan, European powers would end it in their own way and to their own advantage, and to the disadvantage of the two nations. Your weakness and your quarrels are their opportunity. \textsuperscript{4}48

"Such a question as Loochoo offers a tempting opportunity for the interference of unfriendly diplomacy." \textsuperscript{4}48

The Japanese representatives, being profoundly impressed with the valuable advice of General Grant, stated that Japan had
imply exercised her proper sovereign power over her dominions. As a result of this conference, the Japanese government showed a most friendly spirit toward China. Indeed, Japan was not slow to appreciate the sincere hope which General Grant expressed for the future development of Japan when he said:

"It is the sincere desire of your guests to see Japan realize all possible strength and greatness, to see her as independent of foreign rule or dictation as any Western nation now is, and to see affairs so directed by her as to command the respect of the civilized world." 449

On September the 3rd, 1879, after an eventful sojourn of two months, General Grant and his party departed on board the American steamer "Tokyo".

When on February the 11th, 1889, Japanese Minister Hutsu at Washington notified the Department of State that the Japanese constitution had been proclaimed by His Imperial Majesty in person amidst the great enthusiasm of his subjects, the government of the United States not only tendered him congratulations but also manifested its good-will and interest in the future progress of Japan under a constitution which contained valuable guaranties of liberty and provided for a responsible ministry to conduct the government. 450

Japanese subjects domiciled in the State of Montana were harshly treated during the spring of 1897. They were subjected to insults, threats, and violence by American citizens who were
affiliated with the local labor unions in that State and ex-
pressed their motive as follows:

"America against Asia, progress vs. retrogression, are the
considerations now involved. American manhood and American
womenhood must be protected from the competition with these
inferior races, and further invasions of industry and further
the reductions of wages of native labor by the employment of these
people must be strenuously resisted." 451

Upon learning of these unhappy incidents, Japanese minister
Hoshi at Washington presented a protest to Secretary Sherman to
the effect that the government of the United States should pro-
tect Japanese subjects from such hardships as they had been
subjected. Secretary Sherman replied as follows:

"Referring to your complaint of organized opposition of
labor unions to Japanese subjects seeking employment in the
Western States and Territories, I have the honor to inform you
that the Attorney-General, of whom I requested an opinion whether
any act of Congress protects citizens of other countries in such
employment and whether there is any remedy for the boycott com-
plained of by you, advises me under the date of the 27th instant,
that there is no statute of the United States which makes the
acts you describe a criminal offense against the United States,
and that redress for the legislation or acts complained of, if
there is any, of which he expresses no opinion, is by suit or
action by the person or persons injured."\textsuperscript{452}

The United States had already embarked upon a colonial foreign policy by her formal acquisition of the Islands of Tutuila in the Pacific Ocean. Fifteen years later, as already mentioned in the fourth chapter, the United States made an attempt to establish a protectorate over the Hawaiian Islands. It is obvious that the interests of the United States steadily followed the expansion of her far western boundary line into the Pacific as a consequence of her possession of the Islands of Tutuila and Alaska Territory. During the autumn of 1893, the government of the United States inquired of the Japanese government whether Japan would take advantage of the opportunity offered by the stipulations in the award of the Paris Tribunal of Arbitration in regard to the protection of fur seals in the Bering Sea. Having an extensive coast line which faced the sealing area, Japan agreed to comply with the American request on condition that the principle of protection which the British and American seal fisheries were entitled to enjoy under the regulations of the Paris Tribunal of Arbitration should be given also to the Japanese seal fisheries. When the United States requested Japan to prevent foreign vessels from using the Japanese flag in order to evade the fur seal fishery regulations, the Japanese government did everything in its power to satisfy American wishes as a matter of comity and good-will.\textsuperscript{453}
Then the United States had entered into an era of unprecedented industrial and commercial prosperity, she suddenly faced the outbreak of the Spanish-American war. The victory of the United States in this conflict was speedily followed by her annexation of the Hawaiian Islands on July the 7th, 1898, giving rise to several international difficulties with Japan as has already been mentioned in the fifth chapter. Seven months later, as a result of the Spanish-American war, the United States assumed a new national position by reason of the acquisition of the colonial dependencies of Guam and the Philippine Islands. Still more significant was the fact that these American possessions were situated so close to the territory of the Japanese Empire. Naturally these events could not help but produce an important influence upon the foreign policy of the United States toward Japan.

The treaty of commerce and navigation concluded with Japan on November the 22nd, 1894 went into effect on July the 17th, 1899. The United States was accordingly satisfied to give up all the privileges, exemptions, and immunities connected with American consular jurisdiction in Japan, and openly declared in favor of the maintenance of good-will by extending and increasing intercourse with Japan as the essential object of the revised treaty of 1894 "upon the principles of equity and mutual benefit". The position of the Japanese Empire as...
an completely independent sovereign power was last recognized by the United States.

On July the 25th, 1899, Secretary Hay sent instructions to Minister Buck at Tokyo to obtain permission from the Japanese government to land and pasture United States army horses and mules at the Japanese open ports which were bound for the Philippine Islands. The Japanese government willingly permitted the United States to unload and pasture these animals at Nagasaki and Kobe. On September the 2nd, 1899, when the United States vessel "Morgan City" with troops for the Philippines was grounded on Inno Island in the Japanese Inland Sea, the Japanese government rendered much courteous and friendly assistance to the vessel, her crew, and passengers. In the meantime the United States had become fully aware of the importance of laying a submarine telegraph cable across the Pacific Ocean in order to maintain her political interests as well as to promote her commercial advantages in the Far East. During the month of September, 1899, the government of the United States opened diplomatic negotiations with the Japanese government for the purpose of establishing a direct cable communication between the United States and Japan under American control. The utility of constructing a direct telegraphic union between the two countries having been fully recognized, the Japanese government assented to the proposal under such
conditions as Japan considered to be fair and reasonable. 457

During the year 1899 the United States adopted a firm attitude in her demand that the Japanese government should not discriminate against American citizens in favor of the French in the matter of commercial privileges. On November the 13th, 1899, in his instructions to Minister Buck, Secretary Hay stated that the government of the United States had an ardent desire to arrive at an agreement among all the powers which were interested to secure perfect equality in Chinese markets for trade and navigation within the limits of that country, especially within the so-called spheres of influence or interest of certain European powers in China. In the same letter the Minister was instructed to submit the "open door" policy of the United States to the Japanese government for favorable consideration. In the following month Buck opened negotiations to secure Japanese assurances for the support of the American "open door" policy in China with the following proposition:

"To obtain the object it has in view and to remove possible caused of international irritation and reestablish confidence of so essential to commerce, it has seemed to this Government highly desirable that the various powers claiming 'sphere of interest or influence' in China should give formal assurance that:

First, They will in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory they may have in China."
second. The Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said 'sphere of interest' (unless they be 'free ports') no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled, or operated within such 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied on similar merchandise belonging to their own nationals transported over equal distance.458 One week later on December the 26th, 1899, without any hesitation, the Japanese government assented to the American proposal of the "open door" policy in China, provided that all other powers concerned in the Chinese empire should do the same.

