

THE JAPANESE TREATY PORTS 1868-1899: | A STUDY OF
THE FOREIGN SETTLEMENTS

by

JAMES EDWARD HOARE

School of Oriental and African Studies

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Abstract

The opening of Japan to foreign residence brought not only the same system of treaty ports and foreign settlements as had developed in China to solve the problem of the meeting of two very different cultures, but also led to the same people who had known the system in China operating it or living under it in Japan. The events of 1859-1869 gave foreigners fixed ideas about the Japanese which subsequent changes could do little to alter. The foreign settlers quickly abandoned any ideas they may have had about making close contact with the Japanese. They preferred to recreate as near as possible the life they had lived in Europe or America. The main prop of this was extraterritoriality, which shielded them from Japanese laws. It was not a very efficient system and increasingly it worked against foreigners' own interests. Yet they demanded its continued existence, although the Japanese had made it clear by 1880 that they wished to see a complete end to it, and by 1886 the foreign powers were ready to agree to this. Extraterritoriality bedevilled foreign attempts to run their own municipal affairs, and except at Kobe, all such attempts proved failures. It also led to a loss of interest in the expansion of trade, for the Japanese made it clear that the price for this was the end of extraterritoriality. The foreign-language press was, apart from trade, the one major foreign contributor to Japan's

modernisation, but it provided a poor service to foreign settlers. It was far too dependent on its subscribers ever to be really independent. The treaty ports themselves came to an end in 1899, but the foreign settlement ethos lingered on until the 1923 earthquake and the second world war finally killed it.

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Preface

Although for forty years, from 1859 to 1899, foreigners in Japan were largely confined to "foreign settlements" at a number of treaty ports, no account of those settlements has ever appeared. It is true that the voluminous Japanese histories of the ports concerned normally devote some space to a consideration of the foreign settlements, but such accounts tend to limit themselves to a glance at foreign trade and perhaps some details of administrative arrangements made to cope with foreign needs. The foreign settlements usually receive attention in Western and Japanese studies of Japan's economic development, but here again they tend to be incidental to the main theme. Otherwise the settlements, if mentioned at all in works on Japan or the Far East, tend to be dismissed in a brief mention, usually with some reference to the China Coast ports.

This study attempts to trace the pattern of life in these communities. Although it is principally concerned with the years 1868 to 1899, it first of all examines the background against which the ports were opened and the settlements were established, since these early years played such an important part in fixing ideas in foreign residents' minds. The other topics selected are obvious, but the treatment of them is not. Particular emphasis is paid to extraterritoriality and its operation in Japan. It was extraterritoriality above all which allowed the

foreign settlements to operate. The majority of advantages and not a few of the disadvantages of being a foreign resident in Japan during the latter half of the nineteenth century were the result of extraterritoriality. And while it was true that this affected all foreign residents in Japan, whether or not they lived in the foreign settlements, it was chiefly those who did live in the settlements who were most concerned. They were, first of all, the majority of foreigners in Japan. Secondly, those who lived in the interior did so only as employees of the Japanese. Although such a person might be technically still under the legal control of his Consul at the nearest treaty port, for all practical purposes he was under Japanese jurisdiction. Ultimately he too was protected by extraterritoriality, but it was never of much importance to him. Both the foreigners employed by the government and those employed privately - the latter being mainly missionaries - saw extraterritoriality as being a barrier to progress rather than a vital necessity. But the treaty port man saw it as the basis of his special status and demanded that it be continued at all costs.

The foreign settlements' rôle in trade is not here dealt with at any great length. Japan's development as a trading nation has received sufficient attention as part of the study of her economic growth. The rôle of the

foreign settlements in that development has also been adequately dealt with. But contrary to general belief, the foreign settlements were not primarily concerned with trade, or at least, with the expansion of trade. By the middle 1880's, other considerations were more important than trading prospects in deciding whether to seek a further expansion of trade by pressing for the opening of the interior to foreign enterprise. The present study tries to show what foreigners in Japan felt about Japan's trade and tries to explain why the foreign merchants of the treaty ports lost the exclusive control they once had over the foreign trade of Japan.

Many aspects of Japan's foreign affairs in the Meiji period still await examination. It is hoped that the present study will go some way towards explaining the importance of treaty revision throughout the period. For it was the existence of the foreign settlements and the attitudes of their residents which led the Japanese to the early demand for the ending of the old treaties. At the same time, the foreign settlements in Japan, as in China and Korea, can be seen as part of the panorama of nineteenth century imperialism. Treaty port residents might be imperialists without anybody to rule over, but they were nevertheless imperialists for all that.

Chapter One

The opening of Japan and the first years of the treaty ports.

After a brief period of contact with Europe in the sixteenth and early seventeenth centuries, Japan rejected the outside world. A series of edicts forbade Westerners to visit Japan and forbade Japanese from going abroad or building ships capable of making long voyages. This self-imposed seclusion was to last until 1853, when it was rudely broken by the advent of Commodore Perry and his squadron. For some two hundred years, then, Japan remained outside the growing European dominated world culture. Japan was not completely cut off from the world beyond her shores. The Dutch and the Chinese had been granted an exemption from the prohibition on outside contacts; they were both allowed to continue very restricted trade at Nagasaki. This trade was probably not very profitable, except to those immediately engaged in it, and the Japanese allowed it to continue in order that they might have a window on the outside world. From the little Dutch colony which the Japanese kept isolated on the island of Deshima in Nagasaki harbour, information about the inventions and affairs of the outside world filtered into Japan, to be analysed and absorbed by those who called themselves "Dutch scholars".¹

¹ For the story from both sides, see Boxer, C.R., Jan Compagnie in Japan, 1600-1800, (The Hague, 1936), and Keene, D., The Japanese discovery of Europe, (London, 1952).

Though the information they received sometimes became a little garbled in the telling, the Japanese were well aware of the European powers' expansion into Asia. Not only did they have the information passed to them by their contacts in Nagasaki, but, particularly, from the beginning of the nineteenth century, they were made uncomfortably aware of the increasing nearness of the Western powers. From 1790 onwards, a steady stream of ships, mainly of British, Russian and American origin, began to enter Japanese waters. Sometimes they came peaceably, but not always. Well might Mito¹ Rekke warn:

"Guardians of Hakodate

Beware!

This is not the kind of an age

When only waves wash ashore."

The Bakufu, the effective central government of Japan, was not sure how to deal with these visitors. It was aware of the strength of the West, but at the same time, it had no desire to re-open the country. The result was a series of edicts which sometimes advised a peaceable approach, sometimes a hostile one, but always insisted on a rejection of all attempts to trade.²

¹

Quoted in Lensen, G.A., The Russian push towards Japan: Russo-Japanese relations, 1697-1875, (Princeton, 1959), p.181. Hakodate, on Japan's northern island of Hokkaido, received attention from both the Russians and the Americans.

²

For the visits of Western ships between 1790 and Perry's arrival, together with details of the Bakufu's edicts, see Sakamaki, S., "Japan and the United States, 1790-1853", Transactions of the Asiatic Society of Japan, (cited as TASJ), 2nd series, XVIII, (1939), Appendix I.

The Western expansion as it affected Japan sprang from different sources.¹ Strategic, commercial and humanitarian reasons all prompted Western interest in Japan. In the United States in particular, stories from the occasional Japanese castaway whetted appetites. While there was little belief in great prospects for trade with Japan amongst those who knew the detailed history of the sixteenth and seventeenth century experience, nevertheless there had been popular legends about the fabled wealth of Japan since the days of Marco Polo, and in some quarters it was believed that enormous fortunes could be made if Japan was opened. An anonymous writer argued in 1850 that once Japan was opened, an extensive trade in gold could be expected to develop, with tea as a second staple.²

The Opium War of 1839-1842, which opened up the China Coast to Western traders, also brought nearer the opening of Japan. Merchants were eager for new markets and their governments now had the resources in the area which would be necessary in order to send an expedition to Japan. It was also the Opium War which brought home to many Japanese

¹ See Beasley, W.G., The Modern History of Japan, (London, 1964), pp.38-46, for a general account of the motives behind the opening of Japan. For more detailed studies of British and Russian motives, respectively, see Beasley, W.G., Great Britain and the opening of Japan, 1834-1858, (London, 1951), and Lensen, The Russian push towards Japan. Some idea of the factors encouraging United States interest in Japan can be obtained from Sakamaki, "Japan and the United States".

² Anon., "Embassy to Japan", Dublin University Magazine, XXXV, (1850), pp.732-40. The British East India Company, with records of the earlier trade with Japan, were much less convinced of the potential value of Japan's trade. Beasley, Great Britain and the opening of Japan, pp.2,4.

the danger they faced from the West. The events in China were well known in Japan and the lessons to be learned from them became a matter of discussion not only among scholars but also among those involved in the government. The challenge from the West suddenly became very real.¹

It was not a challenge that Japan was in a strong position to face. Isolation had given an appearance of stability to Japanese society which had very little reality behind it by the middle of the nineteenth century. Japan by 1853 was in the throes of a revolution in economic and social matters which was none the less real for being unacknowledged. Although in official thinking the merchant might still occupy the lowest social position, this was no longer true in fact. The Bakufu had largely lost its impetus as the ruling power in Japan, and there were many feudal lords eager to destroy its power. The samurai, the nominal military class, had grown lax in the long years of peace and had become an unproductive group, unbalancing the country's economy.²

When the long-feared blow was struck with the arrival of Commodore Perry and his squadron in Edo bay in the summer of 1853, Japan was thrown into turmoil. This was no single ship

1

See Beasley, Great Britain and the opening of Japan, Chapter II, for an account of the Opium War and Japan.

2

For some of the tensions in late Tokugawa Japan, see Sheldon, C.D., The rise of the merchant class in Tokugawa Japan, 1600-1868, (Locust Valley, New York, 1958), and Allen, G.C., A short economic history of modern Japan, 2nd revised edition, (London, 1962), Chapter I.

which could be either supplied with stores and told to leave or else driven off with gunfire; this was, as Perry made clear, just the spearhead of a potentially much greater force.¹ A great debate began in Japan between those who advocated the continuation of the traditional policy of seclusion and those who argued that Japan had no choice but to accept Perry's demand for the opening of the country. Both sides held up the example of China as a warning. In the end, it was those who argued that Japan was in no position to resist the American approach who prevailed, and when Perry returned in the spring of 1854, a convention was signed at the small village of Kanagawa on Edo bay.²

The Perry Convention was not very radical; there was no permission to trade and American ships and residents were confined to the ports of Hakodate and Shimoda, both well away from the centre of power in Japan. To Japan, however, it was traumatic. Old fears about the West were revived, and a series of natural disasters increased the sense of foreboding. Looking back many years later, one Japanese wrote that "those

¹ Perry's letter to the Emperor of Japan stated: "Many of the large ships of war destined to visit Japan have not yet arrived in these seas, though they are hourly expected", and went on to say that should it be necessary, he would return to Japan with a larger squadron the following year. Perry to the Emperor of Japan, 7 July 1853, in Beasley, W.G., translator and editor, Select documents on Japanese foreign policy, 1853-1868, (London, 1955), p.102.

² The text will be found in Beasley, Select documents, pp.119-22.

were the years that tried men's souls".¹ The decision to admit Westerners was bitterly attacked, and contempt heaped on those who had made the surrender. But there was worse to come.

The other powers were not slow to follow the American lead, Britain and Russia concluding conventions similar to Perry's in September 1854 and February 1855 respectively. But when news of these early conventions reached mercantile communities in Europe and America, they were regarded as unsatisfactory. What was needed was the opening of new trade markets, not minor agreements on the care of shipwrecked seamen. Demands for trading facilities and the right to reside in Japan to engage in trade was what was sought in the later treaties.² Thus between 1858 and 1869 Japan signed treaties with most European powers and the United States which provided just these demands. These treaties laid down that foreigners could reside at certain "open ports" or "open cities" in Japan; that they would be shielded from Japanese judicial control; and that Japan's foreign trade would be conducted under an agreed tariff.

The signing of these treaties brought a crisis to Japan. The Bakufu had signed the later treaties for the same reason

¹ Mitsukuri, K., "Recent changes in Japan", International Review, X, (1881), 483. The natural disasters and omens are chronicled in Satow, E.M., translator and editor, Japan 1853-1864 or Genji Yume Monogatori, (Tokyo, 1905), pp.9-14.

² Paske-Smith, M., Western Barbarians in Japan and Formosa in the Tokugawa Era, (Kobe, 1930), p.139; Hishida, S., The international position of Japan as a Great Power, (New York and London, 1905), p.111.

that it had signed the Perry Convention; it realised there was no choice because Japan was not strong enough to oppose the West. But many in Japan refused to accept this. They demanded that foreigners be expelled and Japan return to the old ways. The hidden currents already breaking up Japanese feudal society before 1853 now came to the surface. Opposition to the Bakufu was linked with hostility to the foreigners in the cry of "Honour the Emperor and expel the Barbarians!". The Bakufu was caught in a trap not of its own choosing; whichever way it turned, it failed to satisfy either the foreigners pressing it from one side, or its enemies in the country. Assassinations were frequent, those of foreigners being a particular source of trouble. Two of the feudal daimyo, Satsuma and Chōshū, realised the hard way just how strong the foreigners were, but while that modified somewhat their anti-foreign stand, it did nothing to change their attitude towards the Bakufu. By the time the Emperor Komei died in 1867, the Bakufu was manifestly a failure. It had failed to punish the daimyo of Chōshū for rebellion and was under strong pressure from the other powerful South Western daimyo to abandon the attempt. When these daimyo called for the surrender of the Bakufu's power it looked for a time as though there would be a bloodless change, but such hopes proved short-lived. In January 1868, the Imperial Palace at Kyoto was seized and a decree issued stripping the Shogun of all his power; the rule of the Tokugawa Bakufu was

over. Administrative power was nominally at least, restored to the Emperor - hence the "Meiji Restoration" -, and though the Shogun and his supporters fought back for another eighteen months, a new order had begun.¹

It was against this background that the foreign settlements were established in Japan. Even before the treaties came into operation in the summer of 1859, there were men eager to open up the Japan trade. While waiting for the official opening, a brisk and lucrative, albeit illegal, trade was carried on by an adventurous few, which helped to reinforce old beliefs about the wealth of Japan.² These early adventurers, and those who followed them in the immediately succeeding years, came from the China Coast, where the treaty port system had been established after the war of 1839-42.

By 1859 there were established on the China Coast a number of thriving foreign communities. These had their own newspapers, local municipal councils, chambers of commerce and the other trappings of what the mid-Victorian world recognised as civilisation. Although the several ports had their own characteristics, they were more noted for their common features.

1

For accounts of this much-condensed story, see Gubbins, J.H., The Progress of Japan, 1853-1871, (Oxford, 1911); Craig, A.H., Chōshū in the Meiji Restoration, (Cambridge, Mass., 1961); and the introduction to Beasley, Select Documents.

2

See, for example, Holmes, H., My adventures in Japan before the Treaty came into force (London, no date). Captain Holmes worked for Jardine Matheson and Company. The pre-treaty trade is discussed in McMaster, J., "British trade and traders to Japan 1859-1869", unpublished Ph.D. thesis, University of London, 1962, pp.17-28.

"The anchorage, the bund, the club, the cemetery, the consulate, the racecourse, all can be regarded as integral manifestations of an early 'treaty-port culture', which in ethnographical terms may be said to have been closely affiliated to the British-Indian culture of the day."¹

These foreign communities established in China were convinced above all of two things; their own infinite superiority to the Chinese and the immense potential value of the China trade. On the first point, Sir Rutherford Alcock, who became the first British Minister to Japan in 1860 after several years in China and a brief period as Consul-General in Japan, wrote that "Europeans enter into the borders of Asia for the most part with a feeling of indifference or contempt for all that constitutes the life and pride of an Asiatic."² No nonsense could be tolerated from the Chinese: "If a barbarian Governor treats a great Empire like Great Britain with contempt and refuses satisfaction or even intercourse he must be brought to his senses," demanded the North China Herald at the time of the "Arrow" incident.³ This contempt was to persist well into the twentieth century.

¹ Fairbank, J.K., Trade and Diplomacy on the China Coast: The opening of the Treaty Ports, 1842-1854, (Cambridge, Mass., 1953), I, 157.

² Alcock, Sir R., The Capital of the Tycoon: a narrative of a Three Years Residence in Japan, (London, 1863), II, 331.

³ North China Herald, 28 Feb. 1857, quoted in Clarke, P., "The development of the English-language press on the China Coast, 1827-1881", unpublished M.A. thesis, University of London, 1961, p.264.

Equally persistent was the belief in the possible great expansion of China's trade, if only rapacious officials were stopped from interfering and foreign representatives concentrated on the needs of foreigners instead of becoming involved with the rights of China. Left to themselves, it was believed, the Chinese would be only too willing to purchase the goods which European and American traders wanted them to buy. Although the largely self-contained nature of the Chinese economy had been revealed in the Mitchell Report of 1852 sufficiently enough to satisfy the British Government that there was little hope of a great expansion of the China trade,¹ the foreign merchants were not convinced. They continued to believe that the real wealth of China was being kept from them and demanded either directly or through "Old China Hands" who shared their beliefs, that these untapped resources be opened to them.²

It was from this background that the men who first came to Japan in 1859 drew their experience. While they thought of themselves as being the representatives of a superior society, as could be claimed from the refinements of their life in the East, their background was also made up of "years of opium smuggling and ruffianism."³ The opium trade had

¹ Banno, M., China and the West 1858-1861: The origins of the Tsungli Yamen, (Cambridge, Mass., 1964), p.11.

² Pelcovitts, N., Old China Hands and the Foreign Office, (New York, 1948), explains the demands and their failure.

³ Satow Papers, (cited as P.R.O.30/33)/11/2, E.M. Satow to W.G. Aston, 7 Jan. 1876.

remained in a limbo after 1842, and smuggling had continued. As we shall see, all these elements were to emerge in Japan.

The treaties of 1858 provided that Kanagawa, Nagasaki and Hakodate were to be opened to foreign residence from July 1859.¹ Though the treaties did provide that other ports and the cities of Edo-Tokyo from 1869- and Osaka should be opened at various dates between 1859 and 1863, because of opposition within Japan, in 1862 the foreign powers agreed to postpone the opening of the other ports and the cities until 1868.² Neither Nagasaki nor Hakodate caused much trouble at their opening, although there was some ill-feeling created at Nagasaki by the British consul's claim that the accommodation provided for him was too small!³ But Kanagawa was different.

Kanagawa lay on the Tokaido, the road which connected Edo and Kyoto. It was the busiest road in Japan, with constant movement of daimyo and samurai. It was, the Japanese argued, far too dangerous to have a foreign settlement on the main highway, where those who were anti-foreign

¹ The date named varied from treaty to treaty; in practice the date of opening was that in the British treaty, 1 July 1859.

² See the text of the Memorandum between the British and Japanese governments, signed in London 6 June 1862, in Kajima, M., Nichi-Ei gaikoshi, "History of Anglo-Japanese diplomacy", (Tokyo, 1957), Appendix, pp.24-29.

³ Anon., Diplomacy in Japan, being remarks upon correspondence respecting Japan presented to both Houses of Parliament, (Edinburgh and London, 1864), pp.10-11.

were bound to meet up with the objects of their dislike. They therefore erected jetties and bungalows on the opposite side of the bay from Kanagawa and proposed that the foreign merchants settle there. The foreign merchants were quite willing to do so; not only had they been spared the expense and inconvenience of erecting their own houses and offices, but there was a far better anchorage at the new site, "Yokohama" or "cross-beach" in Japanese. The Japanese demanded no payment except rent, and so trade began. The diplomatic corps were not so happy. They had not been consulted until Yokohama was built and their objections then were ignored. In vain they argued with the Japanese that the unilateral decision was a breach of treaty. In vain they tried to persuade their respective countrymen to refuse the accommodation at Yokohama and to return to Kanagawa. Although the diplomats argued that it was giving a hostage to fortune to allow the Japanese to act as they had done and although they could point out that it would be easy to isolate Yokohama and turn it into another Deshima, the foreign merchants would not budge. The foreign representatives fumed and refused to acknowledge the change, but to no avail.¹ In spite of these difficulties, Yokohama

¹ Yokohamashi henshūshitsu, editors, Yokohama-shi shi, "A history of Yokohama city", (Yokohama, 1958 onwards), II, 195-201, 267-277; Alcock, The Capital of the Tycoon, I, 136-50; Black, J.R., Young Japan. Yokohama and Yedo. A narrative of the Settlement and the City from the signing of the Treaties in 1858 to the close of the year 1879. With a glance at the progress of Japan during a period of twenty-one years, (Yokohama and London, 1880), I, 26-29. For many years, British and American consuls were appointed to Kanagawa and not Yokohama, and despatches were dated from the former.

thrived. By the end of 1859 there were some forty residents, twelve of them British. The major firms from the China Coast, the British Jardine Matheson and Company and the American Dent and Company, were amongst those who had agencies in Japan.¹

The China Coast pattern of treaty port life soon asserted itself, at least at Nagasaki and Yokohama. Attempts were made to cope with such mundane matters as drainage and street lighting and before long the foreign settlers at Yokohama were to regret their own short-sightedness in agreeing to accept the Japanese settlement there.² The first newspaper in Japan appeared in 1861 at Nagasaki. This was the Nagasaki Shipping List and Advertiser. Before long its proprietor decided that Nagasaki was a backwater and that Yokohama was a more appropriate place for a newspaper. In November 1861, he began to publish the Japan Herald at the latter port. The Herald soon had a rival, the Japan Express, and by 1868 there was a well-established foreign press in Japan, including the humorous magazine, the Japan Punch. Foreigners had also begun to publish Japanese-language newspapers.²

¹ Yokohamashiritsu daigaku keizai kenkyūjō, editors, Yokohama keizai-bunka jiten, ["An economic and cultural dictionary of Yokohama"/], (Yokohama, 1958), pp.14-15. Jardines maintained only an agency at Yokohama until 1870. See Jardine Papers B/3/18/Yokohama letter no.1643, E. Whittel to J. Whittell, 7 Oct. 1870.

² For details of the early press, see Appendix B. Fuller details will be found in Fox, G., Britain and Japan 1858-1883, (Oxford, 1969), pp.416-456.

The first Christian missionaries arrived in Japan in November 1859. The Japanese were still strongly opposed to Christianity, and the missionaries consequently found that there was little opportunity of approaching the native population. They were thus available to minister to the spiritual needs of the foreign communities. The first Christian church in Japan since the seventeenth century was opened at Yokohama in 1862,¹ and by the end of the first ten years, all the major Christian denominations had their churches and chapels, and there was even a Chinese temple. Watching the foreigners going to church quickly became part of Japanese visitors' sightseeing tours.

Less spiritual pursuits were soon catered for as well. Nagasaki had a Chamber of Commerce as early as June 1861, though it was not until 1865 that Yokohama followed suit.³ Hospitals were organised by the foreign communities, and there were also naval hospitals which sometimes took civilian patients. The general hospital at Yokohama was kept in existence by subscriptions, but even in the early days, it was no easy task to persuade the community to subscribe.

¹Japan Herald, 11 January 1862. It was a Roman Catholic church. Before then, meetings and services were held in missionaries' houses.

²See Tamba, T., Yokohama ukiyoe, (Reflections of the culture of Yokohama in the days of the port opening), (Tokyo, 1962), illustration no.202. On the Chinese temple at Yokohama, see Far East 16 September 1871.

³Paske-Smith, Western barbarians in Japan and Formosa, pp.202-203; Black, Young Japan, I, 340, 378.

Pushed into difficulties by lack of money, the English doctor in charge of the hospital in 1866 began to charge "exorbitant fees", and no patient was received until the fees had been paid.¹ The arrival of several bank agencies at Yokohama in 1863 was further evidence of the development of the foreign settlements in Japan.²

By way of recreation, there was the "United Services Club" at Yokohama, established in 1863 by the efforts of Lt. Smith of the Royal Marines. This was at first an exclusively military and naval club, but did not remain so for long.³ Nagasaki too had its club, established by 1866.⁴ In 1868 the French community established a club of their own at Yokohama.⁵ By 1868, both Nagasaki and Yokohama had Masonic Lodges.⁶ Spasmodic attempts were made to found a

¹ United States' Papers relating to Foreign Affairs, 1866-67, Part III, 200-201, no.10, A.L.C. Portman to W. Seward, 20 March 1866. On hospitals see Black, Young Japan, I, 287, II, 100; Griffis, W.E., The Mikado's Empire, 10th edition, (New York, 1903), II, 340.

² Black, Young Japan, I, 222-23, 264; Yokohama keizai-bunka jiten, pp. 48-69. The latter gives a brief history of all the foreign banks established in Yokohama.

³ Black, Young Japan, I, 279.

⁴ See the entry for Nagasaki in The Chronicle and Directory for China and Japan, 1866. The name of this publication varied considerably from year to year, especially in the early years of publication. It will be cited as Chronicle and Directory even when that was not the title.

⁵ London and China Telegraph, 5 Feb. 1868.

⁶ Black, Young Japan, II, 15-16, has an account of the Yokohama lodge in 1866. It is not clear when the Nagasaki lodge was founded, but there are references to it by 1868.

library at Yokohama, and there were also two rifle clubs there, one open to all and one exclusively for the Swiss.¹ The first ball to be held in Japan, according to Joseph Heco, took place at Yokohama in 1860, and was organised by the American Consul. Notwithstanding the fact that there were "only two Englishwomen and three or four female American missionaries"² present, the function was a great success. Visits by travelling musicians or theatre groups helped to pass the time, as did excursions around the ports. There were frequent athletic meetings and regattas. Should the foreign resident tire of his own port, he might visit another; there were hotels at Nagasaki and Yokohama. It was not advisable to stay in them if one was of a nervous disposition. Ernest Satow confided to his diary that he was determined to leave the hotel in Yokohama because there were fights and quarrels every night, with men firing off guns "without caring where the bullets go".³ Even Hakodate, which had no hotels,⁴ could boast of two foreign restaurants by 1867.

So far, at least, there was nothing exceptional about Japanese foreign settlements. But life in the Japanese

¹ Black, Young Japan, I, 342, 379.

² Heco, J., The narrative of a Japanese, edited by J. Murdoch, (Yokohama, 1899), I, 257.

³ P.R.O.30/33/15/1, 1 Oct. 1862. The one hotel at Nagasaki, the Belle Vue, was a much better conducted establishment than any of those at Yokohama. Mayers, W.F., Dennys, N.B., and King, C., The treaty ports of China and Japan, (London, 1867), p.570.

⁴ Mayers, Dennys and King, Treaty ports of China and Japan, p.614.

treaty ports did have its distinctive features. One was the sense of being isolated from the rest of the world. This feeling had pervaded the Chinese treaty ports in their early days,¹ but the opening of Japan put China one step removed from the ends of the earth. The advent of the steamer, which cut the voyage to Europe from four to two months had also helped to decrease the isolation of China by 1860. Japan still seemed remote. One former resident of Yokohama wrote: "I am old enough to remember when we, in our little self-contained settlement at Yokohama ... considered ourselves as tenants of one of the remotest outposts of the civilised world!"² The isolation of Nagasaki and Yokohama was lessened with the inauguration of regular steamers by the P. and O. line in the early 1860's, but even then the steamers arrived only twice a month. When the Messageries^{eries} Maritimes and the Pacific Mail Steamship Companies also started to run regular lines to Japan, matters were much improved.³ The northern port of Hakodate remained very much at the ends of the earth until Japanese ships began to make regular visits in the 1870's. So rarely was Hakodate in communication with

¹ Fairbank, Trade and Diplomacy on the China Coast, I, 168-70.

² Abell, H.F., "Some memories of old Japan", Chambers Journal, 7th series, I, (1910-11), 680. Alcock too, felt this sense of isolation, but there were other reasons in his case apart from Japan's distance from Europe and America. Alcock, The Capital of the Tycoon, II, 151.

³ Black, Young Japan, II, 46-47; Fox, Britain and Japan, p.317; Cable, B., (pseud.), A Hundred Year History of the P. and O., 1837-1937, (London, 1937), pp.173-74.

Yokohama, that the British Consul there found it quicker to send a despatch to Sir Harry Parkes at Yokohama via Chefoo and Shanghai than to wait for a direct connection.¹ It was hardly surprising in these circumstances that the arrival of the mails was an important event. Indeed, it remained so until the twentieth century. It was generally regarded as impossible to hold meetings or to deal with anything routine on mail days, and those who tried were liable to find themselves ignored by the rest of the community.² Should the mail be delayed for any reason, then there were loud outcries.³

The sense of isolation was increased by Japanese hostility, which of course did not cease once the ports were opened. It was true that many Japanese were fascinated by the new phenomena which had descended on them; coloured prints of scenes in the foreign settlements found a ready

¹ Foreign Office records, Japan, Embassy and Consular Archives (cited as F.O.262)/146, R. Eusden to Parkes, no.22, 13 June 1868.

² For example, see the Nagasaki Shipping List and Advertiser, 28 Aug. 1861. Not even the urgent need to discuss the cemetery could tear the community from its mail, and the British Consul was forced to cancel a meeting arranged to discuss the question.

³ Daily Japan Herald, 12 Jan. 1864; London and China Express, 17 Dec. 1869. There was of course, no Japanese Post Office at this time. Several foreign powers established post offices at Yokohama and Nagasaki and made their own arrangements for carrying mail. It was an extension of the treaties which was very necessary, but as we shall see, it was not abandoned without a considerable struggle.

sale, as did books and songs about the doings of the foreigners.¹ Such curiosity, except perhaps when it took the form of strolling into foreign houses, made little impression on the foreign community. What did impress them were the attacks on foreigners in the settlements or in the treaty limits around them. There seems little point in making a catalogue of these killings and attempted killings; they can be found in most histories of the period and in many contemporary travel books. They were not something confined only to Yokohama, though there were many more attacks made on foreigners there than at the other two ports.² Even when there were no actual attacks on foreigners they were frequently jostled and annoyed by samurai, who made their hostility quite clear.

Fear of assassination was widespread, "Every merchant in Japan is aware that a sword is hanging over him", wrote one observer, who added that there was not much compensation in the thought that a large payment would be demanded should one be killed by the Japanese.³ The story of the various

¹ Some of these have been collected in Tamba, Yokohama ukiyoe. Fukuzawa Yukichi was only one of many Japanese to go on a sightseeing tour of Yokohama. Fukuzawa, Y., The autobiography of Fukuzawa Yukichi, translated by Kyooka Eiichi, revised edition, (Tokyo, 1948), p.97.

² For attacks on foreigners at Nagasaki and Hakodate, respectively, see Black, Young Japan, II, 85; Mossman, S., New Japan (London, 1873), p.165.

³ Dennis, J., "Englishmen in Japan", St. James's Magazine, IX, (Dec. 1863-March 1864), 313. Alcock also felt the threat of assassination hanging over him. Alcock, The Capital of the Tycoon, II, 47.

killings seems to have become part of a distinctive settlement folk-lore, which even the Japanese were influenced by. Photographs of the body of one victim, C.L. Richardson, a Shanghai merchant visiting Japan who was cut down on the Tokaido in 1862 while out riding with three Yokohama residents, were included in several foreigners' albums.¹ Foreigners too armed themselves, which while understandable,² can have done little to decrease tension.

This tenseness led to constant demands for the use of force, and for a strong fleet to be kept in Far Eastern waters. "No port open to trade, either in China or Japan, should at any time be left without a vessel of war of some kind", wrote one editor in 1870, and many echoed his demands.³

¹ The photograph in question, which shows Richardson's body laid out after it was brought back to Yokohama, is reproduced in Nihon kindaishi kenkyūkai, editors, Shashin zusetu kindai Nihonshi, /"Modern Japanese history in photographs"/, (Tokyo, 1966), I, 59. For the fullest development of the story of Richardson's death, see Bates, E.K., Kaleidoscope: Shifting scenes from East to West, (London, 1889), pp.196-97.

² Even the missionary Guide Verbeck carried a gun. See Griffis, W.E., Verbeck of Japan: a citizen of no country, (New York, 1900), p.237. For the attitude engendered by the fear of assassination and the familiarity with weapons, see F.O.262/174, M. Flowers to Parkes, no.18, 12 March 1869: "Mr. Wignell declared that had he had his pistol abt. him he would certainly have shot his opponent."

³ Nagasaki Shipping List, 6 July 1870. For a similar demand see Dennis, "Englishmen in Japan", 317.

It also led to an insistence that the full rigour of the law should be applied against Japanese even when an attack did not cause death.¹ Whether such an insistence was a good way of introducing the Japanese to Western ideas of law was doubted by one Yokohama newspaper, whose editor also cast doubts on the wisdom of the presence of Western officials² as observers at executions.

Nor could it be said that trade helped to ease the sense of isolation. The early pre-treaty trade had been good, and although the "Japanese gold rush" of 1859 has been proved to be a myth,³ the belief that great fortunes had been made in those first few months lingered on to become part of accepted treaty port lore. The early hopes of an exotic and prosperous trade soon diminished; trade settled into the familiar pattern of the China Coast. The staple exports were tea and silk, and the staple imports were textiles. Here and there an order for a ship or two provided a momentary flurry of excitement, but little else. The Japanese government remained officially hostile to trade, and did nothing to encourage its development. Rather it saw trade as the sole

1

A policy defended in Adams, F.O., The History of Japan, 2nd revised edition, (London, 1875), II, 239.

2

Japan Times (Overland Mail), 12 March 1868. Accounts of executions by Satow and others often included a considerable amount of detail, and this was faithfully reproduced by other writers. The interest seems, at this distance, more than a little unhealthy.

3

McMaster, J., "The Japanese Gold Rush of 1859", Journal of Asian Studies, XIX, (1960), 273-87, shows that there was little truth in the stories of great fortunes being made by foreign speculators in gold in the first months of trading in Japan.

cause of the economic difficulties that increasingly beset Japan, for the Japanese were neither able to understand the causes nor very inclined to search deeper than foreign trade for them.

Foreigners quickly became convinced that every slight setback in trade and every failure to make the desired or expected profit could be directly attributed to the evil machinations of the Japanese government. Such government-inspired interference in trade as the stoppage of the silk trade in 1863-64 as a means of furthering diplomatic aims were clear proof, if proof was needed, that the Japanese government lay behind all trade difficulties.¹ Complaints about the government's interference were a common feature in the local press, and were repeated by publicists for the foreign view.² Additional proof of the Japanese government's interference was provided by the refusal to allow foreigners into the interior thus keeping them from the valuable markets there.³

It was also widely believed, especially at Yokohama, that the best Japanese merchants were being prevented from

¹ On the silk dispute, see McMaster, "British trade and traders to Japan 1859-1869", pp.235-38; Ohara, K., and Okata, T., "Japanese Trade and Industry in the Meiji-Taishō period", (Tokyo, 1957), p.84.

² "A subscriber" to the editor, Japan Herald, 30 Nov. 1861; Mossman, New Japan, pp.141-43.

³ "Osaka is for merchants as well as ministers", Japan Times (Overland Mail), 30 May 1868 argues this point.

dealing with foreigners. At Nagasaki, foreign merchants frequently came into contact in the course of business with the samurai of the feudal lords of Western Japan; at Yokohama, they met a rather ramshackle collection of traders, who occupied no recognised position in traditional trade in Japan.¹ It was true that Japanese ideas of commercial honesty corresponded at but few points with those of foreigners, and there were many cases of deliberate fraud and broken contracts. Whether this was all part of a government plot against trade was altogether another matter. It is perhaps only fair to add that foreign trading methods were not all that might have been desired. There seems to have been no lack of smuggling by foreign merchants, and they were not above the occasional piece of sharp practice; one of Jardine's agents felt it necessary to warn such a firm as Jardines against trying to sell worn-out ships to the Japanese.²

Although it now seems certain that the first years of the open ports were the best years for trade as far as foreign merchants were concerned,³ it did not seem to be the

¹ Satow, Sir E.M., A diplomat in Japan, (London, 1921), pp.22-23; McMaster, "British trade and traders to Japan 1859-1869", pp.63-64, 145.

² Jardine Papers B/3/8/Nagasaki letter no.578, Glover and Co. to Jardines, Shanghai, 25 March 1869. On smuggling, see Will, J.B., Trading under Sail off Japan, 1860-99, edited by G.A. Lensen, (Tokyo, 1968), pp.29-30.

³ McMaster, "British trade and traders to Japan, 1859-1869", pp.253-62.

case at the time. When foreign merchants complained of the disruptions to trade in 1868, F.O. Adams noted, they talked about the great days of the past, but conveniently ignored their own complaints of the poorness of trade made at the time.¹ Disappointment turned to bitterness and the belief that all Japanese traders were dishonest. The attacks on the commercial honesty of the Chinese, so common on the China Coast, were replaced in Japan by attacks on the Japanese. Another Japanese treaty port myth developed out of this, one not shared by any of the other Far Eastern settlements, namely, that Chinese merchants were invariably honest.

In this atmosphere, it is not surprising that pettiness and feuds were common. The biggest gulf was that between the foreign merchants and the diplomatic body. The Yokohama/Kanagawa dispute soured relations between the foreign merchants at Yokohama and the diplomatic body almost from the start. This first dispute was soon followed by another over exchange, in which the foreign officials seemed content to let their countrymen suffer financial disadvantage because the rates of exchange were so arranged as to benefit diplomats and other foreign officials.² The feelings of antagonism aroused in the early days were continually fed. The British Minister, Sir Rutherford Alcock, did not think it necessary

¹ Adams, F.O., The history of Japan, 2nd revised edition, (London, 1875), I, 184-88. See also "Yokohama hospitality", Japan Times (Overland Mail) 18 Jan. 1868.

² Satow, A diplomat in Japan, pp. 23-24; McMaster, "British trade and traders to Japan 1859-1869", pp.83-87; 118-25.

to inform his countrymen of his plans in matters relating to their affairs, and this was resented.¹ Alcock and the British community were particularly at daggers drawn, and the publication of his book, The Capital of the Tycoon, was the last straw, for it was full of criticisms of merchant behaviour. The Yokohama Club, very much a British preserve, passed a resolution banning Alcock or any member of his staff from entering the Club, and the resolution remained in force until Alcock left for China in 1865.²

Nor was Alcock's successor, Sir Harry Parkes, the favourite of the foreign settlements in the East in later days, popular in his early years. Although Parkes was responsible for much that helped the foreign community, especially the merchants, he was not inclined to accept them at their own valuation.³ Nor should it be imagined that it was only British diplomats who were attacked for following policies which did not suit the foreign community; the United States' Minister was roundly abused in 1869 for not permitting the development of a coolie trade between Japan and Hawaii.⁴

¹ Jardine Papers B3/11/Yokohama no.85, J.J. Keswick to the Shanghai office, 26 Jan. 1861. Merchants were particularly sensitive to apparent contempt from diplomats. Heco, The narrative of a Japanese, I, 258.

² Satow, A diplomat in Japan, p. 27.

³ For example, see "1867", Japan Times (Overland Mail), 29 Jan. 1868; "Nee-e-gata. Open or shut?", Japan Times (Overland Mail), 7 Oct. 1868. For Parkes' views on the merchants, see F.O.262/144, Parkes to Lord Stanley, draft no.219, 15 Sept. 1868. Unlike Alcock, however, Parkes did not publish his opinions.

⁴ "Japanese Emigration", Japan Times (Overland Mail), 19 Nov. 1869.

Neither side understood the other. The diplomats saw only men out for gain and willing to jeopardise positions carefully built up, apparently without a moment's thought; the merchants saw what they regarded as their rights ignored by the diplomats. The merchants also resented the failure of the diplomats to regard them as equals, to be consulted on matters affecting their interests. A company such as Jardines had grown accustomed to being consulted in China, and its partners could mix as equals with the diplomatic body; Alcock's refusal to grant them a similar position in Japan was bound to cause ill-feeling.¹

The foreign community were not in complete harmony amongst themselves. One British official wrote of Yokohama in 1865: "the community, I think, is one of the worst to manage in the whole East - they are always squabbling and fighting".² The different foreign nationalities quarrelled amongst themselves, the newspapers eagerly taking up the arguments. The British dominance of the ports was particularly resented, but there were many examples of international quarrels. When the French military mission in Japan threw in its lot with the Tokugawa forces in 1869, the Japan Times adopted an anti-French, and supposedly pro-British stance,

¹ For Jardines' importance in China, see Fairbank, Trade and Diplomacy on the China Coast, I, 82-83. One of Sir Harry Parkes' daughters married a Jardines' partner.

² Foreign Office, Embassy and Consular Archives, China, Records of the Supreme Court for China and Japan, (cited as F.O.656)/7, M. Flowers to Sir E. Hornaby, private, 1 Dec. 1865.

while the Japan Herald was pro-French.¹ There were other allegations of class bias in the treaty ports. According to one irate subscriber to the Japan Times, the Yokohama races were organised solely for the benefit of the rich,² everybody else's interests being completely ignored.

At the end of 1867, the treaty ports had become an established part of Japan. Yet they remained separate from Japan. One of the earliest characteristics noted by foreign visitors was the similarity between the treaty port foreign settlements and the towns of European colonies in Asia.³ The foreign-language press, the layout of the streets and the houses, and the foreign courts and judges all added to the illusion that foreigners were members of a colonial power. The presence of French and British troops at Yokohama from 1863 onwards helped to foster the illusion, as did the foreign naval presence in Japanese waters.⁴ Foreign trade, though it was climbing up each year,⁵ had not proved as profitable as was hoped. Foreigners were still on the outside of Japan looking in; the Dutch Deshima at Nagasaki had been replaced but only by three larger Deshimas. As early as April 1867,

¹ Hammond Papers, (cited as F.O.391)/15, Parkes to E. Hammond, 28 May 1869.

² "Pigskin" to the editor, Japan Times (Overland Mail), 2 Dec. 1868.

³ Smith, Rev. G., Ten Weeks in Japan, (London, 1861), pp.258-259. Bishop Smith felt that the feeling of superiority towards the Japanese was a colonial attitude that could well have been left behind.

⁴ On the foreign troops, see Yokohama keizai-bunka jiten, pp.3-4. Japan was a recognised post of the British Navy's China Station from 1859. See Fox, G., British Admirals and Chinese Pirates, 1832-1869, (London, 1940), p.62.

⁵ See Appendix A.

the foreign communities were eagerly awaiting the long-¹ deferred opening of the additional treaty ports.

Whether the foreign communities as distinct from the diplomats had much idea of the changes already beginning in Japan during 1867 is doubtful. The majority of foreigners took little interest in things Japanese and could not understand the language; a man such as T.B. Glover who not only took an active interest in Japan's affairs, but was also deeply involved in the events of the Restoration was very much the exception.² What the foreign communities were interested in was the new open ports and cities. The foreign diplomats had decided to concentrate their attention on making sure that Hyogo and Osaka were opened first. Hyogo was already a port and was to act as the open port of Osaka, for while foreigners were to be allowed to reside at Osaka, it was not to be an open port in its own right. Its opening was insisted on because it was the chief commercial city of Japan. Niigata, about which there were already doubts as to its usefulness as a port, and Edo, like Osaka only open for residence and not as a port,³ could wait.

Hyogo's foreign settlement at Kobe, a little further along the coast from the Japanese town, was duly opened on 1 January 1868. Seven foreign ships and about a hundred

¹ F.O.391/14, Parkes to Hammond, 14 April 1867. Some had already sounded out the prospects of trade at Hyogo as early as 1866. Heco, The narrative of a Japanese, II, 82.

² For Glover, see Fox, Britain and Japan, p.330, note.

³ Black, Young Japan, II, 101.

foreigners were already there by then.¹ By then Japan was already on the brink of the civil war which began on 3 January 1868.

The Japanese would have liked to have kept foreigners out of their quarrel. The lesson of what had happened in China when foreigners became mixed up in a civil war was before them. A representative of the ~~new men coming to power~~^{Bakufu} in Japan told the Secretary of the British Legation in February 1868 that foreigners were like guests in the Japanese family house, and that²

"A dispute has arisen in our family. But we do not on that account ask [The guests] to leave our house. We ask them only to avoid certain rooms. In the rest of the house we can still treat them as guests, and we hope, when affairs are arranged to be able to treat them as guests in those rooms also."

Events had already outstripped this wish. On 19 January 1868, a naval battle had closed Edo bay, and had thus closed the port of Yokohama. On 4 February, a party of samurai from Bizen fired upon foreigners, including Sir Harry Parkes, at Kobe. The governor of Nagasaki decided that the shogun's cause was hopeless, and departed leaving the town to its own devices. Foreigners had no choice but to be involved; indeed,³ some were quite deeply involved, selling guns to both sides.

¹ F.O.262/148, F. Myburgh to Parkes, nos.1 and 2, 2 and 3 Jan. 1868. See also Heco, The narrative of a Japanese, II, 107.

² F.O.262/155/R.33, Draft memorandum of a meeting between W. Locock and Agasawara Iki no kami, Edo, 6 Feb. 1868.

³ See the complaint of the Imperial forces in F.O.262/490, Matsudaira, Itakura and Sakai to Parkes, no.21, 27 Jan.1868.

The foreign representatives, acting together as far as possible, tried to impose neutrality on their various nationals, warning that if foreigners supplied either side with munitions, especially ships, they might be assisting a future blockade of the ports.¹ The various consuls and, where available, naval and military officers, took whatever precautions they could to prevent difficulties between foreigners and the Japanese of both sides.²

It was hardly surprising that trade was badly disrupted. Goods could not be had, and the currency became chaotic. The prohibition on arms dealing ended the little trade there was, and was not welcomed by the merchants. Since the foreign representatives had also forbidden chartering vessels for use as troop transporters, ships left idle by the lack of trade could not be put to work in that way.³ Foreigners were confused by what was happening in Japan; they knew the shogun, but did not know the new government, except to remember that the cry "Honour the Emperor!" had gone with the cry "Expel the barbarian!". It was not surprising, therefore, that if they supported anybody, they supported the shogun's party.⁴ When trade continued bad under the

¹ F.O.262/155/R.47, Minutes of a meeting of the foreign representatives, Hyogo, 28 Feb. 1868. Parkes had already issued a proclamation of neutrality to British subjects. F.O.262/154, Parkes to L. Fletcher, circular no.10, draft, 18 Feb. 1868. This was later withdrawn on Foreign Office orders.

² For example, see Foreign Office, Embassy and Consular Archives, Japan, Records of the Nagasaki Consulate, (cited as F.O.796)/40, M. Flowers to all British subjects, 16 March 1868.

³ Japan Times (Overland Mail), 27 Feb. 1868.

⁴ Treat, P.J., Diplomatic relations between the United States and Japan, 1853-1894, (Stanford and London, 1932), I, 311.

new government, foreign merchants forgot the very bitter complaints they had made about the shogun's trade policy, and began to look back on the days of the shogunate as a golden age of trade.¹ Although the Imperial government made it clear that its policy was one of conciliation towards foreigners, and warned that "no impoliteness or unruly² behaviour towards foreigner would be tolerated", it was still disliked by foreigners, and even began to lose its friends³ because of the disruption of trade.⁴

After the first few months, however, the struggle moved away from the direct area of the ports which began to return to normal. Edo (or Tokyo as it will be called hereafter) and Niigata remained closed, because the government could not guarantee the safety of foreigners at either place.⁴ As the fighting moved northwards in the autumn and winter of 1868, Hakodate found itself the centre of attention for the first and almost the only time in its years as a treaty port. In December 1868, the remnants of the Tokugawa supporters occupied the town, while the foreign community watched from

¹ Adams, History of Japan, I, 184-88.