During May of 1900, by the authority of regulations issued from the Department of the Treasury, the Marine Hospital Service in San Francisco notified the Japanese consulate in that city that any Japanese or Chinese should be prohibited from leaving the city without being inoculated as a precaution against the bubonic plague. In addition to the San Francisco quarantine regulations, the Colorado State Board of Health,
issued an order on May the 28th, 1900, that until further notice no Chinese or Japanese would be allowed to enter the State of Colorado without a certificate signed by the health officer of the city from which he had come to the effect that he had not been exposed to the bubonic plague during the six weeks immediately preceding his departure. The above order did not permit Japanese and Chinese subjects to travel in the State of Colorado like citizens of the United States and citizens or subjects of other nationalities. As the quarantine regulations requiring inoculation were harshly and peremptorily enforced against all Japanese by the San Francisco Board of Health, regardless of Japanese treaty rights in the United States, Japanese Minister Nabeshima at Washington presented to the Department of State a protest declaring that the government of the United States must remedy these personal restrictions imposed by the local health authorities.

Minister Nabeshima also called attention to the fact that the order which had been issued by the Colorado State Board of Health would be a violation of Japanese treaty rights, inasmuch as the treaty of 1894 between the United States and Japan expressly provided that Japanese subjects in the United States and citizens of the United States in Japan should enjoy the same privileges, liberties, and rights of travel as native citizens and subjects or as the subjects or citizens of the most favored
The Department of State on June the 29th, 1900 replied that the medical officers of the United States government did not intend to discriminate against Japanese subjects in the matter of quarantine regulations and added that "the Government of the United States desires to observe and protect all the treaty rights of the Japanese subjects resident in the United States, and contemplates with regret the inconvenience which may have been caused to some of them by general orders intended to prevent the spread of a dangerous form of disease."

In an interview on October the 1st, 1900, Minister Nabisshima was informed by Acting Secretary Hill that the government of the United States could neither punish the medical officials at San Francisco nor make any guarantee against a recurrence of their action owing to the peculiar relations between the Federal and State governments as defined by their respective constitutions. Twelve days later the Japanese Minister at Washington was again assured by the Department of State that the government of the United States would use all efforts in its power to prevent a recurrence of any act similar to the Colorado quarantine regulations but for constitutional reasons it could not prevent similar cases of controversy. Secretary Hay declared: "In case, however, of the passage of local regulations alleged to be in violation of a treaty, the Department would,
if the same would be brought by you to its attention, cause the matter to be investigated, and if proper would request the Attorney-General to cooperate in taking the necessary legal steps to enforce the due observance of treaty obligations.462

The outbreak of the Boxer rebellion in China during the summer of 1900 led the United States in concert with the Japanese Empire and European powers to rescue the foreign residents of Peking, and to restore peace and order in that country. Moreover, the government of the United States maintained a friendly attitude toward Japan in the negotiations among the allied powers for the settlement of Chinese Boxer affairs.463 Finally, on July the 14th, 1901, the American fleet under Rear-Admiral Rodgers by government orders participated in the Japanese public celebration which attended the unveiling of a monument at Kurihama, Japan in commemoration of the coming of Commodore Perry to the Japanese Empire forty-eight years before.464 This happy event was only another landmark in the steady progress of the friendship between the Japanese Empire and the United States during the last half of the nineteenth century.
CHAPTER IX
CONCLUSION

It has been the purpose of the preceding chapters to show the development of the policy of the United States toward Japan during the last three quarters of the nineteenth century. It must be evident that this development shows how the United States strove to realize her ideals, principles, and interests. At the time when Japan was content to be a hermit nation at the very gate to the Far East, the United States consciously or unconsciously revealed her strength and power in every line of national activity. The wonderful progress of her internal development and her advanced foreign relations made themselves felt on the Far Eastern shores of the Pacific Ocean. It was not until the United States extended her commercial interests in the Far East and developed her whaling industry in the North Pacific that she began to pay any attention to the geographical importance of Japan's position in the North Pacific and to consider the possibility of relations with that country.

The United States formulated her policy toward Japan with a view to promoting such national interests as foreign commerce and the carrying trade in the Far East as well as the protection of the American whaling industry in the North Pacific. It was an aggressive policy. The United States therefore, readily
defrayed all the expenses of expeditions to Japan as well as of all diplomatic negotiations necessary to open up relations with Japan. Moreover from the very start the United States recognized Japan as an independent nation, although the empire was small and weak. When the United States began diplomatic negotiations, Shogun Tokugawa, the Tycoon, was acknowledged as the temporal or secular ruler of Japan with de jure and in reality de facto powers.

Although the United States invested much money and put forth every effort to promote her national ideal and interests, there could be no assurance of the success of her foreign policy, unless Japan was willing to accede to American demands. Indeed, the disadvantages under which Americans labored would in no way be diminished as long as the Japanese government insisted on its national policy of seclusion. The government of the United States, therefore, sought a remedy by emphasizing the personal element in conducting delicate diplomatic negotiations with the Japanese authorities. It was the policy of the United States to appoint special envoys to the Japanese Empire from officers of the navy rather than from civil life, and the result was success. Through Commodore Middel's mission to Japan, the national authority of the United States was recognized by the Japanese government; and through Commander Glynn's mission the laws of Japan yielded to the
American political principle that the United States had a right to extend her protection over citizens abroad.

As her interests in the Pacific increased with the need of protecting American seamen along the Japanese coast and with the opportunity for American commercial advantages in the Far East, the United States focussed all attention upon the establishment of treaty relations with the Japanese Empire. At the outset, however, the United States clearly recognized the essential difficulty of pursuing her foreign policy due to Japan's different national characteristics: Japanese interests under feudalism defended seclusion, while American interests, under democracy favored intercourse. In the face of this obstacle, the United States adopted aggressive methods of forcing Japanese feudalism to give up its seclusion and enter into treaty relations. This aggressiveness required a persistent demonstration of her power, namely, the maintenance of a formidable naval force in the waters of Japan to prevent Japanese resentment.

The diplomatic discretion which was given to Commodore Perry had to do with matters of great delicacy. Commodore Perry deserves the credit of successfully inaugurating treaty relations between Japan and the United States and of preparing the Island Empire to enter into further intercourse with European powers. The success of American foreign policy up
to 1855 should be attributed not only to the diplomatic means employed in negotiations with Japan but also to the purpose which lay behind such action. Indeed, nothing could be more lofty and noble in international affairs than the purpose of the United States to cultivate perfect peace and friendship with Japan. 465

The accomplishment of the United States in establishing treaty relations with Japan gave rise to new international responsibilities and conditions affecting their mutual interests. The simple American interests of the early period were gradually superseded by complex and intricate interests. Both nations were progressing at different rates and under different circumstances. Hence the policy of the United States in her relations with Japan became elaborate and developed varied characteristics. But throughout, the United States never seemed to abandon her original purpose, namely, peace, amity, and commerce with Japan.

In effecting such a purpose, as far as her political international relations with Japan are concerned, the United States laid emphasis on the maintenance of her national honor, welfare, and rights. In the first place, the United States secured the proper recognition of her diplomatic representatives in Japan. The right to protect the safety of American ministers in Japan was consistently maintained by the United States in spite of
Japanese internal disturbances. In doing so the United States more than once landed marines and sailors on the shores of Japan. The plan of establishing an American legation at the Japanese capital was also realized. Again, at the expense of weak Japanese feudalism the United States secured extraterritorial rights for American consular courts from Shogun Tokugawa within the jurisdiction of the Japanese Empire. In other words, an essential attribute of Japanese sovereignty was surrendered by the Japanese government to the United States as a matter of course, because the Japanese system of jurisprudence was incompatible with the American sense of justice. At any rate, it was a serious national humiliation which Japan bore patiently for more than forty years in her intercourse with the United States.

The ideal of international law -- equality among independent nations -- found little acceptance in the prevailing international practice that a superior nation should have more rights than were granted to inferior nations in their international relations. The United States developed the principle of indemnity to prevent grave controversies with Japan, and American seamen and community interests were protected by treaties and conventions relating to shipwrecks, extradition, and other topics. Although the American claims to indemnities for the legation fire and the Yokohama episode mentioned above were not
fully justified, yet the fact that the United States reimbursed Japan for the Shimonoseki indemnity was strong evidence of the spirit of international equity which the United States tried to uphold in her relations with the empire. In pursuing her political foreign policy toward Japan, the United States participated with the Japanese treaty powers in the Shimonoseki expedition for the purpose of chastising the feudal lord of Magato without the consent of the Japanese government. Although the United States always peremptorily demanded of Japan the complete fulfillment of all treaty obligations in international matters, she nevertheless revealed a most sympathetic attitude toward the efforts of the Japanese to become a respectable member in the family of nations.

In the development of her commercial policy, the United States entered into competition with European powers to obtain commercial privileges and foreign markets in Japan. Before Japan was able to adopt western methods of commercial facilities and industrial equipment, the United States succeeded in securing the open port policy and in settling a fair rate of exchange for American and Japanese coins. Under the reciprocal commercial arrangement the United States settled the problems of patents, trade marks, and designs. The Japanese treaty provisions on the tariff were first dictated by the United States for the best interests of the two countries. But in 1866 it
was soon redrafted by the treaty powers for their own interests. The United States, Great Britain, France, and the Netherlands reduced the tariff duties to as low as five per cent, and in so doing compelled Japan to surrender to them another important attribute of her sovereignty. Deprived of its tariff autonomy, the Japanese government was forced to collect nearly all its revenue by direct taxation from the toiling millions of the Empire.

On the other hand, the United States was the only treaty power that had shown a friendly spirit in supporting Japanese claims to treaty revision. This was clearly indicated by the conclusion of the commercial convention of the two countries in 1878. This convention, however, did not become effective on account of the great difficulty of the Japanese government in carrying out such provisions as: "The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect." While Japan was left powerless in the fetters of the tariff convention of 1866 so far as controlling her own revenue from the duty on foreign imports was concerned, the United States had already developed the high tariff system, first as a temporary revenue measure and then as a permanent national policy in order to pre-
serve the home market for the domestic manufactures against for-

eign competition. As Japan was one of the greatest Far Eastern

exporters to the United States, the high protective American
tariff policy has undoubtedly affected their international com-

merce.

Although the United States promoted principles of reciprocity

in her foreign commerce, the American importation of Japanese
tea suffered a heavy blow from the protective tariff, and the
American importation of Japanese silk was paralyzed for the same
reason. But the natural growth of international commerce be-
tween the United States and Japan could easily overstep the
high American tariff wall. The increase of American foreign
commerce with Japan was simply amazing -- from nothing in 1855
up to $56,309,236 in 1901. To such a flourishing trade the
American tariff policy became a burden, and the development of
their economic efficiency also and their mutual international
friendship, good-will, and justice constantly tended toward an
increase of commercial relations. In pursuing her commercial
policy toward Japan, the United States maintained her cardinal
principle that the Japanese government should not discriminate
against American citizens in Japan in favor of the citizens or
subjects of European powers, so far as their special privileges
were concerned.

Supplementary to the foreign policies just mentioned the
United States unraveled a new international complication in her relations with Japan by means of a quasi politico-social policy. On the one hand, the United States quietly intervened to stop the mistreatment of native Christians by the Japanese, recognizing nevertheless that the Japanese government had a perfect right to wield authority over its own subjects in all matters of municipal law. On the other hand, the United States maintained her ideal of mediation in promoting amicable relations between other countries and Japan. This was provided in the treaty of commerce and navigation of 1858 in the following words: "The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power." \(^4_{67}\) This ideal, however, was prudently extended by the United States not only to controversies between Japan and the European powers, but also to those between Japan and non-European powers. The success of the United States in winning the confidence of the Japanese people in her moral integrity through the development of her policy of friendly mediation can hardly be overestimated. It has been an illustrious and altruistic ideal which the United States has always applied in her diplomatic relations with Japan. Indeed, no foreign policy can be really successful in the long run without mutual confidence in the moral qualities of the two nations.
concerned. In pursuing her quasi politico-social foreign policy toward Japan, the United States vigorously insisted that the Japanese government should enact no law that might infringe the treaty rights of American citizens in Japan.

It must be clearly understood that all the foreign policies adopted by the United States in her relations with Japan were by no means independent in promoting friendship, commerce, and progress. Nevertheless, in matters of international importance, the United States has ever since the outbreak of the American Civil War fostered a policy of concerted action with the European powers in conducting diplomatic negotiations with the Japanese government. The United States thus refrained from seeking any exclusive advantages from the Japanese empire, and endeavored to establish the prestige of western civilization so that the Japanese might learn to respect American and European institutions. During the Japanese civil wars in the sixties, the United States maintained the principle that all the treaty powers should abstain from separate action and make efforts to secure the common rights and safety of their citizens or subjects. With this ideal of harmony and concord, the United States in concert with Great Britain, France, and the Netherlands concluded a convention on October the 22nd, 1864 to settle the payment of the Shimonoseki indemnity.

Two years later a convention establishing tariff duties was
likewise concluded between Japan and the same treaty powers. To act in concert with European powers thus became an established policy of the United States in dealing with the Japanese government. But in maintaining her legal principles the United States did not adopt the attitude of the European treaty powers in respect to the Japanese hunting regulations of 1873. The traditional policy of concerted action was also practically set aside by the United States in the conclusion of the commercial convention of 1878. Again, the United States persisted in her independent attitude in regard to Japanese quarantine regulations in spite of the fact that some European powers refused to recognize such regulations. The American policy of concerted action, however, resulted in the treaty powers dictating to Japan policies advantageous to their own interests. Even so it tended to insure unity of action and to promote moderation among the treaty powers in matters of diplomatic negotiations with the Japanese government.