² F.O.262/148, J.F. Lowder to Parkes, no.31, 29 May 1862, enclosing translations of government proclamations.

³ Hirose, S., "British attitudes towards the Meiji Restoration as reflected in the 'Japan Times'", Papers of the Ann Arbor Conference on Japanese History, Ann Arbor, 1967.

⁴ The Prussian and Italian Ministers wanted to open Niigata in the summer of 1868 for the benefit of silk traders. Parkes successfully opposed this, to the annoyance of some of his countrymen. F.O.262/144, Parkes to Stanley, draft no.221, 12 Sept. 1868; "Nee-e-gata. Open or Shut?", Japan Times (Overland Mail), 7 Oct. 1868.

the ships in the harbour to which they had been evacuated.¹
 For six months, Hakodate was occupied by the rebels, which
 brought complications for foreigners. Eventually, the new
 government was able to dislodge the rebels and Hakodate too
 returned to normal.²

By then both Niigata and Tokyo were open to foreign
 residence, and affairs in Japan seemed to be settled at least
 for the time being. But the events of 1868-69 had convinced
 foreigners of the instability of the country in which they
 found themselves. The Restoration had disrupted trade and
 played havoc with the currency, and the Tokugawa officials
 with whom foreigners had begun to develop some sort of a
 relationship were gone. Nothing had improved as a result of
 the upheaval. Some foreigners had debts outstanding, others
 had claims arising out of fighting. The hopes raised by the
 opening of the new ports had not been fulfilled. Currency
 difficulties appeared to be ruining trade and the new govern-
 ment seemed unable to cope with the problem. Life continued
 as before in the foreign settlements, but the hopes of 1867
 had given way to apprehension about the future. But their
 apprehension related to the past; the settlements had no
 intimation in 1869 of what really lay in store for them.

¹
 F.O.262/158/R.407, F.O. Adams to Parkes, 18 Dec. 1868. The
 foreign community were so perplexed by the whole affair, that
 they were incapable of doing anything. F.O.262/168,
 R. Eusden to Parkes, no.2, 6 Jan. 1869, enclosing a "Daily
 memorandum of events".

²
 F.O.262/169, Eusden to Parkes, no.72, 22 June 1869.

Chapter Two

Life in the Foreign Settlements, 1868-1899.

The opening of Osaka, Hyogo, Tokyo and Niigata to foreign residence in 1868-69 brought the number of foreign settlements in Japan to seven. Of the seven, only the foreign settlements at Nagasaki, Yokohama and Kobe thrived; the other four were all more or less failures.

Hakodate had been opened originally to meet the needs of the whaling ships, and the decline of the whaling industry left it a port without a purpose, too far north to be on a regular trading route. It always had a few foreign residents, but they were not highly regarded by other foreigners in Japan. Missionaries in particular felt that the moral standards of the foreign residents of Hakodate left much to be desired, but even Ernest Satow was unimpressed by Hakodate's foreign population.¹ The Russian naval establishment at Hakodate, which was once so great that many foreigners thought that Russia would annex the northern island, was gradually run down in the 1870's, thus adding further to the decline of the port.² It was hoped that the Japanese experiment of a colonisation department, the kaitakushi, would lead to a revival of Hakodate,³ but this

¹P.R.O.30/33/15/1, diary, 5 October 1864. For a missionary view, see Maclay, A.C., A budget of letters from Japan, (New York, 1886), p.39. Despite its title, Maclay's book is not a collection of letters but his reminiscences.

²Bosquet, G., Le Japon de nos jours, (Paris, 1877), I, 250; F.O.262/354, Eusden to J.G. Kennedy, No.29 confidential, 30 September 1880.

³London and China Express, 2 December 1870. On the kaitakushi, an experiment abandoned in 1881, see Harrison, J.A., Japan's Northern Frontier, (Gainsville, Florida, 1953), pp.60 et seq.

proved not to be the case. The growth of pelagic seal fishing in the 1880's made Hakodate somewhat more busy, but made little difference to the foreign community. They remained outside the currents affecting other foreigners, so remote that no life assurance company in Europe or America would issue a policy for a resident.¹

Of the places opened for foreign residence in 1868-69, Niigata was a failure from the beginning. Indeed, even before it was opened, there were plans to have another port substituted for it, but these were never put into operation.² The main reason for the failure of Niigata was the fact that large ships could not enter the port because of a sandbank across the mouth of the river on which the town stood. Vessels had to unload and load in the open roadstead which was a hazardous business in bad weather. The trying climate of the region, with long hot summers and very cold winters, was an additional disincentive to residence.³ By October 1871, the foreign community consisted of four people, and the British Consulate, the only one functioning at Niigata, was closed.⁴ In later years, the question of a substitute

¹F.O.262/354, Eusden to Kennedy, No.11, 10 March 1880.

²F.O.262/156/R.166, A.B. Mitford to Parkes, 26 May 1868.

³Chamberlain, B.H., and Mason, W.B., A Handbook for travellers in Japan, 9th edition, (London, 1913), p.249. This work, published by John Murray, was written by two eminent scholars of Japan and contains much useful information.

⁴Far East 16 October 1871. The British Consulate functioned spasmodically in later years.

port was raised occasionally, but nothing ever happened. Nor were half-hearted Japanese promises to deal with the sandbank ever fulfilled. Only Sir Harry Parkes seemed determined to try and hold the Japanese to such promises,¹ and his colleagues were happy to let the matter drop with Parkes' departure from Japan in 1883. The foreign traders abandoned Niigata to the missionaries; in 1884 there were seven foreign residents at the port, six missionaries and an hotel keeper. Whether the latter had an hotel, and if he did, whether he ever had any customers is not clear.²

Osaka and Tokyo were unsuccessful as foreign settlements for reasons different from those affecting Hakodate and Niigata. In theory, as the trading and administrative capitals respectively, of Japan, it might have been thought that their foreign settlements were bound to be successful. But both started with the disadvantage that they were not "open ports", only "open cities". A direct import and export trade could not develop, therefore. In Osaka's case, this situation was remedied in September 1868, when a new agreement went into force which allowed direct trade.³ By then foreign merchants had already established themselves at Kobe and proved reluctant to set up a duplicate set of

¹F.O.262/397, Parkes to Lord Granville, draft No.15, 26 January 1883.

²Parliamentary Papers, House of Commons (cited as Parl. Papers), 1886, Vol.lxvi, (C.4736), Report of the Trade and Shipping at the Ports of Niigata and Sado from the year 1879 to the 30th June 1884, 481-82.

³For the agreement on this, see F.O.262/144, Parkes to Stanley, draft No.197, 8 August 1868.

warehouses and offices at Osaka. Here again Osaka and Tokyo were in the same position, unable to compete with already established foreign trading centres nearby. At both cities the foreign settlements rapidly ceased to have much importance, except as centres of missionary activity.¹

The final blow to Tokyo's foreign settlements was the Japanese government's permission to foreigners to live outside the confines of the settlement. With the passing of the emergency of the years 1868-69, the Japanese authorities were willing to allow foreigners to live in certain well-defined limits outside the settlement,² and in the following years, foreigners were gradually permitted to reside in most parts of the city. In spite of occasional attempts by the Japanese authorities to reverse this policy, and in spite of the vehement protests of foreigners who had purchased land in the settlement at Tsukiji in the hopes of being able to make money by letting it out and found their hopes dashed, this remained the pattern until the end of the treaties.³

¹See Chronicle and Directory, 1887, "Osaka". See also Holtham, G., Eight Years in Japan, 1873-1881, (London, 1883), pp.131, 218; and Maclay, Budget of letters, pp.143-44.

²"Tribunal of Arbitration constituted under Section I of the Protocol concluded at Tokio 28 August, 1902", Replies of the Imperial Japanese Government to the objections of Germany, France and Great Britain, (The Hague, 1905), p.68.

³For attempts to force foreigners back into the settlement, see Holtham, Eight Years in Japan, pp.218-19; Foreign Office, Embassy and Consular Archives, Japan, Records of the Tokyo Consulate, (cited as F.O.798)/2, M. Dohmen to Governor Okubo, draft No.1, 4 January 1873. For foreign objections to the policy of allowing residence anywhere in the city, see Foreign Office, Embassy and Consular Archives, Japan, volumes of miscellaneous material, (cited as F.O.345)/32, copy of J. Batchelor to T. van Buren, doyen of the Diplomatic Body, 26 February 1875.

Neither settlement disappeared. Indeed, Osaka's small band of missionaries continued to enjoy a measure of municipal self-government at least as late as 1894.¹ There was a brief period in the middle 1880's when the prospect of a new harbour for Tokyo raised hopes of a revival of Tsukiji, but such hopes proved short-lived.² On the whole, the foreign settlements of Tokyo and Osaka were forgotten and unimportant enclaves.

What was the population of the foreign settlements? There is no lack of figures. The annual British consular trade returns gave details of the foreign population residing within the various consular districts. The foreign press frequently gave figures and so did many writers on Japan. As might be expected, no two sets of figures ever agreed.

In the first place, there was no clear definition of what a foreign resident was; sometimes the Chinese were included in the figures, sometimes, particularly in sources emanating from the foreign residents themselves, they were not. Sometimes women were left out; the British consul at Yokohama noted that he had done this in his 1870 figures, but there is no means of telling how many others did the

¹Japanese Foreign Ministry, Nihon gaikō bunsho: jōyaku kaisei kankei, /"Documents on Japanese foreign policy relating to treaty revision"/, (cited as NGBJKK), (Tokyo, 1941-1953), IV, 197-201, document 92, Mutsu to Aoki, 19 May 1894.

²"The Tokyo Harbour Scheme" Japan Weekly Mail, 8 March 1884.

same. Even if the figures are taken at their face value, there are problems. The 434 foreign residents noted at Tokyo in 1879,¹ obviously included all foreigners in the city, not just those confined to the foreign settlement at Tsukiji. Similarly, it must be assumed that the figures for the other settlements included all the foreign residents of the surrounding area, some of whom could be living fifty or a hundred miles from their supposed place of residence. As the years passed and more and more foreigners lived in the interior on one pretext or another, so the true figures for residence in the settlements become more difficult to establish.

Nor was this all. Until 1875, Yokohama had French and British troops stationed there as a protective garrison. The largest concentration of these was in the years 1863-69, but until they were finally withdrawn, there were never less than five hundred soldiers in Yokohama at any one time.² Their numbers were not included in the totals of foreign residents. Nor was any indication usually given of the numbers of sailors who made the foreign settlements their temporary home. Yokohama had an average of 10,000 seamen

¹F.O.262/520, J.H. Gubbins to Parkes, No.5, 22 May 1879.

²Parl. Papers, 1873, Vol.x1, (C.22), Report of the numbers of Troops and Marines stationed in Japan from 1859 to December 1871. See also F.O.262/187, Parkes to Clarendon, draft No.42, 12 March 1870.

passing through on British ships alone each year. Kobe had around 4,000 in 1871 and nearer 6,000 in 1872. Nagasaki had some 4,000 per annum, while even Hakodate's total ran into several hundreds. Parkes estimated that by 1879, 15,000 seamen per annum passed through Yokohama alone.¹ One report says that there were as many as 3,000 seamen residing temporarily at Yokohama at any given moment.² The presence of such a large number was bound to affect life in the settlements.

With all these qualifications, the following statistical picture of the foreign settlements is therefore only tentative. It is based on the various sources already mentioned, and there seems little point in adding further references, except where these sources are departed from.

Immediately after the opening of the new settlements in 1868, the total foreign population of Japan was about a thousand. This included the Chinese, who were still only a small number made up largely of the Chinese guild at Nagasaki and foreigners' servants. By about 1875, the total foreign population was around five thousand, of whom more than half were Chinese. By 1885, the total was 6,800,

¹F.O.262/333, Parkes to Salisbury, No.55 dft., 15 March 1879. It seems certain that the other ports had also increased their totals.

²Japan Weekly Mail, 5 August 1882.

of whom 4,500 were Chinese. In 1894, on the eve of treaty revision and the Sino-Japanese war, the foreign residents of Japan numbered 9,800, of whom some five thousand were Chinese. The Western element remained more or less constant in the next few years, but the Sino-Japanese war and the subsequent end of Chinese extraterritoriality led to a considerable reduction in the numbers of Chinese in Japan. By 1899, the Chinese were beginning to return to Japan in increasing numbers, but it was to be some years before they regained their numerical superiority.

Taking the individual settlements, Yokohama remained the chief place of foreign residence all through the treaty port period. Its population, some twelve hundred by about 1870, climbed slowly to around five thousand by the 1890's. Of this figure, the Chinese accounted for over half, the Western residents numbering about 2,400, which remained constant until the 1923 earthquake.¹ Kobe had reached two hundred foreign residents by the early 1870's, and by the middle 1880's, its foreign population was hovering around a thousand. By 1894, it had reached almost two thousand. Until the exodus of Chinese consequent on the Sino-Japanese war, the Western and Chinese sections of the community remained about equal. Nagasaki's foreign population varied

¹ Poole, O.M., The death of old Yokohama in the Great Japanese Earthquake of 1923, (London, 1968), p.25.
Mr. Poole, who is still alive, arrived in Yokohama in 1888.

between eight hundred and a thousand, of whom between 250 and 300 were Westerners. To complete the picture, Osaka had a foreign population of about 250, of whom a quarter were Westerners (after the early 1870's, all missionaries) and the rest Chinese. Tokyo, which had only some sixty or seventy foreign residents in the first years of Meiji, had over eight hundred by the 1890's. Less than twenty of these lived on the foreign settlement.

From an insignificant handful in the first years of the open ports, the Chinese, we have seen, had become the largest single group of foreigners in the Japanese treaty ports by 1875. But in the eyes of both Westerners and the Japanese, the Chinese were not considered as "foreign residents". They were in a half-world, living isolated from both Japanese and foreigners; as late as 1923, the Chinese at Yokohama quarter was a place to be avoided if possible.¹ From all the major settlements there were frequent complaints about the filth of the Chinese areas,² and the annual cholera visitations took a heavy toll in them. They supplied their own amenities and amusements, the latter, chiefly gambling and opium-smoking, being condemned by Westerners and Japanese.³

¹Poole, Death of Old Yokohama, p.37.

²For example, see Hiogo News, 20 September 1876.

³Japan Weekly Mail, 1 March 1884. Chinese amenities included a hospital and a school at Yokohama. See Japan Mail (Summary), 26 January 1880; "The Chinese school at Yokohama", Kobe Chronicle, 15 October 1898.

Yet nobody could deny the importance of the Chinese. Not only were they in business on their own account, but they were indispensable to Westerners' trade. In the banks, offices and shops, Chinese clerks ran the day-to-day affairs. Chinese foremen organised the warehouses and the wharves. The other foreigners resented the Chinese merchants' ability to make money where they seemed unable to; much resentment was expressed at the Chinese gaining trade which, for generally unspecified reasons, rightly belonged to Westerners.¹ At the same time, Western enterprise was so dependent on the aid of the Chinese that the prospect of the loss of this assistance in 1894 sent Western merchants scurrying to the Diplomatic Body for assistance.²

Nevertheless, the Chinese will not make any great impression in these pages. They published no newspapers and did not write to those which existed. Except to criticise, the other foreigners made little mention of them. They rarely took part in the affairs, official or otherwise of the rest of the foreign community.³ The Chinese will

¹For example, see Nagasaki Shipping List, 11 June 1870. There was much gloating at set-backs to Chinese trade. See "The Imminent Exodus", Tokei Journal, 12 September 1874.

²F.O.262/703, J.J. Enslie to R. Paget, No.29, 5 July 1894, enclosing Findley, Richardson and Co.; to Enslie, 4 July 1894; United States' Department of State, Despatches from the Consulate at Kanagawa, (cited as M659)/135/20, J.McIvor, to W. Uhl, No.50, 13 August 1894.

³On one occasion only do the Chinese appear to have joined with the rest of the foreign community. In 1879, some of the Chinese residents at Hakodate signed a general memorandum on the subject of treaty revision. See F.O.262/347/R.70, A.P. Porter to Parkes, 15 June 1879, enclosing a letter from the foreign residents of Hakodate to the Diplomatic Body, 4 June 1879.

only appear when their affairs affected those of the rest of the foreign community, since only then has any information survived.

What the terms "foreign residents" and "the foreign community" meant were the European and American residents. The majority were British from the first days of the open ports. At Yokohama in 1861 there were fifty-five British residents out of 126; Nagasaki in 1870 had 80 Britons out of 208; and Kobe in 1886 had 228 out of 390. Out of a total Western population in Japan in 1885 of 2500, 1200 were British. By 1896, the figures were 1750 and 4700 respectively. Behind the British, the Americans came a poor second, followed at some distance by French and increasingly, Germans. The lesser European countries supplied a varied ^{and} leavening, and there were occasionally more exotic residents from South America.¹

By sex, as might be expected, the majority was male. These were primarily trading communities, established on the outskirts of the world. Dances and other forms of mixed entertainment do not seem to have suffered too much from the imbalance in the sexes, though the need for feminine companionship led to a form of contact with the Japanese which brought its own problems.

¹This was very much the same pattern as the China Coast. In 1879, for example, the British residents totalled some 2000 out of 3814. North China Herald, 8 January 1880, quoted in Pelcovits, Old China Hands, p.133.

A large proportion of the foreign community came to Japan from the China Coast, not direct from Europe or America. Again, statistics are difficult to provide, but from obituaries and other sources of biographical information, it is obvious that Dr. Daniels' comments on Sir Harry Parkes¹ were true of many other foreigners in Japan:

"From his arrival in China in 1841⁷ ...

Parkes lived almost the rest of his life in the Far East. Apart from occasional brief visits to England, China and Japan were his home and moulded his outlook profoundly. More significantly, though Parkes was in every racial and legal sense an Englishman, his views and values were not those of any group at home. From his long residence in China he became a characteristic member of that group of Englishmen who lived and traded on the China coast."

Men such as James Beale, for many years the manager of the Japan Mail, and who had spent twenty years in China before arriving in Japan in 1881, shared the same background.²

So did the American A.O. Gay, prominent in the commercial world of both Yokohama and Kobe until his death in 1901, and who had started in business in Hong Kong.³ Another

¹Daniels, G., "Sir Harry Parkes, British Representative in Japan 1865-1883", unpublished D.Phil. thesis, University of Oxford, 1967.

²Ichikawa, S., editor, Some new letters and writings of Lafcadio Hearn, (Tokyo, 1936), pp.324-25, Hearn to Ochiai Teizaburo, 16 March 1892.

³See the obituary in Eastern World, 20 July 1901.

American, E.S. Bensen, Yokohama's municipal director from 1868 to 1877, came to Japan after some years in China.¹ Russell Robertson, who was British Consul at Yokohama from 1871 until his death in 1888, spent all his life in the Far East, for his father had been a companion of Parkes in the China Consular Service.²

Apart from those from the China Coast, there were also a large number of residents who had spent anything from ten to thirty or even forty years in Japan by 1899. T.B. Glover arrived in Japan in 1859 and died there in 1911.³ One Swiss merchant, Arnold Dumelin, spent thirty-six years in Japan before finally returning to Europe in 1898.⁴ Vittorio Aymonin arrived in Japan in 1864 and stayed until his death in 1888, at which point he was the longest residing Italian in Japan. At first in business on his own account, he later acted as librarian at the Japanese Foreign Ministry.⁵ A new factor appeared by the 1890's with the children of early foreign residents becoming established members of the foreign community in their own right.⁶

¹Japan Daily Herald 3 July 1879. He had served with the "Ever Victorious Army".

²Dickins, F.V., and Lane-Poole, S., Life of Sir Harry Parkes, (London, 1894), II, 114, note 1.

³Fox, Britain and Japan, p.330, note.

⁴Eastern World, 22 April 1905.

⁵Japan Weekly Mail, 25 August 1888.

⁶For example, J. Favre-Brandt, son of a Swiss merchant, who was born in Yokohama in 1869, and who died at Osaka in 1907. Eastern World, 15 June 1907.

This "crust of wise old-timers", to quote Poole,¹ found it hard to comprehend the changes which were taking place in Japan, and often failed to realise that times had passed them by. Men who had taken part in the hue-and-cry after Richardson was cut down on the Tokaido, or who had been at Kobe in February 1868 when the men of Bizen fired on the foreign settlement, could not easily accept the new Japan of railways and telephones. Attitudes fixed in the early years were passed on to newcomers, and became a permanent feature of foreigners' thought. The same arguments against changes in the position of foreigners could be produced in 1890 as had served in 1870, and often it was the same men who used them. When a foreigner was killed in Tokyo in the 1890's - in the course of a burglary, incidentally - immediately all the old stories of attacks on foreigners were retold, and the fact that it was twenty years since a foreigner had been killed in Japan was ignored.² Travel, more likely to the China Coast or the Straits Settlements than to Europe, merely reinforced the Japanese treaty ports' residents' existing prejudices, and helped to foster the belief that the whole of the Far East was one area, whose various parts had all to be treated alike.

¹Death of old Yokohama, p.28.

²Fraser, Mrs. H., A Diplomat's Wife in Japan, (London, 1899), I, 405-407. Mrs Fraser was the wife of Hugh Fraser, British Minister in Japan between 1888 and his death in 1894.

Nagasaki, Yokohama and Kobe were all alike. It was true that each called forth a particular local patriotism amongst its foreign residents; witness the doggeral verse "Kobe" which was published less than two years after the port opened,¹ or the outraged objections of British residents at Yokohama in 1898 when they thought that Kobe was to replace Yokohama as the chief British consular district in Japan.² There were more important differences between them too. Yokohama led in size and the importance of its trade. Kobe could boast of the success of its relations with the Japanese local authorities and of its well-ordered municipal affairs. Nagasaki, with its beautiful setting, retained an air of tranquility absent from the other two. But in most things, the differences between them were slight.

As in China, foreigners continued to see themselves as an élite, and prided themselves on keeping apart from the natives. To learn the language or to study the customs of the land in which they found themselves was not something which the treaty port residents regarded as important. To do so might have been construed as admitting that the

¹By "G.E.M.", in Hiogo News, 18 December 1869.

²For the beginning of this rumour see Asahi Shimbun, no date, in Japan Times, 31 August 1898. The battle was taken up with much zest by the Kobe Chronicle and the Japan Mail, already well-established rivals.

natives of Japan could be considered as being on a par with a Westerner. The general air of condescension was apparent in the Hiogo News' apology for publishing an account of New Year celebrations in Japan even "though by old residents in the East the actions of neither Chinese or [sic] Japanese would be considered worthy of a paragraph ..."¹ Thirty years later, the correspondent of a London newspaper by no means unfavourable to the foreign residents noted exactly the same attitude.²

The desire to cut themselves off from the Japanese led foreigners to isolate themselves physically. Although at each treaty port there were some areas where foreigners lived side by side with the Japanese, the main foreign settlement was always apart, usually with a rule that no Japanese could rent property in the settlement. The Japanese employees of foreign firms lived away from the offices; the Japanese businessmen who dealt with the same firms also lived away from the foreign community. Even the servants had their own separate quarters and did not learn much about their employers.³

¹Hiogo News, 2 February 1870.

²Morning Post, no date, in London and China Express, 12 February 1897.

³Poole, Death of old Yokohama, p.25. On the question of allowing Japanese to live on the foreign settlements, see F.O.262/443, J.J. Enslie to Sir F.R. Plunkett, No.33, 14 April 1885; "The ownership of land in the settlements", Japan Weekly Mail, 15 August 1891.

The Japanese were not slow to appreciate the need to learn foreign languages, for they realised that only when they had done so could they obtain the information from the West which they needed. But there was no similar incentive for foreigners to learn Japanese. There were many foreigners in Japan who learnt the language and became noted authorities on it, but they were drawn from the ranks of the missionaries, the employees of the Japanese and the various diplomatic and consular services. The residents of the foreign settlements did not bother. One Yokohama resident recalled that in the late 1860's he did not know one foreign merchant or clerk who had acquired "sufficient knowledge of Japanese to converse fluently with the educated natives ..."¹

There was some excuse, perhaps, at that stage; Japanese is not an easy language, and there were few aids to learning it. But the same failure to learn the language was noted by Ernest Satow in 1881,² and by the Japan Mail in 1886, by which time there were several grammars of the language and a number of dictionaries available to foreigners.³ For dealing with their servants and with any

¹C. Pfoundes to the editor, London and China Express, 28 November 1879.

²P.R.O.30/33/11/5, Satow to F.V. Dickins, 10 October 1881.

³The Mail's claim that there were not six businessmen in Yokohama who could converse in Japanese went unchallenged by the other papers - a sure sign that there was much truth in it! See "Germans in Trade", Japan Weekly Mail, 17 July 1886.

Japanese businessman or official with whom they might come into contact, the majority of treaty port residents relied heavily on that curious local language made up of half a dozen Japanese words, a few Malay ones, and some English which the "Bishop of Homoco" satirised as the "Yokohama dialect".¹

Social contacts between Japanese and foreigners were as a result, rare, though they did increase somewhat over the years. The Japanese were often more forthcoming in their attempts to mix socially with foreigners, though even their record was not a startlingly successful one.² The record of three major foreign settlements varied somewhat.

Nagasaki had the best relations between the Japanese and foreign communities. The small number of foreigners were unable to cut themselves off too much from their Japanese neighbours. Nagasaki's foreign community was the first to put on a special display for a visit by the Japanese Emperor. When he visited the port in 1872, the foreign community illuminated the settlement.³ It again

¹"Homoco, Bishop of", Exercises in the Yokohama Dialect, revised and enlarged edition, (Yokohama, 1915). This was originally issued in 1879. Homoco was a notorious haunt of prostitutes.

HOMOKU

²For some Japanese attempts to mix with foreigners, see Heco, Narrative of a Japanese, II, 236-39.

³F.O.262/232, M. Flowers to R. Watson, No.20, 9 July 1872.

scored a first in 1887, when a combined foreign and Japanese reception was held on the occasion of the visit of Minister-President Ito.¹ The following year the foreign community gave a present to the Governor of Nagasaki on the occasion of his re-marriage, in testimony of their appreciation of the good local government they enjoyed.² There were times when relations were strained between the two communities, especially when Japanese officials were not careful of the needs of the foreign community, but on the whole Nagasaki had a good record.

Kobe too for long enjoyed a reputation for good relations between Japanese and foreigners.³ Foreigners lived apart and were largely left alone to manage their own municipal affairs; they could be appreciative, therefore, of Japanese officials' goodwill in providing assistance when needed. As the port grew in importance, however, the isolation of foreigners and Japanese was broken down and closer contact brought tension. Unsatisfactory trade and fears that a revision of the treaties would sweep away foreigners' municipal self-government led to a change in the Kobe community's attitude towards the

¹"Nagasaki sets an example", Japan Weekly Mail, 31 December 1887.

²Rising Sun and Nagasaki Express, no date, in Japan Weekly Mail, 25 February 1888.

³Hiogo News, 31 March 1881; Japan Weekly Mail 16 May and 18 August 1885.

Japanese.¹ The wave of anti-foreign feeling which many foreigners noted amongst the poorer classes in Japan after the Sino-Japanese war was particularly strong at Kobe, and did little to improve relations between the two communities. A Governor who made no secret of his dislike of foreigners, and the very vocal protests of the foreign community at the course of treaty revision, did not help either.² The realisation that treaty revision was inevitable and some improvement in trade helped to a return of something like the old harmony.³ But it was never quite the same as before.

Yokohama enjoyed the reputation of having the worst record of all the settlements in its relations with the Japanese. After 1867, when the last foreign attempt at managing the municipal affairs of the foreign community collapsed, foreigners at Yokohama were in a curious position. As we have seen, they lived apart from the Japanese. Yet they were dependent for all their municipal needs on the Japanese. When it is remembered that for some years after the Restoration the Japanese local authorities had little

¹"Kobe", Japan Weekly Mail, 13 September 1890. It was the growing anti-Japanese tendency of the Hiogo News, the main Kobe paper, which Robert Young claimed led him to found the Kobe Chronicle in 1891. See "The latest outburst of the Japan Mail - a personal statement", Kobe Chronicle, 1 March 1899.

²See the following entries in the Satow Papers, P.R.O.30/33/5/8, J.C. Hall to Satow, 8 April 1897; 6/13, J. Robinson to Satow, 16 April 1898; 16/2, Diary entry 9 July 1898.

³Kobe Chronicle, 26 October 1898; P.R.O.30/33/5/9, J.C. Hall to Satow, 21 April 1899.

enough idea of what was needed for a Japanese town, never mind what was required for a very mixed foreign community, the difficulties can be imagined.¹ Perhaps there was also a tendency for the Japanese officials at Yokohama to be somewhat overbearing towards foreigners; being close to the capital, they may have hoped to impress their superiors. The nearness of the foreign representatives - and until the middle of the 1870's the majority lived at Yokohama - may also have made the Yokohama foreign community more inclined to assert their rights, real or imagined.

Whatever the reason, a great gulf existed between the two communities. Visitors could not help noticing it and were sometimes shocked at the vehemence of the anti-Japanese feeling at Yokohama.² Foreigners persisted in acting as though they were in a colony; the notice erected at one Yokohama race meeting which stated; "NO NATIVES will be admitted within the enclosure",³ or the refusal of the foreign banks at Yokohama to cash cheques presented by Japanese,⁴ were very much colonial attitudes. One Japanese

¹See below, pp. 248 - 252.

²Foreign Office General Correspondence Japan (cited as F.O.46)/460, Admiralty to the Foreign Office 26 June 1895, forwarding Capt. A. Macleod to Admiral Freemantle, 20 March 1895.

³Tokio Times, 4 May 1878.

⁴Japan Gazette, no date, in Japan Echo, 1 December 1890.

wrote of foreigners in Yokohama:-¹

... the male adults are in the main, composed of either young clerks or unsuccessful men of business. They repair to Japan in the hope ... of rapidly making fortunes. They have rarely any social position, and trust that assumption will cover their ignorance. Many who would be taken for counter-jumpers in Regent Street pose as merchant princes on the Bluff at Kanagawa. With their Lilliputian races and regattas, their imitative Chambers of Commerce, and their pot-house clubs, they ape the customs, while they ignore the manners, of their countrymen at home."

The belief, which had its origins in the early days of Yokohama, that the Japanese merchants who traded there were only second rate, was used to justify the lack of social contact between foreign and Japanese merchants.² The marked anti-Japanese tone of the Yokohama foreign press³ did little to improve relations between the two sides.

It is true that there were occasional attempts to bridge the gap, but they were few and far between. The Governor of Hyogo was asked in 1875 to address the Asiatic Society of Japan, and in 1877 the foreign banks at Yokohama

¹J. Okada to the editor, London and China Express, 25 January 1884.

²"Some notes on pending questions" by "T.W.", Japan Weekly Mail, 6 May 1882.

³To be discussed below. See pp. 329 - 332.

began shutting in honour of the Emperor's birthday.¹ By the middle 1880's the Yokohama community could bring itself to present a retiring Governor with an illuminated scroll.² By then foreigners and Japanese had found they could co-operate to their mutual advantage in at least one field, the somewhat surprising one of horse racing. By 1880, disputes among rival groups had almost killed racing at Yokohama. In a desperate attempt to save this popular pastime, it was suggested that some Japanese should be asked to join a new racing club, for by then the Japanese were as keen on the sport as foreigners. Several Japanese were willing to join the board of the new club, and the experiment got under way.³ It proved a highly successful, but isolated, example of what co-operation between the two sides could produce.⁴

What foreigners wanted above all was to recreate in their alien environment the life they had left behind. By 1868 Nagasaki and Yokohama had largely succeeded in doing

¹Japan Mail, 11 November 1875; Japan Herald, (Mail Summary), supplement, 3 November 1877. The banks already closed for the Queen of England's birthday, the German Emperor's, American Independence Day and Bastille Day.

²Japan Weekly Mail, 18 December 1886.

³Japan Mail, 16 April 1880.

⁴Japan Weekly Mail, 10 November 1883.

this. Within twelve months of being opened, Kobe too had its Chamber of Commerce, and its share of civilisation.¹

The foreign settlements were as like Western towns as their inhabitants could make them. Although residential buildings were normally of wood, they were built in Western styles. The streets of the settlements bore none of the characteristics of Japanese streets. The public gardens which each settlement boasted were Western gardens and owed nothing, except perhaps a few plants, to the Japanese garden tradition.²

Foreigners in the settlements were equally determined to avoid any contact with Japanese food. Much foreign trade in the early days was a circular trade between foreigners and consisted of imported goods which would only have been of use to foreigners. Although the need to import food-stuffs from America and Europe added greatly to the expense, there was no lack of customers. Japanese food was to be avoided at all costs.³ The foreign press carried

¹Hiogo News, 23 April 1868; Japan Times (Overland Mail), 21 October 1868.

²See the photographs of Yokohama reproduced in Yokohama-shi shi, III, parts 1 and 2.

³See the dreadful warnings about Japanese food given to Isabella Bird when she was planning her tour of Japan, Bird, I., Unbeaten Tracks in Japan, second edition, (London, 1911), p.19. She decided after a short time that there was little truth in the horror stories and that it was safe to travel without any foreign foods at all "except Liebig's extract of meat".

advertisements for Scotch whiskies, for French wines, Brown and Polson's custard and for Lea and Perrins' sauces. Bass Pale Ale was readily obtainable at any of the ports, and, increasingly, even at villages far in the interior of Japan. There, however, the traveller had to be careful, for the Japanese traders were not slow to put a genuine label on counterfeit goods.¹ Perishable goods were supplied by the foreign dairymen, butchers and market gardeners established at the ports. Competition was brisk, and there were many complaints of favouritism in such matters as providing sites for dairies.² Within a few years of the Restoration, foreigners could also buy beer produced at Yokohama's own brewery, the brainchild of two Americans, Copeland and Weigand.³ Other services needed by foreigners, whether it was medical or dental treatment, life insurance, or the more humdrum needs such as having a horse shod, were all provided from within the foreign community.

Schooling too was provided from within the foreign community though not very successfully. There were a number of foreign schools at Yokohama which offered a variety of

¹Increasingly too they were willing to put a counterfeit label on counterfeit goods! This question, which was complicated by extraterritoriality, will be raised again. See below **pp. 178-81.**

²For example see F.O.262/360, M. Dohmen to J.G. Kennedy, No.29, 16 October 1880.

³Ohara and Okata, Japanese Trade and Industry, p.505.

educational subjects.¹ These establishments, run usually by a man, his wife and one or two daughters, were evidently not of a very high standard. They were usually aimed at the British children, and other parents were forced to look elsewhere.² The rich sent their children to Europe or America for schooling.³ Attempts to found a local school, similar to an English Public School were made from time to time, but were most unsuccessful. Queen Victoria's Golden Jubilee in 1887 saw the most ambitious. The British community in Japan decided that it would found a school to commemorate the occasion.⁴ The school duly got under way in the autumn of 1887, but within three years it was in difficulties. The fifty pupils needed to keep it solvent could not be found; and the community was not willing to subsidise the venture. The Roman Catholic missionaries in Japan established a school at Tokyo which took foreign pupils (apparently the only missionary school to do so), and thus some of the non-British pupils who might have gone to the Victoria Public School were lost. Finally, the end of the school was announced in 1894.⁵

¹The "Bay View Academy" claimed to have been established in 1866, and offered a "liberal, accomplished and thorough English and French education". Japan Directory (1881), "Yokohama".

²Greene, E., A New Englander in Japan, (Boston, Mass., 1927), p.187.

³"M. MacM.M." to the editor, Japan Daily Herald, 24 February 1880.

⁴Japan Weekly Mail, 9 April 1887.

⁵Japan Weekly Mail, 1 December 1894.

But as the years passed a change took place. On the one hand, the guide books revealed that some items of Japanese food had proved to be palatable for foreigners, though it is open to doubt whether a resident of the treaty ports would have eaten what the guide books recommended for tourists.¹ There was a more important change as well. By the end of the 1880's, many of the requirements of residents in the settlements were being met not by their fellow foreigners but by the Japanese. The Yokohama Brewery, for example, passed from foreign to Japanese ownership, with no decline in the standard of the product.² Nor was it only foodstuffs which were supplied by the Japanese; in many other instances the foreign community had proved too small to support "service industries". Dentistry, for example, passed from foreign to Japanese hands.³ The foreign community still imported or provided many of its own needs by 1899, but not to the same extent as it had done in 1869. Almost without realising it, foreigners had become dependent on the Japanese they looked down upon.

¹Chamberlain and Mason, Handbook for travellers, p.9 lists some foods found suitable by foreigners.

²Ohara and Okata, Japanese Trade and Industry, p.505. The company's "Kirin" beer was recommended by Chamberlain and Mason.

³United States' Department of State Records, Despatches from the Japanese Legation, and material related (cited as M662)/163/5, D.W. Stevens to W.W. Rockhill, 15 May 1896.

The result of being dependent on outside supplies or on small local producers was that Japan was an expensive place for foreigners to live. Foreign shops were more expensive than Japanese because they had a smaller number of customers.¹ Currency problems made matters worse. Before the Restoration, Sir Harry Parkes had written that "the purchasing power of money in Japan is not more than half of that which it possesses in England".² Four years later, the British Chargé d'Affaires reported home in almost the same terms.³

The spiral of prices continued all through the period. There was a steady decline in the value of the Mexican dollar, the principal medium of exchange in the Japanese treaty ports until the late 1890's. In 1865, it was worth about five shillings sterling; by 1893, only some two shillings and sixpence.⁴ Nagasaki was between twenty and twenty-five per cent more expensive to live in by 1888 than it had been in 1868,⁵ and a report compiled for the British

¹See the letter from "Britain" in the Japan Times, 16 July 1898. The writer advocated a boycott of Japanese shops in protest at their attempts to make foreigners pay more. But he admitted that even with the "squeezes" imposed on foreigners by such shops and by laundrymen and other groups, the Japanese establishments were still cheaper than their foreign counterparts.

²F.O.391/14, Parkes to Hammond, 17 March 1867.

³F.O.262/209, F.O. Adams to Granville, No.52 Consular draft, 30 December 1871.

⁴Dickins and Lane-Poole, Life of Parkes, II, 58.

⁵F.O.796/107/R.78, F. Ringer to J.J. Enslie, private, 30 November 1888.

Legation in 1889 indicated that the pattern was repeated at the other settlements.¹ This report showed, without explanation some interesting variations between the ports. At Yokohama, for example, the cost of locally-produced articles remained stationary between 1878 and 1888, while the cost of imported articles shot up. At Hakodate, on the other hand, the exact opposite was true. Local articles had become more expensive, while imported goods were more or less the same price in 1888 as they had been in 1878. Yet all Hakodate's foreign goods were imported via Yokohama. Even more curious was the fact that the same imported item was cheaper at Hakodate than at Yokohama! Perhaps in an attempt to cope with rising prices, the "Yokohama Co-operative Association Ltd." made its appearance at the end of the period.²

The cost of accommodation rose too, but not so steadily. It was hardly surprising that the cost of land at Yokohama and Kobe should have risen in value; before they were opened the land was worth next to nothing. Thus at Kobe in 1868 land in the centre of the settlement was worth about twenty-five cents a tsubo (one tsubo equals

¹F.O.262/616, P. Le Poer Trench to Salisbury, No.8 Consular draft, 23 February 1889, enclosing a memorandum, "On the relative prices of native articles and imported articles and the general cost of living in Japan in 1878 and 1888".

²Chronicle and Directory, (1894), "Yokohama".

approximately four square yards); by 1900, the same land was worth \$120 per tsubo.¹ One Japanese writer argued that what made the Japanese merchants at Yokohama rich by the end of the century was not the profits they had made from trade but the rents they were able to charge for land around the foreign settlement which they had obtained cheaply in the early days. He did not say so, but the same was probably true of many foreign merchants.²

To make a profit, the foreigner who held land at the ports would have had to have suffered some bad times. In 1876, for example, "Bluff Lot No.28" at Yokohama sold for \$715, which price included "several bungalows thereon".³ In the following year, "Lot 187 Yokohama and the buildings on it", erected in 1873 at a total cost of \$14,000, sold at auction for a mere \$1300.⁴ There were many similar reports in the late 1870's, but prices improved in the 1880's. The prospect of the "opening of Japan", which always seemed likely from 1880 onwards, stimulated land prices in the settlements. The price of Bluff Lots at Yokohama rose to \$18,000-\$20,000 by 1899.⁵ No doubt it was believed that the increase in trade which could be expected when Japan was opened would be channeled through the existing ports.

¹"The price of land in Kobe", Kobe Chronicle, 31 January 1900.

²Nakada, M., The city of Yokohama Past and Present, second edition, (Yokohama, 1909), pp.36-37.

³Japan Mail (Mail Summary), 9 June 1876.

⁴Japan Gazette, 27 June 1877.

⁵Eastern World, 10 June 1899. Even Nagasaki benefited. See P.R.O. 30/33/5/10, R. Foster to Satow, 11 March 1896.

If the foreign resident wanted to insure his property or his life, that too was an expensive item. Life insurance in Japan was dominated by the big London companies, represented by agencies. Whether the foreigner to be insured lived in the jungles of Borneo or the sophistication of Shanghai or Yokohama, it made no difference, he paid the same high premium.¹ Fire insurance too was dominated by the London companies, who raised their rates for Japan after the big Yokohama fire of 1866, and in spite of the absence of anything similar at the major settlements after 1866,² they refused to lower them. A first class risk in Yokohama thus paid fifteen times the rate paid by a second class risk in London.³

Japan was expensive but the rewards of working there seem to have been good. Here again there is a problem. By and large, advertisements for posts were rare in the foreign press of Japan. Even rarer is information of what remuneration a partner or a self-employed man could expect to receive. Odd straws in the wind provide a pointer to salaries, but it is difficult to obtain an overall picture.

¹London and China Express, 22 April 1870.

²The only major fire affecting a foreign settlement was at Hakodate in 1879. See F.O.262/336, R. Eusden to J.G.Kennedy, No.24, 10 December 1879. There were plenty of minor fires at the other settlements, however.

³"A ring", Japan Weekly Mail, 22 April 1882. On the refusal of the London companies to adjust their premiums, even when a firm had made no claims for several years, see Cornes Papers, 6/11, F. Cornes to W. Taylor, 24 December 1875.

The following figures are put forward to give some idea of the type of salary paid or the amount a partner could expect, but there is no way of telling how many received such payments.

McMaster found from the Jardine papers that a bank clerk at Yokohama could expect to receive a salary of \$2400 per annum. A silk inspector asked in the same year for a renewal of his contract at \$3600 for the first year rising to \$4200 after three years. A junior partner in the firm received \$18,000 in 1874.¹ R.M. Varnum worked as a tea-taster for Walsh, Hall and Company at Yokohama after his arrival in Japan in 1869. In the years 1870 to 1880 his salary rose from \$1800 per annum to \$3000 per annum. He received an additional \$1000 per annum through sales of the tea samples he was allowed to keep. Soon after 1880 he received a rise of \$1000 per annum, apparently unsolicited.² The foreign newspapers paid an editor something in the region of \$1800-\$2000 per annum, even at the end of the period; the \$6000 per annum offered to Walter Denning by the owners of the Japan Gazette in 1891 was most exceptional and led to the proprietors breaking their contract with him.³ The headmaster of the short-lived

¹McMaster, "British trade and traders to Japan 1859-1869" p.175.

²Varnum, R., Memoirs of a life at sea in the Far East, (Yokohama, no date [1918/]), pp. 83, 111-12.

³See below, pp.317.

Victoria Public School at Yokohama received \$1800 per annum, while his assistant master received \$1200.¹ In many cases, the employee or partner received additional remuneration in kind. Varnum for example noted that he had received an allowance which enabled him to rent "a six-roomed bungalow, with large grounds, situated at the best part of the Bluff", as well as a further allowance for fuel and lights.²

Few residents could have been described as working class; the work of that class was done cheaply by the Japanese and Chinese coolies. Where foreign workmen were employed, a wage in the region of \$400-\$600 per annum seems to have been thought reasonable.³ There were a few paupers in the settlements, though their presence was very much discouraged. A few were residents fallen on evil days, but the majority were either drifters passing through or stranded seamen. Within their means, the foreign community helped these groups with money, as the home governments were largely indifferent to them.⁴

¹See the accounts published in the Japan Mail (Summary), 5 February 1889.

²Varnum, Memoirs of a life at sea, pp.111-12.

³This seems to have been what British consular constables received. The highest wage paid to a Japanese compositor, a skilled man, was about \$300 per annum, Japan Weekly Mail, 2 February 1884. It is reasonable to assume that a European worker could expect more.

⁴The British Government, for example, placed a limit of £250 per annum on the total relief to distressed British subjects in Japan, China and Siam. F.O.262/190, Hammond to Parkes, No.4 Consular, 29 July 1870. For reaction in Japan, see Nagasaki Express, 8 October 1870; Far East, 17 October 1870.

It was a pleasant enough life for most. Salaries, contemporaries agreed, were better than could have been obtained in Europe or America, as were the fringe benefits such as housing. Hours were short; Poole claims that the standard hours at Yokohama were from nine in the morning until five in the evening, with a two-hour lunch break.¹ The cosmopolitan nature of the settlements meant many more holidays were kept than would have been at home, sometimes to the annoyance of those less fortunate.² The cheapness of labour meant that most foreigners could have at least one servant and many households had several. The 2500 foreigners at Yokohama in 1897 had some 6000 servants between them.³ While few argued that the climate was good for adults, it was far better than at most of the China Coast ports, and was supposed to be beneficial for children.⁴ There were killer diseases such as cholera, but while they took a heavy toll of both Japanese and Chinese, they rarely struck foreigners.⁵

¹Poole, Death of Old Yokohama, p.26.

²"Merchant" to the Editor, London and China Express, 2 January 1882.

³"Servants' Associations", Japan Times, 31 December 1897. At that point, the servants' associations were agitating for better salaries and conditions, and threatening to strike if they did not get them. It was a form of Westernisation very much disliked by the foreign residents.

⁴F.O.262/272, Parkes to Derby, No.25 Consular draft, 22 June 1875. For the Japanese climate and children, see Chamberlain, Things Japanese, first edition, (London, 1890), p.70.

⁵One rare exception was J.J. Dare, the only foreigner to die in the great cholera epidemic of 1879. See his obituary in Japan Daily Herald, 6 September 1879.

The small communities at the treaty ports saw themselves as the only real representatives of the West in Japan. They saw their interests as the only ones that mattered, and since the majority were engaged in trade, it was the interests of the merchants which should come before all else.¹ They resented the presence of two groups of foreigners in Japan, those employed by the Japanese and the missionaries, neither of whom shared their views on Japan and the place of the foreign settlements.

To the residents of the ports, contemptuous of Japan and the Japanese, the man who worked for the Japanese was not to be trusted. The speaker who demanded that all "Eurasian" children be removed from the Victoria Public School also demanded that all foreigners employed by Japanese should be compelled to resign from the Board of Governors. Both represented a threat to the foreign community.² At the same time, the treaty port residents preferred that foreign employees should be from the right country; here, as everywhere else, international rivalries were important, and fears were expressed that one country

¹See, for example, "La Révision des Traités", L'Echo du Japon, 10 March 1884. This attitude was criticised by Rev. C.S. Eby in his pamphlet, The Eastern Pioneer of Western Civilisation and the recognition her efforts receive (Tokyo, 1884), especially pp.35-37.

²Japan Weekly Mail, 24 March 1891.

or another was gaining too great a hold on the Japanese bureaucracy.¹

The foreign employees rarely bothered to answer the criticisms levelled at them by the foreign residents. Some of them, including B.H. Chamberlain, felt more at home with the treaty port residents than they ever did with the Japanese.² The missionaries were in rather a different position, and relations between the foreign residents of the ports and the missionary community were rarely good.

Each foreign community had its churches, but congregations were small. The fifteen or twenty who made a reasonable congregation at Nagasaki in the early 1860's³ would still have made one thirty years later. The withdrawal of the British Government's assistance to Yokohama's Anglican church left it unable to pay its way, for the foreign community did not subscribe the money necessary

¹For examples, see Washington Chronicle, 30 April 1874, enclosed in F.O.262/254, T.V. Lister to Parkes, No.61, 26 May 1874; Japan Herald (Mail Summary) 13 September 1876; and Japan Weekly Mail, 6 August 1887. It is clear that here as in other aspects of foreign activity in Japan, the British were in a majority. But in some departments, for example, the Education Department, they were a minority. See Umetani, N., O yatoi gaikokujiin, ["The foreign employees"/], (Tokyo, 1965).

²Chamberlain made no secret of his views which were freely displayed in Things Japanese and in letters to the press.

³Griffis, Verbeck of Japan, p.100.

for its upkeep. By 1883, it was being debated whether or not the church ought to be closed.¹ Yet the sum needed to keep it going was less than half the aggregate of the subscriptions paid to the Boat, Tennis and Cricket clubs. To the disgust of the Hiogo News nearly three years after its opening, Kobe still had no Protestant church.²

Foreigners at the treaty ports were not religious in the conventional sense. They were, their missionary critics sometimes conceded, kind to animals, charitable, and even prepared to object to "indecent emblems". But they did not follow the rules. Sunday was treated as a holiday, rather than a religious day, to the dismay of many missionaries.³

Nor was that all, there was a large proportion of young men with more time and money to spend than would have been the case in Europe or America. There were few single girls in the settlements, and those there were tended to be unattainable as far as the junior clerks were concerned. A form of contact with the Japanese which was

¹Japan Weekly Mail, 1 December 1883. British Government assistance to overseas Anglican churches was strictly limited by law and had to cease once a community had reached a reasonable size.

²Hiogo News, 5 November 1870.

³See, inter alia, Pruyne, Mrs. M., Grandmamma's letters from Japan, (Boston, Mass. 1877), p.22. When Kobe did eventually get a Protestant church, shared between the various sects, services were continuously disturbed by a foreign-owned te-firing godown which operated on Sundays. Bridges, Mrs. F.D., Journal of a Lady's travels around the World, (London, 1883), p.302.

bound to be distasteful with missionaries became a marked feature of the treaty ports. Even Sir Ernest Satow had two children by a Japanese woman, and the numbers of "Eurasian" children to be found in the treaty ports indicated that others had followed his example.¹ There was also far more open drinking and gambling by "respectable classes" than most missionaries were accustomed to seeing.

Restrictions on residence in the interior meant that the foreign communities and the missionaries were thrown closer together than they had been in China. There was also a natural tendency for the Protestant missionaries to keep their families near the settlements. Criticisms of missionary activity became as frequent as missionaries' criticisms of the foreign community. When a missionary lived in a pleasant house on the Bluff at Yokohama, it was rather difficult to believe stories of the great sacrifices being made to save souls.²

¹The problem of "Eurasian" children was one of the many for which the treaties, understandably enough, had made no provision. It raised complicated problems of international law in cases where the father wanted to acknowledge the child as his own and to bring it up. Not infrequently this problem arose after the subsequent marriage of the child's father and mother. See F.O.262/618, J.H. Longford to H. Fraser, No.20, 28 May 1889; and F.O.262/634, Viscount Aoki to Fraser, No.4, 15 January 1890; and Kobe Chronicle, 2 April 1898.

²Punch put it: "Mrs. Judy receives on 29 February only. Missionaries and other loafers not received." Japan Punch; June, 1884. See also "Missionary Methods", Japan Weekly Mail, 5 December 1885; and Smith, Mrs. W.H.V., Foreign Missions as they are: a criticism, (Yokohama, 1893).

The real cause of the antagonism was the difference in interests of the two sides. The missionaries saw Japan as a field for the spread of the Gospel; the foreign communities saw it as a place for trade. Missionary activity was regarded as the cause of much anti-foreign feeling in China, and at first the foreign communities feared the same in Japan. The first reports of the persecution of Christian communities near Nagasaki in 1868 were treated with scepticism. Either the missionaries were making a mountain out of a molehill, or more likely, any trouble was the result of unnecessary meddling by missionaries.¹ The fewer missionaries the better. There was little likelihood of a Tientsin massacre in Japan, noted the Jardines representative at Yokohama in 1870, because "We have one thing in our favour a 'general scarcity of missionaries'".² In the years that followed, the foreign residents of the ports found that they did not have to fear anti-foreign feeling stirred up by the missionaries, but rather that they had to combat a too pro-Japanese attitude by the latter. While the treaty

¹See, for example, Japan Times (Overland Mail), 23 August 1868.

²Jardine Papers, B3/17/Yokohama letter 1529, H. Smith to F.B. Johnson, 9 July 1870.

port communities largely lost interest in seeing Japan opened, the missionaries resented being cooped up in the ports. From 1884 onwards, the missionaries put themselves firmly on the side of those who favoured treaty revision in Japan's favour.¹ They petitioned for this year after year, and, in spite of the vehement protests from the treaty ports, did not draw back from their declared position.² The cleavage between the missionaries and the treaty port community was then complete.

Equally anathema to the treaty port residents were outsiders who did not agree with their views on Japan. One writer has noted that "to turn attention from resident to visitor is to cross a great gulf ... For the residents, though divided amongst themselves, seemed to present a fairly solid front of scornful mockery towards the wealthy and wandering globe-trotters."³

It was not only the globe-trotter who was disliked by the foreign community; even more hated was the foreign dignitary whose views did not correspond with those of the

¹Thomas, W.T., Protestant beginnings in Japan, (Tokyo and Rutland, Vt., 1959), p.90.

²See F.O.262/614, Fraser to Salisbury, No.97 confidential draft, 16 August 1889, for an account of the missionary attitude.

³Barr, Mrs. P.M., "The writings on Japan and the Japanese of English and American Visitors 1852-1910", unpublished M.A. thesis, University of London, 1964, p.34.

settlements. The barrage of denigration thrown up for the visits of the Governor of Hong Kong, Sir John Pope-Hennessy, and an British Member of Parliament and shipbuilder, Sir E.J. Reed, to Japan in 1879 was long and sustained, but was by no means exceptional.¹ Outside press comment which did not follow the lines of treaty port arguments was condemned out of hand.²

All was not harmony behind this ~~wall~~, ~~erected wall~~, however, for the life which foreigners chose was an isolated one and it had its tensions. It was true that the extreme hostility shown by many Japanese towards foreigners in the first years of the open ports tended to disappear by the middle 1870's. The last samurai killing took place at Hakodate in 1874, and thereafter no foreigner was killed by a Japanese until the 1890's. The Restoration Government had made it clear from the start that anti-foreign violence was not to be condoned.³ The spread of Western clothes and other aspects of Western

¹See Japan Mail, 27 January 1879, Japan Daily Herald, 17 January 1879 and Japan Gazette, 10 April 1879, for Reed's visit, and Japan Gazette 6 June 1879, for Pope-Hennessy's "The Climax of Vituperation", Tokio Times, 21 June 1879, is an interesting, if prejudiced, account of why the "scurvey curs" felt obliged to attack Pope-Hennessy.

²See below, pp. 319-20.

³See the draft proclamation forbidding attacks on foreigners enclosed in F.O.262/490, Hizen Jijyu to Parkes, No.35, 27 March 1868.

civilisation had begun to make the samurai sword something of an encumbrance by the mid-1870's, but the decision to ban its wear removed what had been a constant worry to foreigners.¹

A further sign of the changed times was the withdrawal of the foreign troops from Japan in 1875. After the Restoration the troops had remained because the British and French Governments could not be sure that an anti-foreign government might come to power in Japan. By 1872, the British Chargé d'Affaires was convinced that this no longer presented a danger, and recommended that the troops should be removed.² Parkes was not so sure - and the foreign community demanded that the troops stay - and a number of anti-foreign incidents convinced the home authorities of the need for caution. It was not, therefore, until March 1875 that the troops were finally recalled. They left after a flurry of farewell parties, an Imperial reception and the dire forebodings of many foreigners.³

¹F.O.262/285, Parkes to Derby, No.71 draft, 11 April 1876.

²F.O.262/225, R.G. Watson to Granville, No.168 draft, 19 December 1872.

³F.O.262/270, Parkes to Derby, No.34 draft, 6 March 1875; Japan Mail 10 March 1875.

The foreign settlements were left defenceless. In point of fact, there was no need for any defences; the moments of crisis in Japan after 1868 passed foreigners by. Even the major rebellion by Satsuma samurai in 1877 had little effect on the foreign settlements and certainly brought no danger.¹ The most serious effect of the rebellion on foreigners was its interference with trade, but gun running and transporting troops proved some compensation.²

Nevertheless, there was tension. As we have seen, the foreign communities had a number of long-term residents, who could remember the days of violence. The memory of events such as the attack on Richardson in 1862 were carefully preserved. E.H. House's attempt to put some of the blame for that attack on the foreigners involved brought forth a storm of protest.³

¹Foreigners were apprehensive, however, as might have been expected. See Brassey, Mrs. A., A Voyage in the Sunbeam, (London, 1878), p.359; von Baelz, E., Awakening Japan: the diary of a German Doctor, (New York, 1932), p.32.

²Mounsey, A.H., The Satsuma rebellion, (London, 1879), p.18; Japan Herald (Mail Summary), 8 September 1877.

³See "Killing no murder", Japan Weekly Mail, 9 February 1878. House was the editor of the Tokio Times and in the pay of the Japanese Government. Not surprisingly, he frequently fell out with the treaty port residents. See the attacks on a later attempt of his at rewriting history - "The Martyrdom of an Empire", Atlantic Monthly, XXXXVII, (January-June 1881), 610-23 - in Japan Daily Herald, 28 May and 4 June 1881. More on House will be found below, pp. 338-340.

There were also several hints which appeared to foreigners to make it clear that the old anti-foreign spirit was just below the surface. The discovery that a theatre at Osaka was putting on a play glorifying the men responsible for the murder of a group of French sailors at Sakai in 1867 was one such reminder.¹ Another could, perhaps, be found in the article "Discourses on Barbarian Expelling", which the principal Japanese newspaper published in 1878.²

The failure of the powers to agree to Japan's demands over treaty revision led by the end of the 1870's to the overshadowing of the pro-Western attitudes which had marked Japanese life in the first part of the decade. The "Rokumeikan era" gave way to a new anti-foreign period, which confirmed the worst fear of many foreigners.³ Foreigners were pushed and jostled in the streets of the various ports, and sometimes found that the police would do nothing.⁴ A group of foreigners watching the Imperial

¹F.O.262/291, A.A. Annesley to Parkes, Nos. 59 and 65, 31 October and 12 December 1876.

²Nichi Nichi Shimbun, 2 September 1878, translated in F.O.345/23/R.39.

³The Rokumeikan ["Hall of the Baying Stag"] was a building in Tokyo erected by the Japanese Government in 1881-83 as a place to entertain foreigners as part of the campaign to impress on the West that Japan was thoroughly Westernised and deserved to have the "unequal treaties" revised in her favour. See Kokushi kenkyūshitsu and Kyōto daigaku bungaku-bu, editors, Nihon kindaiishi jiten, ["Dictionary of modern Japanese history"/, (Tokyo, 1958), p.640.

⁴For some examples, see F.O.262/682, M. de Bunsen to Roseberry, No.24 draft, 23 November 1893.

procession to the opening of the first Japanese Diet in 1890 from the Russian Legation in Tokyo were stoned by students because they were looking down on the Emperor. Such evidence of anti-foreign feeling came as a shock to the community at Tokyo, but was by then familiar to foreigners elsewhere in Japan.¹ After the Japanese successes in the war with China and the simultaneous success in having the old treaties revised in her favour, a new feeling of self-confidence was noted. This often led to overt anti-foreign activities, especially by the poorer classes.²

Too much should not be made of this. Foreigners did not go around in fear of their lives. But the tension was there. Foreigners could never be quite sure what the Japanese were really thinking. The oft-expressed fear about the dangers of allowing the Japanese to have control over foreigners was a strong indication of the tension which lay behind the outwardly hedonistic life of the ports.

¹Palmer, H.S., Letters from the Land of the Rising Sun, being a selection from the correspondence contributed to "The Times" between the years 1886 and 1892 and reprinted with the permission of the Proprietors of that Journal, (Yokohama, 1894), pp.230-31. For Palmer, who according to Hugh Fraser, the British Minister, also supplied the Manchester Guardian with much of its news about Japan, see the entry in the Dictionary of National Biography. The book here referred to did not include his political despatches at his own request.

²P.R.O.30/33/14/10, Satow to Salisbury, private draft, 24 February 1898. See also above, p.

But, if their own accounts are to be believed, foreigners did enjoy themselves. Looking back to the Yokohama of the late 1860's, a former resident recalled that "Golf was unknown; but cricket, rowing and bathing and tennis in summer, pony and foot paper chases, athletics and shooting in winter made it impossible for anyone to complain of the dullness of life."¹ Another writer claimed that rowing was the most popular sport at Yokohama,² and certainly regattas played a big part in the sporting life of all the ports of the Far East. At a big regatta, teams could be expected from Shanghai and the Straits Settlements, as well as from the other ports in Japan.

Racing must have run rowing a close second as a popular sport. The "Englishmen's Racecourse at Negishi" was early on a recognised sight-seeing "must" for Japanese visitors to Yokohama.³ There were races on most holidays, and there was even a holiday for the start of the racing season! On such occasions, all the foreign community, from diplomats to beachcombers, took part, and as time went by, the Japanese too began to follow the races. Indeed, as we have seen, when the foreign Race Club fell

¹Abell, "Some memories of old Japan", p.681.

²Crow, A.H., Highways and Byways in Japan (London 1883), p.201.

³See the print by Eirin, Tamba, Yokohama ukiyoe, No.348.

apart at Yokohama and all attempts to reunite the factions failed, racing at that port was only saved by asking interested Japanese to join a new United Race Club.

Before many years had passed, the real drive and interest in racing passed from foreigners to Japanese. Foreigners continued to take holidays to attend the races, however.

Shooting enjoyed much popularity. It took two forms, shooting at targets and hunting. The first was popular enough to support two clubs at Yokohama in the 1860's; one exclusively Swiss, the other for all nationalities. These held successful annual shooting matches at the rifle range on the Bluff which the Japanese granted to the foreign troops for practice.¹ The departure of the foreign troops led to the loss of the rifle range, and both clubs seem to have died. There were several proposals to revive them, but without success.²

Hunting with guns seemed to foreigners an ideal way of breaking out of the cooped-up ports. There were plenty of wild birds to make it a worthwhile pastime. Unfortunately from the foreigners' point of view, the Japanese did not regard hunting as a very laudable

¹Far East, 30 May and 1 November 1870.

²For example, see "Proposed revival of a dangerous nuisance", Japan Weekly Mail, 29 June 1895.

occupation and tried to have it stopped.¹ In spite of the objections of the Japanese, foreigners went shooting. The Japanese Government passed regulations making it an offence to shoot without a licence, but the Foreign Representatives were against such attempts by the Japanese to exercise jurisdiction over foreigners, and refused to allow their nationals to be bound by them. It was not until the end of the 1870's that a formula was worked out which satisfied both sides.² Even before then, however foreigners were able to follow their pastime virtually unmolested because of the attitude of the Foreign Representatives.³

Paper chases too caused trouble with the Japanese. As the years passed, the local farmers proved less and less tolerant of trampled crops. A series of claims for damages convinced foreigners that the sport must be abandoned.⁴ It may have been similar objections which led to the disappearance of the Yokohama foxhound pack;

¹For the two points of view, see "Health hunting about Yokohama", Japan Mail, 12 October 1877 and F.O.262/492, Higashi to Parkes, No.54, 15 March 1869.

²This complicated question properly belongs to the question of extraterritoriality, and will be dealt with under that heading. See below, pp.

³Holtham, Eight Years in Japan, pp.62-63 noted that he found no difficulty in shooting at any time between 1873 and 1881.

⁴Tokio Times, 26 June 1877; Japan Herald (Mail Summary), 26 June 1877.

whatever the reason, no reference to it was made after 1877.¹

Athletics, football and cricket were well catered for at all three ports. Yokohama and Kobe also had baseball clubs. Disputes between the baseball and cricket clubs at Yokohama led eventually to the emergence of the "Yokohama Cricket and Athletic Club" in 1884.² The "Yokohama Ladies' Tennis and Croquet Club" saw to it that the courts were maintained for the use of both men and women. A problem shared by all the sporting clubs was the slowness of the procedures for obtaining facilities. When the "Amateur Athletic Society" was set up at Yokohama in 1872, it took eighteen months to get approval for a running track. The matter had to be referred to the foreign Consuls, who referred it to the local Japanese authorities. These in turn referred it to the appropriate departments in Tokyo, and it was not until the summer of 1873 that permission was finally granted.³ When matters had to be referred to the Diplomats as well, the time taken could be much longer.

¹Brassey, A Voyage in the Sunbeam, p.332. The pack had been introduced by the British troops. It would be interesting to know what the Japanese made of it.

²Japan Weekly Mail, 12 April 1884.

³F.O.262/Robertson to Parkes, Nos. 41 and 59, 5 June and 30 August 1873.

There were also plenty of opportunities for those who preferred to take their amusements indoors. Dancing was popular and most clubs and societies held an annual ball. The Diplomatic Body too gave them. The Dutch Minister gave one at Yokohama in 1884 in a ballroom which had been wrecked a week earlier by two typhoons. The report did not say whether the damage had been cleared up, but one hopes so.¹ Enthusiasm for this strange Western pastime spread to the Japanese, and Joseph Heco recorded how the Japanese ladies of Kobe asked foreign ladies to teach them dancing.²

Amateur dramatics enjoyed their usual popularity in small towns. Yokohama in 1870 had several drama groups, including a French one.³ As so often with such groups, there was a rapid turnover of personnel and the groups themselves appeared and disappeared at an alarming rate. Performances at Yokohama were given for many years in the Gaiety Theatre, a small brick building dating from the 1860's. It had become too small by about 1880 and a committee was set up by a group of interested residents to raise funds for a new public hall. This was no easy task,

¹Japan Weekly Mail, 27 September 1884.

²Heco, Narrative of a Japanese, II, 239.

³Far East, 17 July 1871.

but eventually the committee's efforts were successful, and the new hall opened to the public with an amateur orchestral performance on 19 April 1885.¹ The opening of the joint Yokohama Chamber of Commerce and Masonic Hall in 1890 provided additional accommodation for theatricals.² Nagasaki's theatricals also used the Masonic Hall, while at Kobe the Athletic Society's gymnasium was adequate until the 1890's. The growth of the community and the possibility of the gymnasium reverting to Japanese control after the revised treaties came into operation eventually led the foreign community to subscribe for a public hall like that of Yokohama to be held in the name of the foreign community.³

When local efforts could be supplemented by visiting groups, the communities responded with enthusiasm. Whether it was just another set of amateurs, like the "Snowdrops", a minstrel group from H.M.S. "Ocean" who visited Nagasaki in 1870,⁴ or a professional touring group such as "Salinger's English Opera Company" - who nearly caused an international incident because their leader insisted on performing the

¹Japan Weekly Mail, 25 April 1885.

²Japan Weekly Mail, 4 October 1890.

³P.R.O.30/33/5/8, J.C. Hall to Satow, 27 March, 1 and 4 April 1897.

⁴Nagasaki Shipping List, 16 November 1870.

"Mikado" in spite of the protests of the Japanese¹
 - they were received with rapture by the foreign residents.

Choral societies and amateur orchestras too enjoyed some support. Yokohama could boast of one calling itself the "Yokohama Philharmonic Society" in 1896.² Bands, for some unknown reason, were less easy to start, and the regular Sunday concerts at Yokohama disappeared with the departure of the foreign troops.³ Occasionally, the gap was filled by a visiting ship's band.

Freemasonry was as popular in Japan as throughout the Far East. Yokohama, Kobe and Nagasaki each had at least one lodge, and there was also one at Tokyo. From 1874, there was a "District Grand Lodge" for Japan.⁴ There were also natural history societies, Bible classes, literary societies and a host of others, including those institutions so beloved of the nineteenth century, the "learned societies".

By and large, the treaty ports of the Far East and their near relations, the colonial settlements, were not

¹Salinger was only dissuaded from putting on the "Mikado" by the British Minister's threat to issue a regulation banning such performances. F.O.262/581, Inoue Kaoru to Sir F. Plunkett, No.22, 25 April 1887; F.O.262/573, Plunkett to Salisbury, Nos.121 draft and 122 draft confidential, both of 6 May 1887.

²Chronicle and Directory, (1896), "Yokohama".

³Japan Gazette, 7 March 1879. Kobe had the same trouble in starting a band. Hiogo News, 29 July 1880.

⁴Far East, 31 August 1874.

noted for a high level of intellectual activity. But there were always a few people whose interests were more far reaching than the latest price of cottons or the gossip from the Club. The branches of the Royal Asiatic Society which were established in Hong Kong, Shanghai and all over the Far East were proof of this. Japan too saw its share of such enterprises, and if the main impetus came from outside the treaty port community, there were always a number of residents of the ports who displayed an interest in such undertakings.

The first such body in Japan was the "Asiatic Society of Japan", which held its inaugural meeting at Yokohama in October 1872, with the British Chargé d'Affaires, R.G. Watson, in the chair.¹ The aims of the society were "the collection of information and the investigation of subjects" relating to Japan and other Asiatic countries.² Its members were mainly British and American, and they produced over the succeeding years a variety of papers ranging from impeccable scholarship to rather banal travellers' tales.

The Asiatic Society had its ups and downs. A proposal from the Reverend Mr. Sayle in 1879 that a branch be opened

¹Black, Young Japan, II, 381.

²Chamberlain, Things Japanese, 1st edition, p.41.

at Kobe was greeted with derision by the foreign press, which claimed that the existing society was neither flourishing nor serving much useful purpose.¹ By then the Society had moved to Tokyo. Even in the more congenial atmosphere there, it was only just able to keep going. Its imminent collapse was reported by the Japan Mail in 1887.² It did continue in existence (and does so to this day), but with an ever decreasing number of treaty port residents amongst its active supporters, though many remained nominally members.

The Asiatic Society did not have the field to itself for very long. March 1873 saw the formation of the "Deutsche Gesellschaft fur Natur und Volkerkunde Ostasiens"³, known to the Anglo-Saxons of the community as the "German Asiatic Society". It too was destined to outlast the treaty ports. Its members were divided fairly evenly between Yokohama and Tokyo, but it is not possible to say what proportion of them came from the treaty port community proper. It heard papers similar to those presented to the Asiatic Society of Japan; its first volume of Transactions,

¹Japan Gazette, 7 June 1879; Tokio Times, 21 June 1879.

²Japan Weekly Mail, 12 February 1887.

³Nature, 2 April 1874.

for example, contained papers on the laws of ^YTeasu, a list of the Emperors and shoguns, Japanese ink-fish and medicine in Japan.¹ A third "Asiatic Society", this time for Americans, made its appearance in June 1899, on the eve of the end of the old treaties, but it may not have survived very long.²

Less organised entertainment too could be had in plenty. British influence was strong in providing the prevailing social ethos in the settlements. As the wife of one American Consul put it:³

"The infallible Briton ... has transferred his household order unchanged from the home island, yielding as little as possible to the exigencies of climate and environment. The etiquette and hours of society are those of England, and most of the American residents are more English in these matters than the English."

Formal dinner parties were a regular feature of treaty port life. W.E. Griffis noted that "In Yokohama, dinner is the test of success in life".⁴

¹Japan Mail, 8 July 1873.

²United States Department of State Records, Despatches from the Consulate-General at Yokohama, (cited as M661)/136/1, J.F. Gowey to D.J. Hill, No.142, 27 June 1899.

³Scidmore, E.R., Jin/rikisha days in Japan, (London, 1891), p.25.

⁴Griffis, The Mikado's Empire, II, 340-41. Similar testimony will be found in Bosquet, Le Japon de nos jours, I, 296-303.

Of all places where English standards prevailed, it was the "Club" which was the most important. There were, it was true, specifically national clubs; the Yokohama "Club Germania" celebrated its fortieth anniversary in 1904.¹ But it was not these which a foreign resident referred to when he talked about "the Club". That title was reserved for the imposing residence, usually situated on the Bund overlooking the sea, where the resident went to dine, to lounge, to gossip or to help organise some new feature of life in the settlement. Here the foreign resident could imagine himself in London, and the imitation was successful enough to persuade visitors of the same illusion.²

The communities took advantage of visits or special occasions such as Queen Victoria's jubilees in 1887 and 1897 to hold celebrations. There were those who felt that visitors even if they were important men, should be left alone to enjoy their visit; they had not, after all, come to see the foreign residents of the treaty ports.³ But the residents were not to be deprived of an excuse for a display so easily. National days provided another excuse for celebrations, and were not usually confined to

¹ von Baelz, Awakening Japan, p.237.

² See Gower, Lord R., Notes of a tour from Brindisi to Yokohama, (London, 1885), pp.68-69.

³ "Princes and their persecutors", Japan Times (Overland Mail), 9 August 1869.

the nationals of the country concerned. Unfortunately, there was a tendency for such occasions to be somewhat marred by disputes. The 14 July celebrations at Yokohama in 1880 took place in an atmosphere of some anger because one group of Frenchmen, backed up by the Japan Gazette, objected to the French national holiday being kept on Bastille Day.¹ Queen Victoria's Golden Jubilee in 1887 saw some sections of the Yokohama British community up in arms because they felt that the Yokohama celebrations were arranged to suit only "the diplomatic body and the big bugs".²

Should the foreign resident want to leave the treaty ports, there were problems. Of course, he could visit any of the open ports and cities with no trouble, and could also if he wanted visit the China Coast or Malaya. But if he wanted to travel in Japan, it was no easy matter. The treaties limited travel unless one was a diplomat, to a maximum of twenty-five miles in any direction in the area around each port. At some places, there were further restrictions. At Osaka, for example, foreigners could not go twenty-five miles in the direction of Kyoto.³ Foreigners

¹See the editorials and correspondence in Japan Gazette, 13 and 17 July 1880, and the angry reply of L'Echo du Japon, 15 July 1880.

²Japan Weekly Mail, 2 April 1887. See also Tobae, 1 July 1887, for a sardonic French comment.

³For the treaty limits at their fullest extent, see Keeling's Guide to Japan, 4th edition, (Tokyo, 1890), pp.1-2.

made extensive use of these areas, and their extension was regarded as important by foreign diplomats.¹

The need for such restrictions was conceded by foreigners in the early days, even if they chafed at them. After the Restoration, foreigners hoped for a relaxation of the strict prohibition on travel in the interior. But as with the question of shooting licences, the matter became tangled up in wider questions, and it was not until the late 1870's that a more liberal approach to travel in the interior enabled foreigners to make excursions regularly outside the treaty limits.² They were then permitted to make journeys into the interior of Japan for reasons of "health, scientific investigation, or urgent business".

The Japanese authorities proved willing to turn a blind eye to the large number of foreigners who every year fell ill about the same time, or who suddenly displayed a deep interest in the flora of the Hakone district or the practices of fishermen on Lake Biwa. When it suited their purposes, they were willing to allow foreigners to travel beyond treaty limits.³ Certain areas became extremely

¹For example, see F.O.262/350, J.G. Kennedy to Salisbury, No.7 draft, 4 January 1880.

²See below, pp.198-201.

³Thus, the Japanese made it easy for foreigners to visit the Kyoto Exhibition of 1872, although there was still much feeling against allowing foreigners at Kyoto. In the event, few bothered to go, to the disappointment of the Japanese Government. Far East, 1 August 1872.

popular with the foreign residents of the ports, and special arrangements greatly simplified the procedure for visiting them. Holiday villas appeared at Lake Biwa, Hakone, Atami and Karuiza^{WA}, to which all who could flocked in the summer.¹

The numbers of passports issued grew enormously. The British Legation handled 358 applications in 1875, and 664 ten years later.² The American Legation issued 552 passports in 1885, and 1091 in 1889-90.³ At the same time, the Japanese proved adamant on not allowing unrestricted entry to the interior unless foreigners who went there were placed under Japanese jurisdiction. Even the spread of railways, which some had hoped would lead to a more liberal approach by the Japanese Government to the whole question of travel in the interior, made no difference; passports were still necessary to go beyond treaty limits.⁴ Not until the treaties were revised in Japan's favour, were the rules relaxed.

¹Japan Weekly Mail, 25 July 1885 and 13 September 1890.

²F.O.262/414, Plunkett to Granville, No.51 draft, 9 April 1884.

³Japan Weekly Mail, 16 January 1886; Treaty, Diplomatic Relations between the United States and Japan, 1853-1894, II, 319, n.45. Some of these passports were for the use of tourists, and many were used by missionaries as a means of reaching the interior in order to preach the Gospel - see Thomas, Protestant beginnings in Japan, p.53, note, for some figures on this - but the majority were for foreign residents.

⁴"A Question about railway travelling in Japan", Japan Mail (Summary), 7 January 1889.

When the treaty port resident did travel in Japan, he did so to relax, not to get to know the country or people better. That could be left to the tourist or the missionary. It was safer, warned Messrs. Chamberlain and Mason, to travel only in first class carriages on the railways, thus keeping contact with the Japanese to a minimum, "for the ways of the Japanese bourgeoisie with regard to clothing, the management of children, and other matters are not altogether our ways".¹ Where Japanese and foreigners were liable to meet, in places such as the hot springs at Shimabara outside Nagasaki, they did not mix, each group having its own set of springs.²

But all this activity did not alter the fact that while life in the settlements was comfortable for the vast majority, it was exceedingly dull. It was, noted the Japan Mail, dull for the men and duller for the women.³ In spite of the attempts by Mrs. Barr and H.S. Williams to paint a picture of constant excitement in the settlement,⁴

¹Handbook for travellers, p.11.

²Mossman, New Japan, pp.402-403.

³Japan Weekly Mail, 16 February 1878. See also Hiogo News, 2 October 1869, which shows that even with the alarms and excursions of the Restoration, life in the foreign settlements seemed routine and boring.

⁴See, for example, Barr, P.M., The Deer Cry Pavilion, (London, 1968), and Williams, H.S., Tales of the Foreign Settlements in Japan, (Tokyo and Rutland, Vt., 1958).

Mrs. Scidmore, herself a resident of Yokohama, was nearer the truth when she wrote that, "the contents of the mail-bags, social events and the perfection of physical comfort comprise the interests of most of the residents".¹ It was not surprising, therefore, that there were petty tensions and quarrels; there was little else to do.

The gradual removal of the diplomats to Tokyo in the 1870's led to a decline in tension between them and the Yokohama community. The two groups still did not agree on many things, but were no longer so close that this mattered. Other tensions of the 1860's continued. "Class-consciousness" remained strong. Abell noted that the residents in the settlements "with ludicrous exactitude drew the line between the man who bought and sold in an office and the man who kept a shop for the same purpose ..."² The divisions remained strongest at Yokohama where the opening of the hills behind the original foreign settlement soon led to the social divisions becoming actual physical ones.³ The smallness of the communities

¹Scidmore, Jinrikisha days in Japan, pp.25-26.

²Abell, "Some memories of old Japan", p.681. See also "Cliques", Japan Gazette, 22 June 1881.

³The Bluff, as the area on the hills soon became known, was opened for foreign residence in 1867 and was rapidly built upon. Black, Young Japan, II, 78.

of the Far East meant that men who would have had little contact with "society" at home mixed with its equivalent on easy terms in Yokohama or Kobe. Foreigners were careful to insist on their status, and not afraid to point out others who might be trying to improve theirs. When the editor of the Japan Mail warned the Imperial Household to be careful in choosing foreigners for the Imperial garden parties, the warning was also intended for foreigners who might be getting above themselves.¹

International rivalries too continued to be seen out of proportion in these small communities. Slightings, real or imagined, could lead to ill-feeling. The French at Yokohama were annoyed in 1877 by the failure to include them in discussions on the formation of a salvage corps.² Anglo-American feeling was particularly marked, and was constantly aggravated by the marked differences in British and American Government policies towards Japan. The decision to return the United States' share of the Shimonoseki Indemnity, for example, called forth a paroxysm of denunciation from the British-owned press of Yokohama, which insisted that the money belonged by right

¹"The Invitations issued by the Imperial Household", Japan Weekly Mail, 22 February 1890.

²"A Salvage Corps", Japan Gazette, 23 March 1877.

to Britain.¹ There were no lack of Americans in Japan willing to cross swords with the British either, denouncing their colonial past and attacking their behaviour in Japan.²

An international crisis, such as the Franco-Prussian war, could lead to difficulties in the settlements, not the least awkward part being fights between rival groups of Prussian and French sailors.³ Later, fears that "Everything in Japan is being Germanized", were the excuse for a sustained attack on all things German in the foreign press. Sneers at the Germans for wearing glasses became as legitimate as did criticisms of their trading methods.⁴

There were a few scandals to enliven life, but even scandal was a rarity. Now and then the community was shocked to hear that some apparently respectable merchant had absconded with funds entrusted to him. Suicide was not uncommon; the highest rate seems to have been six deaths between June 1895 and December 1896. Those who took this way out, it was claimed, were mainly young men in trouble over drink, women or gambling.⁵

¹Japan Daily Herald, 21 May 1878; "Cheap liberality", Japan Weekly Mail, 8 July 1882. On the Shimonoseki Indemnity and the American decision to return it, see Neuman, W.L., America encounters Japan, from Perry to Macarthur, (Baltimore, 1963) p.60.

²For example, Maclay, A budget of letters, pp.365-84, devoted a whole chapter to criticising "Our Imperial Cousins."

³Far East, 17 October 1870; Griffis, The Mikado's Empire, II, 331.

⁴Japan Punch, April 1883; Murray, G.T., The land of the tatami: travels in Japan, (Shanghai, 1906), pp.9-10.

⁵Eastern World, 12 December 1896.

There were only two major scandals, both at Yokohama and both in the 1890's. The first was the shooting of a British subject, Gower Robinson, by an American naval officer, Lt. J.H. Hetherington who alleged that Robinson had seduced his wife. International feelings on the subject ran high, for Robinson was respected and a popular British resident. The American Consul found himself caught between the British, "who thought the accused should be hung at once ...", and the Americans, "who justified his act ..."¹ A verdict of not guilty because of intense provocation did little to mollify the British section of the community, but in time passions subsided.

Four years later, the arrest of the widow of the Secretary of the Yokohama Club, Mrs. Carew, again set the foreign community ablaze with gossip. The trial which followed did little to dampen this, for it was a most mismanaged affair, with evidence unobtainable because of international complications, and the Judge, the British Consul at Yokohama, apparently unable to grasp what his rôle was. When Mrs. Carew was found guilty and sentenced to death, it looked as though the first foreigner was to be executed on Japanese soil. But Sir Ernest Satow, then British Minister, took advantage of an amnesty by the

¹M659/135/19, W.D. Tillotson to W.F. Wharton, No.66, 16 March 1892.

Japanese Emperor to commute the sentence.¹ So all-absorbing had the topic become with the foreign ladies of Yokohama and Tokyo, wrote the wife of the Belgian Minister, that a special card game was invented by them to take their minds off the subject.²

Outsiders who looked at the treaty ports, as we have seen, were not popular with the treaty port community for they did not reflect the community's own views of its importance and place in the world. While the foreigners at the treaty ports thought of themselves as the representatives of Western civilisation perched at the end of the world and needing special protections and assistance as late as 1899, outsiders saw rather a group of rather disgruntled foreigners whose claim to live beyond civilisation was belied on all sides by the progress of Japan. In outlook, the community had changed little since 1868, but the situation they found themselves in had changed out of all recognition. Far from being the brave pioneers of Western civilisation in the Far East, the foreigners of Yokohama, Nagasaki and Kobe were dull and respectable residents in a Westernised country. "Genteelness" was what was noticed, not the excitement of the

¹P.R.O.30/33/14/9, Satow to J. Davidson, No.5 draft, 5 February 1897; Eastern World, 6 February 1897.

²D'Annethan, A., Fourteen Years of Diplomatic Life in Japan, (London, 1912), pp.174-75.

early days.¹ Lafcadio Hearn, who somewhat self-consciously rejected the treaty ports gave a very good assessment of what they had become by the 1890's:²

"I suppose, after all, that the populations of the open Ports of the Far East must be much afflicted with bourgeoisie (if I can coin such a word) than any others, - partly because composed almost exclusively of the mercantile middle-classes, and partly because the conventions themselves, transplanted to an exotic soil, must there obtain a savage vigour unknown in the mother country. Ideas and opinions must be petrified; 'it has been suggested'; 'it is hoped'; 'it is the opinion of the community'; - must be phrases of enormous weight there, - primitive clubs, - stone attitudes!"

¹"Shabby-genteel" was how one Shanghai resident described Yokohama, while even the Kobe Chronicle referred to the "smug, if not altogether oppressive air of genteel respectability" of Yokohama. See Murray, The land of the tatami, p.51; "The Chinese School at Yokohama", Kobe Chronicle, 15 October 1898.

²Bisland, E., editor, The Japanese Letters of Lafcadio Hearn, (London, 1910), p.262, Hearn to B.H. Chamberlain, 4 March 1894.

Chapter Three

Extraterritoriality in Japan, 1858-1869.

Foreigners in Japan lived under a legal system known as extraterritoriality. From at least the time of ancient Greece, there had always been certain people who were "exterritorial", that is, though resident in a country, they were not subject to its laws. Extraterritoriality was, in the words of Sir F.T. Piggott, "the government of these privileged people by their own authorities from home".¹ During the period of the high middle ages, such rights were granted to merchants residing outside their own country, and the principle was extended to the new body of professional diplomats who began to appear in fifteenth-century Italy.²

By the end of the sixteenth century, new concepts of sovereignty in Europe had begun to erode earlier rights of extraterritoriality, though there was by no means a sudden end to the practice. But while the practice was disappearing in Europe, the arrival of the Turks on the

¹Piggott, F.T., Exterritoriality: The Law relating to Consular Jurisdiction and to Residence in Oriental Countries, 1st edition, (London, 1892), p.3, note.

²A detailed account of extraterritoriality from ancient times to the end of the mediaeval period will be found in Shindo, S., Le privilege d'exterritorialite, (Tokyo, 1919), pp.28-123. See also Keeton, G.W., The Development of Extraterritoriality in China, (London, 1928), II, 155-63.

fringe of Europe gave it a new lease of life. Islamic law was religious, and it seemed natural to the Turks to exclude foreigners from a law designed for the faithful. Both sides felt that law was something which an individual took with him and that it was fairer to deal with a foreigner under laws which he understood. There was no element of superiority in this; "The Capitulations were in no sense a derogation from Ottoman sovereignty imposed by superior force; they were privileges granted as a result of treaties freely negotiated between equals".¹ Foreigners were not completely exempt from Ottoman control, but they were to a large extent cushioned from such control.

A similar development took place in many parts of the Far East in the sixteenth and seventeenth centuries, when Europeans first arrived. In China the authorities were normally willing to allow Europeans to settle disputes amongst themselves according to their own laws, but if an offence was committed against a Chinese, then the offender was dealt with by Chinese officials under Chinese law.²

¹Marlow, J., Anglo-Egyptian Relations, 1800-1953, (London, 1954), p.85. The term "Capitulations", normally used to describe grants of extraterritorial jurisdiction in the Middle East, was rarely used in the Far East.

²Keeton, Development of Extraterritoriality in China, I, 40.

Foreigners who reached Japan before the sixteenth century were compelled to obey the local laws,¹ but a different attitude was taken towards Europeans. Individual daimyo (Japanese feudal lords) allowed the Portuguese not only complete control over their own affairs but also allowed them to exercise jurisdiction over Japanese.² The shōgun, the de facto military ruler of Japan, did not go as far as this. The agreement with the Englishman John Saris in 1613 made the English subject to Japanese laws, but provided that "The punishment of English offenders will be entrusted to the head of the English factory".³ Japan cut off relations with most of the world in 1635, allowing only the Dutch and the Chinese to continue trading at Nagasaki. Both these were left alone to manage their own affairs, but were compelled to obey Japanese laws on such matters as the prohibition of Christianity and smuggling.⁴

¹Ishii, R., editor, Nihon hōsei shi, ["History of the Japanese legal system"/], (Tokyo, 1954), pp.312-13.

²Jones, F.C., Extraterritoriality in Japan, (London and New York, 1931), pp.3-4. Dr. Jones' work was written before the archives were opened, and did not use other available material such as newspapers. In addition, it is as much concerned with treaty revision as with extraterritoriality. While the conclusions drawn remain sound, the book cannot be relied on for details of how extraterritoriality worked.

³Text in Kajima, M., Nichi-Ei gaikō shi, pp.3-4.

⁴Ishii, Nihon hōsei shi, pp.313-14.

China did not cut herself off from the rest of the world as Japan did. In the eighteenth century, a flourishing trade, dominated by the British East India Company, grew up at Canton. The East India Company tried to control its employees and other British citizens who came to Canton, but it was powerless to do anything about the other foreigners who came to Canton. The Chinese, for their part, paid little attention to disputes among foreigners, but were firm in demanding the right to punish those who committed offences against Chinese. Such demands were resisted by foreigners. In the Chinese legal system foreign merchants "recognised principles of absolute rule and of collective responsibility which reminded them of an earlier order of things in their own countries and which, in any event, were hostile to the prosecution of commerce."¹ Such clashes of jurisdiction helped to undermine the "Canton system" of foreign trade. The ending of the East India Company's monopoly in 1834 was a further blow. The final failure of the old system led to the Anglo-Chinese war of 1839-1842.

¹Keeton, G.W., "Extraterritoriality in International and Comparative Law", Academie de droit International, Recueil des Cours, (Paris, 1948), I, 306. Some details of what specifically foreigners objected to in Chinese law can be found in the same author's Development of Extraterritoriality in China, I, Chapter Three.

The Anglo-Chinese Treaty of Nanking of 1842 did not include any provision for extraterritoriality, but the General Regulations for trade, signed in the following year did, and so did the Supplementary Treaty of the Bogue of October 1843. Before long, other Western powers also concluded treaties with China, the benefits of each treaty accruing to all the other treaty powers by means of the "most-favoured-nation" clause.¹ These treaties, it should be noted, were not just the imposition of arbitrary terms by a victor on the vanquished; "The treaties were not British-made blueprints but Anglo-Chinese compromises. They took account of Chinese values and institutions almost as much as Western. They were the end products of a century of Anglo-Chinese relations."²

In subsequent years, however, foreigners were able to push the privileges granted to them by treaty far beyond the original grant. At the treaty port of Shanghai, for example, the foreign residents were able to turn the foreign settlement into "an autonomous state within the Chinese Empire, in which the Chinese Government lost its jurisdiction even over its own citizens".³

¹It had become usual in commercial treaties to include a clause to the effect that no higher duties should be applied to the goods of the contracting parties than applied to the nation receiving the most advantageous terms. This was now extended beyond the commercial field.

²Fairbank, J.K., Trade and Diplomacy on the China Coast, 1842-1854, I, 57.

³Tong, T., United States Diplomacy in China, 1844-1860, (Seattle, 1964), p.156. For a similar contemporary view, see Dickins, and Lane-Poole, Life of Parkes, I, 480.

The Japanese were the heirs to this system, though there was no parallel between the situation in China and that in Japan. The men who came to negotiate approached the problem from what they knew of China, not from what, if anything, they knew of Japan.¹ The Japanese were Orientals and what little was known of their legal system indicated that it was as savage as that of China. Foreigners therefore needed the same type of protection.

The earliest conventions between Western powers and Japan had little effect on the subsequent history of extraterritoriality. The Perry Convention of 1854 made no mention of legal matters, except in article four which stated that if American sailors were shipwrecked in Japan, they were not to be confined but were to be amenable "to just laws".² The British convention of 14 October 1854, like Perry's only concerned with the needs of visiting seamen, stated that British subjects must obey the laws of Japan. If senior officers should disobey these laws, then the ports would be closed; if lesser members of a

¹"Britain entered on treaty relations with Japan with certain fixed ideas - belief in the 'treaty port' system, extraterritoriality and tariff control being chief among them - which owed nothing to the situation in which they were to be employed." Beasley, W.G., Great Britain and the opening of Japan, pp.201-2.

²Text in Beasley, Select Documents, pp.119-22. The Japanese negotiators were quite clear that the laws concerned were those of Japan. See their letter to the rōju, the Council of State, 2 April 1854, in Professor Beasley's work, p.124.

crew did so, they would be handed over to their ship for punishment.¹

Two other early treaties, the Dutch and Russian ones of 1856, are of interest, though they too had no subsequent influence. The Dutch treaty provided the clearest statement on extraterritoriality of any treaty ever made with Japan. Dutch offenders were to be dealt with by Dutch officials under Dutch law.² The Russian treaty of February 1856 provided for mutual extraterritoriality, the only treaty with a Western power to do so. It was thus in the tradition of Russian treaties made with China since that of Nerchinsk in 1689.³ The treaty provision was never effective.

¹Parl. Papers, 1856, vol.lxi, (192014), Convention between Her Majesty and the Emperor of Japan signed at Nagasaki in the English and Japanese languages October 14 1854. Many years later, the Foreign Office Librarian discovered that these conditions had not been abrogated by the Treaty of 1858. He pointed out that if the Japanese Government should demand their enforcement, the whole treaty system in Japan would be in jeopardy. F.O.46/262 "Memorandum on the obligation of British subjects to conform to the laws of Japan under the Convention of the 14 October 1854", E. Herslett, 1 June 1884. A discreet silence was maintained, though the most-favoured-nation principle would have applied.

²Yokata, F., "Nihon ni okeru chigaihōken" ("Extraterritoriality in Japan"), Kokkagakuron hen, editors, Kokkagakukai gōjūshūnen kinen, ∠"A Commemoration of the fiftieth anniversary of the Political Science Society"∠, (Tokyo, 1947), p.287. See text of this and other Dutch treaties in Japanese Foreign Ministry, Treaties and Conventions between the Empire of Japan and other Powers, together with Universal Conventions, Regulations and Communications since March 1854, I, (Tokyo, 1884), 489-528.

³Japanese Foreign Ministry, Treaties and Conventions, I, 567-71. See also Lensen, The Russian Push towards Japan, p.337.