The first treaty which the United States concluded with Japan was a treaty of peace, amity, and commerce. It was no wonder that the first article of this treaty declared the characteristic ideal of the United States in her relations with Japan to be as follows:

"There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity between the United States of
America on the one part, and the Empire of Japan on the other part, and between their people respectively, without exception of persons or places. 470

Under the guidance of this international ideal, the United States concluded four treaties and six conventions 471 during the period between 1855 and 1901. All these treaties, except the treaty of 1894 served the purpose of promoting and protecting the rights of American citizens in Japan rather than those of Japanese subjects in the United States, partly because the United States wanted to carry out all special advantages of extraterritoriality secured in her treaty stipulations with Japan, and partly because the United States continued to maintain the aggressiveness of her policy toward that country. At last, Japanese progress having been recognized, the United States acceded to the demand of the Japanese government for treaty revision, which was consummated in the treaty of 1894. "By this notable conventional reform," said President McKinley, "Japan's position as a fully independent sovereign power is assured, control being gained of taxation, custom revenues, judicial administration, coasting trade, and all other domestic functions of government, and foreign extraterritorial rights being renounced." 472

Japan deserved such recognition from the United States not because of a day's work, but as a compensation for the forty
years' arduous struggles for national progress. Instead of indulging in mere pride in her new national position, Japan resolved to fulfill her responsibilities toward the treaty powers, which no one than His Majesty the Emperor of Japan could better express as follows:

"In view of the responsibilities that devolve upon us in giving effect to the new treaties, it is our will that our ministers of state, acting on our behalf, should instruct our officials of all classes to observe the utmost circumspection in the management of affairs, to the end that subjects and strangers alike may enjoy equal privileges and advantages and that, every source of dissatisfaction being avoided, relations of peace and amity with all nations may be strengthened and consolidated in perpetuity." 473

Nevertheless, all the treaties and conventions which the United States concluded with Japan became the source of responsibility to that country. Indeed, it is not the quantity but the quality of their international compacts that may open new fields for the exercise of their latent national moral powers for the promotion of better and nobler relations between Japan and the United States.

In the development of treaty relations the government of the United States was not entirely free from controversies with the Japanese government. The main difficulty was due to the
fact that the text of their treaties remained unchanged, while
the conditions of their commercial, political, and social re-
ations changed completely, especially during the last decade of
the nineteenth century. The American interpretation of an
antiquated treaty more than thirty years old in the face of new
Japanese commercial conditions gave rise to serious hardships,
as was well illustrated in the case of the Scott's Emulsion con-
troversy. Again, the Japanese government was compelled by the
United States to modify and later repeal the Japanese imperial
ordinances in regard to perpetual leases of lands and bounties
to the silk exporters. Moreover, the United States attempted
more than once to take advantage of the treaty clause regarding
"the most favored nation" in order to remedy certain defects in
her treaties with Japan in cases which involved difficult dip-
ломatiс controversies. While her treaty relations were develop-
ing with Japan, the United States maintained the principle of
neutrality whenever the Japanese empire was confronted with
dangers arising either within or without.

Such were the chief characteristics of American policy to-
ward the Japanese Empire with reference to their international
and national events within Japanese jurisdiction.

On the other hand, many Japanese immigrants were harshly
treated by the American authorities, in fact more harshly than
cor|dinary European immigrants, and contrary to the provisions of
the treaty clauses regarding the "full liberty to enter" into the country, and "the most favored nation" clause. In connection with the annexation of Hawaii, the United States manifested a weakness in distrusting Japanese integrity and committed a grave error in the nature of equivocation during important diplomatic negotiations with the Japanese government. The fact that the United States government did not prevent violence and threats intentionally directed by American citizens against Japanese subjects within the State of Montana, was clearly a serious omission of international responsibility on the part of the United States. The reason given, that the United States government had not been authorized by Congress to do so, was a denial of the full sovereignty of the United States. The constitution of the United States gave the Federal government all needful means to discharge any international responsibility which might be imposed by the general principles of international law or validly assumed by way of treaty. Moreover, the manifest discrimination of the United States government against Japanese subjects in regard to the bubonic epidemic quarantine was in violation of the treaty of 1894. It is hoped that the development of such characteristics in American policy toward Japan may be checked, because such breaches are not only inconsistent with the noble character of the earlier foreign policy of the United States for nearly half a century, but also destructive of the
higher type of international confidence which was so happily maintained by the United States in her relations with that country during the same period.

Side by side with her wonderful national growth, the United States has pursued successfully her traditional foreign policy of territorial expansion in the Pacific. During the last thirty years of the nineteenth century, the United States purchased Alaska, took over the Islands of Tutuila, annexed the Hawaiian Islands, and acquired the Philippines and Guam. A study of the map of American dependencies in the Pacific will speedily explain how closely the frontier of the United States' sphere of interest approached the nations of the Far East, especially the Japanese Empire. The principles at issue in the acquisition of colonial dependencies by the United States in the Pacific were too far reaching to admit of any sweeping prediction. However, it is evident that the United States in virtually becoming an Asiatic power through her possession of the Philippines altered the traditional balance of power in the Far East. The farther the United States extended her frontier line toward the Far East, the greater were her interests in Oriental affairs. But it was not an easy task for the United States to insist upon her own interests there, because the Far East was already in the way of transformation under the influence of Japanese ascendancy and from the pressure of the
aggressive European powers. Moreover, the United States not only participated with the other nations including Japan against the Boxers in China and in the settlement that followed, but also invited Japan and the European powers to support her "open door" policy on the principle of equal commercial opportunities in the Far East. Whatever may be said about the nature of recent American territorial expansion, one thing is evident: as Japan attained its ascendancy, the United States could not disregard the national progress and prestige of the empire in the formulation of her foreign policies whether in the Far East or in the North Pacific.

The more civilized the United States and Japan become, the greater will be their interests in things of material, intellectual, and moral concern. Their international relations also will be more binding as the years go by. Indeed, through a conscious development of the best characteristics of the foreign policies of both Japan and the United States, the mutual interdependence of the Nippon empire of the Far East and the American Republic of the Far West is bound to be elevated to the higher plans of their national cultures. This, it seems, will constitute a noble contribution to the advancement of international culture in the relations between Oriental and Occidental civilizations. Again, it would seem that the prestige of a world power is meaningless if the nation that gains it does not possess
an efficient government to enforce its international responsibilities and its treaty obligations both at home and abroad. To any truly progressive nation, moral strength among the family of nations means everything. Lastly, the writer hopes that the foreign policy of the United States toward Japan will be still more successful in developing international justice in the twentieth century than it was in the past. May true peace and friendship, based upon international justice, ever exist between Japan and America, the two progressive nations of the Pacific!
CHAPTER I
Notes and References


2 Hugart's The Economic History of the United States, p. 118.

3 The Writings of James Madison (Edited by Gaillard Hunt), Vol. V. p. 433.


6 Nitobe's The Intercourse between the United States and Japan, pp. 20-22, 31; Doeff's Herinneringen uit Japan, pp. 61, 62.

Nitobe's *The Intercourse Between the United States and Japan*, p. 31

8 Doeff's *Herinneringen uit Japan*, pp. 153-157; Bridgman and Williams's *Chinese Repository*, Vol. 1, p. 162, May 1832 to December 1851; *Historical Collections of the Essex Institute*, Vol. 11, pp. 168-169, 287; Kitazaki's *Nichi Mei Koshio Go-jiun-nen Shi*, pp. 2-4. Mr. Kitazaki thinks Captain Stewart was an Englishman disguised as an American captain. The old Japanese record referred to is the *Tsuko Ichiran*.