But these early treaties were unsatisfactory and were superseded between 1858 and 1869 by a series of treaties "of Friendship, Commerce and Navigation" with most European powers and with the United States. By these treaties a complex system of extraterritorial jurisdiction was established which removed foreigners from Japanese legal control. As in China, the "most-favoured-nation" clause meant that all the treaties were interconnected, and that the later treaties could be used to remedy defects found in the earlier ones.

Whether the Japanese realised exactly what they were giving away is hard to say. Dr. McMaster argues¹ that the Japanese rulers were accustomed to leaving legal matters to the daimyo and probably saw the grants of extra-territoriality made to the foreign powers in the same way. Even if this was the case, the shōgun could and did expect the daimyo to follow his legal maxims which it was soon found that foreigners did not. The Japanese authorities seem not to have realised what they had given away until it was too late. In the unsettled state of the country in the 1860's it was impossible to assert control over foreigners too firmly in case this should lead to foreign intervention. As soon as there was a strong government in Japan, it set out to reclaim what had been given away.

¹McMaster, "British trade and traders to Japan 1859-1869", pp.13-14.

The foundation of the system of extraterritoriality in Japan was the British treaty of 1858.¹ Elgin's instructions for concluding a treaty laid down that any provision for extraterritoriality was to be "clear, easily enforceable, and must not give the same privileges to Japanese subjects in Britain as it was desired to obtain for British subjects in Japan."² He must have had his own ideas as well as to what was needed. He had come from a China where relations had once again broken down because for so long foreigners had allowed themselves to be "submitted to restrictions and indignities".³

Elgin's treaty⁴ clearly laid down that in all criminal matters, including those involving Japanese or other foreigners living in Japan, all British subjects were to be tried by the British authorities in Japan. All questions involving the personal status of British citizens were to be dealt with by British authorities. Civil cases between Japanese and British citizens were to be arranged by consultation between the competent officials of the two countries. Surprisingly, no provision was made

¹Yokata, "Nihon ni okeru chigaihōken", p.249.

²Beasley, Great Britain and the opening of Japan, p.169.

³Oliphant, L., Narrative of the Earl of Elgin's mission to China and Japan in the years 1857-8-9, (New York, 1860), p.466. Townsend Harris was worried by the same thing. See Treat, Diplomatic Relations between the United States and Japan, 1853-1894, I, 134.

⁴Text in Parl. Papers, 1860, vol.lxix, (C.2589), Treaty of Peace, Amity and Commerce between Her Majesty and the Sycoon /sic/ of Japan, August, 1858, 285-95.

for civil cases between British subjects and those of other foreign powers.

The British treaty was a considerable advance on the American.¹ By and large, subsequent treaties added little to the British; they made it clear that extraterritoriality grants would be administered by consuls, and that in cases of doubt, the court to hear a case was that of the defendant. The only treaty to add anything of substance was the Austro-Hungarian treaty of 1869. This was in effect a second British treaty, for the Austro-Hungarian plenipotentiary willingly accepted a draft proposed by the British Minister.² The treaty³ contained the promise that there would be an Austro-Hungarian envoy resident in Japan and that Austro-Hungarian consuls would be paid officials, not merchants.⁴ It was made clear that Austro-Hungarian subjects were removed from Japanese legal control in all matters, even where earlier treaties had been silent or ambiguous. They were also to be punished under Austro-Hungarian law.

¹They are compared in Yokata, "Nihon ni okeru chigaihōken", pp. 245-49.

²F.O.391/15, Parkes to Hammond, 8 October 1869.

³Text in Japanese Foreign Ministry, Treaties and Conventions, I, 1-9.

⁴This was at Japanese insistence. F.O.391/15, Parkes to Hammond, 23 October 1869.

Implementation of this treaty system largely followed the pattern of China. "Merchants of all countries were ready to join the spread of commerce, but the British government was too often alone in its efforts to expand the rule of law."¹ Britain had a well-trying basis in China on which to build. Well before the treaty of 1858 came into force, the British government issued an Order in Council in March 1859, to provide for its subjects in Japan. This was superseded by a more comprehensive one the following year, in turn superseded by the China and Japan Order in Council of March 1865. This, with some modification, remained the basis of British jurisdiction in Japan until 1899. Before 1865, British courts were established under the consul in each consular district. These courts could administer British law, and appeals lay from them to the Minister Resident. After 1865, however, this system was replaced by circuit courts under the control of the Supreme Court at Shanghai. Although the same officers administered the courts after 1865 as had done before that date, they were no longer answerable to the British Minister in Japan, but to the Chief Justice

¹Fairbank, Trade and Diplomacy on the China Coast, I, 104.

at Shanghai. The other main modification of the 1865 Order in Council was to allow the British Minister to make regulations binding upon British subjects to cover situations in Japan not provided for in British law.¹

The men who staffed the British consular service in Japan were professionals who were not allowed to engage in trade. In order to remedy the defect of having law administered by men unversed in law, members of the service were encouraged to study for the bar. They were expected to study Japanese, and when the post of Dutch interpreter was abolished in 1864, knowledge of Japanese was made essential for promotion.²

It was a good system, the proof lying in the fact that it scarcely needed altering for nearly forty years. But there were some defects which had become obvious by 1869. The British courts in Japan lacked certain types of jurisdiction. Thus, although they were all situated at seaports, they lacked the power to adjudicate in vice-admiralty cases, that is those arising out of disputes

¹Jones, Extraterritoriality in Japan, pp.34-38; Yokata, "Nihon ni okeru chigaihoken", pp.301-304. The 1865 Order in Council is analysed in detail in Piggott, Exterritoriality, pp.108-14.

²See the following for information on these points: F.O.262/141, Stanley to Parkes, No.8, 10 January 1868; 208, Granville to Adams, No.27 Consular, 4 December 1871; and 223, Adams to Granville, draft No.55, 11 March 1872.

over ships' cargo.¹ Matrimonial cases also could not be decided in Japan; they had to go to Shanghai for adjudication. Much time was taken up copying documents to send to Shanghai as a result.² A similar problem arose with appeals, which after 1865 had always to go to Shanghai. Cases taken to Shanghai were not only slow, they were expensive since they involved employing a Shanghai lawyer.

Nor were the men who operated the British system as good in practice as they might have appeared on paper, though the defects were not attributable to the men themselves. One objection in the early years was that consular officers in Japan were men whose formative years had been spent in China. Their habits were fixed by that experience and the mistakes made in China were being repeated by these officers in Japan.³

¹F.O.262/153, Fletcher to Parkes, No.21, 25 June 1868. In his despatch Consul Fletcher gave details of actual injustice arising out of the lack of vice-admiralty jurisdiction. Parkes reported this to the Foreign Office, but without much response. F.O.262/144, Parkes to Stanley, draft No.146, 26 June 1868, and the reply, F.O.262/142, Stanley to Parkes, No.138, 22 September 1868. The Chief Justice at Shanghai thought it inadvisable to grant such jurisdiction to untrained officers. F.O.262/157/R.247, Sir E. Hornaby to Parkes, 4 July 1868.

²F.O.656/14, Flowers to Hornaby, No.4, 16 June, and No.6, 14 August 1866. Flowers was Consul at Nagasaki and after having two detailed cases of this sort to send to Shanghai in nine months began to wonder if there was something in the Nagasaki air which affected marriages.

³Anon., Diplomacy in Japan, p.6.

Another fault was the lack of legal training in men required to administer law. As we have seen, the lack of such training was one reason why the Chief Justice at Shanghai objected to granting vice-admiralty jurisdiction to the British courts in Japan. Sir Harry Parkes described the position of junior officers who might suddenly find themselves called upon to act as judges as "very like what mine would be if yr. lordship insisted upon appointing me to the post of chief surgeon to a London hospital".¹ It would be some years before those reading for the Bar would be able to remedy the defect.

The growth of court work too put a strain on the consular service; in 1869, the Yokohama consulate dealt with 106 civil and 277 criminal cases, double the number dealt with five years previously. A similar story could be told at the other treaty ports.² There had been no corresponding increase in staff; the attitude of the Foreign Office, or rather of the Treasury, was in favour of cuts in staff not increases.³

¹F.O.262/167, Parkes to Clarendon, draft No.66 Consular, 5 November 1869.

²Parl. Papers, 1870, vol.lxvi, (C.C.69), Correspondence respecting Diplomatic and Consular Expenditure in China, Japan and Siam, 273-75.

³See the Report of the Commission of Inquiry into the Diplomatic and Consular Service, which was made in 1872. I have not seen the Parliamentary Paper but the report was printed in full in the London and China Express, 19 April 1872. Some attempts were made at improving the situation in Japan in 1869, but I have deferred consideration of them to the next chapter.

Even with its defects, the British system was a good one, and it certainly had no challenger in Japan. The second largest group of Westerners in Japan, United States' citizens, were under a much less efficient organisation. The tradition on which the United States' extraterritoriality system was based was a poor one. The State Department was disorganised, understaffed, and its officials badly paid. Not surprisingly, as a result the consular service in China was in a similar condition. A heavy reliance was placed on merchant consuls, whose lack of interest in their work had acquired a bad name for the service. Before the opening of Japan, some of the worst abuses had been remedied, but there were still many defects. There was no clear division between the authority possessed by American Consuls and their diplomatic superiors, nor was it clear from what constitutional authority, if any, either group derived its authority.¹

The basis of the American system in China, which it was decided to extend to Japan, was a law dating from 1848. By 1859, this was in the process of being challenged in the California Supreme Court. The court found that the extraterritorial jurisdiction granted to consuls and

¹Tong, United States Diplomacy in China, pp.10, 30-35, 57-58.

ministers resident was unconstitutional because it was granted by Federal acts which legislated in matters properly belonging to the States. The court further declared unconstitutional previous delegations of authority to the American Minister in China.¹ To remedy the situation created by the Californian decision, Congress passed new legislation in June 1860. This gave original jurisdiction in civil and criminal cases to both consuls and ministers, the ministers having appellate jurisdiction in addition. Power was given to employ officers to carry out decisions and the power of the minister to make regulations was restored. Such regulations had to be reported home and laid before Congress for revision if necessary. Appeal from the decision of the minister lay to the Federal Circuit court in California.²

This system was confusing even to those who operated it. Nor could it be said that the defects were remedied by the men who administered the system. Neither the United States' ministers nor consuls were professionals who had undergone training, and though two of the early

¹Tong, United States Diplomacy in China, pp.5, 104-107.

²For the American system as it operated in Japan after 1860, see Jones, Extraterritoriality in Japan, pp.42-44; Yokata, "Nihon ni okeru chigaihōken", pp.304-307. The relevant statutes are printed in Keeton, Development of Extraterritoriality in China, II, Appendix LXI.

ministers were trained lawyers, they were more at home in political circles than in the courts.¹

The retiring United States' Consul at Yokohama submitted a report² to the State Department in 1869 drawing attention to the defects in the consular officers appointed for Japan. In spite of the obvious faults of merchant consuls or consular agents, these were still being used in Japan. But even the paid consuls were hardly satisfactory. "It often happens that men without the proper educational qualifications, or moral responsibilities are placed in positions of high importance", he wrote. Though consuls in China and Japan were expected to administer law, they were "wholly ignorant of either international or civil law". The occasional worthy appointee was frustrated by such a low salary that he had to supplement it by other work, and in any case, was transferred to a post with completely different requirements as soon as he showed signs of becoming a useful officer. On top of all this, the service was kept starved of money for essentials. The Yokohama consulate lacked a

¹They were Van Valkenburgh and De Long, ministers from 1866 to 1869 and from 1869 to 1873 respectively. See the relevant entries in Johnson, A., and Malone, D., editors, Dictionary of American Biography, (New York, 1943-1958.

²M659/135/4, J. Stahel to Under Sec. Davies, 2 September 1869.

law library, a rather vital defect where an officer administering justice might know no law at all. Nor did the consul at Yokohama have a jail for his prisoners; normally prisoners had to be kept in the British jail which was only designed to take short-term prisoners. The British authority disliked this arrangement, but realised the predicament of their American colleagues.¹

Stahel proposed that the defects in the consular service should be remedied by establishing a consular training school, similar to those for training army and navy officers. Special legal training would be necessary for China and Japan. For the difficulties in Japan, he suggested establishing a consulate-general at Yokohama. This should have student interpreters attached. At the same time the other consulates should all have an increase of staff, for, like their British counterparts, they were beginning to feel the strain of the growth of the foreign communities. It was to be many years before much was done to implement these proposals.

¹See the letter from L. Fletcher, the British Consul at Yokohama, to Stahel, 29 April 1869, which Stahel enclosed in his report. Seamen prisoners fared worse; they were sent to the Japanese prison which was "a most horrible, filthy and unhealthy place". M659/135/5, C.O. Shepherd to Davies, No.8, 16 May 1871.

The third most important power in these years was France, whose contacts with extraterritoriality went back to the first capitulation of 1535. French subjects in Japan were governed by laws dating back to pre-Revolutionary days which granted consuls immense power over any Frenchmen living in "les Etats barbaresques".¹ The laws of 28 May 1836 and 8 July 1852 supplemented these early laws and extended them to China. These were in turn extended to Japan by a law of 26 March 1862.² As in China, France took her responsibilities seriously, and appointed capable consuls at all the open ports. They were amply provided with authority to make sure that French citizens remained law-abiding. One defect was that appeals had to go to Pondicherry for a hearing, and then, if necessary to Paris. The advance of French imperialism in Indo-China brought the appeal court somewhat nearer in 1869, when it was transferred to Saigon.³

¹"De quelques règles exceptionnelles au droit commune applicable aux Françaises établis dans les Etats barbaresques", L'Echo du Japon, 7 and 8 March 1879.

²Shindo, Le privilège d'extraterritorialité, p.136.

³Yokata, "Nihon ni okeru chigaihōken", pp.207-209. For the French consular service in China, see Keeton, Development of Extraterritoriality in China, I, 323.

However, perhaps as a result of the failure of Leon Roches' plans, France seemed already to be less concerned with Japan by 1869. Instead of consuls being appointed to the newly opened port of Niigata and to Tokyo in 1869, the French Minister asked his British colleague to allow the British officers at those places to take charge of French interests. These officers, the French Minister, promised, would have adequate judicial powers. Parkes agreed, and thus began a practice which was to spread.¹

The smaller European powers represented in Japan did not bother much with making sure that there were no lapses of justice because of failure to implement the extraterritoriality clauses of the treaties. While a power such as Prussia, concerned for her prestige, might be prepared to appoint professional consuls though there were only a few of her citizens in Japan, powers less important in European matters did not do so. In many cases the officials of these smaller powers were quite powerless except in the most minor cases. All serious

¹F.O.262/180/R.23, M. Outrey to Parkes, 28 January 1869; F.O.262/181/R.70, Outrey to Parkes, 10 February 1869; and F.O.262/177, Parkes to J. Lowder, draft No.16, 29 April 1869. France had sometimes made use of merchant consuls in Japan. See the obituary of K.R. McKenzie, sometime French Consul at Nagasaki, in Japan Mail, 20 November 1873.

cases had to be referred to either the nearest colonial possession or to Europe. In the days before the telegraph, it might be the best part of a year before the decision in such a case was known in Japan.

The worst offender in this respect was Portugal. The first European power to make contact with Japan in the sixteenth century, Portugal reopened relations with a treaty in 1860. Although the proximity of Macao meant that many Portuguese citizens came to Japan, Portugal made no effort to take up the jurisdiction granted by the treaty. Occasionally a merchant was appointed to act as Portuguese vice-consul at one or other of the open ports, but such appointments carried no judicial power. All cases involving Portuguese defendants had to be heard at Macao, whose Governor-General was also Portuguese Representative in Japan.¹

The other lesser powers were, perhaps, one degree better than Portugal, for they all granted at least some judicial powers to their consular officers. But these officials were not paid professionals like the British or even paid but untrained like the Americans; they were merchants who accepted the appointments for the prestige

¹M662/163/5. "Memorandum by the Japanese Foreign Office, 14 July 1892, handed to the United States' Secretary of State 11 October 1892."

or influence ~~they~~ might bring. It could hardly be argued that the Englishman who agreed to become "Honorary Consul" at one of the ports of Japan did so because he merely wished to help out a poor European country; he did so because in Japan, where the official attitude towards trade was one of contempt, the possession of an official position was a most useful adjunct ~~to trade~~. As one British subject living at Hakodate wrote to Sir Harry Parkes:¹

"It is almost needless for me to point out to your Excellency, the benefit accruing to any Merchant in Japan, his holding ~~[sic]~~ an Official position, as then the Native merchant looks at him accordingly: here all but Messrs. Blakiston ~~[sic]~~ & myself are consuls; consequently, we cannot compete agst. them; as we are but the commun Agindo ~~[sic. "Common agents"?)~~ & they are Yukunins ~~[sic. Officials]~~: and as such, are considered as far above us, either in trade or in credits: by this yr. Excell. will doubtless see the great benefit it will be to me, if I can get the above named app~~ointment~~."

¹F.O.262/181/R.102, A.P. Porter to Parkes, no date. ~~[July-~~
August 1869]

Parkes was already well aware that merchant consuls used their official positions to obtain trading advantages; two reports from his Secretary of Legation made in 1868 had fully confirmed his suspicions on the matter.¹ Even without such reports, it was obvious that merchant consuls made use of their positions. Some were not above circularising business houses in Europe and America, pointing out the advantages of their official post.²

It was in these varied ways that the Western powers set about implementing the extraterritorial jurisdiction granted to them by treaty in Japan. The Japanese too had a part to play in the system of extraterritoriality, though they had far less to set up and organise. The treaties had all referred in one form or another to Japanese offenders or defaulters being dealt with "according to the laws of Japan". To foreigners, whether diplomats or not, this was straightforward and clear; the Japanese had accepted the terms of the treaties, and could therefore be expected to carry them out. Although the existence of the extraterritoriality clauses in the treaties indicated that the Western powers had some doubts about whether Japanese law was or was not suitable for

¹F.O.262/156/R.147, A.B. Mitford to Parkes, confid., 15 May 1868; R.196, Mitford to Parkes, 14 June 1868.

²Japan Times, no date, in Hiogo News, 20 November 1869.

non-Japanese, they certainly expected that Japanese laws and courts corresponded to some extent with what they themselves recognised.

They found no such thing. Japanese law before the Meiji period was "in essence martial law continued into times of peace".¹ The laws of Japan were vague by Western standards, and whole areas of conduct seemed to be outside their scope. Very pronounced distinctions were made between the various social classes. To the bulk of foreigners in Japan, it was a cardinal principle of law that a man should be able to find out what the law demanded; in Japan knowledge of the law was limited as far as possible to those who administered it. Nor was there a regularly constituted judiciary. Law was administered by government officials, who dealt with cases on an ad hoc basis.

All of this was very difficult for foreigners to grasp. No sooner were they able to discern the Japanese criminal law, for example, when an event such as the murder of Richardson in 1862 revealed just how ineffective the same law was if a daimyo chose to intervene between the law and an offending retainer.

¹Sansom, G.B., Japan: a short cultural history, (Revised edition, London, 1952), p.461. The account of Japanese law which follows is based on the account of the Tokugawa legislation given in Hall, J.C., "Japanese Feudal Laws III", in *TASJ*, XXXVIII, (1911), 269-331, and XLI, (1913), 683-804.

Civil law remained a perpetual source of mystery to foreigners. Many came to believe that either there was no such thing as civil law in Japan or else it was at such a primitive state of development as to be useless. Bankruptcy in particular caused much anxiety, for cases appeared to be dealt with entirely on the basis of first come first served. In commercial communities, the law on bankruptcy was one of some importance, and foreigners complained bitterly of "the glorious uncertainty of not getting redress under Japanese law".¹ By 1867 so inconvenient had the question of the Japanese bankruptcy law become at Yokohama, that the British Consul tried to institute a mixed court to handle cases in which British subjects were plaintiffs. The Japanese local authorities refused to co-operate and the venture collapsed.² Significantly, almost the first legal reform promised by the new government after the Restoration was the reform of the bankruptcy law.³

¹"1867", Japan Times (Overland Mail), 29 January 1868. The American Secretary of State refused to believe that there were no regular bankruptcy courts in Japan when informed of this by the Minister in Japan. "The sixth article of the Treaty of 1858 ... refers to such courts", he wrote in reply. United States, Papers relating to Foreign Affairs, 1871, pp.584-85, H. Fish to C. De Long, No.56, 21 January 1871.

²"1867", Japan Times (Overland Mail), 29 January 1868.

³F.O.262/492, Sawa and Terashima to Parkes, No.145, 11 August 1869. See also Okuma, S., Fifty Years of New Japan, (London, 1910), I, 246-47.

Beyond the formal legal structures of the Western powers and of Japan there grew up under the extraterritorial system certain practices which were not sanctioned by treaty, and yet were part of extraterritoriality. In a sense, "treaty revision" had taken place in practice long before the Japanese raised the question in the 1870's. The extension of extraterritoriality applied in particular to jurisdiction over non-treaty power subjects.

In theory there should have been no non-treaty power subjects in Japan. In fact there were two groups. The first were foreign seamen who were normally considered as being under the jurisdiction of the flag under which they were serving, and need not concern us here. The second, and far more important group, were the Chinese. When Japan was compelled to enter into relations with the West in the middle of the nineteenth century, the Chinese at Nagasaki were allowed to continue as before. However, when the foreign merchants came to Japan from China, they brought with them the Chinese compradores who had proved indispensable to trade on the China Coast. At first there were only a few Chinese attached to Western merchants in Japan, and the normal practice was for

these to be under the protection of the country of their employer.¹

Gradually, however, more and more Chinese arrived. These later arrivals were often under the most tenuous Western control or even completely outside of it. Under pressure from the foreign consuls, the Japanese authorities at the open ports began to assert their jurisdiction over Chinese residents. Since the earlier arrangement for foreigners' servants was not sanctioned by treaty, the consuls admitted the right of control over such Chinese also.² But foreigners' servants were valuable and could not be left to the whims of Japanese officials. At Yokohama, therefore, the consuls persuaded the local authorities to let the consular body give "advice and assistance" in cases involving the servants of foreigners.³ Given the lack of experience of the Japanese officials and their desire to avoid complications where foreigners were concerned, it is not surprising that

¹For example, see the British regulations for Nagasaki issued in May 1860. These can be found in the Miscellaneous Embassy and Consular records for Japan (F.O.345)/35. They are also printed in Paske-Smith, Western Barbarians in Japan and Formosa, pp.240-242. For the compradore system, see Allen, G.C., and Donnithorne, A., Western Economic enterprise in China and Japan, (London, 1954), pp.47-50.

²F.O.696/40, M. Flowers to all British subjects, 30 April 1868; F.O.262/149, J. Lowder to Parkes, No.60, 4 August 1868; F.O.262/173, Flowers to Parkes, No.15, 22 February 1869.

³Yokohama-shi shi, III, part 2, 860-69. This gives a good account of the Chinese in Yokohama and the arrangements made for them in this period. Similar arrangements operated elsewhere.

the Chinese who came before this "mixed court" were in effect tried by a Western court. The consuls also expected to take part in proceedings involving the few non-treaty Westerners who committed offences.¹

Extraterritoriality in Japan was not without its critics, even in these early years, though there was nothing like the volume of criticism of later years. There was little complaint from the Japanese. The feeling that the loss of jurisdiction over foreigners was a detraction from Japan's due position had not emerged. As we have seen, the shōgun was used to delegating jurisdiction. Those Japanese who objected to the treaties did not single out the jurisdiction clauses for attack; they opposed foreigners being in Japan on any terms, and did not quibble over the minor matter of their control.² By 1869 the only substantial Japanese criticism of extraterritoriality related to the use of merchants as diplomats and consuls.³ Even this implied criticism by the Japanese of the way many powers had implemented extraterritoriality

¹F.O.262/178, R. Robertson to Parkes, No.29, 27 July 1869.

²Jones, Extraterritoriality in Japan, p.22.

³In 1867, the Japanese refused to accept an American merchant as Hawaiian minister because he was engaged in trade; the Restoration government continued to oppose his appointment. Conroy, H., The Japanese frontier in Hawaii, 1868-1898, (Berkeley and Los Angeles, 1953), p.17; F.O.262/157/R.239, Mitford to Parkes, confidential, 1 July 1868. The Japanese insistence in 1869 that Austro-Hungarian consuls must be paid and not merchants has already been noted above.

may have sprung more from foreign prompting than any strong feeling on the subject. Certainly, the British Minister was strongly opposed to merchant consuls, and many of his fellow countrymen shared his views.¹

Much criticism of extraterritoriality in Japan came from the British. The first British Minister, Sir Rutherford Alcock, drew frequent attention to the defects of extraterritoriality in his account of his first years in Japan.² He emphasised the problem of using untrained consuls as judges, and claimed that it was false to argue that the Western powers upheld the rule of law in Japan. As far as the majority of foreigners were concerned, there was in practice well-nigh complete exemption from any law whatsoever.

His subordinates agreed. They found much to criticise in their colleagues' conduct of legal matters. Complications were inevitable with several jurisdictions existing side by side, and there were frequent allegations of unjustifiable assumptions of authority by consuls. In a mixed community, these could arouse much nationalistic fervour.³

¹F.O.391/15, Parkes to Hammond, 23 October 1869; Japan Times (Overland Mail), 6 November 1869.

²Alcock, Capital of the Tycoon, II, 19-26, 368, 377.

³F.O.656/7, M. Flowers to Sir E. Hornaby, No.406, 1 December 1865.

The foreign residents for whose protection extraterritoriality was intended were by no means passive recipients of its benefits. Although even in the first years of the open ports there were some foreigners who argued against extraterritoriality, they were few.¹ Most foreigners were thankful to be exempt from a legal system which, for example, allowed torture. The British community had not yet begun to argue that extraterritoriality was no imposition on the Japanese, and must not be altered. On the contrary, there was much resentment at the way Britain insisted on regulating her subjects' conduct.²

Foreigners complained about the lack of efficient Japanese courts, and about the evils of the merchant consul - the latter's evilness being particularly noticeable where he was also a business rival. They expected the foreign representatives, whether diplomats or consuls, to defend their interests, and resented any official dilatoriness in having their affairs settled. The

¹For an attack on the whole concept of extraterritoriality, see the anonymous pamphlet Diplomacy in Japan, p.8.

²See the attack on the regulations for the conduct of British subjects at Yokohama in the Japan Herald, 30 November 1861. Alcock's shooting regulations were so detested by the British community that when Michael Moss was fined \$1000 for infringing them, they subscribed not only that sum, but the costs of an appeal to London as well. Alcock, The Capital of the Tycoon, II, 14; Anon., Diplomacy in Japan, pp.44-50.

treaties gave them a privileged legal position, and they expected this to be maintained.¹ If officials did not behave exactly as required, they were criticised, often with bitterness.² When they thought they would not get satisfaction from Japanese law, foreigners not infrequently took the law into their own hands, sometimes treating Japanese offenders, or those suspected of being offenders, with much violence.³

¹ Anon., Diplomacy in Japan, p.23.

² F.O.262/210, R. Eusden to Parkes, No.19, 25 May 1871 gives an example of this, involving the same A.P. Porter who wanted Parkes to help him obtain a consulship in 1869.

³ For example, see Paske-Smith, Western Barbarians in Japan and Formosa, pp.254-55. It was a habit that did not die easily. See Far East, 4 March 1873; Hiogo News 20 August 1880. The Japanese too were sometimes inclined to deal with foreigners in their own way.

Chapter Four

Extraterritoriality in Japan, 1869-1899.

The treaty system laid down in the years 1858-1869 was basically unchanged for the next thirty years. There were some additions to the ranks of the treaty powers; Hawaii and China in 1871, Peru in 1873. Neither the Hawaiian nor the Peruvian treaties contained clauses granting extraterritoriality, but the two governments claimed the privilege by virtue of "most-favoured-nation" clauses.¹ The treaty with China was altogether a different matter.

It was the Japanese who pressed for a treaty with China; the Chinese were not interested.² But the Chinese proved adamant that the treaty should provide mutual benefits, and thus for a second time a treaty with Japan provided mutual extraterritoriality. Matters between Chinese in Japan were to be dealt with by the Chinese authorities. Matters involving Chinese and Japanese were

¹For the background to these two treaties, see Hanabusa, N., Meiji gaikōshi ["History of Meiji diplomacy"], revised edition, (Tokyo, 1966), pp.21-24.

²There is an account of the negotiations for the treaty in Fox, Britain and Japan, pp.275-77. See also Hanabusa, Meiji gaikōshi, p.19. The text of the treaty is in Japanese Foreign Ministry, editors, Kyū jōyaku isan, ["Collected ancient treaties"], (Tokyo, 1931), I, part 1, 393-409.

to be settled by a joint tribunal. Where there were no Chinese officials, jurisdiction was to be exercised by the Japanese.

The Chinese government displayed no haste in implementing the treaty and it was not until 1878 that a Minister was accredited to Tokyo and a consul appointed at Yokohama. Sir Harry Parkes welcomed this because he believed that Chinese interests in Japan were large enough to warrant a proper framework.¹ Other foreigners were not so sure, and some openly regretted the transfer of the Chinese in Japan from the strong rule of the Japanese to what they saw as the lofty indifferences of Chinese authorities.² Nor could the most ardent defenders of extraterritoriality feel much pleasure at the addition of yet another set of courts and legal customs to add to the profusion already in Japan.

The treaty did not work well, at least in Japan. The Japanese appeared to resent the grant of extraterritoriality to another Oriental power, and were not over-careful in observing the procedures laid down in the treaty. Frequently the Japanese police did not bother to consult the local Chinese authorities before acting against suspected Chinese offenders, and on one occasion at

¹F.O.262/319, Parkes to Derby, draft no.10, 18 February 1878.

²Japan Daily Herald, 9 October 1879.

Nagasaki in 1886, this almost provoked an international incident.¹ The outbreak of the Sino-Japanese war led to an immediate declaration ending Chinese extraterritoriality in Japan, and the new order was recognised by the Chinese government in the Sino-Japanese Treaty of 1896.²

Not surprisingly, no Western power invoked the "most-favoured-nation" clause where the Chinese treaty was concerned, and the Western treaties of 1858-69 continued to be the basis of extraterritoriality in Japan. The result was that foreigners not infrequently were under a jurisdiction less well-organised by 1899 than they had had in 1869. Certainly, with the exception of Britain, no power had taken steps to improve the implementation of its jurisdiction in Japan.

Britain continued to provide a legal structure for her citizens in Japan which was the pride of those administering it. Unlike the Americans, for example, the British officers felt that Britain had accepted her

¹F.O.262/555, Plunkett to Lord Iddesleigh, draft no.148 confidential, 22 September 1886; F.O.262/573, Plunkett to Salisbury, draft no.41, 10 February 1887. Nagasaki was particularly prone to these incidents, perhaps because it was not until the early 1880's that there was a Chinese consul there. For an earlier incident, see "The Status of Chinese in Japan", Japan Weekly Mail, 27 October 1883; and Rising Sun and Nagasaki Express, publishers, Report of the Trial of a Japanese Police /sic/ and Detective on a charge of killing Wai Eyno and wounding four other Chinese subjects, on the night of 15 September 1883, (Nagasaki, no date, [1884/]).

²Hanabusa, Meiji Gaikōshi, p.123.

responsibilities.¹ Even that section of the British community in Japan which wanted to see the end of extra-territoriality could be fulsome in praise of Britain's provision in this matter.²

The basis of the British system continued to be the Order in Council of 1865. As we have seen, the increase of judicial work by 1869 had put such a strain on the system that its reform was contemplated. Yokohama, in particular, needed some attention, for the death of the experienced Consul Fletcher had left a vast accumulation of judicial work to young and inexperienced officers.³ The Foreign Office decided that the volume of work at Yokohama was sufficient to warrant a full-time judicial officer, and the Assistant Judge at Shanghai was instructed to act at Yokohama.⁴ Other consular matters were left in the hands of a consul, although there was for a time a plan to appoint only a vice-consul at Yokohama. At some point this was quietly shelved.

¹See P.R.O.30/33/11/6, Satow to F.V. Dickins, 24 July 1893; and Longford, J.H., "England's record in Japan", Transactions and Proceedings of the Japan Society, London, (cited as TPJSL), VII, (1905-1907), 82-118.

²"Consular Justice", Japan Weekly Mail, 21 July 1893.

³F.O.262/167, Parkes to Clarendon, draft consular no.66, 5 November 1869.

⁴F.O.262/189, Clarendon to Parkes, draft consular no.20, 7 April 1870.

The Assistant Judge, N.J. Hannen, does not appear to have received very clear instructions as to the nature of his appointment. He decided that his court was not a separate "Court for Japan", but merely a branch of the court at Shanghai operating in Japan. Since the 1865 Order in Council laid down that appeals from courts in Japan should go to Shanghai, Hannen decided that the only appeal from his judgments lay to the Judicial Committee of the Privy Council.¹ When he incorporated this opinion into a judicial decision, the British community at Yokohama was filled with consternation. As one paper pointed out, the expense and delay involved practically deprived them of all right of appeal whatsoever.² All the records at Shanghai relating to Hannen's appointment had been destroyed by fire and could not be checked, but when Sir Edmund Hornaby, the Chief Judge, returned from leave he quickly found a solution. While he held that Hannen's decision had been correct, he altered the terms of his appointment so that henceforward he was head of a Provincial Court at Yokohama, not Assistant Judge at Shanghai.³ The British community breathed again.

¹F.O.262/238/R.37, Hannen to F.O. Adams, 29 February 1872.

²"1872", Japan Weekly Mail, 4 January 1873.

³F.O.656/39, Hornaby to Hannen, draft, 13 September 1872.

While the 1865 Order in Council worked well, it became necessary to amend it from time to time. Indeed, a sweeping reform was proposed in 1876 to take account of developments such as the growth of a Bar in China and Japan, not foreseen in 1865. Lengthy memoranda were submitted by interested parties, and several drafts were prepared by Sir Francis Reilly, a Foreign Office lawyer. But while the proposed Order was being considered, doubts arose over the legality of the appointment of H.S. Wilkinson to act as Judge in the Court at Tokyo. Since Wilkinson had given decisions in the controversial "Hartley opium cases", it was essential to settle his status at once. The proposed Order in Council was abandoned and replaced by a much shorter one.¹

The Order in Council issued in August 1878 gave a more formal sanction to the arrangement of 1870. The Provincial Court at Yokohama was abolished, and replaced by a "Court for Japan". This had its own Judge and the Consul at Yokohama became ex officio Assistant Judge. Appeals from the remaining Provincial Courts lay in the first instance to Yokohama, and then to Shanghai. Appeals

¹For the abandoned Order which indicates the type of problem the 1865 Order had given rise to, see the papers of Sir Francis Reilly in Foreign Office, General Correspondence, China, (cited as F.O.17)/945. For the Hartley cases, see below pp. 205-206.

from Yokohama lay to Shanghai. Provision was also made for the Yokohama Court to hear cases with a jury; the 1865 Order had only provided for assessors. The Japan Mail welcomed the new Order, claiming that at last justice had been done to Japan's claim to receive special attention from the Western powers.¹

Further modification of the 1865 Order in Council became necessary shortly afterwards. As we have seen, the British Minister unlike most of his colleagues, possessed the power to make regulations for the "peace, order and good government" of his fellow subjects. He could thus ensure that British subjects obeyed Japanese railway regulations and other rules which were not governed by British law. However, doubts arose over regulations Parkes had issued in 1866 relating to the registration of mortgages, bills of sale and co-partnerships.² It was also felt necessary to allow the British Minister power to make joint regulations with his colleagues on municipal matters. And finally, an attempt was made to settle the vexed question of jurisdiction

¹"The Supreme Court for China and Japan", Japan Mail, 30 August 1878.

²These regulations can be found in F.O.656/19, Parkes to Hornaby, 16 November 1866.

over seamen.¹

In the course of correspondence on this last question, Lord Salisbury had laid down that British courts in Japan had "no power ... to try a foreigner even with the assent of his government".² British courts in Japan therefore could not handle cases involving foreign seamen serving on British ships even if the seaman's own court declined jurisdiction. Nor could they entertain a counter-claim in a civil case, if the plaintiff was not a British subject. Any counter-claim and any attempt to recover costs awarded by the British court had to be pursued in the courts of the plaintiff's country.³

¹This question need not concern us here, for it was one that had little direct effect on the foreign settlements. Briefly, it resulted from the lack of clarity in international law as to who had jurisdiction over seamen who committed offences in port, complicated in Japan, as in China and the Ottoman Empire by extraterritoriality. When the question arose in Japan, it revealed the failure of the powers to co-operate where questions of national interest or prestige were involved, and the fears, largely unfounded, of the foreign community at the prospect of criminals going unpunished because nobody was willing to take jurisdiction in doubtful cases. Jones, Extraterritoriality in Japan, pp.59-61, gives a brief account of the most famous case involving the question in Japan, the Ross case of 1880-81. Dr. Jones did not appear to realise there was much more to the question than a slight disagreement between Britain and the United States. The Foreign Office papers on the question until 1889 are to be found together in Foreign Office, General Correspondence, Great Britain and various, (cited as F.O.83)/886. This also contains details of similar cases in the Ottoman Empire.

²F.O.262/332, Salisbury to Parkes, No.60, 17 May 1879. Under the terms of the 1859 Order in Council, they had had such power from 1859 to 1865. Piggott, Extraterritoriality, pp.91-92.

³In practice the other courts were always willing to enforce the decision of the British courts with the minimum of enquiry when they could legally do so, F.O.83/885, R. Robertson to W. Cockrell, private, 12 May 1882.

The China and Japan Order in Council of 25 October 1881 gave a British Minister in China or Japan authority to make regulations dealing with mortgages, bills-of-sale and co-partnerships; it also gave him the authority to make joint regulations for municipal purposes; and finally, section 47 attempted to solve the question of jurisdiction over foreigners. Henceforward, before a foreigner could bring any case in a British court, he had to give the court a certificate from his own authorities allowing him to submit to the jurisdiction of the British court.

When the British courts began to apply this, there was an outcry from the other consuls who protested at what they considered an extension of British jurisdiction not sanctioned by treaty. At Kobe the British demand led the American Consul to refuse to hear cases brought by British subjects.¹ Before long the Japanese too were objecting to an apparent increase in jurisdiction claimed by Britain, and were refusing to grant the certificates demanded by the British courts.²

Faced with the opposition of his colleagues, the Japanese government and his consuls - who were particularly annoyed because the new Order which only related to civil

¹M.659/135/13, Van Buren to W. Davies, No.632, 21 June 1882; F.O.262/381, Parkes to Granville, draft no.136, 5 October 1882.

²F.O.262/387, W.G. Aston to Parkes, Nos. 23 and 25, 25 July and 26 August 1882. See also F.O.262/538, Inoue to Parkes, No.57, 26 August 1882.

cases, seemed likely to damage their relations with their fellow consuls, without doing anything to solve the question of jurisdiction over seamen - Parkes sought advice from the Crown Advocate at Shanghai. The latter replied that as far as he knew, there had been no intention to claim anything new in the 1881 Order. Parkes therefore informed Inoue and his fellow representatives accordingly. He also promised Inoue to refer the matter home.¹

Parkes received no reply, and nothing was done until 1886. Then his successor suddenly received a Foreign Office telegram which informed him of a new Order in Council modifying the 1881 Order.² In future, it was to be left to the discretion of each court to decide whether or not it wanted permission from a non-British subject's representatives to a case being brought by such a person. It was also no longer necessary for a non-British plaintiff to bring a formal certificate from his own authorities should the court demand that he obtain their consent; all that was needed was a statement that there was no objection to the plaintiff appearing in a British court.

¹F.O.262/381, Parkes to Granville, draft no.136, 5 October 1882. The American State Department had already informed its officers in Japan that in its opinion, the Order did not represent a new claim. United States, Papers relating to Foreign Affairs, 1882, p.375, Davis to Bingham, No.679, 11 August 1882.

²F.O.262/553, P. Currie to Plunkett, telegram No.9, 14 August 1886.

This satisfied the foreign representatives, but Inoue, again Japan's Foreign Minister, sought a reassurance that the new Order did not mean the Japanese government had to issue a certificate of its own willingness to appear in a British court in cases in which the government or its representative was the plaintiff. The Foreign Office made it clear that neither the Japanese nor Chinese governments could be asked to provide such testimony. Since they were the instigators of such cases, it was absurd to demand such an undertaking.¹

¹F.O.262/581, Inoue to Plunkett, No. 8, 3 February 1887; F.O.262/572, P. Currie to Plunkett, No.44, 14 February 1887.

The Foreign Office opinion was not made public, but in 1893, a case arose out of a collision in the Inland Sea between the P. & O. steamer "Ravenna" and the Imperial Japanese Navy's "Chushima". The Japanese government sued the P. & O., and the latter's counsel demanded that the Japanese government be obliged to testify its willingness to be a plaintiff in a British court. This was refused, but on another point of law. The P. & O. appealed and the Shanghai Court decided that the Japanese government did have to testify its willingness to appear. The Japanese government took the matter to the Privy Council, which reversed the Shanghai decision. See "The Treaties and Orders in Council", Japan Mail (Summary), 16 June 1893; F.O.656/69, Judge's notes on the appeal case P. & O. vs. Japanese Government, 25 October 1893; and London and China Express, 5 July 1895.

In the meantime, the Foreign Office had asked the Law Officers of the Crown, somewhat belatedly, for their opinion on the 1881 and 1886 Orders in Council. The Law Officers held that where Chinese or Japanese subjects were concerned, the Orders went beyond what was granted by the treaties, since both Chinese and Japanese were guaranteed unrestricted access to British courts by treaty. Nor could counter-claims against them be heard in British courts, for such claims were really actions against the plaintiff, and all such actions involving Chinese or Japanese were, by treaty, reserved for their own courts. But the same rule did not apply to other non-British subjects suing in British courts for they had no treaty right to do so. The British courts could apply, therefore, whatever rules they thought fit. F.O.46/480, Law Officers to the Foreign Office, 12 December 1893. Not surprisingly, this view was not officially communicated to the other treaty powers in Japan.

Although there was one other Order in Council which applied to Japan, the China, Japan and Corea Order in Council of 26 June 1884, it had little effect on the foreign settlements.¹ Beyond this formal legal framework, the success of the British system depended on the continued high quality of the men who administered it and the insistence that all British subjects in Japan were under effective jurisdiction.

Knowledge of Japanese continued to be essential for promotion within the British consular service in Japan. Other qualifications were often regarded merely as desirable extras. The training scheme for new entrants which Parkes instituted in 1870, and which remained basically the same until 1899, laid down that two years were to be spent learning Japanese, followed by a year attached to a consulate on non-legal work, and finally, a year of judicial work at Yokohama.² Officers continued, however, to be encouraged to study for the Bar. The prohibition on trading was rigorously insisted upon, and the prohibition extended even to the lowest ranks. The

¹It was largely concerned with Korea, then newly opened. But it also extended the 1881 Fugitive Offenders' Act to China and Japan. This had been designed to deal with extradition from the British Empire and the Japanese were not pleased at its extension to Japan.

²F.O.262/191, Parkes to Granville, draft consular no.69, 5 November 1870. For the view that Japanese was more important than legal training, see F.O.262/367, Kennedy to Granville, draft consular no.23, 5 August 1881. This view was not always shared by the foreign community. See London and China Express, 9 November 1888.

Constable at Yokohama was forced to resign in 1884 because he ran an otter-hunting schooner in his wife's name.¹ Officers who had either offended the Japanese or who made no secret of their anti-Japanese feeling found that they did not get the promotion to which their qualifications seemed to entitle them. Thus J.J. Enslie, who had taken part in an expedition to examine Ainu graves in 1865 was passed over for promotion on numerous occasions before finally being made Consul at Kobe in 1889, while J.H. Longford's too-obvious anti-Japanese bias effectively damaged his career.²

To ensure that all British subjects were under effective jurisdiction, the British government made sure that there was an effective administration at each treaty port. In 1869 there were consulates at Yokohama, Hakodate, Nagasaki, Osaka and Niigata, and vice-consulates at Kobe and Tokyo. Changes were necessary in time. Kobe became the site of the consulate in the Kansai district, and Osaka became a vice-consular post. The Tokyo vice-consulate was given an officer with judicial authority in 1871 and it remained a vice-consular post until 1897, when

¹F.O.262/418, Plunkett to Granville, draft consular nos.48 and 49, both of 26 November 1884. The schooner's ownership came to light when it was caught poaching by the Russians.

²Japan Mail (Summary) 7 January 1889; P.R.O.30/33/14/10, Letter Book, Satow to F. Bertie, 24 March 1898.

its business was transferred to Yokohama. Niigata's failure was obvious by 1872, and after that date there was never a permanent consulate there. At first judicial matters were dealt with from Tokyo, and after 1874 the Japanese local authorities handled routine shipping matters. When Hakodate was reduced to vice-consular level in 1882, it was decided to combine Niigata's affairs with those of the northern port.¹ Should an officer in charge have occasion to be absent, he was expected to make adequate provision for his work to be done; failure to do so inevitably brought trouble.²

It was not regarded as sufficient that nowhere in Japan could a British subject be far from his nearest consular officer. All British subjects had to register with the nearest consulate. This obligation first appeared in the 1865 Order in Council, and although the British communities in China, Japan and Siam bitterly resented the fees which were charged as "a 'poll-tax', most obnoxious of all to a true Briton",³ the Foreign Office view was

¹F.O.345/26/R.20, Memorandum by J.H. Gubbins, 27 March 1892. On the only occasion when this arrangement was tested, it worked well. F.O.262/666, J.C. Hall to M. de Bunsen, No.25, 12 October 1892.

²See, for example, Hiogo News, 9 April 1873; F.O.262/243, Parkes to Granville, draft consular nos.25 and 26, both of 5 August 1873.

³Piggott, Exterritoriality, pp.121-22. The fee was one dollar for an artisan and five dollars for everybody above that status.

that it provided the only sure check on who was and who was not entitled to British protection.¹ Since the British government insisted that even if a British subject had not registered he was still under British jurisdiction, this was at best a doubtful argument.

From time to time, there was local resistance to the registration fees, and several court cases were fought on the subject. The definition of status proved a particularly difficult problem; an artisan in England was not necessarily one in Japan, even when doing the same type of work.² The Foreign Office agreed in 1893 to have one uniform fee of two dollars, but it was not until 1899 that the principle was abandoned.³

The system was not without its faults. The Treasury was reluctant to spend money to make it efficient. Although both Parkes and Hornaby wanted a Judge-Consul on the lines of the one at Constantinople appointed to Yokohama in 1870, this was rejected on the grounds of cost.⁴

¹Foreign Office, Confidential Print, China, (cited as F.O.405)/46, Confid. Print No.5703, "Report on H.M.'s Consular and Judicial Establishments in China", H. Howard, 31 December 1889.

²F.O.262/277, M. Flowers to Parkes, No.22, 27 July 1875; London and China Express, 22 April 1887.

³The fee was also resented since no other foreign power insisted on one, or even on the need to register. F.O.262/446, Robertson to Parkes, No.61, 15 July 1885 gives details of the practice of the various powers.

⁴Parl. Papers, 1870, vol.lxvi, 275-293, (C.69), Correspondence respecting Diplomatic and Consular Expenditure in China, Japan and Siam, Nos.12 and 14.