10 Pauldin's *Diplomatic Negotiations of American Naval Officers*, 1778-1883, p. 220. The writer very carefully read many writings and the correspondence of James Monroe, but could not verify the quotation.


23 *North American Review*, Vol. LXXXIII, p. 258, based upon the following sources: Hawks' *Original Notes and Journals of Commodore Perry*; message of the President of the United States, transmitting a report of the Secretary of Navy with correspondence, etc., relative to Japan; message of the President, etc., with documents serving to illustrate the existing relations between the United States and Japan; Spalding's *Japan Expedition*; and Hildreth's *Japan As It Was and Is*.

24 *Johnson's Ocean Travel and Inland Water Transportation*, p. 20.
CHAPTER II

25 Richardson's *A Compilation of Messages and Papers of the Presidents*, vol. II, p. 551.

26 Richardson's *A Compilation of Messages and Papers of the Presidents*, vol. II, p. 553.

27 Senate documents 1st session, 32nd Congress, Vol. 9, No. 59, p. 63; Roberts' *Embassy to Eastern Courts* (1837 N. Y.), Chaps. III, IV, XI, XII.

28 Foster's *American Diplomacy in the Orient*, p. 140.

29 Senate documents, 1st session, 32nd Congress, Vol. 9, Doc. No. 59, p. 63.

30 Treaties and conventions concluded between the United States of America and Other Powers, (1776-1887) p. 992.

31 Treaties and conventions concluded between the United States of America and Other Powers, (1776-1887) p. 744.

32 Foster's *American Diplomacy in the Orient*, p. 141.


XV, pp. 172-180.


36 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 69;

37 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 64.

38 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 64.


40 Senate Documents, 1st, Session, 32nd Congress, Vol. IX, No. 59, p. 66.

41 Senate Documents, 1st, Session, 32nd Congress, Vol. IX, No. 59, pp. 65, 66.


43 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 64.

45 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 64.


50 Richardson's A Compilation of Messages and Papers of the Presidents, Vol. II, p. 606.


54 Tower's A History of the American Whale Fishery, p. 59;

Richardson's A Compilation of Messages and Papers of the Presidents, Vol. IV, p. 511.
CHAPTER III


58 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 73.

59 Senate Documents, 1st Session 32nd Congress, Vol. IX, No. 59, p. 64.

60 "Decima" used in the document. Senate Documents, 1st Session 32nd Congress, Vol. IX, No. 59, p. 3.

61 "Decima" used in the document. Senate Documents, 1st Session 32nd Congress, Vol. IX, No. 59, p. 73.


64 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 5.

65 Senate Documents, 1st Session 32nd Congress, Vol. IX,
"To the commanders of vessels approaching this Empire (Japan) sailing under Dutch or other colors.

Please to answer as distinctly, and as soon as possible the following questions:

What is the name of your vessel?
What is her tonnage?
What is the number of her crew?
Where do you come from?
What is the date of your departure?
Have you any wrecked Japanese on board? (This question was not asked).

Have you any thing to ask for, as water, fire wood, etc.?
Are any more vessels in company with you bound for this Empire? (The following questions were substituted for this:

"Where did you first acquainted with the fact of there being American citizens in Japan?")

By the order of the Governor of Nagasaki. Translated by the superintendent of the Netherlands trade in Japan.

Decima

Upper Reporter (L. S.)
Under Reporter (L. S.)"
68 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 36.


70 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 25.


72 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 54.


79 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, p. 79.


81 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, pp. 73-74.


86 Senate Documents, 1st Session, 32nd Congress, Vol. IX, No. 59, pp. 80-82.


90 Richardson's A Compilation of Messages and Papers of the Presidents, Vol. IV, p. 540.


94 Report of Secretary of the Treasury, transmitting a Report from the Register of the Treasury of the Commerce and Navigation of the United States from July 1, 1848, to June 30, 1849, pp. 131, 263.

95 Report of the Secretary of the Treasury, transmitting a Report from the Register of the Treasury of the Commerce and Navigation of the United States from July 1, 1850 to June 30, 1851, pp. 133, 270.


98 De Vattel's The Law of Nations, p. 5.
CHAPTER IV


100 *Senate Documents*, 2d Session, 33d Congress, Vol. VI, No. 34, pp. 20, 21.


108 Senate Documents, 2d Session, 33d Congress Vol. VI, No. 34, pp. 43-131.

109 Nakashima Saburoske (Yoriki).

110 See Kitazaki's Nichi rei Koshio Go-jiu-nen Shi, p. 22, for a memorandum of Nakashima Saburoske.

111 Senate Documents, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 51.

112 Senate Documents, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 50.

113 Uraga Bugio.


116 Foster's American Diplomacy in the Orient, p. 157.


120 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 54.

121 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 58.

122 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, pp. 82-85, 92.


133 Senate Documents, 2nd session, 33d Congress, Vol. VI, No. 34, p. 138.


135 Senate Documents, 2nd session, 33d Congress, Vol. VI, No. 34, pp. 128,129.


139 Senate Documents, 2nd Session, 33rd Congress, Vol. VI, No. 34, p. 145.

140 Katsu's Kaikoku Kigen, Vol. I, pp. 135-142


144 Senate Documents, 2nd Session, 33rd Congress, Vol. VI, No. 34, p. 163.

145 Senate Documents, 2nd Session, 33rd Congress, Vol. VI, No. 34, p. 162.

146 The "Powhatan", "Mississippi", "Southampton", and "Macedonia".

147 Senate Documents, 2nd Session, 33rd Congress, Vol. VI, No. 34, p. 120.

149 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 81.


151 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, p. 150.


155 *Senate Documents*, 2nd Session, 33d Congress, Vol. VI, No. 34, pp. 148, 149.


161 Richardson's A Compilation of the Messages and Papers of the Presidents, Vol. V. p. 199.
CHAPTER V


167 Papers relating to the Foreign Relations of the United States (1869), Part I, p. 681.

168 Papers relating to the Foreign Relations of the United States (1881-1882), Part I, p. 690.

169 Papers relating to the Foreign Relations of the Unites States (1874), pp. 644,645.


178 140 United States, 453-480.
179 Papers relating to the Foreign Relations of the United States (1894), pp. 389-390.


181 Papers relating to the Foreign Relations of the United States (1862), p. 793.


183 Papers relating to the Foreign Relations of the United States (1862), pp. 816,824.


185 Papers relating to the Foreign Relations of the United States (1865), Part III, pp. 458,463,536.

186 Papers relating to the Foreign Relations of the United States (1865), Part III, pp. 528,533.

187 Papers relating to the Foreign Relations of the United States (1865), Part III, p. 531.

188 Papers relating to the Foreign Relations of the United States (1865), Part III, p. 548.
189  Papers relating to the Foreign Relations of the United States (1865), Part III, pp. 543, 579-581.