Although the British consular officers were not as badly served as their American counterparts, they were often expected to cheese-pare drastically. The Treasury was only persuaded to sanction repairs to the consular jail at Yokohama after a prisoner had nearly died, and there was as much trouble in obtaining the funds for pure water for the consular compound.¹

Lack of money resulted in comparatively minor defects, but there were more serious criticisms. The inexperience of the men called upon to administer the system could be most harmful. The solution found in 1872 to the flood of work at Yokohama brought the comparatively inexperienced N.J. Hannen as Assistant Judge to Yokohama. Lack of knowledge of the custom at Yokohama in the matter of fees to be charged to Japanese suitors led him to insist on these being levied, with the result that the Japanese authorities threatened reciprocal action. Since British subjects made more use of the Japanese courts than vice versa, this would have been an expensive decision for the British community. The Foreign Office swiftly ordered a return to the old ways, and the threat was averted.²

¹F.O.262/648, T.H. Saunderson to H. Fraser, consular no.15, 18 April 1891; F.O.262/655, J. Troup to Fraser, No.18, 22 May 1891.

²F.O.262/204, Granville to F.O. Adams, No.40, 11 November 1871, enclosing Hornaby to Granville, 28 October 1871.

Consuls were often tempted to exceed their powers in judicial matters; committing for contempt was a perpetual source of trouble.¹

The needs of the service sometimes played havoc with the ideal of legally-trained officers handling the judicial work. Long before he had completed Parkes' training scheme, a junior officer might be called on to relieve his senior even in judicial matters. Henry Bonar, who began his career as a student interpreter in 1880, found himself two years later acting Consul at Nagasaki - at the ripe old age of twenty-one!² But years of service did not guarantee knowledge. Ernest Satow's career in Japan was a distinguished one by 1880, though not in consular work. Yet officially he was a member of the consular service and when a relief officer was needed at Tokyo, he found himself with the job. He wrote to F.V. Dickins,³

"Fancy me an acting Vice Consul. Such is the truth. It is quite absurd. I did not know how to register a birth 'till the constable showed me. Now I live in daily terror lest a case should be brought in my court and I am compelled to sit in judgement. Not having the faintest idea of how to preside. To say nothing of complete ignorance of the law."

¹See Hornaby's circular on the subject issued in 1874. F.O.262/267, Hornaby to all Consuls, 7 December 1874.

²Bonar eventually was called to the bar and was later Consul at Kobe. See the entry in Who's Who in the Far East, Hong Kong, 1906-1907.

³P.R.O.30/33/11/5, Satow to Dickins, 22 August 1880.

For many years inexperienced officers were discouraged from seeking advice from the Court at Shanghai, but in 1877 the Foreign Office ordered such advice to be given if asked for.¹

Nor was there any guarantee that a case decided by a non-lawyer would, if appealed, be decided by one. The Consul at Yokohama was ex-officio, Assistant Judge in the Court for Japan. There was no insistence that he should be a lawyer. The same was true at Shanghai where the Consul was also Assistant Judge. It was not, "Lex" wrote to the Japan Herald, a very happy state of affairs.²

Criticisms were also made of the law-making power of the British Minister. It was not completely comprehensive. It could do nothing, for example, to alter the fact that when a British subject aided two Americans to escape from the American jail at Yokohama, there was no legal means of redress.³ More important was that the way in which the law-making power was used, particularly by Sir Harry Parkes, undid whatever good it might have done as far as the Japanese were concerned. Indeed, as Hugh Fraser pointed out, the constant failure to take account of Japanese susceptibilities meant that instead of being glad

¹See F.O.656/18, Hornaby to F. Vyse, draft no.1, 16 November 1865, for the original discouragement, and F.O.262/301, Derby to Parkes, No.77, 13 December 1877, for its ending.

²Japan Daily Herald, 21 October 1878. See "Mr. Dohmen's Appointment", Japan Gazette, 2 April 1879.

³M659/135/8, Van Buren to J. Cadwallader, No.29, 3 December 1874.

that Britain had done all possible to make sure that British subjects were effectively under the law, the Japanese had come to detest the whole British legal set-up in Japan.¹

Finally, the difficulties of operating the system were made worse by the failure of London to consult those on the spot. As we have seen, Section 47 of the 1881 Order in Council had been drawn up without reference to those who would have to administer it. As H.S. Wilkinson then acting Crown Advocate at Shanghai, pointed out, it seemed to have been based on a similar provision put into an 1873 Order in Council for the Ottoman Empire, and it had not occurred to anybody in London to find out if it would be useful in China and Japan.² A similar failure to check with those on the spot in 1896 nearly invalidated the appointment of James Troup as the first Consul-General at Yokohama, and seemed likely to lead to even greater complications. Fortunately, the matter was glossed over.³

The other powers, however, lagged well behind Britain. The United States failed to provide anything comparable. Although American Ministers made regulations under the power

¹F.O.262/674, Fraser to Salisbury, draft treaty no.2, 25 February 1892. For Parkes and the law-making power, see below pp.

²F.O.262/392/R.96, Wilkinson to Parkes, 27 July 1882, enclosing Wilkinson to Sir Thomas Wade, 27 July 1882.

³P.R.O.30/33/14/9, Letter Book, Satow to W. Davidson, draft, 9 June 1897. This mix-up seemed likely to affect the Carew case.

granted them by the 1860 legislation, they were not happy with this limited power. Charles De Long, Minister from 1869 to 1873, pointed out that it had only empowered them to extend Federal law to Japan and Federal law left most matters to State control.¹ De Long's doubts about his legislative powers were strikingly confirmed by the State Department soon afterwards.

He had issued rules for the conduct of the American courts in Japan in 1870 and had also included provision for the compulsory registration of American citizens. Failure to register would make the offender liable to a fine. In 1873, E.P. Smith, an American adviser to the Japanese Foreign Ministry who wished to become a Japanese citizen, refused to register and when prosecuted, challenged the legality of the regulations.² The acting Consul who tried the case decided to refer the matter to Washington for a decision. In its reply, the State Department upheld Smith's view that the regulations were illegal because they exceeded the powers given in 1860.³

¹United States, Papers relating to Foreign Affairs, 1871, pp.586-87, De Long to H. Fish, 8 March 1871.

²"People of the United States vs. E.P. Smith", Japan Herald, 20 January 1873.

³United States, Papers relating to Foreign Affairs, 1873, pp.570-72, Fish to De Long, No.176, 26 February 1873.

This decision prompted acting Consul Shepard to forward other regulations which De Long had issued and to enquire whether these too were illegal.¹ The reply was not published, but it was later made quite clear that the regulations were null and void. In 1878 an American citizen, Frank Gasper, could not be convicted for travelling on the Kobe to Kyoto railway without a ticket; there were no enforceable regulations which made this an offence for an American citizen.² Refusing to pay the fare on the railway was not perhaps, a very serious offence, but fraud was. Yet the case of "Osaki Yoshinosuke vs. Marians" in 1881, revealed that there were no Federal statutes in existence dealing with fraud, and thus there were no penalties which could be enforced against Americans committing fraud in Japan.³ It spoke much for the honesty of American merchants in Japan that they did not avail themselves of the golden opportunity here presented them.

As though American consuls and minister had not enough problems the question of jurisdiction over seamen

¹M659/135/6, Shepard to J. Davies, No.167, 6 June 1873.

²United States, Papers relating to Foreign Affairs, 1878, pp.514-18, J. Bingham to J. Evarts, No.873, 7 October 1878; Treat., Diplomatic relations between the United States and Japan, 1853-1894, II, 65-66. De Long's shooting regulations were also known to be inoperative. F.O.262/302, Parkes to Derby, draft no.14, 22 January 1877.

³Jones, Extraterritoriality, p.67.

raised doubts as to "whether or not American tribunals in Japan ... had any legal existence for the hearing of capital charges".¹ When President Arthur indicated in his annual message to Congress on foreign affairs in 1881 that there were doubts not only about the power of American courts in Japan to try capital cases, but also about whether or not such courts had any constitutional right to exist at all,² it looked for a time as though American extraterritorial jurisdiction in the Far East was about to collapse.

Yet it continued to function, in spite of the continued doubts of those called upon to operate it, and the occasional escape from justice of American offenders because of doubts about the legality of the courts.³ From time to time, the idea of new legislation to settle the status of the courts and to provide means of remedying the lack of ministerial power to legislate was mooted, but nothing came of such proposals. President Arthur's

¹F.O.262/350, J.G. Kennedy to Granville, draft no.105, 16 June 1880. See also "United States' Extra-Territorial Tribunals", Tokio Times, 12 June 1880.

²F.O.83/885, L. Sackville West to Granville, No.1, 2 January 1882, enclosing the President's Message to Congress, 19 December 1881. See also F.O.83/884, West to Granville, No.383, 21 December 1881.

³Thus James O'Neill, a convicted murderer, had to be released for this reason. "Ex Parte James O'Neill", Japan Weekly Mail, 14 January 1882; "Murder no felony", Japan Weekly Mail, 10 June 1882. The account of this case given in Treat, Diplomatic relations between the United States and Japan, 1853-1894, II, 115-16, is incorrect.

message, already referred to, envisaged some system of international tribunals to replace the existing United States' courts, but no legislation was ever produced on these lines. The Pendleton Bill, which came before Congress in 1883, 1884 and 1885 would have remedied all the defects in the existing system and given as good a legal framework for the operation of American jurisdiction in Japan as the British. Lack of interest in Congress and the belief that the imminent revision of the treaties in Japan's favour would make it unnecessary, killed it.¹

An apparent remedy for defects in some aspects of American jurisdiction existed in the argument that American citizens in Japan were obliged to obey Japanese laws. Thus, the State Department ruled in 1876 that American citizens were bound to obey the Japanese press laws, and instructed the Minister to issue a notification accordingly.²

¹See Japan Weekly Mail, 31 March 1883, 16 February 1884 and 2 May 1885. Japan secretly opposed the Bill in case an improvement in the American system of extraterritoriality would make the United States as determined a defender of the status quo as Britain. See NGBJJK, II, 1326, 1344-52, docs. 453 and 462. Fear of losing the support of her one sure foreign friend was the probable reason why Japan did not exploit the defects of American jurisdiction.

²United States, Papers relating to Foreign Affairs, 1876, pp.367-68, H. Fish to Bingham, No.224, 2 May 1876.

Here appeared to be a substitute for the absent ministerial power and also a considerable step forward towards recognising Japanese jurisdiction over American citizens. But as observers were quick to point out, in practice it meant nothing of the sort. The United States' courts in Japan, like all United States' courts, could only recognise United States' law. Unless Japanese law was converted into United States' law either by Congressional fiat or by regulations drawn up by the Minister, it had no force whatsoever in American courts. The meaning of the State Department ruling, as the Hiogo News pointed out, was that "The Japanese government may prohibit you doing anything they chose if it be not specially permitted by treaty - but there is no penalty for doing it!"¹ The American authorities in Japan were thus placed in the unenviable position of having to issue notifications making Japanese law binding on their fellow citizens, and yet knowing that there was nothing they could do if the law was broken. Nor were the Japanese fooled by the apparent concession; as the Nichi Nichi Shimbun put it, the American notifications were "empty ceremonies, expressions of good will, perhaps, but nothing more".²

¹"The Middleton Shooting Case", Hiogo News, 5 January 1876.

²F.O.46/267, Kennedy to Salisbury, No.24, 11 February 1880. Inoue admitted the truth of this. See F.O.262/350, Kennedy to Salisbury, draft no.11, confidential, 24 January 1880.

There continued to be little enough in the rest of the American extraterritoriality system to compensate for these defects. The service continued to be staffed by men who were paid but not professional. One American critic contrasted the British consular service, staffed by "scholars and gentlemen" with the American which was staffed by "political adventurers".¹ From both within and without the service, indeed, there was no lack of criticism. The absence of legally trained officers was particularly deplored.²

Officers were still deprived of essential material aids as they had been before 1868. As late as 1878, the Consul-General at Yokohama still had no law library of his own, and was dependent on that at the Legation in Tokyo.³ The lack of a jail at Yokohama was eventually remedied,⁴ but no entreaty could get agreement to provide jails at Kobe and Nagasaki. At Kobe American prisoners had to be accommodated in the municipal lock-up in spite of the

¹Morse, E.S., "Old Satsuma", Harper's Monthly Magazine, (European edition), XVI, (1886), 523, note. The first career United States' Minister in Japan was Edwin Dun, appointed in 1893.

²See M659/135/15, van Buren to T. Bayard, 7 April 1885 - van Buren's letter of resignation, Greene, A New Englander in Japan, p.218.

³M659/135/9, van Buren to F.W. Seward, 8 February 1878.

⁴The work was "so badly done as to make the building a complete deception and a fraud". M659/135/8, van Buren to W. Cadwallader, No.28, 3 December 1874.

objections of all the consuls, while at Nagasaki the Japanese jail was used.¹

The United States did make sure that its citizens at Yokohama, Kobe and Nagasaki were always under the control of an American consul. For a time it maintained a vice-consulate at Tokyo, but by the middle 1870's the post was found to be of little importance and was abolished. Niigata was not apparently regarded with any optimism by the State Department, for no provision was ever made for even a vice-consulate. Hakodate, although an important centre for American interests, was not adequately provided for.

Until the end of the 1860's, American whalers made extensive use of Hakodate. From 1856 to 1876, it was officially a United States' consular post, but when the whalers ceased to use the port the post was sometimes filled by a consular agent and sometimes left vacant. In 1876 it was officially reduced to a consular agency, and abolished completely in 1883.² By then, ironically, the port had already begun to regain some of its lost importance with the advent of the otter-hunting schooners to that part of the northern Pacific.

¹For Kobe, see below **265-66** . For Nagasaki, see United States' State Department Records, Records of the Nagasaki Consulate, (cited as M660)/131/3, W.P. Mangum to F. Seward, No.207, 28 November 1879.

²M659/135/21, Minute by M. Mc., no date, on J. McIvor to J. Uhl, No.110, 17 May 1895.

As the sealers grew in numbers, so the problems caused by uncontrolled sailors and the practice of dumping unwanted crew from American ships grew. In spite of protests by the Japanese, complaints from the foreign residents of Hakodate, from the American Consul-General at Yokohama, and from the British officers at Hakodate who usually found themselves called upon to sort out disputes involving Americans, the State Department refused to reopen the consular agency on the grounds of cost. The Japanese, although they had at first threatened to assume jurisdiction over American citizens at Hakodate, did not force the issue; they had no desire to offend the United States and did not want to do anything which might lead to a strengthening of extraterritoriality.¹

The other Western powers, with smaller numbers of citizens in Japan, continued to be less careful about their judicial arrangements than either Britain or the United States. None of them made any fundamental changes in the legal framework under which their diplomatic and consular officers operated in Japan after 1869, and in all cases, there was a deterioration in the way extraterritoriality was administered.

¹See NGBJKK, II, No.460. They rejected an American proposal to appoint a merchant consul. For other protests, see "Old Sailor" to the editor, Japan Mail, 27 June 1892; M659/135/21, McIvor to Uhl, Nos.110 and 167, 1 May 1895 and 8 January 1896.

France had the third largest group of foreign residents, and was also Japan's third most important Western trading partner. Yet for most of the period from 1870 to 1890, French interests everywhere except Yokohama were in charge of British officers, who were given very little power. The first such arrangements were made after the French Minister had promised that British officers taking charge of French interests would be provided with adequate judicial powers,¹ but this practice was not followed for very long. At Nagasaki the British Consul found himself in charge of French interests with no judicial powers at all. He could neither keep control over the French community nor assist other foreigners who had grievances against French citizens. Matters were not helped by the French Consul-General at Yokohama, who sometimes sent information via the British Consul and sometimes communicated directly with the French community. Consul Hall in reporting this,² also informed Sir Harry Parkes that he had no intention of continuing to represent French interests under such conditions, and thereafter the small French community at Nagasaki was left under the control of the French Consul-General at Yokohama.

¹See above, p. 125.

²F.O.262/404, J.C. Hall to Parkes, No.12, 23 April 1883; F.O.262/405, Parkes to Hall, draft no.15, 9 May 1883.

Matters were somewhat better at Kobe, for there was a French Consul there from time to time. In the interludes, however, the British were asked to help, and the interludes had a habit of becoming several years long.¹ After similar complaints to those made at Nagasaki, the French Minister eventually informed his British colleague in 1886 that a permanent paid Consul had been appointed to Kobe, and there would be no further need to use the British.²

Several other powers too relied on Britain to provide them with a consular service. British officers represented Austro-Hungarian interests at all ports, for example, and were provided with judicial powers over Austro-Hungarian citizens.³ It was not a practice confined to Britain, but it was more frequent in Britain's case for two reasons. In the first place she had consular arrangements at all the open ports; and secondly, her diplomats, especially Parkes, were anxious to keep extraterritoriality working, although even he drew the line at putting professional officers under merchants.⁴ Parkes claimed that the practice involved very

¹F.O.262/336, Parkes to Salisbury, draft consular no.12, 2 April 1879; F.O.262/441, J. Troup to Plunkett, No.13, 16 February 1885.

²F.O.262/567/R.18, Sankiewicz to Plunkett, 19 February 1886.

³F.O.262/182/R.146, Baron Petz to Parkes, 15 October 1869; F.O.262/238/R.33, Calice to Adams, 20 February 1872.

⁴F.O.262/187, Parkes to Clarendon, draft no.55, 9 April 1870.

little work for his consuls, but it must have made some difference to the Consul at Nagasaki to be at the same time in charge of the interests of Britain, France, Austro-Hungary, Spain, Italy, the Netherlands, and the Kingdom of Sweden and Norway.¹ It must have been difficult to keep track of the different judicial systems, to say the least. One trouble was that disputed judgments could lead to nationalistic outbursts against the foreigner giving the judgment and even to threats of violence.²

Germany had a Consul-General at Yokohama, a Consul at Kobe and a merchant Consul at Nagasaki.³ The other powers generally had a career officer at Yokohama, and then relied on merchants if anything, at the other ports. The proportion of merchant to career consuls remained constant. There were nine merchant Consuls as against fifteen paid in 1873;⁴ in 1884, the figures were sixteen to thirty-three.⁵

¹F.O.262/272, Parkes to Derby, draft consular no.5, 11 January 1875.

²For one such case see F.O.262/290, Parkes to Eusden, draft no.20, 11 September 1876.

³F.O.262/414, Plunkett to Granville, draft no.114 confidential, 22 July 1884.

⁴Japan Mail, 22 October 1873.

⁵Manchester Guardian 23 and 30 September 1884, in Japan Weekly Mail, 22 November, 1884.

There were many objections to the use of merchants as Consuls. Such men, wrote one paper, "cannot afford the time to attend to official functions ... [and] cannot wish to be interrupted in their business by someone wanting legal advice, or the settlement of a difficulty."¹ A merchant Consul could, theoretically, be both judge and plaintiff in his own case.² A much more important point was that there was a strong possibility that a merchant giving his decision in a commercial case might be tempted to take into account his own future transactions or needs. When one firm's partners could also be the Consuls for Denmark and Belgium, as was the case with one British firm at Nagasaki, there were endless opportunities for turning official posts to advantage.³ Yet although the Japanese continued to make clear their objections to the use of merchants, the powers who depended on their use insisted on their right to continue the practice.⁴

¹Hiogo News, 19 February 1870.

²F.O.262/380, Parkes to Granville, draft no.21, 10 February 1882; von Siebold, Baron A., Japan's accession to the comity of nations (London, 1901), p.10. In fact, this does not appear to have happened.

³F.O.262/676, J.C. Hall to Fraser, No.2, 11 January 1892. So exasperated was Hall's successor at this arrangement that he refused to deal officially with any merchant Consuls, and all joint consular functions came to an end at Nagasaki. F.O.262/676, J.J. Quin to Fraser, No.10, 20 February 1892.

⁴NGBJKK, II, 266-67, No.97, Memorandum by Inoue, 29 July 1882.

Portugal continued to be the worst offender as far as the adequacy of its system was concerned. This was no minor matter; the nearness of Maçao meant there were always several hundred Portuguese citizens in Japan. Until 1876, Portuguese subjects in Japan continued to be under the Governor of Maçao in all judicial matters.¹ Then a resident Portuguese Minister was sent to Japan at Japanese insistence. In 1883, again at Japanese insistence, the Portuguese appointed a Consul at Tokyo and a vice-Consul at Nagasaki. Both posts were believed to carry judicial authority, but in 1886, it was discovered that the Tokyo Consul had jurisdiction in the Tokyo area only, while the vice-Consul at Nagasaki had no judicial power at all. Strong Japanese protests led to the appointment of a Consul-General at Tokyo with judicial powers covering all Japan, and the vice-Consul at Nagasaki was given some judicial powers in his area.

All went well until 1892. Then, apparently for reasons of economy, Portugal decided to close down its consular posts in Japan. Without bothering to inform the unfortunate officer himself, the Portuguese government informed Japan that the Tokyo Consul-General was being withdrawn and the Nagasaki vice-consulate would be an honorary non-judicial post.² Japan protested and asked what provision the Portuguese intended to make for the hundred and forty Portuguese citizens in Japan. When no reply was received,

¹The Portuguese system is described in M662/163/5, Memorandum by the Japanese Foreign Office, 14 July 1892, handed to the United States' Secretary of State, 11 October 1892".

²"Mr. J. Loureiro and his traducers", Japan Weekly Mail, 6 August 1892.

Japan announced that all Portuguese citizens would in future be under Japanese jurisdiction.¹ Although the Portuguese protested somewhat belatedly,² the Japanese refused to reconsider their decision and Portuguese subjects remained under Japanese control.

In the other cases, things carried on as before. Appeal from the decision of a court in Japan usually had to be made to Europe, though the spread of colonial empires sometimes led to appeal courts being brought nearer Japan. The French appeal court was moved to Saigon from Pondicherry in 1869.³ In some cases, serious crimes such as murder could not be heard in Japan at all. Spaniards accused of murder had to be sent to Manila for trial.⁴ Often such conditions meant a denial of justice. Witnesses could not be compelled to travel thousands of miles to attend cases, and even more important, perhaps, appeals which were to be heard in Europe or Saigon were far too expensive for most foreign residents or Japanese

¹F.O.262/664, M. de Bunsen to Rosebery, draft no.93, 7 October 1892.

²F.O.262/682, de Bunsen to Rosebery, draft nos.89 and 115, both confidential, 27 July and 4 November 1893. Jones, Extraterritoriality in Japan, p.143, states incorrectly that there was no Portuguese protest.

³Yokata, "Nihon ni okeru chigaihōken", pp.207-209.

⁴Saniel, J.A., Japan and the Philippines, 1868-1898, pp.45-46. The German courts also could not hear capital charges. Japan Weekly Mail, 15 December 1894.

to consider. As the Nichi Nichi Shimbun put it, Britain's arrangements were not too bad though even Shanghai was a long way from Japan, but if an appeal had to go to Europe or America, then "Japanese are practically deprived of the right of appeal ...".¹

There were other problems of varying degrees of importance. Except for Britain, no power could compel its citizens to appear as witnesses in cases in the courts of another power.² With so many jurisdictions existing side by side and operated by untrained and often inexperienced officers, it was not surprising that there were frequent assumptions of authority by one court over the subjects of another. A North German attempt to sentence a British subject for contempt of court at Yokohama was strenuously and successfully resisted in 1869.³ One interesting and fortunately rare problem occurred in 1882, when a French citizen brought a case against a Dutchman. The Dutch Consul insisted that the case be heard in Dutch, to the consternation of the plaintiff who protested that he knew no Dutch and there were no Dutch-speaking lawyers available. The Consul proved adamant and the case had to be abandoned.⁴

¹Nichi Nichi Shimbun, no date, enclosed in F.O.46/267, Kennedy to Salisbury, No.24, 11 February, 1880.

²F.O.262/618, J.H. Longford to H. Fraser, No.49, 1 November 1889.

³F.O.656/29, J.F. Lowder to Hornaby, No.28, 15 December 1869; F.O.656/18, Hornaby to Lowder, draft no.1, 10 January 1870. For a later case involving Belgium, see Japan Daily Herald, 31 May and 4 June 1879, and F.O.262/345, M. Dohmen to Parkes, No.71, 22 July 1879.

⁴Japan Weekly Mail, 13 May 1882.

But while they were all anxious to preserve their rights, the various treaty powers felt that it was better to co-operate than to fight amongst themselves. Disputes over jurisdiction might be pursued with some fervour, but claims for compensation arising out of them were quietly pushed aside. Lawyers were normally permitted to practise in all the courts, and concessions over the language to be used were a practical necessity. As we shall see, in time there were those who doubted the wisdom of trying to bolster up extraterritoriality in Japan, but even then, the powers tried to co-operate amongst themselves in its actual day-to-day operation. Not only was this the most practical way of operating so many diverse jurisdictions, but it was the only way to cope with the growing pressures on the system from the Japanese.

For if the system of extraterritoriality remained largely unaltered after 1869, the same could not be said of Japanese law. The men who came to power in 1868-69 soon made it clear that they intended to regain for Japan the autonomy which they felt the Western powers had taken away, but they indicated that they knew that to do this there would have to be far-reaching changes in Japan, especially in law.¹

¹For the reform of Japan's legal system in the Meiji period, see Takayanagi, K., "A Century of Innovation: The Development of Japanese Law, 1868-1961", in von Mehren, A.T., editor, Law in Japan: The Legal Order in a Changing Society, (Cambridge, Mass., 1963), pp.5-40; Okuma, Fifty years of new Japan, I, Chapter IX; and Jones Extraterritoriality in Japan, Chapters V and VI. There is an interesting discussion of the motives of those who framed Japan's new laws in the Meiji period and of the sources they drew upon for civil law in Rabinowitz, R.W., "Law and the Social Process in Japan", TASJ, 3rd series, X, (1968), 11-43.

The first Japanese code which took into account Western ideas of jurisprudence was the criminal code of 1873. This was hardly as advanced as Westerners would have liked, (it still allowed torture, for example). But it was a considerable advance on what had existed previously. Between 1873 and 1898, there followed not only more modified penal codes, but also new commercial and civil codes, and a large body of uncodified law embodied in administrative orders and eventually in parliamentary laws. Areas of Japanese life which had for long been too petty to receive attention from the country's rulers were now brought within the control of the state. Laws on bankruptcy and homicide jostled regulations governing the publication of newspapers, the status of geisha or the correct clothing for labourers. At the same time, there emerged courts where the new laws could be put into effect and a judiciary to administer them. The latter, at first poorly-trained and unsure of its status, could claim by 1891 to have become a respectable body which had established its independence from government control.¹ There was also a new police force modelled on those of the West.

¹On the Japanese legal profession, see Hattori, T., "The Legal Profession in Japan: Its Historical Development and Present State", in von Mehren, editor, Law in Japan, pp.111-52.

Sometimes this feverish activity led to hasty legislation which had to be equally speedily modified. Sometimes the new regulations were so alien to Japanese ideas that they were quietly allowed to drop or were carefully circumvented. The desire to please the Western powers and thus have the treaties revised in Japan's favour was often more important to Japan's rulers than any consideration as to a particular law's suitability for Japan. But in time this attitude was replaced by the desire to evolve a code of laws which would meet the needs of Japan and not of the Western powers. The emphasis on the family rather than the individual, the special status of the Emperor, and particularly the decision to base Japan's new laws on the European model rather than on the Anglo-American one were all indications of the growing awareness that legal codes which did not strike a response in Japan would be of little use.

These changes were watched with interest by foreigners both within and outside Japan. The interest of those within Japan was to be expected; as we have seen, Japan's law, or lack of it, was of some importance for them. Those outside Japan watched with more detachment, and were often highly impressed with the modifications which Japan introduced to laws adopted from Europe.¹

¹See "The Japanese Legal System", by Professor S. Mayer, in Japan Weekly Mail, 3 and 17 November 1883, and "Diplomatic Co-operation", London and China Express, 28 August 1885.

Japanese commercial law remained the prime interest of most resident foreigners in the years immediately after the Restoration. At first, the main change as far as foreigners were concerned was one of attitude. The new government seemed anxious to prove that it intended law reform and proved willing to settle difficulties. Thus when the han were abolished, there remained a large number of outstanding claims by foreigners. These ranged from a few hundred dollars for non-payment of salary to thousands of dollars in cancelled contracts.¹ The new government agreed to take responsibility for these debts and most of them were settled after give and take on both sides. In the British case, it was not possible to settle all the claims easily, and a number were submitted to the arbitration of the French Minister, M. Berthemy. In the end, all outstanding claims were settled to the satisfaction of the British and Japanese governments.² Not all foreign residents were pleased at the settlements however; as F.O. Adams pointed out, it was not possible to justify interest demands of twenty-four or thirty-six per cent on

¹For some of these debts, see Japanese Foreign Ministry, editors, Nihon gaikō bunsho, ["Documents on Japanese foreign policy"], (cited as NGB), (Tokyo, 1936- in progress), VI, Nos. 195-196, 200-204.

²F.O.262/255, Parkes to Derby, draft no.185, 19 October 1874. The Japanese proved adamant on not accepting claims for losses incurred by those who had traded with the remnants of the Tokugawa forces at Hakodate in 1868-69. See F.O.262/502, Soyejima and Terashima to F.O. Adams, No.16, 14 January 1872; F.O.262/504, Soyejima to R.G. Watson, No.9, 24 January 1873.

the grounds that investment in Japan was a risky business when the Japanese Government's agreement to pay the debts had removed all element of risk from the transaction.¹

As Japan's reforms began to take shape, the old cumbersome procedures needed to bring a foreigner's case in a Japanese court were modified. As the new courts became more like Western courts, so the foreign ministers and consuls ceased to act as quasi-advocates of their countrymen's causes. By 1877, even Parkes was prepared to allow cases brought by British subjects to be presented in Japanese courts with the local Consul doing no more than formally forward the documents to the local authorities.² Some of the other ministers allowed their nationals to bring all cases with no reference to their consuls, but Parkes did not trust his fellow-countrymen that far. But it took a long time for the Japanese to be disabused of the idea that a consul was there to advocate his countryman's claims to the full, whatever the merits of the case.³

Unfortunately the revision of Japan's legal structure did not move fast enough for foreigners. It was not until 1898 that the final parts of the legal codes begun in 1873

¹F.O.262/223, Adams to Granville, draft no.31, 5 February 1872.

²F.O.262/303, Parkes to Derby, draft no.130, 7 September 1877.

³See Japan Mail, 26 May 1881.

were issued. Foreigners therefore continued to be faced by laws which did little but cause confusion. Administrative fiat could sometimes remedy the lack of codified laws but not always. Parkes found to his amazement that the Japanese law governing contracts laid down that a Japanese entering into a contract was obliged to provide a guarantor, but should the principal defect, no action could be taken against the guarantor until three years had elapsed. He felt it necessary to issue a warning to his fellow-countrymen against relying on "such fallacious security".¹ Although Parkes was able to obtain the Japanese government's agreement to a clause being inserted in contracts which allowed the guarantor to waive his right of immunity, complaints about lack of effective sanctions for contract breaking continued.

Bankruptcy too continued to present difficulties. In spite of early promises from the post-Restoration government to remedy the defects of the laws, the total inadequacy of the existing laws was proved to the satisfaction of all foreigners in 1878-79, by the long drawn out case of *Jardine, Matheson and Company versus Goto Shojiro*.² During

¹F.O.262/286, Parkes to Derby, draft no.157, 30 September 1878.

²F.O.262/330/R.109, *Jardine, Matheson and Co. to Parkes*, 27 September 1878. The case before the Appeal Court can be followed in the Japan Weekly Mail between 7 December 1878 and 15 May 1879.

the case, and in the resulting correspondence both public and private, it was made clear that there was no recognised method of dealing with bankrupts in Japan. Long delays were therefore inevitable. The rate of interest to be charged a bankrupt was only six per cent, yet he could obtain between twelve and eighteen per cent on the open market. The longer he refused to settle with his creditors the better off he would be and the courts did nothing to stop such behaviour.¹

Demands that the Japanese be forced to remedy these defects were frequently put forward by the foreign community, and were echoed in official circles.² The refusal of the Japanese Foreign Office to interfere in the judicial decisions of the courts removed a remedy which had been resorted to in Tokugawa days.³ But as the Japanese judges became more experienced and as there grew up a body of precedent law for them to follow, so some of the difficulties were ironed out. But this was a slow process.⁴

¹See F.O.262/345, M. Dohmen to Parkes, No.59, 30 June 1879, enclosing a series of memoranda by the chief foreign lawyers of Yokohama on their experience of Japanese bankruptcy laws.

²For example, see F.O.262/347/R.70, A. Porter to Parkes, 15 June 1879, enclosing a memorandum by the foreign residents of Hakodate on treaty revision, 4 June 1879; F.O.262/411, Granville to Plunkett, No.3, 11 January 1884, enclosing a memorandum by Satow on treaty revision.

³An attempt by Parkes to have the Foreign Ministry intervene in the Jardines versus Goto case was politely but firmly rejected. See F.O.262/331/R.128, Parkes to Jardines, draft, 23 October 1878. It was not repeated.

⁴Some Japanese were not slow to point out, that there were defects even in the English bankruptcy laws. See the opinions of the ardent nationalist Baba Tatsui, in his The English in Japan: what a Japanese thought and thinks of them, (London, 1875), pp.9-13.

Japanese law on trade-marks, patents and copyright was another fruitful source of complaint. This was primarily a question of trade, but there were other aspects. The Japan Gazette once claimed that the agitation by foreigners on the subject of infringement of trade-marks sprang solely from a desire to protect the Japanese,¹ but the impression given is that foreigners were often taken in by false labels, especially if they ventured beyond the ports. Complaints came from all sides,² and there was much reference to Japanese lack of commercial morality.

The Japanese were here unfortunate in their advent on the international scene; up until the 1850's even England had not been very careful in the enforcement of laws governing patents, trade-marks and copyright.³ Nor had such practices entirely ceased in the West. The Japan Mail pointed out that even in 1890 there were American companies who made handsome profits pirating books published in Britain,⁴ and it was also a fact that the Japanese were able

¹"Trade Marks", Japan Gazette, 15 January 1881.

²For some of the complaints, see F.O.262/284, Derby to Parkes, No.14, 15 February 1876; "Patent Laws", Japan Mail (Summary), 7 January 1881; and M659/135/20, McIvor to Uhl, No.41, 9 July 1894.

³This question is discussed in Hoffman, R., The Anglo-German Trade Rivalry, (Philadelphia, 1933), pp.45-48.

⁴Japan Weekly Mail, 11 January 1890.

to find plenty of foreigners to aid them in producing forged labels and even to produce the counterfeit goods to be sold under the false labels.¹

In the years immediately after the Restoration, the Japanese proved willing to try and stop such infringements,² but from the early 1880's, they no longer were willing to do so. Although new laws appeared governing copyright (1875- a more comprehensive set of laws was issued in 1887), trade-marks (1884- amended 1888), and patents (1888), their provisions were not available to foreigners. The Japanese argued that unless foreigners were subject to the penalties of the laws, they could not expect to derive protection from them. The authorities were willing to request Japanese citizens to stop infringing a foreign copyright or patent, but no more.³

¹In 1875, the British Consul at Yokohama asked the Chamber of Commerce to assist in tracking down those engaged in these practices, but the Chamber, while admitting that such things went on, refused to help in having them suppressed. F.O.262/279, Robertson to Parkes, Nos.58 and 67, 30 August and 10 November 1875. For evidence that such practices continued, see F.O.262/425, Robertson to Plunkett, No.32, 18 June 1884.

²See the notification issued by the Tokyo fu in 1871 warning against copying Bass trademark in F.O.345/16. Those copying "Dr. John Collis Browne's Chlorodyne" labels in 1876 were prosecuted under a "law for all misdemeanours not specifically covered by existing regulations". F.O.262/286, Parkes to Derby, draft no.156, 30 September 1876.

³For the changed Japanese position, see F.O.262/406, P. Le P. Trench to T. McClatchie, draft no.39, 25 November 1883. See also the correspondence between Lord Salisbury and the British and Foreign Patents and Trade Marks Association, reproduced in London and China Express, 20 February 1891.

Foreigners fumed and demanded action,¹ but the Japanese remained firm. It was a topic frequently discussed at the treaty revision conferences, but to no avail. Foreigners would only receive the benefits of the Japanese law when they were subject to its penalties. By then, as one Yokohama lawyer pointed out, a firm's trade-mark might have already been taken out by a Japanese firm. The foreign firm would then have no redress at all under Japanese law, and in fact it would itself be committing an offence if it used its own trade-mark in Japan.²

While the revised treaties all contained clauses protecting trade-marks and patents, but not copyright, only the German treaty of 1896 provided that these clauses were to come into force on exchange of ratifications rather than at the end of extraterritoriality.³ The Japanese announced that the "most-favoured-nation" clause would not apply in

¹"Trade Marks in Japan", London and China Express, 20 February 1891 contains most of the arguments used.

²F.O.262/599/R.75, H. Litchfield to Trench, 8 August 1888. In 1898, Satow was visited by a somewhat perplexed German Minister. A German firm had imported some \$700,000 worth of goods. They had now discovered that a Japanese firm had already registered the trade-mark as its own, and it was thus impossible for the goods to be sold in Japan without infringing Japanese law. By then German subjects were subject to the Japanese law on trade-marks, and the Minister wondered what he could do. Satow was unable to advise him. P.R.O.30/33/16/2, Diary entry 23 November 1898.

³Kyū jōyaku isan, I, part 1, 1116-1136, Treaty of 4 April 1896, Article 17.

this instance, and refused to register any but German patents and trade-marks. The other powers protested, but fear of commercial advantages going to the Germans soon led them to agree to conclude similar agreements.¹

The new criminal codes which Japan began to introduce from 1873 were of less concern to the foreign settlements, at least until the Japanese began to demand the end of extraterritoriality. While they were on the "receiving end" of the commercial law, one newspaper pointed out, the criminal codes were of interest only to "diplomats and statesmen".² In fact, foreigners did have a larger interest in the criminal law than the Japan Gazette admitted; they were not infrequently the victims of Japanese criminals and their Japanese servants were of course amenable to the new codes and the new courts.

With the criminal codes, as with commercial law, foreigners professed themselves not highly impressed with what they saw. When foreign interests were concerned, for example where a foreigner was attacked or killed, the most common complaint was the leniency of the new laws.³ At

¹See the discussion on the question of trade-marks in Treat, P.J., Diplomatic relations between the United States and Japan, 1895-1905, (Stanford, 1938), Chapter II.

²"Saibansho justice", Japan Gazette, 21 May 1881.

³F.O.262/501, M. Dohmen to Parkes, No.6, 17 September 1873; F.O.262/670, J. Troup to H. Fraser, No.17, 12 March 1892.

other times the most frequent complaint was that the new codes were far too harsh. When foreigners' servants were given heavy sentences, diplomatic intervention was not unusual.¹ Sometimes the complaints about harshness came from radically different concepts of what constituted a crime; the Japan Herald complained at the failure of the Japanese courts to impose heavy sentences on those who robbed foreigners' houses, but professed itself completely unable to understand why the same courts could sentence a man who smoked opium to ten years' penal servitude.² Particular emphasis was laid on the use of torture, which was not officially abolished until 1879. Until then, the evidence of torture was often thrust at foreigners; the screams from those being tortured in the main Yokohama police station once led to the diplomatic body being asked to protest.³ After 1879 allegations were still made that torture continued, or else that the abolition meant nothing and could be rescinded at any time.⁴ By the middle 1880's

¹For example, see F.O.262/255, Parkes to Derby, draft 212, 14 December 1874.

²"Curiosities of Japanese criminal procedure", Japan Daily Herald, 21 February 1879.

³F.O.262/255, Parkes to Granville, draft no.69, 14 April 1874. Only the American representative refused to do so, on the grounds that it would be an interference in Japan's internal affairs.

⁴"Treaty revision and the Yokohama Chamber of Commerce", Japan Weekly Mail, 23 February 1884. Clarence Martin, an interpreter at the Yokohama court told J.C. Hall that up until 1891 when he had left Japanese service, witnesses were still being tortured to make them give evidence. P.R.O.30/33/6/1, Hall to Satow, 5 October 1896. I have seen nothing to confirm the allegation from any other source.

the Japanese campaign to end the old treaties was in full swing, and no doubt it was hoped that the emotive cry "torture" would help to sway those who might be considering giving in to Japanese demands.

There were other complaints. Rules of procedure were rather different from those in force in Europe or America. In the early days overcoats could not be worn in the courts!¹ More seriously, no reporters were allowed in court during a criminal case. One British subject, who had brought an assault charge against a Japanese refused to present the case unless reporters were present. The judge pointed out that this was not possible, and so Pass, the man concerned, refused to proceed. Parkes was furious with this attempt to reform the Japanese courts single-handed, and declined to support the protest. He was eventually persuaded to attend.²

Nor were foreigners happy at the attitude to witnesses. Procedures which allowed a witness "to be badgered, cross-questioned, not merely cross-examined, and have words thrust into his mouth in order to meet the views which a judge has taken of the case ..." ³ did not find favour with

¹F.O.798/2, Daitō Yoshito to Dohmen, No.49, 11 March 1873.

²F.O.262/297, Robertson to Parkes, No.28, 20 April 1876; F.O.262/298, Parkes to Robertson, draft no.21, 26 April 1876. The Japanese courts continued closed. "Suggestions", Japan Weekly Mail, 16 June 1883.

³"Law procedure", Tokei Journal, 7 November 1874. For a criticism of the new procedures in force after 1882, see Parker Ness, G., "Foreign jurisdiction in Japan", Law Magazine and Law Review, 4th series, XI, (1885-86), pp.354-58. Parker Ness was himself a lawyer practising at Yokohama.

the majority of the foreign community. The distinctions in matters of procedure between the various classes in Japan was another constant target of foreign criticism, as might be expected.¹

Some omissions from the new codes received a good deal of attention. The failure to provide a jury system was constantly brought up. The Yokohama Chamber of Commerce, which claimed to speak for all foreign merchants in Yokohama, did not hesitate to describe the codes which governed the majority of its European members as having been developed for the use of "despotic governments" and thus unsuitable for the "Anglo-Saxons" who knew a higher freedom.² Some interesting arguments were put forward in defence of the jury system, including the one that it had been introduced by Alfred in 886 and had never needed any reform,³ but the demand for trial by jury was never insisted on by the negotiators in the treaty revision conferences.

¹"Saibansho Justice III", Japan Gazette, 18 June 1881; M660/131/3, A.C. Jones to W. Blaine, No.98, 31 August 1882. There were Japanese critics of this too. See "Shizoku and Heimen", Choya Shimbun, no date, in Japan Daily Herald, 12 March 1879.

²F.O.262/428/R.33, W.B. Walter to Plunkett, 25 March 1884, enclosing Yokohama Chamber of Commerce to the London Chamber of Commerce, 27 [sic] March 1884. See the similar argument from the Japan Gazette, 15 March 1884, quoted in Eby, The Eastern Pioneer of Western Civilisation, pp.40-43.

³"Trial by jury", Japan Gazette, 30 July 1881.

Finally, the men appointed to run the new courts did not escape censure. A friend of Japan warned in 1880 that whatever else Japan might need to do in order to obtain judicial control over foreigners, the first essential was good judges, for,¹

"... If the jurisdiction now sought be obtained every judicial act of the Japanese judges will be watched and criticised, and if it be found that judgment or sentences are pronounced which are not warranted by solid proof and deduced by common sense reasoning such as will bear the test of foreign criticism, or if prejudice or bias or any other kind of judicial misconduct were to become apparent in the conduct of the judges then instead of these concessions being an advantage to Japan they would simply be useful to Foreign Powers as affording a proof that no more concessions should be made, and, instead of promoting, would positively check the progress which Japan has made towards ridding herself of Consular Jurisdiction."

Even in 1880, this was out of date. Criticisms of Japanese judges had not had to wait for the end of extra-territoriality; they were already an established part of the foreign community's repertoire. The defects of the Japanese judiciary were regarded as being so glaringly obvious as not to need arguing, and if nothing could be

¹NGBJKK, II, 671, No.201, J. Davidson to Mori Arinori, 14 September 1880.

said against a specific judge, then one could always fall back on general assertions about the servants of a non-democratic system.¹

Perhaps if the Japanese had not shown that they intended to assert judicial control over foreigners, the treaty port residents would have been happy to treat Japanese law, except where it touched their interests, with the habitual indifference they displayed towards most things Japanese. But the Japanese had early shown an interest in asserting control over foreigners, and a clash was inevitable.

By the middle 1870's, the Japanese almost in spite of themselves, had brought under their jurisdiction the non-treaty power subjects. The post-Restoration authorities at first showed the same reluctance in dealing with this group as had the Shogunate; no doubt they too had no desire to become involved in disputed jurisdiction cases. The foreign consuls found the new government as wary as the old one about accepting jurisdiction over non-treaty power subjects and when the local authorities could be persuaded

¹Parker Ness, "Foreign jurisdiction in Japan", contains this argument. See also P.R.O.30/33/5/5, J.H. Longford to Satow, confid., 14 September 1895, forwarding a protest by the Yokohama Branch of the China Association.

to deal with such people, they would only do so in conjunction with the foreign consuls.¹

In 1872 with the encouragement of the British and American consuls, the local authorities at Yokohama were persuaded to assume sole jurisdiction over non-treaty power subjects. By then Chinese residents were under Japanese jurisdiction. The "Maria Luz" case in the summer of 1872 is normally regarded as the first occasion on which Japan exercised jurisdiction over a non-treaty power subject, but already in May 1872, the local authorities at Yokohama had settled all claims against a Tunisian ship the S.S. "Zadakia" (the spelling varied), which they had first wanted to send away.²

The "Maria Luz" case was more spectacular. She was a Peruvian ship engaged in the coolie trade between Maçao and South America. She was not the first coolie ship on that route to call at Japan; in 1868 an American one had called at Hakodate and had been investigated by the Japanese authorities there, but no action was taken.³ The

¹F.O.262/178, Robertson to Parkes, No.29, 27 July 1869; F.O.262/200, J. Lowder to Parkes, No.26, 19 July 1870.

²F.O.262/236, Robertson to Watson, Nos.2, 4 and 71, 1 and 11 June and 23 December 1872. For the previous history of the ship see F.O.262/224, Granville to Watson, No.38, 26 September 1872.

³Hanabusa, Meiji gaikō shi, p.22

"Maria Luz" case began when one of the coolies escaped to H.M.S. "Iron Duke" in Yokohama harbour. He alleged that the coolies were ill-treated and kept on board against their will. The man was returned to the ship, but when a second one escaped and reported that the first had been severely punished, the British Consul was informed. He informed the Japanese and eventually, under pressure from the British and American Chargés d'Affaires, and from Sir Edmund Hornaby, then on leave in Japan, they agreed to investigate the case.¹

The ad hoc court which the Japanese set up was advised by the foreign municipal director and sometimes by the British Consul. It decided that it did have jurisdiction and set the coolies free, in spite of the protests of the Captain. When the court announced its decision, the consular body protested at the failure to consult them under the regulations of 1867.² The Japanese refused to

¹See Kanagawa kenchō, editors, The Peruvian Barge "Maria Luz", (Yokohama, 1874). This is the official account published by the local authorities at Yokohama. See also Yokohamashi shi, III, part 2, 883-85, Heco, Narrative of a Japanese, II, 172-83. Hornaby's version will be found in Hornaby, Sir E., An Autobiography, (London, 1929), pp.301-307.