190  Papers relating to the Foreign Relations of the United States (1865), Part III, pp. 561-565, 595.

191  Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, Vol. I, pp. 1011, 1012; Papers relating to the Foreign Relations of the United States (1865), Part III, pp. 553, 554, 579, 582, 583; (1866), Part III, p. 239.

192  Papers relating to the Foreign Relations of the United States (1866), Part III, p. 266; (1867), Part II, pp. 201, 202, 223-226.

193  Papers relating to the Foreign Relations of the United States (1867), Part II, pp. 204, 205.


196  Richardson's A Compilation of the Messages and Papers

197 Papers relating to the Foreign Relations of the United States (1883), p. 603.


199 Papers relating to the Foreign Relations of the United States (1864), Part II, pp. 1096-1116; (1865) Part III, pp. 520-527.

200 Papers relating to the Foreign Relations of the United States (1864) Part II, pp. 1148, 1149, 1150.

201 Papers relating to the Foreign Relations of the United States (1865) Part III, pp. 466, 472, 475, 478, 591, 592.

202 Papers relating to the Foreign Relations of the United States (1865) Part III, p. 520.

203 Papers relating to the Foreign Relations of the United States (1865), pp. 536, 537.

204 Papers relating to the Foreign Relations of the United States (1889), pp. 547, 549.
205 Papers relating to the Foreign Relations of the United States (1865), Part III, p. 537.


207 Papers relating to Foreign Relations of the United States, (1864), Part II, p. 1071.


211 Papers relating to the Foreign Relations of the United States, (1864), Part II, p. 1054.


217 Griffis' Townsend Harris, pp. 18, 19, 42.

218 Griffis' Townsend Harris, p. 47.

219 Griffis' Townsend Harris, pp. 44-51.


221 Griffis' Townsend Harris, pp. 298, 299.

223 Griffis' *Townsend Harris*, p. 322.

224 Griffis' *Townsend Harris*, pp. 29, 30.

225 *Papers relating to the Foreign Relations of the United States* (1864), Part II, pp. 1068, 1099.

226 *Papers relating to* /Foreign Relations of the United States (1864), Part II, pp. 1097, 1098, 1100.

227 *Papers relating to the Foreign Relations of the United States* (1864), Part II, pp. 1148, 1149; (1865), Part III, pp. 466, 467.

228 *Papers relating to the Foreign Relations of the United States* (1865), Part III, pp. 469, 477, 492.

229 *Papers relating to the Foreign Relations of the United States* (1865), Part III, pp. 536, 539, 590.


231 *Papers relating to the Foreign Relations of the United States* (1869), Part I, p. 610. Mr Portman was in charge of much diplomatic correspondence, while Minister Van Valkenburgh was absent from the legation.

232 *Papers Relating to the Foreign Relations of the*


237 United States Statutes at Large, Vol. XXIII, p. 333, Ch. 164.

238 United States Statutes at Large, Vol. XXII, p. 214, Ch. 376.


242 Foster's *Diplomatic Memoirs*, Vol. II, p. 173; asserts that Secretary Sherman knew nothing of the negotiation of the treaty when he made this statement to the Japanese Minister, because Assistant Secretary May had been in charge of his office. See also Miller's *Great Debates in American History*, Vol. III, pp. 178-180, 187, 216.

243 Kitazaki's *Nichi Bei Koshio Go-jiu-nen Shi*, pp. 301, 302.

244 Kitazaki's *Nichi neo Koshio Go-jiu-nen Shi*, pp. 306-309.


246 Kitazaki's *Nichi Bei Koshio Go-jiu-nen Shi*, pp. 313, 314.
247 American Economic Association, 1903, Vol. IV, p. 44.

248 Stateman's Year Book, 1899, pp. uCXXX; CCXXXI.

249 International Year Book, 1899, p. 403.

250 Stateman's Year Book, 1902, p. 1241.


252 United States Statutes at Large, Vol. XVIII, p. 477, Ch. 141.
CHAPTER VI


254 One ri is 2.44 miles.


258  Papers relating to the Foreign Relations of the United States, (1864), Part II, pp. 1043-1054.

259  Papers relating to the Foreign Relations of the United States, (1864), Part II, pp. 1120-1125.


264 Papers relating to the Foreign Relations of the United States (1867), p. 205; (1869), Part I, pp. 605-611.


268 Iwashita Sajie Mow, Ito Shiun ske, Tevajima Toza.


270 Papers relating to the Foreign Relations of the United States, (1869), Part I, pp. 780, 781.

271 Harry S. Parkes

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary

Comte DA LA Tour

Envoy Extraordinary, minister Plenipotentiary of His Majesty the King of Italy
The United States obtained the two additional open ports in Japan by the eighth article of the commercial convention of 1878 which read as follows:

"In view of the concessions made by the United States in regard to the customs tariff, and the customs and other regulations of Japan, as above stipulated in Article I, the government of Japan will, on the principle of reciprocity, make the following concessions to wit: That two additional ports (whereof one shall be Shimo-no-seki, and the other shall be hereafter decided upon by the contracting parties jointly), from the date when the present convention may go into effect, shall be open to citizens and vessels of the United States, for
the purposes of residence and trade,"


Japan has opened more ports for foreign commerce since July the 17th, 1899, according to the following Japanese imperial ordinance (No. 342) of July 12, 1899:

Article I. Besides the open ports hitherto designated the following are to be also open ports:—

Shimizu, Suruga province
Taketoyo, Owari province
Yokkaichi, Ise province
Shimonoseki, Nagato province
Moji, Buzen province
Hakata, Chikuzen province
Karatsu, Hizen province
Kuchinotsu, Hizen province
Misumi, Higo province
Izuhara, Tsushima province
Sasuna, Tsushima province
Nawa, Ryukyu province

Article II. At the port of Muroran, Mugi (Barley, wheat, rye, oats, etc.) sulphur coal, and other commodities designated by the minister for finance only can be exported.
Article III. If in any of the ports named in Article I the total amount of imports and exports of commodities comes short of 50,000 yen ($25,000) the said port is to be closed.

The period for the closure mentioned in the foregoing paragraph will be publicly announced by the minister for finance three months before.

Appended Rule: This ordinance comes into force on and after the day of the operation of the law of custom duties.


276 Nitobe's The Intercourse between the United States and Japan, p. 72; Griffis' Townsend Harris, p. 65.

278 Griffis' Townsend Harris, pp. 113, 114.


280 The Japanese paper currency was quoted at 45 to 50 per cent discount in the open port of Hiogo, November 14, 1869.


283 House Reports, 1st Session, 54th Congress, Vol. IX, No 2279, Parts I and II.

284 Japan was legally on a bimetallic basis of coinage, but actually on a monometalic silver basis.


Japan in the Beginning of the Twentieth century, pp. 538-540
(By Imperial Japanese Commissioner); Papers relating to the

286 Treaties, Conventions, International Acts, Protocols
and Agreements between the United States of America and Other

287 Treaties, Conventions, International Acts, Protocols
and Agreements between the United States of America and Other
Powers, Vol. I, p. 1010; Griffis' Townsend Harris, pp. 284, 285, 304,
305.

288 Hawks' Narrative of the Expedition of the American
Squadron to China Seas and Japan, p. 453; Griffis' Townsend
Harris, p. 176.

289 Report of the Secretary of the Treasury, transmitting
a Report from the Register of the Treasury of the Commerce and

290 Report of the Secretary of Treasury, transmitting a
Report from the Register of the Treasury on the Commerce and
Navigation of the United States, 1856, pp. 58-151, 161-281;


298 **Papers Relating to the Foreign Relations of the United States,** (1866), Part III, p. 255.


301 **Papers Relating to the Foreign Relations of the United States,** (1868), Part I, p. 804.


305 **Annual Reports on Commerce and Navigation of the United States,** 1873, pp. 55-102, 185-238; 1874, pp. 27-84,
165-206; 1875, pp. 26-74, 132-171.


308 Foster's American Diplomacy in the Orient, p. 357.

309 Richardson's A Compilation of Messages and Papers of the Presidents, Vol. VII, p. 496.


313 Richardson's A Compilation of Messages and Papers of the Presidents, Vol. VIII, p. 175.

314 Foster's American Diplomacy in the Orient, p. 357.

316 Kitazaki's *Nichi Bei Koahio Go-jiu-nen Shi* pp. 240-243.


325 Annual Report on Commerce and Navigation of the United States, 1897, pp. XLII, LXVIII, CXXXII; 1898, pp. LXXI, LXXXIV, CLII; Commercial Relations of the United States with Foreign Countries, 1900, pp. 984, 985; 1901, pp. 833-839; 1902, pp. 953, 956.


331 Papers Relating to the Foreign Relations of the United States, (1898), pp. 438-441; *Treaties, Conventions,*

332 Papers Relating to the Foreign Relations of the United States, (1898), p. 444


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337 Papers relating to the Foreign Relations of the United States, (1861), Part I, p. 441


339 Papers relating to the Foreign Relations of the United States (1861), Part I, p. 440; (1862), p. 801.

340 Papers relating to the Foreign Relations of the United States (1862), pp. 800-803, 820; (1864), Part II, pp. 1028, 1029.


342 Papers relating to the Foreign Relations of the United States, (1864), Part II, pp. 1075, 1078, 1147.

343 Papers relating to the Foreign Relations of the United States, (1873), Part I, pp. 528-532.
344 Papers relating to the Foreign Relations of the United States, (1873), Part I, p. 530.


346 Papers relating to the Foreign Relations of the United States, (1873), Part I, p. 564.

347 Papers relating to the Foreign Relations of the United States, (1873), Part I, p. 569.

348 Papers relating to the Foreign Relations of the United States, (1873), Part II, p. 583.

349 Papers relating to the Foreign Relations of the United States, (1873), Part I, pp. 582-585.


351 Papers relating to the Foreign Relations of the United States, (1873), Part I, pp. 627-630.


357  Kitazaki's Nichi Bei Koshio Go-jiu-nen Shi p. 319.

358  Richardson's A Compilation of Messages and Papers of the Presidents, Vol. IX, p. 525.


371 Papers relating to the Foreign Relations of the
United States, (1895), Part II, p. 969.


379 Executive Documents, 1st Session 57th Congress, Vol. I, pp. 345-366. The following is the Japanese law relating to rights of perpetual lease of February the 7th, 1901.

Article I, A right of perpetual lease established for
a foreigner or a foreign juridical person by a deed of perpetual lease from the Government shall be regarded as a right in rem, and the provisions of the civil code relating to ownership shall be correspondingly applicable thereto.

A right of perpetual lease may be made the object of other rights in accordance with the provisions of the civil code.

In cases otherwise regulated by the title deeds, treaties, laws, or ordinances the provisions of the two preceding paragraphs shall not apply.

Article II. When a right of perpetual lease is transferred (or transmitted), such transfer (or transmission) can not set up against third persons unless the fact has been recorded on the title deed by the local government office (chihochê) within whose jurisdiction the land is situated.

Article III. The registration tax shall not be imposed on the registration of a right of perpetual lease, nor on the registration of rights that have a right of perpetual lease for their object.

Article IV. Special provisions may be enacted by imperial ordinance with respect to the registration of a right of perpetual lease, or to the registration of rights that have a perpetual lease as their object, or to the registration of buildings on lands held under a perpetual lease.

Supplemental Regulations

Article V. This law shall take effect from the date of
its promulgation.

Article VI. The provisions of article 45 of the law for the operation of the civil code. As to a superficies created for an alien or a foreign juristic person, the provisions of the civil code apply only so far as it is not otherwise provided by treaty or regulation. shall be annulled from the date of the operation of this law.

Article VII. A right of perpetual lease, or rights having a perpetual lease as their objects, that have been registered before the operation of this law as superficies, or as rights having a superficies as their object, respectively, shall have the same validity as a right of perpetual lease, or rights having a perpetual lease as their object, duly registered as such.


381 Papers relating to the Foreign Relations of the United States, (1869), Part I, p. 749.

382 Papers relating to the Foreign Relations of the United States, (1869), Part I, p. 750.

383 Papers relating to the Foreign Relations of the


386 Papers relating to the Foreign Relations of the United States, (1870), pp. 453, 454.


391 Great Britain, France, and the North German Confederation.

392 Papers relating to the Foreign Relations of the United States, (1870), pp. 482, 486.
CHAPTER VIII

393 Griffis' Townsend Harris, pp. 51-177; Smith's Parties and Slavery 1850-1859; In Hart's The American Nation; A History; Vol. XVIII, pp. 3-14.


395 Griffis' Townsend Harris, pp. 228, 229.


399 Consul General Harris was promoted to Minister Resident of the United States in Japan on January the 7th, 1859, on President Buchanan's nomination.


405 Richardson's *A Compilation of Messages and Papers of the Presidents*, vol. VI, p. 13; in *Papers relating to the Foreign Relations of the United States*, (1862), pp. 795, 813, 816, 821.

406 *Papers relating to the Foreign Relations of the United States*, (1862), pp. 817, 818.


408 *Papers relating to the Foreign Relations of the United States*, (1864), Part II, pp. 1067, 1068.
First rank, Daijo daijin; second rank, Sa daijin; third rank, U daijin; fourth rank, Nai daijin.

Papers relating to the Foreign Relations of the United States, (1862), p. 794; (1864), Part II, p. 1075; (1865), Part III, p. 589; Griffis' Townsend Harris, pp. 121, 288, 318.

Papers relating to the Foreign Relations of the United States, (1864), Part II, p. 1125.

Papers relating to the Foreign Relations of the United States, (1864), Part II, p. 1150.


Papers relating to the Foreign Relations of the United States, (1865), Part III, p. 489.


Richardson's A Compilation of Messages and Papers of the Presidents, Vol. VI, p. 245.

Hakodate, Yokohama.

419 Robert H. Pruyn, Minister Resident of the United States; Rutherford Alcock, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary; Leon Roches, Minister Plenipotentiary of His Majesty, the Emperor of France; and D. De Graeff Van Polsbroek, His Netherlands Majesty's Consul General and Political Agent.