²Kanagawa kenchō, The Peruvian Barge, pp.20-29; F.O.262/225, Watson to Granville, draft nos.90 and 103, 3 and 10 September 1872. After the case was decided, the Japanese went through a formal consultation, but this was rejected by the Consuls of Italy, France, Denmark, Portugal and Germany. Peru also complained and the Tsar was asked to arbitrate. In 1875 he found in Japan's favour.

entertain the complaint, and asserted their right of jurisdiction over all non-treaty power nationals. The foreign representatives conceded the claim, though somewhat grudgingly.¹ There were few such persons in Japan, but the Japanese were able to claim jurisdiction in the case of those who became stateless, mostly seamen.²

This victory gave Japan confidence in another struggle. Her assumption of control over non-treaty power subjects was supported by some of the foreign powers represented in Japan, but even in 1872 those same powers had to deal with another more important problem; her desire to assert control over all foreigners in the country. Almost as soon as the government began to issue Western-style regulations after the Restoration, it put forward the demand that such regulations should be binding on foreigners. Perhaps the new rulers of Japan were deluded by the praise accorded to them for "moves straight forward in the path of progress";³ perhaps, as the British

¹See F.O.262/317/R.72, Memorandum by Parkes, "Memorandum on the Appointment of the Municipal Director of Kanagawa", 14 June 1877.

²See Hiogo News, 28 June 1879. The first major case involving a non-treaty power subject was the Phillippe case of 1891, where the accused was a Greek. Japan Weekly Mail, 5 December 1891, 23 January and 19 March 1892.

³North China Herald, A Retrospect of Political and Commercial Affairs in China during the Five Years 1868 to 1872, (Shanghai, 1872), p.82.

alleged, it was advice from American employees of the Foreign Office¹ which led the Japanese to pursue this course. Whatever the reason, it led to ten years of diplomatic wrangling.

Few foreigners would have denied that Japan needed the sort of regulations the government introduced in the 1870's. Most countries in Europe, at least, had regulations about hunting; all the treaty powers maintained strict rules at home as to who could deal in drugs or the course to be followed if a deadly disease struck. If the Japanese had not tried to make their regulations applicable to foreigners, they would probably have been welcomed by the majority of residents. But because the government did intend to make them apply to all in Japan, whether native or foreign, there was a clash. Partly it was because foreigners were not impressed by the way the Japanese administered the trade regulations, the one set of regulations which by treaty were applicable to foreigners;² much more it was the realisation that to

¹F.O.262/252/R.38, Hornaby to Watson, No.3, 25 March 1873; "The freedom of the press", Japan Weekly Mail, 29 June 1878.

²The Japanese all through the period insisted on the absolute letter of the law being followed in any breach of the trade regulations whether intentional or not. F.O.656/19, Parkes to Hornaby, 13 May 1874; F.O.262/387, W.G.Aston to Kennedy, No.4, 10 January 1882; and F.O.262/634, Aoki to Fraser, No.9, 14 February 1890.

admit the Japanese claim was to undermine the whole structure of extraterritoriality. As Parkes put it, writing in 1879 on the question of quarantine regulations:-¹

"The question ... relates entirely to the question of jurisdiction which lies at the bottom of all the pretensions which the Japanese government are so ready to advance whenever they see an opportunity of doing so, in all matters which they think they can claim authority over foreigners."

The issue was joined over shooting regulations. As we have seen, foreigners regarded shooting as a pleasant break in the monotony of treaty port life, while the Japanese disliked the hunting of animals or birds for sport.² The Shogunate had expressed its opposition to foreigners shooting, especially near Edo, and had been supported in this by Sir Rutherford Alcock, the first British Minister.³ Hopes that the post-Restoration government might have a different attitude towards shooting were doomed to disappointment; if anything, it was opposed more vigorously than before.⁴

¹F.O.262/333, Parkes to Salisbury, draft no.61, 29 March 1879

²See above H.86-87.

³Alcock, The Capital of the Tycoon, I, 307, II, 14. See also Jones, Extraterritoriality in Japan, pp.54-57.

⁴See F.O.262/171, Gower to Parkes, No.22, 7 April 1869.

At the beginning of 1870, the Japanese Foreign Office circulated to all foreign representatives a set of shooting regulations, with a request that their countrymen should be informed.¹ This was a new departure. In the past the Japanese had merely informed the representatives that such and such an action was prohibited to Japanese, and requested that it be made an offence for foreigners. No attempt was made to say what form the regulations should take. The foreign representatives ignored the request and those of them who were in the habit of issuing hunting regulations did so with no reference to the Japanese ones. The Japanese government took no action, except to remind the representatives from time to time in the course of the year that it had hoped the regulations would be accepted.²

Again at the beginning of the Japanese New Year in March 1871, the Foreign Office asked all the foreign representatives to enforce the Japanese shooting regulations on their fellow countrymen. The foreign representatives refused to do so, on the grounds that they had not been consulted on the proposed regulations and that in asking for them to be made applicable to foreigners the Japanese government was attempting, contrary to the treaty, to

¹F.O.262/496, Sawa and Terashima to Parkes, No.26, 23 February 1870.

²M662/163/2, Kiyatori to H. Fish, 14 March 1876. In this despatch, Kiyatori, then Japanese Minister in Washington, gave his version of the question of shooting regulations.

legislate for foreigners.¹ It was true that in their various replies, the foreign representatives admitted the need for regulations, and had all promised to issue some. But they made it clear that it was not the Japanese regulations which would be implemented. The Japanese took no action, and the prohibition on shooting except by holders of Japanese licences remained a dead letter.²

The question was not raised in 1872, but thereafter it became a hardy annual. As one paper put it,³

"So sure does the Winter season comes round, so does it appear time to discuss afresh the question of licences to shoot. We are sorry for this because for four or five months out of the twelve, shooting is the pastime of the foreign community, and it is not pleasant for one never to know if one's amusement is legal or not."

In fact, though the foreign representatives and the Japanese argued the question each year, it made little difference to the foreign community. The Japanese order that only those who held Japanese shooting licences should be allowed to hunt was not enforced; the government was not prepared to do so in the face of the representatives'

¹NGB, IV, Nos. 247, 248, 250, 251, 253 and 256.

²For the prohibition, see NGB, IV, No.249.

³Hiogo News, 25 October 1876.

opposition. The Yokohama game market remained liberally supplied with birds even during the period March to September, the close season in England.¹

In the meantime, the same question of jurisdiction over foreigners had spilled over into other matters. Like most Far Eastern countries, Japan was prone to attacks of cholera, smallpox and other deadly diseases. The Shogunate had not taken much notice of such matters, and had certainly not thought them worthy of government attention, apart from following the advice of foreign medical men in encouraging smallpox vaccination. Nor at first was the attitude of the post-Restoration authorities much different; the Yokohama foreign Consuls had a difficult task in 1871 trying to persuade the local authorities to join with them in coping with an outbreak of cholera.² The following year, under the prompting of the American representative who had told them that rinderpest was "raging in all countries", the Japanese issued a proclamation banning

¹See F.O.262/250, Robertson to Parkes, No.52, 12 July 1873, enclosing J.J. Dare to Robertson, 10 July 1873. Robertson claimed that much of the game was supplied by the Japanese but admitted that some also came from foreigners. However, he did not think the British section of the community was responsible.

²F.O.262/218, Robertson to Parkes, No.2, 12 January 1871.

the import of cattle. The American Minister promulgated this as binding on his countrymen but the other representatives merely notified their respective countrymen that the Japanese believed the disease existed in several countries. They did not make the Japanese proclamation binding.¹

Subsequent years saw the battle-lines drawn again and again. The Japanese issued regulations to deal with an outbreak of cholera, and the foreign representatives, with the exception of the American Minister, refused to accept them.² An enormous outbreak in 1878 saw Parkes insisting that the rights of British subjects were more important than Japanese health regulations.³ The disease struck again in 1879, and again the two sides were at loggerheads. The Japanese imposed quarantine at Yokohama after Kobe had been hit, but were not too careful of the way it was carried out.⁴ Consequently, the German Minister refused to allow a German ship, the S.S. "Hesperia" to be kept in quarantine and when the Japanese tried to do so,

¹F.O.262/223, Adams to Granville, draft no.24, 29 January 1872.

²See the account in Treat, Diplomatic relations between the United States and Japan, 1853-1895, II, 37-39, of what happened in 1877.

³F.O.262/333, Parkes to Salisbury, draft no.61, 29 March 1879, contains Parkes account and defence of his stand. See also "Quarantine Regulations", Tokio Times, 27 July 1878.

⁴F.O.262/345, Dohmen to Parkes, nos.60 and 68, 5 and 17 July 1879.

the "Hesperia", escorted by H.I.G.M.S. "Wolf", broke quarantine on the Minister's orders.¹ There was considerable outcry at this action; one American missionary wrote: "The truth is that the life of a Japanese is not of much account when it stands in the way of trade in the eyes of a German minister",² while General Grant, the former United States' President, was reported to have said that the Japanese would have been justified in sinking the "Hesperia".³

Equally emotive was the subject of regulations for drugs. This was really the question of opium. Warned by the example of China, the Japanese had insisted that a prohibition on the import of opium be inserted in the treaties. Before 1868, opium smoking had been visited with heavy punishment, and the new government continued the practice.⁴ The treaties were silent on the question of medicinal opium for use in Japan, but had allowed a small amount for ships' use while in Japanese waters. Until

¹"Quarantine Regulations and the Hesperia", Japan Mail, 28 July 1879; F.O.262/334, Parkes to Salisbury, draft no. 145, 12 August 1879. This despatch includes the published correspondence between the German Minister and the Japanese Foreign Minister.

²Greene, A New Englander in Japan, p.179.

³Mitsukuri, "Recent changes in Japan", 492.

⁴Nagasaki Express, 22 October 1870.

1872, foreigners imported opium for chemists' use, passing it openly through the customs at the tariff rate of five per cent ad valorem, the standard rate for medicines. Then without warning, the customs at Yokohama began to refuse to allow medicinal opium through, even when consigned to known chemists. At first no reason was given. To foreigners, it was obviously the desire to put yet another "squeeze" on foreigners.¹

When the foreign representatives eventually obtained a reply to their protests, the Japanese claimed that all opium not just smoking opium, was excluded by treaty. But because opium was needed for medicinal purposes, they would permit its importation as long as foreigners obeyed certain "temporary regulations" on the import and use of drugs.² The foreign representatives rejected the regulations, and insisted on the right of importing drugs as before. When they discovered that one of the aims of the regulations was to give a monopoly of drug testing to a Japanese firm, they claimed that there was no real intention on the part of the Japanese to legislate properly on drugs.³

¹Far East, 16 January 1873. Foreign chemists were then importing about 400 lbs. per annum. F.O.262/236, Robertson to Watson, No.72, 30 December 1872.

²F.O.262/504, Ueno to Parkes, No.25, 12 May 1873. These regulations would have put foreign chemists firmly under Japanese control.

³F.O.262/505, Parkes to Ueno, draft no.50, 31 May 1873. For the Japanese monopoly, see F.O.262/252/R.170, Hartley and Co., to Parkes, 29 December 1873.

Thereafter, the Japanese continued to seize opium whenever it was entered on a ship's manifest. Sometimes, under strong diplomatic pressure the seized opium might be re-exported, but all the needs of the foreign community were supposed to be supplied from within Japan. In practice the foreign chemists smuggled in medicinal opium. The British Consul at Yokohama wrote:-¹

"... I am satisfied that a sufficient quantity [of opium] is received by the Foreign chemists here from time to time, either by some plan for evading the vigilance of, or perhaps at this late date even with the connivance of the customs."

No action was taken by the British authorities because, it was argued, it was absurd to think that the framers of the treaties had intended to exclude "a drug of first necessity".²

And so the pattern repeated itself time and time again. When foreigners demanded that they be allowed to travel in the interior, the Japanese reply was that of course they could do so, just as long as they were willing to obey Japanese regulations. Until such time anybody who travelled

¹F.O.262/264, Robertson to Parkes, No.44, 13 June 1874.

²F.O.796/59, Flowers to Takahashi Shinkichi, draft no.89, 25 July 1875. Flowers was explaining why he refused to prosecute a British subject for opium smuggling.

in the interior was liable to be arrested and handed over to his own authorities for punishment. Much diplomatic blustering went on; the German Minister at one point stating that unless the Japanese allowed foreigners to travel in the same way they sometimes let their foreign employees do, he would stop enforcing any penalties against Germans who travelled in the interior.¹ The Japanese reply was that there was no treaty right of access to the interior, and to enforce their point put pressure on foreigners. The strictest possible definition of treaty limits was insisted upon and constant checks were made on those travelling within the limits.²

The harbours at the open ports remained uncontrolled for the same reason. That some sort of control was necessary was obvious as early as 1869, when the Chamber of Commerce raised the matter.³ It continued to remain a problem until the 1890's. Yet an attempt by the local authorities at Yokohama to restrict the number of jetties had met with a threat by Parkes to resist with force "aggression by the Customs Police".⁴ Rather than allow

¹NGB, IV, 655-58, No.286, M. von Brandt to Ueno, 2 July 1873.

²Japan Herald (Mail Summary), 22 May 1874.

³F.O.262/182/R.125, Yokohama Chamber of Commerce to Parkes, 12 November 1869.

⁴F.O.262/507, Parkes to Terashima, draft no.56, 9 May 1874.

foreign vetting of Japanese laws, Inoue informed the British Chargé in 1881, the Japanese government would prefer to see Yokohama harbour silt up completely.¹

By the middle 1870's the question of foreigners and Japanese laws had apparently come to a complete impasse. The foreign community had not been directly affected by the policy of their diplomats, except that they could not travel in the interior of Japan, yet the struggle had done much to increase their belief in their own superiority and their contempt for the Japanese. It must have been heady medicine to be told in official notifications that not only was one allowed to break the law, but that any attempt to prevent such a transgression would be opposed with force if necessary.

But while the struggle seemed to have reached deadlock, solutions were emerging. Travel proved the easiest problem to settle. Already by the summer of 1873, the diplomatic union which had faced the Japanese looked to be in danger of being broken; the Italian representative, anxious that his countrymen should have access to the silk-producing districts, was prepared to allow them to go under Japanese jurisdiction while travelling outside the treaty ports.² The Japanese, for their part, were

¹F.O.262/362, Kennedy to Granville, draft no.71, 12 July 1881.

²NGB, IV, Nos.260-62; F.O.46/174, F.O. Adams to Hammond, private, 7 July 1873, enclosing a confidential memorandum, 6 June 1873.

anxious not to appear too illiberal for fear of the bad effect this would have abroad. The result was that agreement was reached whereby foreigners could travel in the interior on a Japanese passport. They would remain subject to their own authorities, If the terms of the passport were broken, another would not be issued. Passports were to be issued for reasons of health, investigation of a scientific nature or urgent business, but not for trade.¹

The system worked well. Floods of applications at times threatened to swamp the foreign authorities who passed them on to the Japanese.² But any hopes that in time the Japanese would display even more liberality were not realised. Any further concession was dependent on the submission of foreigners to Japanese jurisdiction. In spite of foreign pleas, the concession of 1874 remained the maximum the Japanese would concede.

The shooting question too was solved in a way to appease both sides. In 1874, the Japanese changed their tack to a demand that all fines from foreign regulations on the subject should go to them. This too proved

¹F.O.262/255, Parkes to Granville, draft nos. 127 and 140, 18 July and 3 August 1874. Some modification took place in 1875. F.O.262/270, Parkes to Derby, draft no.85, 6 July 1875.

²Treat, Diplomatic relations between Japan and the United States, 1853-1895, II, 319, n.45.

unavailing, and possibly with the idea of cutting their losses, the Japanese agreed to a compromise solution in 1876. Foreigners would take out a Japanese shooting licence, but the penalties attached to it would not apply. However, at the same time as the foreigner took out the shooting licence he would enter into a civil contract with the Japanese government whereby he agreed that if he were to break certain conditions, he would be liable for a civil action. These conditions were the same as applied to Japanese, but without the criminal penalties.¹

It was a somewhat cumbersome solution and was not highly regarded by Japanese or foreigners.² Yet it was better than no solution, and it lasted until 1892. In the fifteen years in which it had then been in operation only three cases occurred which led to actions under the contract.³

In most other cases, the Japanese won their claim, not through any compromise, but because of the collapse of the main opposition force, namely Britain. Paradoxically,

¹F.O.262/302, Parkes to Derby, draft no.8, 11 January 1877; see also, Inoue, K., Jōyaku kaisei, "Treaty revision", (Tokyo, 1956), pp.43-44.

²F.O.262/301, Pauncefote to Parkes, No.31, 13 April 1877, forwarding Ueno to Derby, 6 April 1877; Japan Herald, (Mail Summary), 11 January 1877.

³F.O.262/664, M. de Bunsen to Rosebery, draft no.98, 29 October 1892. There had been some cases of foreigners shooting without licences, to which the only solution was prosecution in their own courts. If the country concerned had no shooting regulations in operation in Japan, then nothing could be done. "Notes on Municipal Government", Japan Weekly Mail, 15 July 1882.

this came about on the one occasion when the Japanese were willing to forego their demand that Japanese laws should be extended to foreigners automatically.

In January 1876, J.R. Black, a British subject well known in the newspaper world of the Far East, began to publish a Japanese-language newspaper in the foreign settlement at Tsukiji. For anybody to publish a Japanese paper without permission was an offence under the Press Laws of 1875, but the Japanese Foreign Office did not claim that the Press Laws should automatically apply. They merely asked Parkes to act. When he offered to issue a regulation making it an offence for British subjects to publish newspapers in the Japanese language, the offer was accepted without question. The regulation was accordingly issued.¹ Black and the foreign press were furious, but to no avail.²

Black demanded compensation and the matter was referred to London. There the Law Officers of the Crown decided that he had no case. They went on to state that in their opinion the Japanese view of the question of foreigners and Japanese laws was correct. Unless they were specifically exempt by treaty from obeying Japanese laws, as they

¹F.O.262/285, Parkes to Derby, draft no.24, 7 February 1876.

²Black even tried blackmail. Papers of Count Okuma, C.87, Black to Okuma, 2 April 1876. (I owe this reference to Miss S. Hirose of Tokyo University.); "Mr. Black's Grievance", Japan Herald, (Mail Summary), 25 April 1876.

were in the matter of prohibitions on Christianity, foreigners were obliged to obey those laws. Whether the laws in question were good or bad was irrelevant, and the British Minister had no right to demand their alteration.¹ Parkes did not accept this view, which undermined his stand on the whole question of jurisdiction, but though he returned to the attack again and again, the Foreign Office in London did not modify its view.²

After 1879, Britain no longer claimed that only when Japanese laws had been agreed in consultation with British authorities could they be made applicable to British subjects. Japanese laws, if the Japanese demanded it, had to be made operable in the British courts by being issued as British regulations without alteration. From 1881, this was put into practice.³

The same principle, it was decided, governed the drug regulations. Again Parkes' position was undermined from

¹F.O.262/284, Derby to Parkes, Nos. 60 and 81, 24 May and 8 July 1876. This was also the United States view. See above, h. 159.

²F.O.262/333, Parkes to Salisbury, draft no.55, 15 March 1879; F.O.262/332, Salisbury to Parkes, No.93, 12 August 1879. The Japanese were informed unofficially of the change of attitude in 1878, and officially in 1882. NGBJKK, I, No.317; II, No.227.

³Dr. Daniels, in his account of this in "Sir Harry Parkes, British Representative in Japan", pp.324-327, seems to have misinterpreted the Foreign Office view. He claims that the Law Officers did not support Parkes, but the Foreign Office did. It is true that no reprimand was issued, but never again was his view that British subjects were not subject to the laws of Japan accepted.

London. In 1877, the Japanese prosecuted John Hartley, a British chemist, for importing opium contrary to the treaty and for smuggling. When the case was heard, the judge found that some opium had been smuggled, and ordered a fine of £165 and the confiscation of the opium except for three cattles, the amount mentioned in the treaties as being allowed for ships' use. On the charge of importing opium when it was prohibited by treaty, the judge found that there was no offence, for whatever the treaty might say, it could not have intended to prevent the use of a valuable medicine.¹

This would have given carte blanche to wholesale opium importation and would have made nonsense of the Japanese regulations on drugs. The Japanese government at once gave notice of its intention to appeal to the Privy Council, while powerful forces in London demanded an explanation of why opium was being "forced" on Japan.² But the matter did not come before the Privy Council; the Law Officers, when consulted, found both decisions to be

¹F.O.656/49, H.S. Wilkinson to C. Trench, No.28, 9 October 1878, and also "Contraband Opium", Japan Daily Herald, 10 April 1878; Tokio Times, 13 April 1878. In spite of the protests of the accused, J. Hartley, that he was only bringing in medicinal opium, the cases revealed that some of the smuggled opium was suitable only for smoking. This aspect of the matter was never investigated.

²F.O.262/522, Terashima to Parkes, No.13, 7 March 1878. For the reaction in London, see "The Hartley Opium case", London and China Express, 21 June 1878.

incorrect and whatever the treaty might have intended to say, it did distinctly state that all opium was forbidden. To complicate matters, there were considerable doubts as to whether the Judge who heard the case, H.S. Wilkinson, had the legal authority to do so. Rather than have the defects of extraterritoriality paraded before the world, Lord Salisbury wrote, it was better to concede Japan's demands. Parkes was therefore to try and reach agreement on a satisfactory set of drug regulations.¹ Parkes again expressed his opposition, but was again ordered to reach agreement with the Japanese.² No such agreement was ever forthcoming, for the Japanese refused to discuss the matter; they issued regulations without reference to the foreign representatives who were compelled to allow their countrymen to abide by them if they wanted drugs.³

The other powers followed the new British lead. The United States had already committed itself publicly to the position which Britain now adopted, and it would have been

¹F.O.262/318, Salisbury to Parkes, No.50, 10 August 1878.

²F.O.262/332, Salisbury to Parkes, No.93, 12 August 1879.

³New regulations were issued in October 1878; see Tokio Times, 2 November 1878. For the working of the arrangements see F.O.262/574, Trench to Salisbury, draft no.236, 7 October 1887. This despatch makes it quite clear that British subjects were compelled to obey the Japanese drug laws. As all the chemists in the treaty ports seem to have been British, the problem did not arise for other powers.

hard for the lesser powers to have resisted these two. In any case, there were probably as many doubts in European Chancelleries as in London and Washington about foreigners' judicial rights in Japan. No formal notifications were issued, but as with Britain, the change was soon obvious.

In 1879, the Japanese issued regulations for ships' pilots and the British and American Ministers at once made them applicable to their nationals.¹ In 1881, Britain and Germany for the first time issued the Japanese quarantine regulations without modification as binding on their respective subjects.² In subsequent years the other powers did the same, and there were no complaints at the new arrangement. In 1892, without consulting the foreign representatives, the Japanese did away with the shooting licence arrangement agreed in 1877, and replaced it with one similar to their original proposal. There was a mild protest from the Italian Minister, but it drew no support from his colleagues.³ Harbour regulations were issued in 1894, again without consultation and again with the most desultory protests.⁴ After years of inaction, during which

¹F.O.262/334, Parkes to Salisbury, draft no.123, 19 November 1879. No other powers were concerned.

²F.O.262/365, Kennedy to Granville, draft no.153, 12 December 1881.

³F.O.262/644, de Bunsen to Rosebery, draft no.98, 29 October 1892.

⁴Parl. Papers, 1894, vol.xlvi, (Cv.7548), 292-95, Correspondence respecting Treaty Revision with Japan, Fraser to Rosebery, 27 March 1894; Kimberley to Fraser, 4 June 1894.

large quantities of gunpowder, dynamite and other dangerous substances were stored in the foreign settlements while foreign consuls objected to any control, regulations for the storage of inflammable and other dangerous goods were slowly extended to all the open ports.¹

Although the outcome of the struggle over the question of foreigners and Japanese laws was on the whole in Japan's favour, the course of the conflict must have gone a long way towards convincing Japan's rulers that the only solution to the problems posed by foreigners in Japan was a revision of the treaties which would give to Japan judicial control over them. The treaties had laid down that either side could ask for a revision of the treaties from 1872. Much ink was used in preparing lists of foreign demands, but the Japanese did not then seem anxious to raise the question, although some preliminary soundings were made in the course of the Iwakura mission.²

¹In March 1875, to take one example, there were 30,000 cases of paraffin stored in the settlement at Kobe and a ship with 700 tons of gunpowder in the harbour. Japan Herald (Mail Summary) supplement, 25 March 1875. Similar horror stories were common at all the ports. For the regulations, see F.O.262/374, Dohmen to Kennedy, No.7, 22 February 1881; F.O.262/425, Robertson to Plunkett, No.28, 2 June 1884.

²The history of treaty revision with Japan still lacks a study based on the archives. Jones, Extraterritoriality in Japan, still remains the only account in English but is now long out of date. In Japanese, the main work is still Yamamoto, S., Jōyaku kaiseishi / "History of treaty revision" (Tokyo, 1943). Evidence of a renewed Japanese interest in the subject is to be found in the essay by Inoue, Jōyaku kaisei published in 1956 and in Shiomomura, F., Meiji shōnen jōyaku kaiseishi no kenkyū, / "Studies in the history of treaty revision in the early Meiji period" /, (Tokyo, 1962).

When the question was raised after 1872, which was not often, it was normally only commercial matters which were considered as likely to be discussed at a treaty revision conference. Indeed, the Japanese did conclude a new treaty with the United States in 1878 relating wholly to commercial matters.¹

But the Japanese had not ignored the question of extraterritoriality in their consideration of treaty revision. While the negotiations for the American treaty of 1878 were still at an early stage, it was made clear to the United States that the whole of Japan would be open to Americans if extraterritoriality was surrendered.² It was obvious by then that the diplomatic unity of Bakumatsu days was not a strong plant; the willingness of the Italian Minister to conclude a separate agreement on travel in Japan and the attitude of the American Minister had proved that.³

¹This treaty remained a dead letter because it was to become operative when the other powers had concluded similar ones. Kajima, M., Nichi-Bei gaikōshi, "History of American-Japanese diplomacy", (Tokyo, 1958), pp.27-32.

²M662/163/3, Memorandum by Kiyanori, 17 January 1878.

³Parkes was well aware in 1873 that the Italian Minister's action was in danger of bringing down the whole structure of extraterritoriality. He canvassed the idea of claiming whatever the Italians or anybody else might obtain under the "most-favoured-nation" clause, but without making any concessions to Japanese demands. The Foreign Office, after taking legal advice, decided that it would not be possible. F.O.262/240, Hammond to Parkes, No.41, 19 September 1873, enclosing Hammond to the Law Officers, 4 September 1873.

From the advent of Inoue Kaoru to the Japanese Foreign Ministry in 1880, the Japanese set out to have the treaties revised to give them judicial control over foreigners. From the start, it was obvious that what the Japanese really wanted, as far as the judicial clauses of the treaties were concerned, was not a revision, but the complete end of the old system. At first they were prepared to be contented with small gains; Inoue's first proposals envisaged the Japanese dealing with civil cases involving fines of up to \$500, and criminal cases where the maximum penalty was three months' imprisonment.¹

These first overtures were rejected by the foreign powers.² They were substantially revived in 1881 and formed the basis of the 1882 treaty revision conference, but were then already regarded by the Japanese as far too limited in scope. By 1886-87, the Japanese were considering proposals for a system of mixed courts with foreign judges. This would come into force after a preliminary period when the foreign courts would continue to function in the treaty ports, but Japanese courts would

¹F.O.262/350, Kennedy to Salisbury, draft no.60, confid., 4 January 1880. NGBJKK II, no.217.

²The 1880 proposals were abandoned when they were leaked to the Japan Herald by the Dutch Minister. F.O.262/351, Kennedy to Granville, draft no.134, confid., 3 August 1880; NGBJKK, II, 111-12, No.27, Ueno to Bingham, 22 July 1880; Japan Daily Herald, 16 and 17 July 1880.

have jurisdiction outside.¹ By 1890, the Japanese, after the brief flirtation with foreign judges, were only prepared to consider the complete end of extraterritoriality and it was on this basis that the Anglo-Japanese treaty of 1894, the first of the successful revised treaties, was concluded.²

There were several reasons for Japan's increased demands and ultimate success. The division of interests between the powers already noticeable by 1880, became more marked as the years went by. The 1882 conference revealed that both Germany and the United States were prepared to make concessions over jurisdiction in return for commercial advantages.³ Subsequent years saw the powers jostling one another for position, each prepared to sacrifice diplomatic unity if the price was right. As one foreign lawyer in Japanese employment told Plunkett, the only thing on which the foreign powers could be said to be united was that each was determined to block the others' advance.⁴ The

¹Jones, Extraterritoriality in Japan, pp.107-111; F.O.262/555, Plunkett to Rosebery, draft no.94, confid., 11 June 1886.

²For the 1894 treaty, see Parl. Papers, 1895, vol.cix, 91-106 (C.7583), Treaty of Commerce and Navigation between Great Britain and Japan signed at London 16 July 1894. For the negotiations, see Nish, I., "Japan reverses the unequal treaties: the Anglo-Japanese Commercial Treaty of 1894", Papers of the Hong Kong International Conference on Asian History, No.20.

³von Siebold, Japan's accession to the comity of nations, pp.75-81.

⁴F.O.262/574, Plunkett to Salisbury, draft 188, very confid. 9 July 1887. Plunkett had himself pointed out the lack of unity a number of times. See F.O.262/414, Plunkett to Granville, draft no.114, confid., 22 July 1884. There were also voices in Britain warning that if Britain did not take a lead, other powers would reap the advantages. F.O.46/358, Memorandum by Philip Currie, 7 May 1886; Board of Trade to the Foreign Office, No.c.2263, 27 May 1886.

Japanese took the hint, and the negotiations of 1889-90 and of 1894-96 were conducted with the separate powers.

While the diplomats were splitting up, the Japanese were becoming united. Increasingly as Japanese demands were rejected during the 1880's, there developed a Japanese public opinion on the subject of treaty revision. The government which had been unable to obtain the modest demands of 1880 because of foreign opposition, was unable to take advantage of the much greater concessions offered by the powers in 1887 because of Japanese opposition. Rebuffs by the powers led to an outburst of feeling against things foreign whose most famous voice was Viscount Tani's, but which was widespread throughout Japan.¹ When Japan became the first Asian country to have a parliament, this public opinion was displayed for all the world to see. Japanese negotiators could plead that they were unable to make concessions for fear of the repercussions in parliament.²

There was one other factor. Extraterritoriality in Japan was becoming unworkable by the late 1880's. New legal problems had arisen which the framers of the early

¹The view that modern Japanese nationalism dates from 1887 was accepted at the time and has been reiterated recently. See "The Nationalistic Movement in Japan", Japan Weekly Mail, 3 May 1890, and, Brown, D., Nationalism in Japan, (Berkeley and Los Angeles, 1955., p.112.

²See M662/163/5, Tateno to Gresham, semi-official, 14 March 1894, forwarding a "Memorandum giving a synopsis of Treaty Revision in Japan".

treaties had never considered. Naturalisation as a Japanese, for example, was unlikely to have occurred to Lord Elgin as the sort of question which would arise in Japan. Yet by 1890, it had become a considerable problem.¹ As Hugh Fraser wrote in 1890, it was "not so much the expediency of maintaining Consular Jurisdiction as the possibility of maintaining it", which was really in question.² The old treaties were decrepit, the powers were divided amongst themselves and the Japanese were jealously watching for opportunities to assert their control over foreigners.³

Yet the most characteristic feature of the treaty port community was its objection to the end of extraterritoriality. Even modification was opposed. It is true that there were some sections of the foreign community in Japan anxious to see an end to the old system. The missionaries were eager to be able to proselytise in the interior without the need to resort to subterfuge.⁴ Others attacked the treaties as being detrimental to Japan's

¹ "Naturalisation of British subjects in Japan", Japan Weekly Mail, 1 November 1890; Japan Echo, 1 November 1890; F.O.262/636, J. Troup to Fraser, No.63, 19 December 1890. Mixed marriages were another problem.

² F.O.262/626, Fraser to Salisbury, draft no.26, confid., 12 February 1890.

³ See F.O.262/604, Fraser to Salisbury, draft treaty no.16, 16 November 1889, enclosing an undated memorandum by J.H. Gubbins, where this theme is developed.

⁴ F.O.262/614, Fraser to Salisbury, draft no.97, confid., 16 August 1889.

sovereignty, and condemned the powers for failing to recognise the great advances made by Japan.¹ Occasionally, there were voices in the commercial world in Japan anxious that the old privileges be abandoned in order that access might be had to the real Japanese market. For a time even the Yokohama Chamber of Commerce supported such views.²

But the foreign community of the ports did not share these views. To them it was vital that extraterritoriality should continue, for it was the basis of their position in Japan. Rather than surrender extraterritoriality, they were prepared to surrender any commercial advantages to be obtained from the opening of the country.³ By 1880, the foreign community was certain of its special position. The campaign over foreigners and Japanese laws appeared to have been settled in favour of foreigners; events such as the "Hesperia" incident showed that foreign rights and privileges were not to be trifled with. Foreigners could

¹Griffis, W.E., "Nature and people in Japan", Century Magazine, XXXIX, (November 1889-April 1890), 231-39.

²The Yokohama Chamber of Commerce and Treaty Revision", Japan Weekly Mail, 21 February 1885.

³"Extraterritoriality and Trade", Japan Weekly Mail, 25 November 1882. Criticism of the 1894 British treaty was so much concerned with its legal provisions that the Legation found it hard to obtain any views on the commercial aspects. F.O.262/697, Trench to Kimberley, draft no.145, 20 October 1894, forwarding a Memorandum by M. de Bunsen, 12 October 1894.

ignore Japanese laws if they chose.¹ Foreigners were not disabused of this belief for some years because there was no formal acknowledgement by any of the powers, except the United States, that they had conceded Japan's demands that foreigners were subject to Japanese laws. In time the concession became common knowledge, and then it was also obvious that all the powers were prepared to consider alterations in extraterritoriality.

It was with something approaching an amused tolerance, therefore, that the treaty port community reacted to the early Japanese proposals for modifying extraterritoriality. A hint that Japan expected to see the end of extraterritoriality before long was greeted in 1878 by the Japan Mail with derision. Only when Japan had been fully opened up and had adopted a complete Western attitude, not just Western laws could the question even begin to be considered.²

The publication of the Japanese draft proposals in 1880 indicated for the first time to the treaty port residents that the position was not perhaps as unassailable

¹Each time there was an infectious disease, there were always large numbers of foreigners who refused to obey rules about inspection, etc., Japan Weekly Mail, 20 December 1884. Any admission of Japan's rights over foreigners led to much talk of "the fine old days and Sir Harry Parkes ..." Fraser, A Diplomat's wife in Japan, I, 199.

²"Extraterritoriality", Japan Weekly Mail, 19 October 1878.

as they had thought. With that realisation there began a long campaign to prevent the end of extraterritoriality. The arguments produced were rarely very different; Japan's vaunted modernisation was only skin deep; the codes could be swept away at the stroke of the pen; such laws as were already in force were so badly administered as to make nonsense of them; there were no honest judges - and, by implication, never would be; torture was practised, or if not now in current use, would be revived for foreigners; the list was endless.¹ Much of the criticism was true, especially in the early 1880's, but as the years passed it became increasingly less so. Not so foreign views; the same arguments and examples were being quoted in 1894 as had served in 1880 or 1882.

Arguments about the failure of Japan's modernisation were only one shot, if the most important, in the foreign community's armoury. Another frequently used was that there was no desire in Japan for the end of extraterritoriality, the campaign was drummed up by the government for reasons of its own.² It was difficult to sustain after

¹For a somewhat exaggerated example of foreign fears, see Japan Punch, July 1882.

²This view was not confined to the foreign community; Parkes too favoured it, as did some of the other representatives. See Dickins and Lane-Poole, Life of Sir Harry Parkes, II, 314; Sims, R.L., "French policy towards Japan 1854-1894", unpublished Ph.D. thesis, University of London, 1968, p.229.

1887, but did not disappear. Also popular was the argument that a surrender to Japan's demands might be justified, but to do so would mean that the same concession would have to be made to China. And beyond China there loomed the Ottoman Empire and even more distantly, India.¹ Japan's Westernisation and China's stagnation was ignored.

So predictable, indeed, did foreign views become, that the foreign representatives and their governments rarely bothered to consult the treaty port community on extra-territoriality. Their opinions were sought on matter of trade, but their views on the jurisdiction clauses of the treaties were not asked. There were many complaints, but always the foreign residents were left to guess at what was being decided.²

The realisation that the 1886-87 negotiations included foreign judges as a temporary expedient to prevent the full vigour of Japan's laws falling on foreigners did much to lead to a diminuation of foreign protests. When negotiations were renewed in 1889, it was confidently believed that the

¹Tokio Times, 6 January 1877; NGBJKK, II, 1228-1230, no.399, Minutes of a meeting between von Siebold and the Italian Foreign Minister, 27 September 1883. Plunkett referred to Sienkiewicz, the French Minister in 1884, "looking at Japan exclusively through the Suez Canal ..." F.O.262/415, Plunkett to Granville, draft no.230, most confid., 11 December 1884.

²Japan Weekly Mail, 5 August 1882 and 19 February 1887; Japan Punch, February 1882 and June 1886. This silence had been the Japan Herald's justification for publishing the 1880 proposals, Japan Daily Herald, 21 July 1880.

powers would continue to insist on this safeguard, though it was well known that the Japanese would insist on a complete end to extraterritoriality.¹ The treaty with Mexico of August 1889 was fully reciprocal in all its provisions. It thus showed Japan's determination to end extraterritoriality.²

No information was supplied to the foreign community on the progress of negotiations. Then in September 1890, when negotiations were already broken off, the Yokohama branch of the Hong Kong and Shanghai Bank received a telegram which said that new treaties had been signed with Germany and Britain. Panic at once seized Yokohama. For the first time since the very earliest days of the open ports a mass meeting was held, with over four hundred attending. Led by J.H. Brooke, editor of the Japan Herald, J.A. Fraser, a Yokohama businessman, and J.F. Lowder, once of the British consular service, and now just retired after twenty years as a legal adviser to the Japanese government,³ the meeting resolved that it was too soon to end

¹"From a correspondent", The Times, 28 December 1889. The "correspondent" was J.F. Lowder, referred to below.

²Text in Japan Mail (Summary), 2 August 1889. As there were no Mexicans in Japan, it was purely symbolic.

³It was alleged by some Japanese that Lowder's opposition to the supposed new treaties had arisen because he had hoped to become one of the foreign judges under the 1886-87 proposals. Nippon, 21 October 1890, quoted in Japan Echo, 1 November 1890.

extraterritoriality, that the Japanese decision not to allow aliens to hold land was unjust, and that a permanent committee should be established to advise on future action.¹

Copies of the resolutions were despatched to the diplomatic body and to the major Chambers of Commerce throughout the world. Soon came the gratifying news that Kobe too had decided to protest, though with somewhat less flamboyancy.² The first noticeable reaction, however, was amongst the Japanese. A wave of anti-foreign feeling swept Yokohama; threats were issued against the three principals of the meeting and Fraser was compelled to seek police protection.³

Before long, the apparent unity of the foreign community was broken. Major companies, such as Jardines had been quick to disassociate themselves from the Yokohama resolutions, and before long Brooke and Lowder fell out, because the latter was willing to see some concessions to the Japanese.⁴ By the time the committee set up in September 1890 was ready to report, the sense of purpose had gone. The report, predictable in its argument that the

¹F.O.262/627, Fraser to Salisbury, draft telegram no.11, 13 September 1890; Japan Weekly Mail, 13 September 1890.

²Hiogo News, 27 September 1890.

³Japan Weekly Mail, 20 September 1890.

⁴Japan Weekly Mail, 4 October 1890.

time was not ripe to end extraterritoriality and that concessions in Japan would mean equal concessions in China, Siam and elsewhere, attracted little attention.¹ The committee never met again.

Opposition to the idea of treaty revision did not disappear. Maurice de Bunsen recorded that Hugh Fraser, the British Minister, encouraged him to go periodically to Yokohama in order to persuade the foreign community into a better frame of mind on the subject.² Perhaps in the hope of being able to work through that body, a number of Britons joined the fledgling China Association.³ Japan's unilateral decision to end Portuguese jurisdiction in Japan, which left the diplomats and their governments largely unmoved, called forth a protest in the foreign press.⁴

The news that Britain had signed a new treaty with Japan in July 1894 at first aroused little attention among the foreign community. War between China and Japan was of more immediate concern. When the text of the treaty

¹It was forwarded to the British Foreign Office by the China Association in February 1891. F.O.46/414, R.J. Grundy to Sir T. Saunderson, 19 February 1891. It was published in Japan Weekly Mail, 11 April 1891.

²Dugdale, E.T.S., Maurice de Bunsen, Diplomat and Friend, (London, 1934), p.94.

³London and China Express, 8 July 1892. The Association dated from 1889. At that time there were thirty members resident in Japan and only six in China.

⁴F.O.262/664, de Bunsen to Salisbury, draft no.71, confid., 27 July 1892.

became known, indeed, the British Chargé d'Affaires could report that, even though it provided for the complete end of extraterritoriality after five years with no safeguards, it had been well-received by both Japanese and foreigners.¹ Such a reaction was short-lived. By the middle of October, the British community was up in arms, protesting at the total surrender to Japan's demands.² It was particularly galling that Britain, long the defender of foreigners' privileges, should have abandoned the rôle so completely. B.H. Chamberlain, explaining his and the foreign community's objection to the treaty wrote of Britain's loss of prestige in signing such a treaty with "that two penny half penny Brummegam imitation ... these frock-coated officials have made of Japan ..."³

The Yokohama branch of the China Association hastily organised a petition against the treaty, claiming to speak for all the foreign community.⁴ The Foreign Office took no action on this, and for a time hopes were pinned on

¹F.O.262/696, Trench to Kimberley, draft no.103, 31 August 1894.

²Dugdale, Maurice de Bunsen, p.114. See also F.O.262/697, Trench to Kimberley, draft no.145, 20 October 1894, enclosing a Memorandum by de Bunsen, 12 October 1894.

³Koizumi, K., Letters from B.H. Chamberlain to Lafcadio Hearn, (Tokyo, 1936), pp.488-497.

⁴F.O. 46/459, R.S. Grundy to Kimberley, 12 February 1895, forwarding the "Protest of the Yokohama Branch of the China Association against the action of Her Majesty's Government in the matter of the Treaty lately concluded with Japan by Great Britain."

being able to exert pressure on the Japanese through the other treaty powers. Even some Japanese statesmen feared that the British treaty might be undone in this way, but soon realised that it was unlikely that Germany or any other foreign power, would pay much attention to the wishes of British subjects when the British government had not bothered to.¹ Such proved to be the case; the later treaties, far from satisfying the foreign residents' hopes, merely added more and more disgruntled nationalities to the British.²

Having failed to prevent the new treaties, the foreign community set out to have special arrangements made for them after 1899. A long campaign began to have Japanese jails altered to suit foreign needs. The campaign was sometimes carried to rather extreme lengths. As one visitor noted:-³

"To judge by the tone of most of the English newspapers published in Japan ... you would certainly have thought that the majority of Occidentals visiting or residing in Japan were going to spend the rest of their days in gaol ... Nobody seemed to know how, but ...

¹NGBJKK, IV, 289-290, No.162, Mutsu to Aoki, tel. no.5, 5 April 1895.

²See "France and Japan", London and China Express, 2 December 1898.

³Diosy, A., "Some account of my recent visit to Japan", TPJSL, V, (1898-1901), 126. Diosy, the president of the Japan Society of London, was hated in the treaty ports for his pro-Japanese attitudes. In fact, most powers were already using Japanese jails at one time or another when nothing else was available.

we were almost all to be kept in very dirty Japanese prisons, probably for the rest of our lives."

The Japanese agreed to introduce modifications in diet and other matters to meet the needs of foreigners, and even held conducted tours of some jails.¹ Other foreign demands were less successful; no comfort was received in the matter of a more liberal policy on land holding, for example, and there was considerable opposition in some quarters in Japan even to minor concessions over prison accommodation.²

Eventually it sank in that the old order of things was definitely ending in the summer of 1899. Some left; the newspapers noted a steady, if small, stream of departures.³ The majority turned to the task of preparing for the new order. Pamphlets and articles poured off the foreign presses advising both Japanese and foreigners on how to make the transition an easy one.⁴ At Kobe and Yokohama, committees of local residents were organised to bring Japanese and foreigners together.⁵

¹P.R.O.30/33/8/13, R.D. Robison to Satow, 19 May 1898.

²"The 'Yomiuri' and the treatment of Foreign Prisoners", Japan Times, 10 September 1898.

³"Why foreigners are leaving Japan", Kobe Chronicle, 5 July 1899. The Chronicle decided that the increasing cost of living had as much to do with the departure as the prospect of living under Japanese jurisdiction.

⁴See, for example, Lonholm, C., The Condition of foreigners under the new treaties, (Tokyo, 1898), which explained the Japanese codes to foreigners.

⁵"To smooth the way", Japan Times, 10 March 1898.

Extraterritoriality and all the special legal rights of foreigners came to an end at midnight on 4 August 1899. The foreign courts continued for some months longer, but only to clear up outstanding cases; otherwise the new order had come to stay. There were some official celebrations, but the general feeling, wrote one newspaper, was of the "subdued feeling of importance of the occasion".¹ There were no mass arrests, no raids by Japanese policemen armed with books of minute regulations. Instead, the new régime was given a much more practical test ninety minutes after it came into operation, when an American ran amok and killed three people at Yokohama.²

As time passed, so the old fears were proved false. The mass arrests and the policemen with their regulations never did materialise, and there were no reports of foreigners being tortured. As some had foreseen, after a year or so, the foreign residents were left wondering what their fears had been all about. It was true, that there were some who, with B.H. Chamberlain, looked back to a "golden age", when Yokohama could be as proud of its independence as Shanghai continued to be, but they were not many.³ Yet the opposition and the history of

¹Eastern World, 5 August 1899. The tone had been set by the Imperial Rescript of 30 June. Eastern World, 8 July 1894.

²Diosy, "Some account of my recent visit to Japan", 126-27.

³For Chamberlain's views, see his Things Japanese, 5th edition, p.496.

extraterritoriality had their effect. Foreigners did not lose the arrogance their special legal status had made so easy, and the Japanese did not forget the long struggle necessary to regain what they regarded as rightfully theirs. The pro-foreign feeling and the admiration for things Western which had been such a marked feature of Japan after the Restoration turned sour in the course of the struggle. As the veteran Roman Catholic missionary Père Everard remarked to Satow in 1895, it was a great pity that the treaties had not been revised in 1882. Attitudes had become fixed and too much had been said which could not be forgotten by 1894.¹

¹P.R.O.30/33/15/17, diary, 21 October 1895.

Chapter Five

Municipal Affairs

The opening of the new settlements in 1868 and 1869 saw municipal affairs at the existing ones in a sorry state. The treaties had been silent on this question; no doubt their framers had felt that such matters were best left to those on the spot to settle. Nor had any arrangements been made before the ports were opened in the summer of 1859; events in China left little time for worrying about the drains of foreign settlements in Japan.

Not surprisingly, it was not at first a question which interested the newly arrived foreign residents very much. But before long, it was obvious to even the least fastidious foreigner that something would have to be done. Piles of stinking refuse lay in the undrained and unpaved streets, while at night it was dangerous to venture forth since there were no lights and no police to check the gangs of sailors who wandered from one unlicensed grogshop to the next. It proved easier to find a solution to the problem at Nagasaki than at Yokohama. At Nagasaki the Japanese had not rushed ahead with a settlement of their own without waiting for the arrival of the foreign Consuls. Nor had they been so eager to have their settlement accepted that they had charged low rents; the rents at

Nagasaki were far higher than those at either Hakodate or Yokohama and remained the highest in Japan until the opening of Tokyo.

When approached by the Consuls on the question of making arrangements for dealing with municipal affairs, the Japanese authorities at Nagasaki agreed that a proportion of the rents should be devoted to the general care of the settlement. In particular, the Japanese local authorities would take charge of the cleaning of the streets and the drains. At the same time it was agreed that policing and lighting were to be financed by the foreign residents. The Consuls would call an annual meeting of land-renters who would then agree on a voluntary rate to be levied for this purpose. Should it be thought necessary, the land-renters' meeting could be re-convened during the year. It was also laid down that all public houses should be licensed.¹

Rather than re-convene meetings of all the land renters, the Consuls decided that the regulations allowed them to appoint a permanent committee, the members to be elected from among the land-renters. This was elected for the first time in April 1861,² and at once became known as

¹The text of the agreement, dated 29 September 1860, which was approved by the foreign representatives, can be found in Japanese Foreign Ministry, Treaties and Conventions, I, 1157-67. For the background see F.O.262/423, W.G. Aston to Plunkett, No.17, 14 April 1884.

²Nagasaki Shipping List and Advertiser, 10 July 1861.

the "municipal council".¹ It held its first meeting in May 1861, and by September it was well under way. Because the Japanese seemed unaware of what was needed in the way of drains, the council was soon able to persuade them to ^{take} had over responsibility and a further portion of the rents for this. It was also able to report that the "municipal police" had entered on their duties.² In succeeding years, the council continued to function with some success. But it was constantly under attack from the foreign residents for not doing enough to ensure that Nagasaki was suitable for foreigners and it was chronically short of revenue. The voluntary rate and the revenue from licences which the Consuls made available never totalled more than \$3000 and were barely sufficient to cover expenses.³

In contrast to Yokohama, however, municipal affairs at Nagasaki were in excellent shape in 1868. Yokohama began life under a cloud as far as the foreign representatives were concerned. As we have seen, it had been set

¹The various bodies of land-renters or residents at Yokohama and Kobe also called themselves "municipal councils". They had no claim to such a title for none of the settlements were corporate bodies, and the "councils" had no legal powers. See F.O.262/421, J. Troup to Plunkett, No.37, 22 December 1884, in which Troup explained how the term had come into existence and why it had no legal validity. It is used here for convenience.

²Nagasaki Shipping List and Advertiser, 4 and 18 September 1861.

³F.O.262/423, Aston to Plunkett, No.17, 14 April 1884.

up over their objections and there had been much ill-feeling between the representatives and the first foreign residents because of the latter's refusal to support the objections to Yokohama.¹ When the foreigners began to complain about the condition of the settlement, the foreign representatives were at first inclined to say "we told you so".² Alcock's regulations for the control of British subjects at Yokohama issued in November 1861 were designed to improve matters, particularly by controlling the lawlessness of the town, but were bitterly resented and did little to help.³

Without much support from the consular body, the land-renters organised their own municipal council in the spring of 1862. Its members were to be elected by the land-renters from their number and the council was to have sub-committees to deal with streets, lighting, nuisances, police, bunds and jetties, and cargo boats. This body lacked any revenue and the Consuls were unable to give it any legal powers. The most it could do was to make suggestions. It began to languish within a few months of its inception and by the end of the year it had ceased to exist at all.⁴

¹See above pp. 18-19.

²See Alcock, The Capital of the Tycoon, II, Appendix B, for a meeting between the British residents and Consul Vyse early in 1861. For the condition of Yokohama at the end of the same year, see Japan Herald 21 December 1861.

³Alcock, The Capital of the Tycoon, II, 391-93; Japan Herald, 30 November 1861.

⁴Black, Young Japan, I, 77-78, 81, 112.

For two years, no further attempt was made to organise a foreign council at Yokohama. The Japanese carried out the most perfunctory repairs to the streets and drains, while for their part, the foreign residents organised a scavaging corps, a fire brigade, and, after the murder of Richardson, a volunteer corps with both mounted and foot sections.¹ The cramped condition of the settlement made some arrangement necessary for expansion, and while negotiating an agreement on this, the foreign representatives also raised the question of municipal government. The Japanese agreed to extend the settlement by filling in part of the swamp which bordered the existing settlement and to provide a recreation ground. It was also agreed that foreign slaughterhouses should be controlled and that restrictions would be placed on riding on the Tokaido. But the most interesting section of the agreement was that which laid down "that in order to avoid all further discussion about the keeping of roads, drainage, cleaning of streets and other municipal objects ..." the Japanese had agreed to give up twenty per cent of rents to the land-renters.²

¹Black, Young Japan, I, 145-46, 285, 295.

²Japanese Foreign Ministry, Treaties and Conventions, I, 1031-38. The most successful section of the agreement turned out to be that relating to slaughterhouses. Yokohama Keizai bunka jiten, pp.225-26.

Two foreign grievances, the lack of municipal self-government and the high land rents with little return, seemed to have been resolved. The huge fire which swept the settlement and the native town in November 1866 and thus gave an opportunity to rebuild the insanitary original settlement, also seemed to help the new council.¹

The council, however, had been plagued with problems from the beginning. While the arrangements had made sure that each nationality in Yokohama should be represented proportionally, no provision had been made for those who were only sub-tenants not land-renters. Of six hundred foreigners, only a hundred were land-renters; the rest were unrepresented and took little interest in the council's doings.² Few were willing to subscribe to the voluntary rate; their attitude was that of the Shanghai merchant quoted by Fairbank: "In two or three years at furthest I hope to realise a fortune and get away ... and what can it matter to me if all Shanghai disappear afterwards in fire or flood?"³ Some Consuls refused to support the

¹For the fire see Black, Young Japan, II, 18. The foreign representatives, led by Parkes, were able to persuade the Japanese to rebuild to avoid the faults of the early settlement. F.O.391/14, Parkes to Hammond, 31 December 1866.

²Black, Young Japan, I, 358-76.

³Fairbank, Trade and Diplomacy on the China Coast, I, 161, note C. For a similar attitude from Yokohama, see Japan Punch, August 1876.

council's regulations, and others doubted the wisdom of making available to it the revenues from licensing of public houses.¹

Nor had the council proved very successful at its job. Indeed, apart from the police force made up of men from the British garrison, the council's administration of the settlement was by its members' own admission extremely poor. Commenting on the condition of the settlement, Parkes wrote that it was far worse under the council "than when it was administered by the Japanese stimulated by the advice of the Consuls".² Money had been squandered; new drains had been torn up and replaced quite unnecessarily, and when the council collapsed, there were several thousand dollars unaccounted for.³ By the end of 1867, the council was ready to admit defeat. Claiming that the Japanese had not made sufficient money available in 1864, it asked to be relieved of its duties. Municipal affairs reverted to the Japanese. The Japanese were none too pleased at this turn of events for by the end of 1867 they had other problems, and when the foreign representatives suggested that a foreign "Municipal Director"

¹F.O.345/32, Confidential "Memorandum on Municipal Affairs submitted for the Information of the Governors of Kanagawa", by M. Dohmen, 18 April 1868. (Cited as "Dohmen Memo".)

²F.O.391/14, Parkes to Hammond, 7 November 1867.

³"Dohmen Memo".

should be appointed to help them in their dealings with the foreign residents, they gladly agreed. An agreement was drawn up which embodied these provisions and was duly announced in December 1867.¹

It was against this background of partial success at Nagasaki and failure at Yokohama that the foreign representatives approached the question of the opening of Hyogo, Osaka and Edo in 1867. It was not expected that foreigners would at first reside permanently at Edo and no provision was made for foreign self-government in municipal affairs there. Later, when foreigners did reside permanently at Tokyo as Edo became, all responsibility for municipal affairs lay with the Japanese. Osaka and Hyogo were to profit by the mistakes made elsewhere. Two sets of regulations were drawn up, mainly at Sir Harry Parkes' insistence,² in May 1867 and August 1868.³ Before drawing up the second set of regulations, the foreign representatives were able to gauge the feelings of the new settlers at Kobe as expressed at a series of public meetings in the spring.⁴

¹Japanese Foreign Ministry, Treaties and Conventions, I, 1049-52. The English text is wrongly dated 17 December 1871, the Japanese has the correct date. The agreement was not signed by any of the parties and thus had no force in international law. See F.O.262/364, Granville to Kennedy, No.52, 13 August 1881; Treat, Diplomatic relations between the United States and Japan, 1853-1895, I, 570, II, 40.

²The foreign settlement at Kobe (Hyogo) was known for a time as "Parkes' folly". Japan Times (Overland Mail), 21 August 1868.

³The texts will be found in Japanese Foreign Ministry, Treaties and Conventions, I, 1113-18, 1125-28.

⁴F.O.262/148, J.F. Lowder to Parkes, No.20, 25 April 1868.

The regulations made it quite clear who was to be responsible for what, and how municipal affairs were to be paid for:-

"All ground leased to foreigners at Osaka and Hiogo will be subject to the payment of an annual rent calculated at a rate that will be considered sufficient to meet the expenses of keeping in repair the roads and the drains, the cleansing and lighting of, and maintaining order in the settlements, and the ordinary land tax payable at the present date to the Japanese Government."

The money thus obtained was augmented by part of the "upset price", the lump sum paid when the land was first leased. The total sum was to be administered by "the local Japanese and Consular Authorities, in conjunction with a standing committee of the foreign community", the latter to be chosen by election from among the registered foreign residents. In consequence of these arrangements, the Japanese Government was not to be held responsible for any municipal affairs, "except in the event of serious damage being occasioned by extraordinary action of the elements ...". The Japanese, Parkes reported, were very pleased with the arrangements, and proved most accommodating during the negotiations.¹

¹F.O.262/144, Parkes to Stanley, draft no.206, 21 August 1868. It is worth noting that while Governors of Hyogo did attend some meetings of the council in later years, they took little active part in them.

The Restoration therefore saw the problem of municipal affairs apparently solved. Nagasaki plodded along as before, there was a new arrangement at Yokohama whereby the Japanese took over all responsibility while foreign interests were protected by the Municipal Director, and there was a comprehensive set of regulations for Kobe and Osaka. But only the last arrangement proved successful, lasting until 1899; at Nagasaki and Yokohama most municipal affairs had passed into Japanese hands by the end of the 1870's.

Given the past history of Yokohama, it was only to be expected that there were problems as soon as the 1867 agreement went into operation. Most of the foreign representatives were anxious to prevent any illegitimate interference with their nationals, and this anxiety tended to override any concern about the poor state of Yokohama's municipal arrangements.¹ Nor did the fact that some of the smaller powers were not party to the agreement help its success.

But the first problem was the failure to make any provision for choosing the Municipal Director. No suitable private citizen was available, and so Parkes suggested that the post be given to Martin Dohmen of the British consular

¹United States, Papers relating to Foreign Affairs, 1867, pt.2, 73, R. van Valkenburgh to Seward, No.64, 16 November 1867.

service. No objections were raised, and Dohmen duly became the first Municipal Director.¹ He set to work with a will, though his efforts were somewhat hampered by the refusal of the treasurer of the former council to hand over either the funds or the accounts of that body. When the case went to court, it was revealed that in the three years of the council's existence only ¥8000 out of a total revenue of ¥32000 could be accounted for. Within six months of taking office, he was able to report that the settlement was cleaner and better drained than it had ever been under the council, and that this had been done far more cheaply than in the past. In addition, all the Chinese residents had been registered, six non-treaty power vagrants had been deported to China, and the number of burglaries was down.²

Dohmen's memorandum was even in April 1868 a defence of his stewardship. Within three months of taking office, he had come under attack for failing to have the settlement as well looked after as the Japanese town.³ In February, he was accused at a public meeting of always taking the Japanese side, and ignoring the interests of the foreign community.⁴ With the attacks on Dohmen went a demand

¹F.O.391/14, Parkes to Hammond, 7 November 1867. Dohmen first came to Japan in 1858 as the super-cargo on a Dutch ship. He stayed and eventually entered British service as a Dutch interpreter. He remained in the service until his death in 1882.

²"Dohmen Memo".

³"1867", Japan Times, (Overland Mail), 29 January 1868.

⁴Japan Times (Overland Mail), 27 February 1868.

that the foreign community should be allowed to elect the Municipal Director themselves. Parkes felt that the real trouble was that Dohmen had been too honest and had incurred the wrath of those whose inadequacies he had revealed. His own absence at Osaka for most of the spring of 1868 had also been a contributory factor, for it had allowed the other foreign representatives to interfere.¹

The diplomats and the Japanese government eventually agreed in June 1868 that the foreign residents at Yokohama could elect the Municipal Director. He would be a Japanese employee under the Kanagawa authorities, and would deal with the foreign representatives through the Japanese. He would receive a salary of \$250 per month and a housing allowance of \$100. In no circumstances would he be allowed to trade. The "land-renters only" franchise of 1864 was abolished; all registered residents would be allowed to vote, but the Consuls would retain the final right of veto.²

¹F.O.391/14, Parkes to Hammond, 30 May and 13 June 1868. Not all the foreign community were in sympathy with the attacks on Dohmen. See Japan Punch, March 1868.

²United States, Papers relating to Foreign Affairs, 1868, pt. 1, 765-66, van Valkenburgh to Seward, 6 July 1868; Japan Times (Overland Mail) 27 June 1868. Both these accounts say that all registered residents were to have the vote. However, in 1877, Parkes stated that only land-renters had the vote. By then it was nine years since anybody had voted and his memory must have played him false. F.O.262/317/R.72, "Memorandum on the appointment of the Municipal Director of Yokohama", by Parkes, 14 June 1877.

The election was duly held and an American citizen, E.S. Benson, was chosen. The American residents were overjoyed, the British sour. Benson owed his election, according to the Japan Times, to the machinations of grog-shop keepers and other lowly groups, enfranchised by the foreign representatives. It went on to add that it knew nothing about Benson but there was certainly plenty for him to do, for Yokohama was "the worst governed and most ill-managed settlement in the East".¹

By the end of 1868, Benson was being attacked as frequently as his predecessor. Ignoring the fact that Japan was in a state of turmoil and civil war, the foreign residents sent up a string of complaints about Japanese mismanagement of municipal affairs. Only the police, still made up of men from the British troops, were satisfactory. A meeting in December put forward a plan for reform, whereby the Japanese were once again to give all control over municipal affairs to the foreign residents, and also seventy-five per cent of the land rents to pay for it. This was not forwarded to the foreign representatives.²

¹Japan Times (Overland Mail), 27 June 1868. For the American reaction, see Boyar, S.P., Naval Surgeon: Japan in Revolt, 1868-69, (Indiana, 1963), p.58-59, diary entry for 19 June 1868.

²Japan Times (Overland Mail), 30 December 1868. For earlier complaints, see F.O.262/145, Parkes to Stanley, draft no.250, 13 October 1868. Parkes had little sympathy with the grievances.

A typhoid scare and a proposal for a new drainage scheme put forward by an English engineer, R.H. Brunton, led to the "largest meeting ever held in Yokohama" on 8 April 1869.¹ All the old complaints about bad government and the Municipal Director were gone over, and several resolutions were put forward. The most popular was that proposed by Charles Rickerby, the editor of the Japan Times. This stated categorically that responsibility for municipal affairs lay with the Japanese, but as they had proved unable to discharge this, the foreign residents would be prepared to do so, providing eighty per cent of the land rents were made available to them. The amount demanded was justified on the grounds that the Japanese had been receiving an excessive rent for ten years, and had done little to deserve it.²

The small committee which was delegated to call on the foreign representatives found them unsympathetic, as they were to a further representation in February 1870. The foreign residents had had their attempt at self-government, and now had to accept the consequences of their failure. It was true there were still many causes of

¹Japan Times (Overland Mail), 10 April 1869. The drainage scheme can be found at F.O.345/32, "Scheme for the drainage and improvement of the roads of Yokohama", by R.H. Brunton, March 1869.

²F.O.262/317/R.72, Parkes Memo. of 14 June 1877. See also Japan Times (Overland Mail), 10 April 1869.

complaint. The new Municipal Director, in spite of his election by the foreign residents, was as much an employee of the Japanese as his predecessor and was obliged to take the Japanese side in disputes.¹ Prostitution became more and more of a nuisance, particularly after a missionary brought a successful charge against the police for arresting a prostitute.² At the same time, as the Japanese local authorities recovered from the events of the Restoration conditions did begin to improve. Work on new drains began in December 1869, and macadamised roads replaced mud ones. Iron bridges appeared too, in place of the wooden ones of the early days.³ The 1866 agreement to provide a garden and recreation ground for the foreign community was at last put into effect, with the Japanese most eager to meet the wishes of the foreign community. Negotiations began in March 1870 and the gardens were completed by June of the same year.⁴

¹F.O.262/181/R.74, Messrs. Macpherson and Marshall to Parkes, 2 April 1869.

²F.O.262/181/R.104, Admiral Keppel to Parkes, 27 August 1869. Uncontrolled prostitution, which became a problem after the destruction of the brothel area in the 1866 fire, was always a matter of considerable concern to the British naval authorities. But it was also a matter on which the foreign residents were prone to express concern.

³Parl. Papers, 1870, vol.lxv, (C0.211), Report on the Trade of Kanagawa, 225.

⁴F.O.262/202/R.22, E.S. Benson, W.G. Aspinall and W. Smith to Parkes, 24 March 1870; Far East, 13 June 1870.

Perhaps in an attempt to prove that they were capable of handling municipal affairs, the foreign community began to display an interest in some of the matters with which the Japanese were not concerned. The foreign cemetery at Yokohama had from its earliest days been under the control of the consular body. Now, in September 1870, the Consuls were persuaded to allow the residents to take over responsibility for it.¹ It was also decided to do something about the lack of any form of street lighting in the settlement, apart from what individuals cared to provide outside their own premises. There had been an attempt to light the settlement in 1867, but the man who had suggested it, a Mr. Pease from San Francisco, had lost interest and the scheme had fallen through.² Now it was decided to implement another of Brunton's schemes, for using oil lamps to light the settlement.³ All those interested were canvassed, and sufficient people promised to subscribe to a voluntary rate to meet the cost. An order was sent to Shanghai for oil lamps, and the settlement eagerly awaited their arrival, particularly as the Governor of Kanagawa had promised to meet the cost of the lamp-posts and lanterns. Unfortunately, when these necessary objects arrived from

¹Far East, 16 September 1870.

²Black, Young Japan, II, 69-70.

³Far East, 13 June 1870.

Shanghai, they were found to be for gas. The scheme therefore hung fire while it was debated whether or not to adapt the posts for use as oil lamps, or to wait until gas was laid on.¹

At the same time, the post of Municipal Director gradually became an empty sinecure, though through no fault of the holder. Benson made an attempt in the summer of 1870 to make his position independent of the Japanese. He also sought to gain some direct control over the foreign residents. Both attempts were blocked by the foreign representatives.² With the passing of control over Chinese subjects to the Japanese in 1871 and the assertion of control over non-treaty power subjects in the following year, he lost his rôle as adviser in matters relating to non-treaty power subjects. Before very long, the only function of the Municipal Director was to act as "a mere channel of communication with the Japanese authorities".³

When the Japanese began to run down the numbers of foreigners in their employment at the end of 1876, it was rumoured that Benson would be among those to go. In March

¹F.O.262/236, Robertson to Watson, No.8, 6 November 1872. When W.E. Griffis arrived in December 1872, he noted the rows of lamp-posts, and the well-trimmed burners, which told "of streets well lighted with gas at night". Griffis, The Mikado's Empire, II, 333. The burners were well trimmed because they had never been used, however, not because they were carefully tended.

²F.O.262/202/R.57, Yokohama Consuls to the foreign representatives, 4 July 1870.

³F.O.262/316/R.68, C. Brennewald (Senior Consul) to Parkes, 30 April 1877. See the similar sentiments in Japan Herald (Mail Summary), 21 April 1877.

1877, the foreign representatives were informed that the Governor of Kanagawa felt that there was no longer any need to employ a foreign Municipal Director.¹ The Consuls protested, arguing that although the post had not had much importance, what was required was not its abolition but new powers for its holder.² The newspapers too objected to a decision of such importance being taken without consulting the "public", and fifty-four residents signed a letter of protest to the Consuls. They claimed that relations between the foreign community and the Japanese authorities were the best they had ever been, but that this desirable state of affairs could only be guaranteed when there was a foreign Municipal Director.³

The protests went unheeded. The foreign representatives felt that the post had had such little importance since its inception that it was not now worth fighting for.⁴ Benson's contract was terminated in June 1877. The post of Municipal Director was not officially abolished; for about fourteen months a Japanese was designated Municipal

¹F.O.262/315, Parkes to H.S. Wilkinson, draft no.17, 31 March 1877.

²F.O.262/316/R.68, Brennewald to Parkes, 30 April 1877.

³F.O.262/316/R.95, Brennewald to Parkes, 9 June 1877, enclosing the letter dated 19 May 1877. For the newspapers' views, see "A Municipal Director" Japan Gazette, 30 May 1877; Japan Herald (Mail Summary 5 June 1877; "Le Directeur Municipal", L'Echo du Japon, 22 June 1877. The Japan Mail, 12 April and the Tokio Times, 2 June 1877, were on the Japanese side.

⁴F.O.262/317/R.72, Parkes Memo. of 14 June 1877.

Director, and published monthly accounts of expenditure on roads and drains. These accounts appeared for the last time in January 1879 and thereafter the local authorities made no pretence that the post was still in existence.¹ The 1867 agreement just faded away.²

After 1877, Yokohama's municipal affairs were largely in the hands of the Japanese. Some matters continued to be the responsibility of the foreign residents. Street lighting was the main one. The hopes of 1870 had come to nothing. The decision was taken to use gas for the lamps, but it proved difficult to find a satisfactory supplier. Another attempt in 1872 met with failure because the Japanese authorities refused to pay for the lamps and standards as had once been promised. They argued that as the inhabitants of the Japanese town had to meet the cost themselves, the foreign residents could hardly expect preferential treatment.³ From December 1874 until December 1875, Yokohama was lit at nights, but so many defaulted on their subscriptions that the scheme collapsed.⁴ The streets

¹The accounts were published in the *Tokio Times* between 20 October 1877 and 18 January 1879. They showed that the average monthly expenditure was about Yen 700,000 for cleaning and repair of the streets and about Yen 3,500,000 for police.

²In 1881, the acting British Consul noted that although the German and American Consuls and himself considered the agreement as still in force, nobody else did. F.O.262/374, M. Dohmen to Kennedy, No.12, 4 April 1881.

³F.O.262/236, Robertson to Watson, No.58, 6 November 1872; F.O.262/505, Watson to Soeshima and Ueno, draft no.7,

⁵~~F.O.262/236~~
³F.O.262/236, Robertson to Watson, No.58, 6 November 1872;

⁴F.O.262/505, Watson to Soeshima and Ueno, draft no.7,
 4 "Le gaz à Yokohama" *L'Echo du Japon*, 21 December 1875.

remained dark until 1881 - in spite of a suggestion by Punch that one way to solve the problem might be to burn the rival newspaper editors¹ - when a "Gas Committee" was at last able to work out an economic system. Thereafter Yokohama was lit at least on moonless nights, though not without a constant struggle to persuade people to pay.²

The public gardens were also left in foreign hands, but the community were unwilling to pay for them and they had to be returned to the Japanese in 1878, when the rent was eight years in arrears!³ The foreign residents still expected to be able to control the gardens, even though they did not pay for them. On one occasion, the cricket club even went so far as to put up a notice on their section of the grounds, which read "No dogs" in English and "No Japanese" in Japanese.⁴ There was a similar lack of interest in the race course, which also reverted to the Japanese because the rent was not forthcoming.⁵ Equally

¹Japan Punch, March 1879.

²See, for example, the A.G.M. of the Gas Committee in Japan Weekly Mail, 8 March 1884. The gas was purchased from the Japanese company which supplied the native town. The native town had been lit since the early 1870's. See Yomiuri Shimbun Yokohama Shikyoku, editors, Kanagawa no rekishi, ["History of Kanagawa"], (Yokohama, 1966), II, 194-98, for an account of the lighting of the native town.

³F.O.262/329, Parkes to Wilkinson, draft no.27, 23 May 1878.

⁴Hochi Shimbun, no date, in Japan Weekly Mail, 26 September 1891. The Mail claimed that the notice was only to prevent overcrowding.

⁵F.O.262/365, Kennedy to Granville, draft no.3, 13 January 1881.

unsuccessful was the community's hospital. The main users of the hospital by the middle 1870's were charity patients, and there were few enough of those. As always, money was difficult to raise and so in 1884 it was decided to close the hospital. One ward was kept open to accommodate infectious diseases, and the rest was rented to the French Navy.¹ Charity patients had to make use of the Japanese hospitals. Even the cemetery suffered from lack of interest, but it did remain in foreign control.²

The only successful foreign venture at Yokohama was the volunteer fire brigade. The original one which dated from 1863, had suffered from a lack of equipment, but this was remedied in the 1870's. Subscriptions were sometimes hard to come by but from the middle 1880's, the fire insurance companies levied an extra premium to meet fire brigade costs and the Chinese too began to subscribe.³ A paid brigade replaced the volunteers in 1888.⁴

It was not surprising, therefore, that attempts by the foreign community to regain control over their own municipal affairs received little attention.⁵ After 1877,

¹"The closing of Yokohama hospital", London and China Express, 6 February 1885.

²Japan Mail, 9 September 1881. When a new cemetery became necessary at Yokohama in 1880, the Japanese charged no rent, and so the only expense related to the general upkeep.

³Japan Weekly Mail, 7 March 1885, 6 March 1886.

⁴Japan Weekly Mail, 21 January 1888.

⁵For some such attempts see "Municipal Affairs at Yokohama", London and China Express, 31 March 1881; "Respice, Aspire, Prospice", Japan Weekly Mail, 26 August 1882. The topic was discussed in the earlier treaty revision negotiations, but was rather irrelevant later.

the Japanese were the municipal authority. They had no easy task. They were hampered by their inability to make effective regulations for municipal affairs during the 1870's; the question of Japanese laws and their application to foreigners was raised in this field as in so many others.¹ As we have seen, the question was decided in Japan's favour, but in practice, it was not always easy to have the principle of foreigners being subject to Japanese laws accepted by those on the spot. Yokohama's streets could lie filthy while involved diplomatic correspondence took place.

They were also hampered by lack of funds. The question of a tax on foreigners for municipal purposes was raised by the Governor of Kanagawa in 1880. It was considered not unsympathetically by the British Foreign Secretary. He felt that the Japanese had a good case but that the matter should be raised by the government and not by the local authorities since the proposal was a complete departure from the practice in China and Japan.² The matter was not raised at government level probably in anticipation of treaty revision, and foreigners in Japan

¹For example, see F.O.262/302, Parkes to Derby, draft no.46, 19 March 1877. This was the saga of an attempt by the Japanese to insist that all dogs in Yokohama be licensed. Ultimately they were successful.

²F.O.262/349, Granville to Kennedy, No.55, 14 June 1880.

remained immune from Japanese municipal taxes. Thus the local authorities at Kanagawa had to depend solely on the land rents.¹

In spite of all the difficulties, the Japanese proved not inefficient at dealing with the municipal affairs of Yokohama. The streets were kept clean, repairs were carried out. Old foreign complaints about "coolie indecency" (i.e., not wearing enough clothes) and the carrying of fertilisers through the streets lessened as petty regulations were issued. Gradually Yokohama became a more pleasant place to live in. The changes rarely happened as fast as foreigners wanted, but they did come. The drinking water for the settlement, which like that for the native town, flowed through a number of graveyards and in various other ways was made unfit for human consumption until the 1880's, was as good as any in the world by 1895.² The public gardens were well cared for, in contrast to earlier days.³

Not all was perfect. Even when there had been foreign troops to supply the main body of men, the police force had cost over \$6000 per annum. To replace the soldiers with

¹It was sometimes argued in the press that foreigners paid so much in land rent that they could not possibly be expected to pay municipal taxes on top. See the discussion of the question in Japan Weekly Mail, 16 August 1884. For an exception to this rule, see below.

²"Yokohama", Chronicle and Directory, 1895. For the earlier state of the water see Geerts, A.T.C., "On the drinking water of Yokohama", TASJ, VII (1879), 210-24.

³"Yokohama", Chronicle and Directory, 1887.

other Westerners would have added \$23,000 a year to the police bill.¹ With the departure of the troops in 1873, the full cost of the police force had to be met by the Japanese. Since it was considerably cheaper to employ Japanese policemen, there was no attempt to replace all the troops with Westerners. A few were taken on, but the bulk of the police force was Japanese. When the only foreign policeman still serving in the Yokohama force was killed in a fight in 1884, he was not replaced.²

Complaints about police inefficiency were frequent. One Kobe resident wrote: "I have arrived at the deliberative opinion that the Japanese police are either entirely ignorant of police duties or are conniving with the perpetrators [of crimes]".³ The Japanese police were not as good as they might have been, but as the Japan Mail pointed out, there was a tendency to apply a double standard. In 1866 when the police were Europeans, the French Minister had had brandy and other goods stolen. The thief was not caught yet there were no complaints. A similar incident in 1882 led to a loud outcry about "Connivance" with criminals by the Japanese police.⁴

¹F.O.262/202/R.40A, Benson to Parkes, No.5, 15 March 1870. The troops were supplemented by Chinese and Japanese.

²F.O.262/426, Robertson to Plunkett, No.88, 8 December 1884. Shanghai too found it necessary to cut down on the number of Europeans in its police force because of the cost at this time. Pott, F.L., A short history of Shanghai, (Shanghai, 1928), p.69.

³"Twelve Years' Resident" to the editor, Hiogo News, 13 August 1880.

⁴Japan Weekly Mail, 22 April 1882. For favourable estimates of the Yokohama police see F.O.262/555, Plunkett to Rosebery, draft no.118, 10 July 1886, enclosing a memorandum dated 10 July 1886; Dixon, W.G., The Land of the Morning, (Edinburgh, 1882), p.159.

The police had difficulties to contend with. All attempt to control the public houses in the settlement had ceased in 1874. When it was discovered that the Japanese drinking places were unlicensed, the Consuls protested. The Governor agreed that this gave the Japanese an unfair advantage and that it was also desirable to have some control over drinking places. He therefore agreed to begin licensing them. Unfortunately, the foreign authorities were led to enquire by what regulations they issued licences. All those who still did so, including the British Consul, decided that they had no legal power to continue demanding licences.¹ From then on the grog-shops of the settlement were under no control and increased rapidly; by 1886, there were some thirty-four.² From time to time, there was an outcry about the drink trade and its attendant evil, prostitution, but the matter was always deferred until the revision of the treaties.³ Britain was reluctant to do anything in case her nationals were placed at a disadvantage, and the involvement of prominent citizens in the trade did not make matters easier.⁴

¹Tokei Journal, 25 July 1874: F.O.262/264, Robertson to Parkes, No.122, 12 December.

²F.O.262/555, Robertson to Plunkett, No.25, 25 March 1886. There were also hotels on the settlement and several hundred grog shops in the Japanese town.

³See F.O.262/398, Parkes to Granville, draft no.73, 11 May 1883; Japan Weekly Mail, 10 November 1888.

⁴F.O.262/565, Robertson to Plunkett, No.25, 25 March 1886.

This made extra work for the police. So did other aspects of extraterritoriality. In theory at least, no Japanese policeman had the right to arrest a foreigner, unless specifically given permission to do so by the foreigner's own authorities. Often the Japanese went ahead and arrested a foreigner or entered foreign premises in pursuit of criminals without seeking permission. Invariably this led to diplomatic protests.¹ When a known criminal was taken by the Japanese police in the act of committing a crime, the British Court rebuked the police for failing to obtain a warrant before arresting him. No wonder the police did not bother, commented the Japan Gazette.²

The police were not angels. Frequently they were guilty of savagery especially when faced with brawling foreign seamen.³ But in time they did improve. As with all municipal affairs, foreigners expected too much too soon. They were unwilling to surrender any of their special privileges, yet they expected the police to be successful. They failed to realise that a constant string

¹M659/135/5, C. Shepard to J. Davies, No.26, 5 August 1871; F.O.262/707, Troup to Trench, No.44, 29 September 1894.

²"The Law of Arrest", Japan Gazette, 6 September 1879.

³Japan Weekly Mail, 14 June 1890 and 2 May 1891 gives two such incidents.

of complaints on minor matters was unlikely to make the police or any other local officials more efficient.

Nagasaki's council began to collapse in 1872. It had not been universally popular, and there was much criticism of its work.¹ Allegations about unauthorised spending at a meeting of land-renters in July 1872 led to criticism of the Consuls, particularly of the American Consul. As a result, all the Consuls left the council.² The elections were then held, but the eleven land-renters of Deshima, the island which the Dutch had lived on for some two hundred years, refused to take part and demanded a separate council of their own. This was agreed to, and so Nagasaki had two "municipal councils".³

The two councils began with a squabble over funds and the division of property. They continued to spend most of their time jealously guarding their respective positions from each other and the Japanese.⁴ A much needed source of new revenue was found when the foreign representatives were persuaded to allow Japanese to rent land on the settlement.⁵

¹Nagasaki Express, 5 November 1870; Nagasaki Shipping List, 3 December 1870.

²Nagasaki Express, 6 July, 3, 17 and 31 August 1872.

³F.O.796/55/R.215, Deshima Land Renters to the Consuls, 29 August 1872; Nagasaki Express, 14 September 1872.

⁴See, for example, F.O.796/57/R.16, W. Jalland to M. Flowers, 28 January 1873.

⁵F.O.262/263, Parkes to Flowers, draft no.42, 13 August 1874.

Then at the annual meeting of the land-renters in January 1875, T.B. Glover launched an attack couched in the most intermperate language on the Japanese local authorities and the Consuls for allowing the settlement to become filthy. He organised a mass movement to withhold rents until the settlement was improved. On top of this came allegations that the Consuls had interefered with the elections by arbitrarily ignoring unsigned ballot papers. All the Consuls, except the British, then refused to have anything further to do with the councils.¹

The dispute led the American Consul to reconsider the whole question of the councils' legality. Supported by the American Minister, he decided that the councils were not legal and that municipal affairs properly belonged to the Japanese. He instructed his countrymen not to pay any further municipal levies and not to obey any municipal instructions.² None of the other Consuls were prepared to place their countrymen at a disadvantage as compared with Americans, nor were they impressed by the history of the two councils, and so the councils came to an end.

¹F.O.262/277, Flowers to Parkes, No.6, 11 March 1875.

²United States, Papers relating to Foreign Affairs, 1876, 374-77, Bingham to Fish, No.400, 19 May 1876; F.O.262/293, Flowers to Parkes, No.12, 1 May 1876.

A tentative attempt was made to continue at least some form of foreign participation in municipal affairs, but without success. The Japanese were puzzled by the turn of events, particularly at the unilateral termination of an agreement in force since 1860. But eventually they agreed to assume responsibility for police and drainage only.¹ After 1876, Nagasaki's municipal affairs went the same way as Yokohama's. Foreigners looked after the lights, cemetery and fire brigade, while everything else was left to the Japanese. The latter did things in their own time, but there were less clashes than at Yokohama. It was generally agreed, by both visitors and residents, that Nagasaki was a credit to the Japanese local authorities. There was also little demand from the foreign community for a share in municipal affairs.

Osaka and Kobe were successes. Osaka need not detain us long. The council elected under the 1867 and 1868 regulations began well. The British Consul was able to report at the end of 1869 that²

"The Osaka municipal council have already sanctioned a good system for draining and paving the foreign settlement, lighting the streets

¹F.O.796/65, Watanabe Toru to Flowers, No.88, 18 May 1876; F.O.262/310, Flowers to Parkes, No.5, 15 January 1877.

²Parl. Papers, 1870, vol.1xv, (C.211), Report on the Trade of Hyogo and Osaka, 243.

with kerosine lamps, and ornamenting them with 500 or 600 trees, so that it will eventually assume a very pleasing aspect and become an agreeable place of residence."

The settlement continued to have a pleasing aspect, but its importance dwindled. The council lasted as long as the old treaties, but from the mid-1870's entirely under missionary control. It went about its business without any fuss, and without bothering anybody. A new set of regulations were agreed in 1883 which recognised that most of the electors lived at Kobe and not Osaka.¹

Osaka's twin was Kobe. Until it ceased to exist in 1899, the Kobe foreign settlement enjoyed a reputation in the Far East for the success of its municipal affairs second only to Shanghai. Like Shanghai, it claimed the title of "model settlement". Its streets were trim and clean. They were lit by oil lamps from 1868 until 1875 and then by gas. It had its own police force, manned by Europeans and Chinese and eventually Japanese. There were some respectable foreign hotels on the settlement, but nothing resembling the low grog-shops of Yokohama and Nagasaki. Municipal charges were low. Visitors were impressed. A newly-arrived American Consul pleased the community in 1884 by remarking that "the municipal

¹F.O.262/402, W.G. Aston to Parkes, No.3, 15 January 1883.

arrangements and conditions of the streets were better than in any other places he had yet seen ..."¹ There was some soul-searching in 1895, when the council decided on grounds of expense that the new electric wires would have to go above ground, but it was generally agreed that a commercial community had to make some sacrifice of beauty for convenience.²

It was true that Kobe residents did have some problems, though not all of them related to the foreign settlement as such. In addition to the settlement, foreigners had been allowed to live in various designated areas outside. This in time gave rise to two problems. The first related to "hill-lots" and to the rents to be paid on them. No satisfactory way of paying these rents was worked out for many years, because when they were first due they were to be based on the prevailing Japanese rents. These were paid in rice and foreigners did not pay them. When the Japanese ceased to pay rents in rice in 1873, the question of foreign rents still remained unresolved because of the problem of the arrears and how they were to be calculated. Although the number of hill-lots was small - nineteen in 1877 - the

¹Hiogo News, 13 October 1884. For other testimony to the excellence of Kobe's settlement, see Chronicle and Directory, 1895, "Kobe".

²Japan Weekly Mail, 18 May 1895.

problem caused bad feeling until it was settled in 1887.¹ The second extra-settlement problem related to Japanese house taxes. After some opposition, the foreign representatives seem to have acquiesced in foreigners paying these, but only at Kobe.²

Kobe like Yokohama was also not very successful in keeping its hospital in existence. At first, it looked as though a foreign hospital would not be necessary, for the Japanese announced that they intended to build one for the use of both Japanese and foreigners. However, what they really wanted was a medical school and the nursing side was found to interfere with this. At the end of 1869, therefore, the hospital was closed to European patients.³ Kobe then supported a "general hospital" most unwillingly. The news that Yokohama intended to close its hospital led to a successful movement to have Kobe's closed. One foreigner wrote that it was the duty of the Japanese government to provide hospital accommodation for charity patients, "and the sooner it was held to that duty, the better", while another wondered why the community should continue to support "the hospital gang".⁴ The failure to

¹F.O.262/402, Aston to Parkes, No.7, 19 March 1883 gives the background. For the settlement of the question, see F.O.262/579, Troup to Plunkett, No.17, 11 May 1887.

²Japan Mail (Summary), 1 March 1889; Japan Times, 9 December 1897.

³F.O.262/148, Lowder to Parkes, No.12, 6 April 1868; Nagasaki Shipping List, 8 November 1869.

⁴Hiogo News, 14 March 1885.

organise a proper fire brigade was another feature of Kobe in the early days which detracted from its model settlement image.¹

These were all comparatively minor points. Kobe's success was much more likely to be praised. And always it was the success of the municipal arrangements which received the most praise. Some of this was, perhaps, unjustified; as the Rev. D.C. Greene pointed out in 1884, for example, it was not through any special virtue of the municipal arrangements at Kobe that there were no grog-shops on the settlement. The real reason was that foreigners at Kobe were allowed to rent shops and houses outside the settlement, and the type of place wanted for a grog-shop could be obtained much cheaper off the settlement than on it.² But on the whole the municipal arrangements worked from the first sales which produced a municipal fund of some £4000³ until the end of the old treaties in 1899. To do so they had had to weather several storms and indeed, there are strong grounds for stating that it was the end

¹Hiogo News, 29 December 1869; Hiogo Shipping List, 23 February 1875.

²"Extraterritoriality", by Rev. D.C. Greene, Japan Weekly Mail, 23 August 1884. This article was also published as a pamphlet.

³London and China Telegraph, no date, quoted in Mossman, New Japan, pp.360-61. Instead of the first lots reaching only a few hundred pounds, as it had foretold, the Japan Times found that some lots reached as much as £3000 per acre. Japan Times (Overland Mail), 19 September 1868.

of the old treaties which saved the reputation of Kobe's municipal arrangements; by 1899, the council was on the verge of a final collapse.

From the start there was a tendency for the Consuls, who were a majority, to dominate the council. They modified the electoral arrangements at the very first elections on the grounds that democracy was dangerous with so much money involved. Only land-renters were to be allowed to stand for election, though all residents might vote. The foreign representatives rejected this argument, but allowed the election to stand since those elected were "peculiarly qualified" for the posts.¹ Within two years, voices were again raised against the council's domination by the Consuls, for once more there was evidence of their authoritarian attitude.

At the instigation of the British Consul, the foreign press was excluded from meetings of the council in July 1870. According to Consul Gower, both the local papers had been guilty of distortion in reporting council proceedings; The American Consul withdrew in protest at this decision; he was already quarreling with his fellow members over their decision to employ salaried officials. All American

¹F.O.262/151, Parkes to Lowder, draft no.82, 23 October 1868.

citizens were told not to obey the council's orders and not to pay rents to it. At the same time, one of the three elected members, who also happened to be the treasurer, resigned and took all the accounts with him. By October, the work of the council was at a complete standstill.¹

This dispute was allowed to drag on for over a year, in spite of the worries of a section of the community that Kobe's municipal affairs might be handed over to the Japanese as had happened at Yokohama.² Eventually an agreement was reached. The American Consul, who had found little support for his stand in the State Department, was told to resume his seat, while his British colleague was told to curb his authoritarian ways and to stop being extravagant with council money.³

The agreement seemed about to break down within a few months. In the summer of 1872, the council decided to combine the posts of municipal superintendent and municipal engineer, the new post to carry a salary of ¥3000. The

¹Hiogo News, 20 and 23 July, 3 August 1870; F.O.262/194, Gower to Parkes, Nos. 26, 32 and 40, 26 July, 19 September and 6 October 1870; Treat, Diplomatic relations between the United States and Japan, 1853-1895, I, 468.

²F.O.262/212, Gower to Parkes, No.2, 12 January 1871, enclosing J.W. Hart to A. Annesley, 19 December 1870.

³F.O.262/313, Adams to Gower, draft no.73, 28 December 1871; Treat, Diplomatic relations between the United States and Japan, 1853-1895, I, 468-69.

post was duly advertised and an appointment made. At this point the American Chargé d'Affaires intervened. He alleged that the press had been excluded from the meeting which had appointed the new municipal officer, that two of those who had taken part as Consuls were not in fact Consuls at all, and that the man appointed, Mr. Trotzig, was self-confessedly not capable of doing the job.¹

No satisfactory explanation of these allegations was forthcoming. The Japanese government confirmed that it did not recognise the two men Shepard had said were not Consuls as such. But when the British Chargé d'Affaires, on the strength of this and in the belief that the agreement of December 1871 with regard to publicity had been broken, ordered the British Consul to follow his instructions received the previous year and to withdraw his support from Trotzig, the Consul refused to do so. He argued that both the men Shepard objected to were recognised as having consular authority by the local authorities; one indeed, was charged with United States' interests and claimed to have received instructions to vote for Trotzig. Nor, Gower went on, had he broken the rule concerning the

¹F.O.262/236/R.103, C. Shepard to R.G. Watson, no date, enclosing a memorandum by Shepard summarising his protests, dated 27 August 1872.

admission of the press; that related solely to council meetings, not to the appointment of officials. Finally, he was not prepared to accept Mr. Shepard's views as to the fitness or otherwise of Trotzig as binding, particularly when the American consular agent had voted for his appointment and when Trotzig had already commenced his duties and was receiving his salary.¹

This dispute flickered out, but a strong current of Anglo-American tenseness was evident. Some attempt at making the council more representative seems to have been made, possibly as a result of these conflicts. At the end of 1872, a new system of elections was introduced. Each elected member was to serve three years as before, but instead of all being elected at the same time, one member was to be elected each year.² This did nothing to redress the balance of elected members vis-à-vis consular members, but gradually the Consuls allowed all financial matters to be decided by the elected members.³

Another dispute threatened to end the council in 1876. The election in January of that year was a hard-fought one, with considerable pressure being brought to bear on voters.

¹F.O.262/231, Watson to Gower, draft no.19, 3 August 1872; F.O.262/230, Gower to Watson, No.54, 9 August 1872.

²F.O.262/246, Gower to Watson, No.15, 18 February 1873, enclosing a notification issued by all Consuls, 7 January, 1873.

³Hiogo News, 19 December 1877.

The main issue was the question of expenditure on street lighting. One candidate was the Chairman of the "Hiogo Gas Company", which had just completed the changeover of the settlement's lights from oil to gas. There were not a few who felt that his candidacy was an attempt to cover up the true facts about the expenditure on this.¹ An additional problem was caused by the allegation of one council member that the election was illegal because the electoral register was hopelessly out of date. After the election was held, using the old lists, he resigned.²

The allegations about a colossal expenditure - colossal by Kobe's standards, anyway - proved to be true. Assets of over ¥28000 in 1873 had shrunk to ¥2000 by 1875, and the cost of the gas conversion had wiped out even the ¥2000. The council would have to go into debt just to meet its salaries' bill.³ Most of the money had gone, not on gas, but on a jail and a municipal building. The desire of the community to get as much as possible without paying for it

¹Hiogo News, 26 and 29 January, 9 February 1876.

²Hiogo News, 29 January and 16 February 1876. The News pointed out that the lists were only drawn up for the Consuls' convenience and had no legal basis.

³Hiogo News, 15 March 1876.

had also helped, for the council had decided in 1875 that it was easier to try to pay the police bill out of the municipal fund than to levy the police rate.¹ The council made enquiries and so did a self-appointed committee of land-renters. Eventually, after three years of accusation and counter-accusation, it was agreed to reduce the council's expenditure by cutting down on the number of street lamps.²

In the meantime there had been another American withdrawal from the council. The American Consul, Nathan J. Newitter, presented an address to the Emperor who was visiting Kobe. Newitter was Chairman of the council and presented the address in that body's name. Unfortunately, he had not bothered to consult it first, and the elected members became annoyed. Before long, there was "a wretched little scandal" and Newitter resigned.³ A month later, the three elected members of the council also felt called upon to resign "in consequence of the vagaries of Mr. Nathan J. Newitter".⁴

¹"Tribunal of Arbitration constituted under Section I of the Protocol concluded at Tokio 28 August, 1902", Replies of the Imperial Japanese Government to the objections of Germany, France and Great Britain, (The Hague, 1905), Appendix p.xiii. For an interesting discussion of the legality of the council's action over the municipal buildings at Kobe, see "The opinion of a land-renter", Hiogo News, no date, in Japan Daily Herald, 1 April 1878.