420 Papers relating to the Foreign Relations of the United States, (1866), Part III, pp. 229, 235-238.

421 Papers relating to the Foreign Relations of the United States, (1866), Part III, p. 258.

422 Papers relating to the Foreign Relations of the United States, (1866), Part III, pp. 268, 278.

423 Hereditary vassals of the Tycoon or Shogun Tokugawa.

424 Papers relating to the Foreign Relations of the United States (1867), Part II, p. 191.

425 Papers relating to the Foreign Relations of the United States (1869), Part I, p. 621.

426 Papers relating to the Foreign Relations of the United States (1869), Part I, pp. 634, 656, 657.
427 Papers relating to the Foreign Relations of the United States: (1869), Part I, p. 659. (February 3, 1868).


430 Papers relating to the Foreign Relations of the United States, (1869), Part I, p. 672.


432 Papers relating to the Foreign Relations of the United States, (1867), Part II, p. 675.


434 Kitazaki's Nichi Bei Koshio Go-jiu-nen Shi, pp. 190-191; Nitobe's The Intercourse between the United States and Japan, p. 164.


The United States statutes at Large, Vol. XII, p. 72.


450 Papers relating to the Foreign Relations of the United States, (1890), pp. 546, 547.


454 Wada's The Foreign Policy of the United States in the Pacific since the Spanish American War (Thesis for the Degree of Master of Science, at the University of California, Berkeley, California, 1913), pp. 24-33, 98-119.


456 Papers relating to the Foreign Relations of the United States, (1899), p. XXIV.


461 Papers relating to the Foreign Relations of the United States, (1900), pp. 737-738.


463 Papers relating to the Foreign Relations of the United States, (1900), pp. 369, 370.

CHAPTER IX


469 Papers relating to Foreign Relations of the United States, (1862), p. 817; (1864), Part II, p. 1086; (1874), p. 675.


471 I

THE TREATIES BETWEEN JAPAN AND THE UNITED STATES FROM 1855 TO 1901

Concluded March 21, 1854; ratification advised by the Senate July 15, 1854; ratified by the President August 7, 1854; ratification exchanged February 21, 1855; proclaimed June 22, 1855.

Articles

I. Peace and Amity.
II. Opening of Shimoda and Hakodate.
III. Shipwrecks.
IV. Treatment of shipwrecked persons.
V. Shipwrecked persons at Shimoda and Hakodate.
VI. Business.
VII. Trade.
VIII. Supplies to vessels.
IX. Most favored nation privileges.
X. Open ports.
XI. Consuls.
XII. Ratification.

(2) Commercial and Consular Treaty, 1857.

Concluded June 17, 1857; ratification by the Senate June 15, 1858; ratified by the President June 30, 1858; proclaimed June 30, 1858;

Articles

I. Port of Nagasaki.
II. Ports of Shimoda and Hakodate.
III. Coin.

IV. Offences.

V. Medium of exchange.

VI. Consul general.

VII. Purchases for the consul-general

VIII. Languages.

IX. Ratification.

(3) Treaty of Commerce and Navigation, 1858.

Concluded July, 29, 1858; ratification advised by the Senate December 15, 1858; ratified by the President April 12, 1860; ratifications exchanged May 22, 1860; proclaimed May 23, 1860.

Articles

I. Amity; diplomatic and consular officers.

II. Mediation and assistance by the United States.

III. Ports opened; trade regulations.

IV. Duties; naval supplies; opium.

V. Coins authorized.

VI. Consular courts, etc.

VII. Limits of open ports.

VIII. Religious freedom.

IX. Deserters and fugitives from Justice.

X. Purchases of ships, etc., by Japan.

XI. Trade regulations.
XII. Revocation of former treaties.

XIII. Duration.

XIV. Effect; ratification;

The Seven Regulations under which American trade is to be conducted in Japan.

(4). **Extradition Treaty, 1886.**

Concluded April 29, 1886; ratification advised by the Senate with amendments June 21, 1886; ratified by the President July 13, 1886; ratifications exchanged September 27, 1886; proclaimed November 3, 1886.

**Articles.**

I. Delivery of accused.

II. Extraditable crimes.

III. Persons under arrest.

IV. Political offenses.

V. Procedure.

VI. Temporary detention.

VII. Delivery of citizens.

VIII. Expenses.

IX. Duration; ratification.

(5) **Treaty of Commerce and Navigation, 1894.**

Concluded November 22, 1894; ratification advised by the Senate with amendments February 5, 1895;
ratified by the President February 15, 1895; ratifications exchanged March 21, 1895; proclaimed March 21, 1895:

**Articles**

I. Mutual freedom of trade, travel, etc., taxes; exemptions.

II. Commerce and navigation.

III. Inviolability of dwellings, etc.

IV. Imports duties.

V. Exports duties.

VI. Transit dues, etc.

VII. Equality of shipping.

VIII. Tonnage, etc., dues.

IX. Port regulations.

X. Coasting trade.

XI. Vessels in distress, shipwrecks, etc.

XII. Nationality of vessels.

XIII. Deserters from ships.

XIV. Favored nation privileges,

XV. Consular officers.

XVI. Patents, trade-marks, and designs.

XVII. Abolition of foreign settlements in Japan.

XVIII. Former treaties superseded.

XIX. Date of taking effect.

XX. Ratification Protocol.
II
THE CONVENTIONS BETWEEN JAPAN AND THE UNITED STATES
FROM 1855 TO 1901

(1). **Convention for the Reduction of Import Duties, 1864.**
    Concluded January 28, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866.
    
    **Articles**
    
    I. Articles duty free.
    II. Articles reduced duty.
    III. Duty to be paid.
    IV. Duration; ratification.

(2). **Convention for the Payment of the Shimonoseki Indemnities, 1864.**
    Concluded October 22, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866.

(3). **Convention Establishing Tariff of Duties between Japan and the United States, Great Britain, France, and the Netherlands, 1866.**
    Concluded June 25, 1866; ratification advised by the Senate June 17, 1868.
(4). Commercial convention, 1878.

Concluded July 25, 1878; ratification advised by the Senate December 18, 1878; ratified by the President January 20, 1879; ratifications exchanged April 8, 1879; proclaimed April 8, 1879.

Articles

I. Previous treaties annulled.

II. Discrimination of duties.

III. Export duties abolished.

IV. Consular courts.

V. Coasting trade.

VI. Cargo; port charges.

VII. Open ports.

VIII. Coinage.

IX. Annulment of former treaties.

X. Effect, ratification.
(5). Convention for Reimburging Shipwreck Expenses.
Concluded May 17, 1880; ratification advised by the Senate March 23, 1881; ratified by the President April 7, 1881; ratifications exchanged June 16, 1881; proclaimed October 3, 1881.

(6) Convention as to Patents, Trademarks, and Designs, 1897.
Concluded January 13, 1897; ratification advised by the Senate February 1, 1897; ratified by the President February 2, 1897; ratifications exchanged March 8, 1897. Proclaimed March 7, 1897. Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and the Other Powers, Vol. I, pp. 996-1037.


Wada's *The Foreign Policy of the United States in the Pacific since the Spanish American War* (Thesis for the Degree of Master of Science at the University of California, Berkeley, California, 1913), pp. 10-22, 72-94.