²Hiogo News, 19 February 1879.

³Tokio Times, 3 March 1877. See also M659/135/9, van Buren to Cadwalader, No.217, 9 March 1877, forwarding a pamphlet "now circulating in the Treaty Ports of Japan", attacking Newitter.

⁴Japan Mail, 21 April 1877.

The three were persuaded to stand again and were duly elected. Newitter then decided that the new council was illegal and instructed his countrymen to ignore it. The council referred the matter to the Consuls and asked them to lay it before the foreign representatives.¹ Before any action became necessary, Newitter's appointment came to an end, and the new Consul, Julius Stahel, quietly allowed the matter to drop.

The end of the 1870's thus saw Kobe's council still in existence, though somewhat tenuously. It was obvious that there were delicate balances at work. After the Newitter incident, none of the Consuls was willing to jeopardise the basic existence of the council. Since the arrangements did work sufficiently well to satisfy the foreign residents and since in particular, they seemed to lead to good relations between the Japanese and foreigners, a tacit conspiracy was entered into so that the council might keep going. The council had been set up to carry out certain very limited functions. In the course of time it had acquired others which it was hard to justify on any legal grounds. It had no right to erect municipal buildings yet they were convenient. The jail, in particular, was

¹Hiogo News, 15 August 1877; Tokio Times, 1 September 1877.

used by some Consuls, chief among them that of the United States, as a long-term prison. It even had its own regulations which were applied to all prisoners of whatever nationality. Although the arrangement was disliked by the elected members of the council, they did not object publicly, and nor did the Consuls. The arrangement helped to keep the council in existence and thus kept municipal affairs out of Japanese hands.¹

Two problems beset the council after 1877. One was its ultimate fate. The publication by the Japan Herald of the Japanese Government's treaty revision proposals in 1880 revealed that the Japanese intended to end the special municipal arrangements at Kobe and Osaka. There were outraged protests from some of the foreign community. They argued that there could be no change in the existing arrangements except with the unanimous consent of all the land-renters.² The spectre of eventual take-over by the Japanese was again raised in 1887, and feeling at Kobe was very strongly against such a move. The Hiogo News even argued that the agreements of 1867 and 1868 had created for the foreign residents at Kobe special privileges beyond

¹F.O.262/452/R.258, J. Troup to Plunkett, private and confidential, 30 June 1885, enclosing a memorandum by Troup, also private and confidential, 20 June 1885. This despatch is marked "Not to go home".

²"Lotholder" to the editor, Hiogo News, 26 July 1880; F.O.262/376/R.115, Kobe Chamber of Commerce to Kennedy, 30 October 1881.

those granted by the original treaties, and their end would have to be the subject of separate negotiations when those treaties were revised.¹

There was a small protest, but even in 1887 the Kobe community was not united in a demand for the continued existence of some form of foreign participation in municipal affairs after the treaties were revised.² Thereafter, there was little attempt at a concerted protest. One possible solution was foreign representation on a Japanese council, but the difficulties were recognised.³ Some of the anti-Japanese feeling at Kobe in the 1890's, which marred the settlement's early good record, was no doubt due to resentment at the end of Kobe's special position, but no full-scale protest ever materialised.

The council's chief worry during these later years was money. The ground lost in the 1870's was never made up; the surplus was gone for ever. The financial difficulties which many residents faced at the end of the 1870's hit the council's funds, for many abandoned their lots and

¹Hiogo News, 30 May and 1 June 1887; Japan Weekly Mail, 4 June 1887. The opposition was also based on the fear that land values would fall should the council disappear. F.O.262/585/R.123, Copy of C. Braess, (the Dutch Consul), to J.J. van der Pot, 11 June 1887.

²"A land renter" to the editor, Japan Weekly Mail, 11 June 1887; "Hottentot" to the editor, Japan Weekly Mail, 25 June 1887.

³"Foreigners and Japanese Municipalities", Kobe Chronicle, 10 September 1898. There is nothing to indicate that any special provisions for Kobe and Osaka were considered at the treaty revision negotiations.

no longer paid rent. There had been no thought that this might happen in 1868, and no provision was made in the regulations for such an event.¹ The council lost two ways. It did not receive its portion of the rent and it had to meet the Japanese portion whether the land was occupied or not. As the landlords, the Japanese alone were capable of bringing a case for non-payment of rent. The Japanese would not bring such cases because they had already received the rent from the council.² No solution was found, but the return of better times in the late 1880's made such defections rare.

The lack of money hit badly all aspects of council work, especially the police force. Indeed, so decrepit did this become, that its maintenance must have been solely a matter of prestige. The high cost of maintaining the force had led to a policy of employing the cheapest men available. These were normally either Chinese or Japanese.³ By the 1890's, the force was in a state of collapse, with its European sergeant having to be dismissed for drunkenness.⁴

¹Hiogo News, 7 November 1877.

²F.O.262/370, Unsigned undated memorandum. Probably by W.G. Aston, early 1881.

³Hiogo News, 29 November 1876.

⁴P.R.O.30/33/6/2, Troup to Satow, 18 February 1898. It had always been a highly restricted force, for its writ did not run off the settlement.

To pay for it, the police rate abandoned in 1875 had to be partially restored in 1885 and fully in 1893.¹

The re-imposition of the police tax did little to solve the council's financial difficulties. Income was still not sufficient to meet expenditure. In the last few years of its existence, the council was only saved from a financial crisis such as had led to the collapse of the Yokohama council in 1867 by selling off the land set aside in the original agreements for municipal purposes.² For Kobe's council, the revised treaties came just in time.

Municipal affairs could hardly have been deemed successful even at Kobe and Osaka. The difficulties at Yokohama and Nagasaki might have been avoided for much longer if there had been better initial arrangements, but even then there were other problems which would have probably proved insoluble. While the expenditure required to keep the settlements in a reasonable condition rose each year, the funds available remained fixed. Lacking a corporate existence and legal powers, there was no way of increasing the funds apart from the notoriously unsuccessful method of voluntary levies. Sir Harry Parkes pointed out in 1867

¹Hiogo News, 14 March 1885; "Tribunal of Arbitration constituted under Section I of the Protocol concluded at Tokio 28 August, 1902", Statement of the objections of the Imperial Japanese Government to the Contre-Memoire and Conclusions of the Governments of Germany, France and Great Britain, (The Hague, 1902), Appendix, pp.xi-xiii.

²Hague Tribunal, Replies of the Imperial Japanese Government, pp. 74-75.

that the foreign communities were quite willing to arrange their own municipal affairs if the Japanese would foot the bill, but were not keen on paying themselves.¹ The difficulties of operating any form of municipal council when there were sixteen or so different jurisdictions to consider were also great; indeed, the only solution seemed to be some sort of illegal arrangement as at Kobe. It would have been impossible to hide such arrangements if they had operated at more than one settlement. A possible solution which was raised from time to time was to obtain a charter from the Japanese. There were objections to this. It would not have removed the problem of extraterritoriality, for the foreigners would still have remained under their separate jurisdictions and regulations would still have had to be approved by the several Foreign Ministers. In any case, there was little chance of such a proposal being taken seriously by the Japanese after the early 1870's, if then. Once Japan had begun to reform and Westernise her local government,² the Japanese soon found that they were as capable as the foreign residents in matters of municipal affairs. They were therefore unlikely to contemplate allowing foreigners to run their own affairs at Japanese

¹F.O.391/14, Parkes to Hammond, 7 November 1867.

²For the reform of Japanese local government see McLaren, W.W., A Political History of Japan during the Meiji Era, (London, 1916), p.p.124-32, 145-47.

expense. The demand for the revision of the treaties spelt the final end to foreign hopes. After 1880 any idea of the continuation of separate foreign councils was a complete non-starter.

Chapter Six

Treaty Port Merchants and Trade

Japan's foreign trade, less than thirty million dollars in 1868, had reached the staggering total of nearly five hundred million yen by 1900. Most of the increase took place in the latter part of the period; indeed the volume of Japan's foreign trade had done little more than double by the middle 1880's when it was about the same as San Francisco's. Thereafter, it expanded out of all recognition.¹

There was little basic change in the type of trade in spite of its enormous growth. It was true that there were occasional "manias" which caught those who claimed to know the markets on the wrong foot and led to recriminations against the fickle Japanese. The largest volume of trade as a result of a "mania" was in sheep in the early 1870's,² while others included rabbits and tulips. Normally, however, trade was more prosaic. Japanese exports continued

¹See Appendix A.

²Nagasaki Express, 6 January 1872. The sheep mania sprang from a desire to manufacture woollen goods. Jardine Papers B3/9/Nagasaki letter 841, H. Gribble and Co. to Hong Kong, 20 January 1872. There was something like a mania in London in 1876 for Japanese umbrellas. Cornes Papers 6/13, Cornes to Taylor, 7 January 1876.

to be mainly raw silk, tea, and rice after 1873. Coal, copper and traditional manufactured goods also enjoyed a steady demand. The great boom in the export of silk-worms' eggs to replace those killed by disease in France and Italy which began in 1865, came to an end in 1883 and Japanese silk producers found themselves in competition with a product they had largely helped to re-establish. Textiles remained the chief import until the end of the period, although under increasing pressure from Japanese producers. The same was true of heavy industrial goods. One new import of considerable importance was kerosene. As in China it became an essential item of domestic use after 1875.¹

Considerable change was necessary in Japan to meet the needs of this foreign trade. The despised merchant class of Tokugawa days gave way to a new class sometimes drawn from the old but more often from the former samurai class. These enjoyed a status far above their predecessors. The Emperor even agreed to attend an entertainment laid on for him by merchants in 1879.² Thereafter there were

¹Allen, Short economic history of Japan, pp.37-39, 93-94. Much detail on trade patterns will be found in Hattori, Y., The Foreign Commerce of Japan since the Restoration, 1869-1900, (Baltimore, 1904). For the silkworms' egg trade and the kerosene trade see Japan Weekly Mail, 5 May and 14 July 1883.

²Japan Mail, 15 October 1879.

frequent signs of the change in attitude towards them. But the increased importance of trade was not only reflected in the changed circumstances of those who carried it on. The ports which handled the vastly increased trade of the 1890's were different places from the small towns they had been in the 1860's. Open roadsteads and small jetties had given way to modern docks and new man-made harbours by the 1890's.¹ And whereas in 1868, Japan was still largely served by sailing ships and unscheduled steamers, by 1888 there were seven steamship companies with vessels making scheduled calls at Yokohama, and the sailing ships were largely a thing of the past.²

It was a truism in the foreign settlements that the credit for the expansion of Japan's foreign trade lay with the foreign merchants. One resident wrote in 1897 that³

"The only foreign element which has had much effect on the Japanese is that of the commercial settlers. They have done their work in the country manfully and well ... They are, I fear, the only class of foreigners who have made themselves respected by the Japanese".

¹Chamberlain, Things Japanese, 1st edition, p.318.

²"Japan" [Seton-Kerr, F.W.], Handy Guide Book to the Japanese Islands, (Hong Kong, 1888), p.4. This total included the Japanese company, Nippon Yusen Kaisha.

³Letter of W.R. Lawson in Daily Mail (Supplement), no date, in London and China Express, 9 July 1897.

Not only had the merchants pioneered Japan's foreign trade, but they had done so for purely altruistic motives, or so it would appear. For if there was any other theme more frequently heard than how the Japanese were indebted to the foreign merchants, it was that foreign merchants had made no profits out of Japan's foreign trade.

It was true that there were occasional good reports between 1868 and 1899. The Tokei Journal claimed in 1874 that what foreigners were experiencing was not a trade depression but a swing away from some staples to a different type of trade and that total trade would remain the same.¹ The United States' consulate at Nagasaki reported that trade was good in 1879 and 1880.² From about 1893 such reports became general, but until then, the main burden of commercial reports was one of woe. The plain fact, noted one Yokohama newspaper in 1881,³ was that foreign experience showed

"and calm impartial reflection confirms the decision, that the benefits arising from commerce have been all on the side of the Japanese people, foreign merchants who originated and conducted it, being so far

¹"Nothing doing", Tokei Journal, 26 September 1874.

²United States, Despatches from the Consulate at Nagasaki (cited as M660)/131/3, W.P. Mangum to W. Seward, No.203, 1 October 1879; A.C. Jones to J. Hay, No.10, 15 October 1880.

³Japan Gazette, 26 February 1881.

as their worldly wealth is concerned, poorer now than at the commencement of these operations ..."

It was remarkable, commented the Japan Mail in 1888, that those who claimed to be the leading merchants in the world should continue to maintain in Japan establishments which were making such heavy losses.¹ Yet such was apparently the case, for summing up the experience of thirty years in 1900, the editor of one of the Mail's bitterest rivals wrote that there had "never been Yokohama millionaires, not even in two-shilling debased yen"; that there had not even been clear profits at Yokohama; and that this was true of all the treaty ports in Japan.²

Nor was this all imagination. These were the years of the "Great Depression", and although recent scholarship has tended to question the validity of the concept of a "Great Depression", it was certainly real enough to contemporaries. It was not only in Japan that merchants complained about the bad times. Pelcovitts has pointed out that the last glowing reports of the China trade date from 1872. Thereafter the annual British trade returns told a gloomy account of glutted markets and few rewards.³ So bad was

¹Japan Weekly Mail, 10 November 1888.

²Eastern World, 14 April 1900.

³Pelcovitts, Old China Hands, pp.102-103.

the state of trade that the British government appointed a Royal Commission to study the question in 1885, evidence that in that quarter at least, the depression was taken seriously. Other evidence which indicates that there were genuine hard times includes periodic reports of business houses cutting down on their staff,¹ and the frequent bankruptcies, sometimes of well-established firms.²

The foreign merchants had their own views on the poor state of trade. Behind their failure to make the expected profits they saw the influence of the Japanese government and the unethical practices of Japanese merchants. Trade under the Tokugawa and memories of China convinced foreign merchants of a vast conspiracy to defraud them of their just rewards. Before the new government had done more than replace Tokugawa officials with its own men, it had fallen foul of the foreign merchants. The new officers were largely inexperienced; the government could not spare its best men to manage the customs. There was a tendency for those appointed to administer the trade regulations even more rigidly than

¹Parl. Papers, 1878-79, vol.lxxii, (C.2358) Commercial reports from Her Majesty's Consuls in Japan for 1878, 598-99; F.O.262/445, Robertson to Plunkett, No.33, 13 March 1885.

²See the letter from Jardines chief representative in Japan in 1892. Jardine Papers D2/1, W.B. Walter to G.L. Montgomery, 6 May 1892.

had their predecessors, and they often proved incapable of making a proper valuation of goods. The customs houses, never noted for speed and efficiency, slowed down almost to a standstill, while the arrogance of its new administrators, the victors in a civil war, did little to mollify foreign indignation.

The foreign merchants refused to accept that the customs' faults were merely the result of inexperienced men administering unfamiliar regulations. They preferred to see in them the evidence of a plot against foreign trade, master-minded from Tokyo. At least one foreign Consul found most of his countrymen's complaints trivial and frivolous, and pointed out that the Japanese always proved amenable when there was a genuine grievance.¹ But foreigners refused to admit that their belief in a plot had no basis, and there were many demands for force to expose the plot.² In time, when no diplomatic support was forthcoming for their views, the foreign merchants came to see that every mistake in valuation was not a plot by the Japanese government to subvert foreign trade.

¹F.O.262/218, Robertson to Adams, Nos.58 and 76, 25 October and 14 December 1871.

²Nagasaki Express, 22 January 1870. Later demands for a foreign customs service, on the lines of the Chinese Maritime Customs, were sometimes based on the argument that it would prevent the customs being used by the government to hinder foreign trade. After 1880, it was clear that Japan would never accept such a body, and it was rarely mentioned.

Behind such complaints lay deep-rooted attitudes. They sprang from the belief that trade was of two sorts. The first was "legitimate trade", that is, trade carried on by merchants; the second was "illegitimate trade", into which category fell all trade carried on directly by governments, or assisted by them in any way whatsoever. Government interference in trade, for example by taxation or by direct legislation, was to be condemned as resolutely as direct government trading.¹ At the same time, foreigners were not adverse to demanding government action when their own interests were concerned. To end strikes, for example.²

The hope that the whole world will one day adopt complete free trade has now receded. It is not easy to recreate the sense of passion with which laissez-faire economic policies were once advocated, particularly by the British. Yet to those who believed in them, they were a cause to be argued with all the passion of a religion. Protection was an out and out heresy, which must be rejected root and branch. The Japanese were

¹Japan Gazette, 14 June 1879, quoted in T/albot/, W.H., The Currency of Japan: A reprint of Articles, Letters and Official Reports, published at intervals in the Foreign Newspapers of Japan, together with translations from Japanese journals, relating to the currency, paper and metallic of the Empire of Japan, (Yokohama, 1882), pp.175-185. This is a most valuable collection.

²Japan Mail (Summary), 23 December 1880.

warned against following the example of the United States, its one major advocate amongst the powers. The Japan Mail cautioned the Iwakura mission on its departure "against the adoption ... of principles so retrograde, so fallacious and so detrimental to all concerned in the operation of them" as it was likely to hear in the United States.¹ Nor was this a purely British cause. Many United States' citizens in Japan joined their British colleagues in the Chambers of Commerce in condemning Japan's inclination towards protection and the end of laissez-faire, while in 1880 the Italian Minister warned Inoue that "Si en Europe ou en Amerique un gouvernement s'avisait de prendre des mesures pareilles [i.e. protectionist tariffs], on disait qu'il veut se suicider."²

Yet at first glance it might have seemed that the post-Restoration government began well in trade matters. As early as November 1868, the new government began a policy of removing controls on exports. Copper, which until then could only be exported when sold by the Japanese government to the Chinese guild at Nagasaki, was freed for

¹ "The Revision of the Tariff", Japan Weekly Mail, 16 December 1871.

² NGBJKK, II, No.33, Count Barbolari to Inoue, private and confidential, August 1880. It is worth noting in passing that where American interests were likely to suffer as a result of Japanese protectionist policies, those interests came before any abstract commitment to protection. See M663/99/1, T.F. Bayard to Kuki Kunichi, draft personal, 4 May 1886.

sale by any Japanese to any foreigner.¹ Nor was this just an isolated example; by the end of 1873, Parkes was able to report that the Japanese government had "completed the repeal of all the prohibitions against exports" contained in the 1866 tariff.² It had also proved more willing than its predecessor in stopping illegal attempts by local officials to tax foreign trade.³

The merchants were not convinced of the government's supposed liberality in trade by these actions, nor by an interest in railways, steamships and the other nineteenth century symbols of progress. Even when the goods formerly restricted were freed for export, as often as not sole right to trade in an article was given to a monopoly. Thus rice, theoretically freed from all export control in 1873, remained a government monopoly until the end of the decade. It would be exported, but only at government prices.⁴ Any grouping of Japanese merchants was automatically suspected of being a monopoly and was opposed by foreign merchants.

¹F.O.262/149, Lowder to Parkes, No.103, 10 November 1868. British subjects at least were not able to deal in copper until the Japanese Foreign Office officially informed Parkes in February 1869, F.O.262/163, Parkes to Clarendon, draft no.58, 9 March 1869.

²F.O.262/241, Parkes to Granville, draft no.107, 8 December 1873.

³F.O.262/492. Higashi Kuze to Foreign Representatives, No.29, 8 February 1869.

⁴"The Rice Trade", Japan Gazette, 10 May 1879.

There were some occasions when such grievances did prove true. The Ki-ito aratame kaisha ["raw silk inspection association"] which emerged at Yokohama in 1872 had some measure of government support. The government agreed to suppress it, although it did this not on the grounds that such support was wrong, but because the association had gone beyond its stated aims.¹ A government attempt to give the Mitsubishi steamship company a monopoly of the inter-port passenger trade was successfully opposed by Parkes in 1876.²

Yet by and large there was little evidence to support the merchants' allegations. When pressed for direct evidence of government-encouraged monopolies, they were forced back on vague assertions. The British Consul at Yokohama was asked by Parkes in 1871 to ascertain whether the allegations about widespread monopolies were true or whether the association's foreigners complained of were merely local groups whose actions might "affect the individual operations of merchants here just as any combination of capital might under similar circumstances, in Europe or America ..."³ The Consul approached the Chamber of Commerce and had to wait two months for a reply. When he received it, it was most

¹F.O.262/252/R.150, A.J. Wilkin to Parkes, 14 November 1873; F.O.262/255, Parkes to Granville, draft no.52, 23 March 1874. N.G.B., VI, Docs. 319-324.

²Daniels, "Sir Harry Parkes", pp.306-307.

³F.O.262/218, Robertson to Parkes, No.17, 10 April 1871.

illuminating. All members had received a copy of the letter but nobody had produced any evidence to back up past complaints. Nevertheless, the committee of the Chamber were still of the opinion that there was government support for the alleged monopolies, since there was a rumour to that effect circulating in the port! In any case, even if the government was not at that precise moment actively supporting monopolies, "at some future period its powers may exercise an adverse effect on foreign trade".¹ The Yokohama silk dealers formed an association in 1881 to fight for better terms from the foreign merchant houses and successfully brought trade to a standstill. At once the cry of government subsidy went up. Although on investigation this proved to be false, many foreigners continued to believe it. Nor could they see any objection to their own method of beating it, namely by setting up an association of their own, which refused to trade with the Japanese.²

When the Japanese began to trade directly with Europe and America during the 1880's, the outcry against this new form of competition at a time of trade depression contained not a few allegations that such competition must be

¹F.O.262/218, Robertson to Adams, No.26, 6 June 1871, enclosing W. Van der Tuk and H.J. Hooper to Robertson, 31 May 1871.

²See Japan Mail, 9 December 1881 for an account of the struggle and for all the published official correspondence on the question. Rumour had it that the Japanese government had provided one million yen as subsidy. M659/135/12, van Buren to Baline, No.572, 10 October 1881.

financed by the government.¹ Since the government was the only body in Japan able to finance such trade on any large scale,² there was some truth in the allegations. But the assistance was not nearly as widespread as foreigners chose to believe, and again they found little diplomatic support for their demands for redress. This did not stop them complaining. As late as 1893, the P. & O. agent at Yokohama was arguing that a price fixing agreement entered into by the Nippon Yusen Kaisha was part of a deliberate attempt by the government to give that company a monopoly of Japan's passenger trade. Yet the agreement in question was exactly the same as most British companies - including the one he represented - worked under. He received no encouragement from either Fraser in Tokyo or the Foreign Office in London.³

Then there was the currency question. The Restoration played havoc with Japan's currency. Japan's new rulers may not have wanted to become involved in currency questions, but their financial needs forced them to issue paper money to pay their way. A general shortage of cash led both the han and some local authorities to issue their own notes. Although these local currencies disappeared as political stability

¹"Japanese direct trade", Japan Weekly Mail, 22 September 1883. For a protest from the Belgian Foreign Ministry at alleged government assistance to trade, see NGBJKK, II, doc.297.

²Smith, T.C., Political change and Industrial enterprise in Japan: Government enterprise 1868-1880, (Stanford, 1955), Chapter Four, discusses this point.

³F.O.262/696, Fraser to Rosebery, draft no.25, 28 February 1894; F.O.262/694, F. Bertie to Rosebery, No.30, 6 April 1894.

returned, currency difficulties did not. The financial needs of the government grew as it took on new responsibilities with the abolition of the han and the payment of pensions to samurai. More paper currency was issued to meet these needs. Great hopes were placed on the purchase of the redundant Hong Kong Mint in 1872, but that in itself did little to improve the position. All through the 1870's, Japan was deluged by paper whose value fluctuated wildly. Not until Count Matsukata became Finance Minister in 1881 did the currency begin to settle down. His policy of rapid redemption of paper money and a reform of the banking system was eventually successful. In 1886, specie payments began to replace paper and thereafter the currency remained stable. The seal of respectability was placed on it by the decision to go on the gold standard in 1897.¹

Undoubtedly the state of the currency did contribute to the poor state of trade. Certainly there were plenty of claims to this effect. Suspicion that as soon as an agreement was signed, the money paid might prove worthless naturally put a dampening effect on business. Jardines' agent at Yokohama reported a complete stoppage of trade in May 1870 because of currency fluctuations.² When the coins from the

¹Allen, Short economic history of Japan, Chapters II and III. For financial problems at the Restoration see Fox, Britain and Japan, Chapter XV.

²Jardine Papers B3/17/Yokohama letter 1470, H. Smith to Hong Kong, 30 May 1870. The best source for complaints about currency difficulties and foreign remedies is I/albot/, W.H., The currency of Japan.

new Mint failed to arrive on time at Nagasaki in 1872, again all trading stopped.¹ It was perhaps understandable that foreign merchants resented this. To them it was less a question of an inexperienced government making mistakes as another example of Japanese determination to hamper trade. Yet while blaming government interference for causing the currency difficulties, foreigners found themselves in a dilemma for they had to acknowledge that only the government could do anything about the currency. Demands for action therefore, were somewhat tempered by fears of what form it might take. There were renewed outcries when Matsukata's reforms began to take effect because his policy of restricting inflation hit trade. Here was government action with a vengeance.² But when the drastic measures proved successful in meeting the long-standing demand for a stable currency, there was a change of heart. Praise for Matsukata came not only from such constant supporters as the Japan Mail but even from the Yokohama Chamber of Commerce itself.³

When all else failed to prove the government's desire to interfere in trade, foreigners could point to its stand on the question of tariffs. Ideally, of course, there should

¹Parl. Papers, 1872, lxi, (C.639), Commercial reports from H.M. Consuls in Japan, 282.

²"The depression of 'kinsatsu'", Japan Weekly Mail, 3 January 1885.

³Japan Weekly Mail, 25 February 1888. It was decided, however, not to debate a motion in which the Chamber would have expressed "its appreciation of the financial policy of the government", in case the policy proved less beneficial than it then seemed.

have been no tariffs, but it had to be conceded that Japan had the right to impose these and that right was embodied in the treaties and the 1866 Tariff Convention.¹ In 1871, when foreigners were asked for their views on commercial matters in anticipation of a Japanese request for treaty revision, the burden of all reports submitted was that existing duties were unfair and additional ones unthinkable.²

The spread of the "protectionist heresy" amongst the Japanese was viewed with great alarm by the foreign merchants. Fear that American advisers in the Japanese Foreign Office were helping to spread the doctrine was one reason for British attacks on them. Foreign commentators emphasised that to allow the Japanese control over the tariff was dangerous and probably illegal; it would mean the end of all foreign trade and Japan had given up the right of sole control in the treaties.³ Japan must concentrate on doing what she could do well, namely produce tea, silk and other indigenous products, and abandon any illusions about building up industry behind protectionist walls.⁴

¹ It was not always easy to convince either merchants at home or in Japan of this fact. See F.O.262/149, Lowder to Parkes, No.108, 20 November 1868; F.O.46/119, Board of Trade to the Foreign Office, 12 January 1869. The same was true in China. F.O.405/13, Alcock to Stanley, No.84, 16 April 1868.

² See the views of British subjects at Nagasaki, F.O.262/214, Flowers to Adams, No.63, 30 December 1871.

³ "Sovereign Rights and Customs Duties", Japan Daily Herald, 18 July 1878. These views were not confined to the British. See the views of German merchants summarised in F.O.262/319, Parkes to Salisbury, draft no.120, 25 November 1878, and a French view in "Un ami du Japon" to the editor, L'Echo du Japon, 8 May 1879.

⁴ "The tariff", Tokei Journal, 7 November 1874; House, "The Martyrdom of an Empire", 615.

In spite of all foreign objections, the Japanese government made it clear in the 1870's that it wanted control of the tariff restored. As early as January 1875, the government considered a demand that all tariffs be increased,¹ and its aims were made clear in 1877. In proposing duties of between five and thirty per cent, the Meiji rulers were merely going back to what their predecessors had enjoyed in theory before 1866, but the proposals were shocking to free trade advocates. It was not only Lord Salisbury who felt outraged at being presented with a "protectionist tariff".²

Japan's designs were spelt out publicly in the 1878 American treaty. Subsequent years did little to change foreign views. The Japanese were prepared to change their demands on certain specific items, but the principle remained the same. Foreign comments concentrated on this evidence of Japanese illiberality, and emphasised over and over again that should the Japanese have their way, all trade would be killed.³ Right until the 1890's, the

¹Idditie, J., The Life of Marquis Shigenobu Okuma, (Tokyo, 1940), pp.169-70.

²F.O.262/318, T.V. Lister to Parkes, No.68, 2 November 1878, enclosing Salisbury to Ueno, 2 November 1878. For the Japanese proposals, see F.O.262/522, Terashima to Parkes, No.8, no date [received 8 February 1878.].

³Report of the Yokohama Chamber of Commerce on Treaty Revision, in Japan Mail, 16 July 1879. See also Japan Gazette, 14 August 1880.

foreign merchants insisted that Japan's attitude towards the tariff was proof of deep-rooted illiberality in trade.¹

Foreigners put forward other reasons for their failure to make profits. The refusal of the government to allow trade in the interior was one. Another was that the Japanese merchants by unfair methods, took away profits which rightly belonged to foreigners. From all sides came complaints about adulteration of tea and silk by the Japanese. Defaulting on debts, if foreign accounts are to be believed, was a peculiarly Japanese fault.² The most popular explanation for these defects was the low social standing of Japanese merchants. Some argued that before 1868 when many merchants had traded with the samurai representatives of the han, things had been different,³ but this was plainly a lapse of memory. Others felt that the low standard of foreign commercial morality had no small part to play in the low standards of the Japanese.⁴

¹London and China Express, 8 February 1895.

²The definitive version of the story will be found in Longford, J.H., "The commercial morality of the Japanese", Contemporary Review, LXXXVII, (January-June, 1905), 705-11. Longford, once of the British consular service in Japan, was noted for his anti-Japanese views. For some other examples of Japanese dishonesty, see above pp.178-9

³"Commercial dealings with the Japanese", Japan Weekly Mail, 27 October 1888.

⁴Dixon, Land of the Morning, p.231. Even staunch advocates of the merchant viewpoint felt that there was some truth in this. "Japanese and Foreigners: Their business relations", Japan Gazette, 7 June 1879.

It is a common complaint of all merchants that their rivals engage in unfair practices; certainly when the Japanese began to establish a position in overseas markets, they made the same complaint.¹ Nor should all the complaints be taken at their face value. Some foreigners were willing to trust the Japanese merchants. Firms were not above entrusting large sums of money to Japanese to trade on their behalf in the interior. Others were willing to put their property in Japanese names for the same purpose. Jardines ran a boat between the Takashima colliery and Nagasaki which was registered in the name of their head boatman.² As the Japan Mail put it, there were "not many parts of the world where commercial confidence goes the length of trusting round sums to men against whom no legal claim could be established if they chose to default".³

If treaty port merchants felt that the reasons for their failure to make expected profits lay with the general condition of trade or with the faults of the Japanese, there were many who argued that the real cause of the difficulty lay with the treaty port merchants themselves. The merchant who left Japan in, say, 1865, and who returned

¹Saniel, Japan and the Philippines, p.143.

²Jardine Papers, B.3/9/Nagasaki letter 974, R. Holme to Hong Kong, 5 April 1876.

³Japan Weekly Mail, 9 February 1884.

in 1885 or even in 1895, would have found not only that the type of trade had remained the same, but that the trading methods of the 1860's were still the common practice in foreign merchant houses. It was true that there were some changes. The coming of the telegraph in the early 1870's brought more work and played a part in cutting profits by reducing the chances of speculating. There had grown up small industrial establishments around the original foreign warehouses by about 1880, which although not sanctioned by treaty, were allowed to function by the Japanese. The most important were for firing tea. Some of these were very large establishments employing between a thousand and two thousand Japanese who worked for low wages in appalling conditions.¹

It was true that the persistent Japanese refusal to allow trade in the interior, except under Japanese jurisdiction, and the equal refusal to allow foreign capital to penetrate the interior without paying the same price, was a major factor in holding back foreign trade. Yet there was another side as well. Trade as carried on by the treaty port merchant was a somewhat different matter from what his counterpart in London or New York was used to. The agency house system continued as before. Large

¹Varnum, R., Memoirs of a life at sea, p.91; Finck, H.T., Totos Time in Japan, (New York, 1895), pp.20-21.

establishments were kept up to impress the Japanese. Hours were leisurely and holidays were good. An American lady wrote that while it might be true that those engaged in the tea trade did not become rich, they led a comfortable life and were busy only from April to October.¹ The use of Chinese compradores, an "aristocratic and highly antiquated form of doing business" even in 1870, continued into the 1880's in spite of the objections of many Japanese.² Even when the Chinese were replaced by Japanese, most foreign merchants and their staff remained ignorant of the language. Inoue told Sir Francis Plunkett in 1887 that most of the financial problems of British merchants sprang from the fact that they "sat in their country houses in Yokohama, and then felt aggrieved if the more pushing Germans got ahead of them".³

Foreign merchants refused to study the market and consequently goods piled up for which there was no sale.⁴ Nothing could change; their special status had to be protected at all costs. Attempts to place taxes on their trade were fought vigorously.⁵ They fought equally hard against the handing over to the Japanese Post Office of

¹Scidmore, Jinrikisha days in Japan, p.357.

²Griffis, Mikado's Empire, II, 338. For Japanese feelings, see Okuma, editor, Fifty years of new Japan, I, 624.

³F.O.262/573, Plunkett to Salisbury, draft no.38, confid., 1 February 1887.

⁴Jardine Papers, B3/6/Hakodate letter 45, Howell and Co., to Yokohama, 12 March 1870; M659/135/15, W. Green to J.D. Porter, No.84, 13 May 1886.

⁵F.O.262/690/R.4, J. Dodds, chairman of the Yokohama Chamber of Commerce, to R. Martino, doyen of the diplomatic corps, 17 January 1893.

the foreign mail services. In spite of much evidence testifying to the ability of the Japanese Post Office and in spite of the fact that the United States ceased to have postal arrangements in Japan after 1873, foreigners demanded that only by keeping French and British post offices in existence could the integrity of the mails be guaranteed. The force of their argument was somewhat destroyed by the fact that the majority of foreign business mail went by the fast Japanese service across America.¹ Even when a claim for special treatment was completely unjustified, foreign merchants demanded that it should continue. This was the case with coal dues. In 1869 the Foreign Ministers persuaded the Japanese to allow the export of coal in steamships free of duty. These needed so much coal for their own use that it was impossible to carry any for export. As ships improved and better strains of Japanese coal were discovered, this was no longer true. Foreign merchants insisted

¹The foreign postal services were another of those creeping extensions of extraterritoriality which Parkes and others felt called upon to defend at all costs, as a matter of principle. He encouraged foreign resistance to the Japanese demand that Britain's mail service be ended, even though his own officers reported that the Japanese provided an excellent one. It was only when Japan joined the Universal Postal Union in 1879 that Britain and France finally admitted that the time had come to end the old arrangement. It was, Sir Charles Dilke wrote, a "gratuitous insult" that the unnecessary offices had continued for so long. Dilke, Sir C.W., Greater Britain, eighth edition, (London, 1885), p.575. Parkes' views, and those of the foreign merchants, can be found in F.O.262/302, Parkes to Derby, draft no.48, 31 March 1877. See also Tokei Journal, 19 September 1874; Japan Gazette, 8 September 1880.

nevertheless, that the exemption from duty should continue.¹

The proposals put forward by the merchants when contemplating treaty revision in 1879 were exactly the same as they had put forward in 1872. They were to remain basically the same until 1899. The British Minister wrote of his fellow countrymen in 1886 that they "rub along persistently in the same old grooves", ignoring all that went along around them. He went on:²

"Blind adherence to old habits, however good they have been at one time, and refusal to recognise that facts, however unpalatable, are still facts, have brought many a concern to grief before now ..."

Yet by the 1880's, the established merchants in the ports were under attack from two quarters. From outside Japan came pressure from the new industrialists of Germany. This hit British interests particularly, but not exclusively.³ This new German trade offensive did not work through the established houses of the settlements, for

¹See Tokio Times, 29 December 1877; 7 December 1878; Japan Daily Herald, 14 January; 18 and 29 November 1878. Jardine's agent at Nagasaki was running coal for export in steamers as early as 1870, and determined to fight any attempt to make him pay duty on it. Jardine Papers, B3/9/Nagasaki letter 785, H. Gribble to J. Keswick, Shanghai, 29 October, 1870. In 1888, Japan allowed the export of all coal without duty. F.O.262/591, Trench to Salisbury, draft no.68, 16 August 1888.

²F.O.262/569/R.167, Plunkett to T. Thomas, Chairman of the Yokohama Chamber of Commerce, 25 October 1886.

³London and China Express, 9 December 1887; M660/131/5, J. Birch to J. Porter, No.66, 7 June 1887.

Germany was not strongly represented among them, having come late on the Far Eastern scene.¹ By and large, the German companies preferred to send out a representative who could carry out the necessary negotiations and then return home. Such men did not sit and wait in Yokohama or Kobe until the Japanese came to them. They were expected to learn Japanese and go to seek business. Nor were they above enlisting some diplomatic support if they thought this might be useful.²

The foreign merchants were horrified at these new methods and at the prospect of further loss of profit. One or two of them decided that the time had come for them to experiment,³ but the majority lashed out with accusations that unfair diplomatic pressure was the sole reason for German advances. Attempts to persuade them otherwise were greeted with scorn; there was nothing wrong with existing methods and therefore those who found success by going

¹As late as 1878, German trade in Japan could be described as insignificant, NGBJKK, I, doc.317, but by 1885 the Far East was full of the supposed advance of German trade. Hoffman, The Anglo-German trade rivalry, pp.32-35.

²The German challenge should not be exaggerated. It was not until 1900 that Germany could really be said to rival France for third place in the list of Japan's major trading partners. Hattori, Foreign Commerce of Japan since the Restoration, p.72 n.1. The German Consul at Yokohama in 1887 pointed out that one reason for the "boom" in German trade in Japan was that whereas formerly country of origin was decided by the customs on the basis of the port of shipment, in 1887 it was decided to show the real place of origin. London and China Express, 10 February 1888.

³One who did so was R.J. Kirby. See his letter to Satow explaining his career in P.R.O. 30/33/6/14, R.J. Kirby to Satow, 27 January 1896.

outside them must be obtaining illegitimate assistance.¹

The other challenge came from the Japanese. Soon after the Restoration, a serious attempt at industrialisation got under way. In spite of the gloomy prophecies of foreigners, industry grew. By the time of the revised treaties, industrial Japan was on the way West. Japanese cotton goods reached Singapore for the first time in 1894 and by 1898 were even beginning to appear on the British market.² Even earlier, Japanese merchants had begun to trade directly with Europe and America. Japanese determination to beat foreigners was one factor in this; another was that they provided the same service as foreign houses, at less cost. Instead of all foreign trade passing through the hands of the foreign merchants in the treaty ports, Japanese firms made their own contacts or else exported and imported through Japanese agency houses. One writer estimated that by 1888 Japanese merchants commanded some twelve per cent of all Japan's foreign trade; by 1899, they held twenty-five per cent of a much greater trade.³ In other ways too, foreign dominance of Japan's

¹F.O.262/453/R.322, N.P. Kingdon to Plunkett, 22 September 1885; F.O.262/555, Plunkett to Rosebery, draft no.128, 26 July 1886; F.O.262/568/R.210, T. Thomas to Plunkett, 5 November 1886. "British Consuls and British Merchants", Japan Weekly Mail, 18 December 1886. The main importance of this struggle was that eventually under pressure from several sources, the British Foreign Office abandoned its former attitude of no support for specific British traders and trading interests. See P.R.O.30/33/5/2, Salisbury to Satow, private, 3 October 1895.

²London and China Express, 6 April 1894; P.R.O.30/33/6/2, Troup to Satow, 4 December 1898.

³Lloyd, A., Everyday Japan, (London, 1909), p.63. Another gave figures of eleven per cent by 1880; nineteen per cent in 1890; and thirty-eight per cent by 1900. Hattori, Foreign Commerce of Japan since the Restoration, p.28.

trade was being challenged well before the end of the old treaties. The coast trade slipped away from foreign control. The foreign banks, once supreme in the provision of funds for foreign trade, began to meet competition from Japanese banks as early as 1885.¹ Except to protest that this departure could only be the result of government assistance, the foreign merchants were unable to meet it, just as they were unable to meet the challenge posed by the German offensive.

The truth was that by 1880 the foreign merchants, once the pioneers of Japan's foreign trade, were no longer interested in its expansion. They had build up a comfortable life in the treaty ports; any expansion into new fields would disrupt that life. The Japan Mail argued in 1879 that new treaty ports, even if offered by the Japanese, would be a waste of time and could only serve to attract trade away from the existing ports. It was better not to open any more ports to foreign trade.² Many would have agreed. Substantial amounts of money were invested in the existing ports; it was wasteful to be compelled to expand even further.

¹Talbot, W.H., The Currency of Japan, pp.79-80 gives Okuma's picture of the coast trade. For the banks see Japan Weekly Mail, 2 May 1885; F.O.262/554, Plunkett to Rosebery draft 46, 21 March 1886.

²"New Treaty Ports", Japan Mail, 12 December 1879.

Those who might have been prepared to challenge such a passive approach to trade - as indeed, many had done in the 1860's and 1870's - had to take one important factor into consideration; from the end of the 1870's, the Japanese made it clear that complete access to the interior of Japan, and any subsequent increase in trade, was only to be obtained by abandoning extraterritoriality. The treaty port merchant thus could press for the opening of the country, which might or might not bring him greatly increased profits, but which would certainly expose him to the tender mercies of the Japanese; or he could content himself with a moderately prosperous trade, safe in the knowledge that his life and his property were under the direct protection of his own country. By and large, the treaty port merchant preferred the latter course. The growth of trade ceased to be the chief concern of the foreign merchant.¹ As we have seen, when the British treaty was revised in 1894, the Legation found some difficulty at first in getting any opinion at all on its commercial aspects; all the merchants were interested in was the end of extraterritoriality. Only as it became clear that extraterritoriality was ending for good did foreigners turn their attention to the commercial aspects.²

¹F.O.262/614, Fraser to Salisbury, draft no.97, confidential, 16 August 1889. See also "Extraterritoriality and trade", Japan Weekly Mail, 25 November 1882; Jiji Shimpō, no date, in Japan Weekly Mail, 17 April 1886.

²See above, p. 214, note 3.

Gradually it dawned on home producers that the continued existence of the special privileges of the treaty port merchants was hindering rather than encouraging trade. Fear of losing valuable markets forced a re-evaluation of the foreign merchant. The German manufacturers found success by ignoring the established trade patterns; others began to wonder whether they too should abandon the old methods of trade.¹ Many Japanese claimed in the press of Europe and America that there were large profits for foreign manufacturers if they abandoned the costly foreign middlemen.²

In the end it was this argument which triumphed. Fear that continued support for foreigners' special privileges would lead to the loss of a potentially enormous market and the hope of gaining a special position by being the first to gain access to the new markets, led the powers to compete with each other to have Japan opened to foreign trade. The same pressures which had led to Perry's early convention being superceded led in turn to the replacement of the 1858-1869 treaties. A combination

¹See the memoranda by P. Currie, 7 May 1886 in F.O.46/358; and by Plunkett, 9 December 1886 in F.O.262/568/R.239; and "The problem solved", Japan Mail (Summary) 2 December 1889.

²Goh, D., "A Japanese view of new Japan", Nineteenth Century, XXIX, (January-June 1891), 274-75.

of Japanese and foreign intransigence had turned the treaty ports from being "the opening steps from which [foreigners] would gain access to the Japanese economy"¹ into the main obstacles to such access. By 1899 they had to be swept away if ever that economy was to be opened to foreign enterprise.

¹McMaster, "British trade and traders to Japan 1858-69", pp.250-51, Dr. McMaster's summing up puts all blame on the Japanese and ignores the foreign contribution to the turning of the foreign settlements into "larger Deshimas".

Chapter Seven

The foreign press

By 1859, the foreign-language press was a well established feature of Far Eastern treaty port life. Starting at Canton in 1827, foreign newspapers had spread to all the China ports after 1842. In many ways they had remained little more than glorified advertising sheets, purveying out-of-date news, but at the same time remaining the chief source of information for the majority of foreign residents and the main channel for the spread of non-official foreign views. Particularly important in this respect was the development of special "mail editions" consisting of a digest of the local news and the main editorials made up specially for the scheduled mail ships.¹ Japan's first foreign newspaper appeared at Nagasaki in June 1861. This was the Nagasaki Shipping List and Advertiser, owned and edited by A.W. Hansard, an auctioneer who may have had journalistic experience in New Zealand.²

¹For the China Coast press, see Clarke's thesis "The development of the English-language press on the China Coast" and King, F., and Clarke, P., A research guide to China Coast newspapers, 1822-1911, (Cambridge, Mass., 1965).

²Details of all foreign newspapers published in Japan are provided in tabular form in Appendix B, Part I, and they will not normally be given in the text. For an account of the press before 1868 see Fox, Britain and Japan, pp.415-29. Miss Fox is not always accurate, however, when relying on Japanese sources.

Hansard soon decided that Nagasaki had little future as a journalistic centre, and moved to Yokohama. There he began to publish the Japan Herald on November 1861. It was not long before he had a rival in the short-lived Japan Express, and by 1868, Yokohama journalism was well-established.

The foreign settlements were prolific in the production of newspapers after 1868. It is remarkable that these small settlements whose total Western population did not reach four thousand until the 1890's, supported so many newspapers. Between 1861 and 1899, over forty newspapers were published, and this total does not include the separate daily sheets or special mail editions which some published. Even allowing for the fact that many of them lasted only a few months, the total is impressive. As one journalist noted, "This may be taken at first sight to indicate a remarkable degree of journalistic activity, not to say a positive craving for news on the part of the public".¹ Many editors felt that the market was overstocked and some complained of "superfluous competition" which made the "old established newspapers" less good than they might be.²

Nor were newspapers the only form of journalistic activity foreigners engaged in. The first periodical appeared in Japan in 1862. This was the Japan Punch, the

¹Raper, G., "The English-language press of Japan", in Sell's Directory of the World's Press, (London, 1893), pp.148-49.

²Japan Herald, 24 October 1879. The Japan Gazette, to whose editor this was directed, gave a dusty reply the next day.

work of Charles Wirgman, an English artist who had worked on the Illustrated London News.¹ In his monthly magazine Wirgman lampooned all those around him at Yokohama, many of whom were his friends. Not only did Punch serve to record pictorially the events of treaty port life, but it introduced the Western cartoon to Japan. Wirgman is generally credited with being the father of the modern Japanese cartoon.² Other "comic journals" appeared from time to time, but none succeeded in putting up an effective challenge to Wirgman.³ The only man who came near to challenging Wirgman was a Frenchman, Georges Bigot, who produced a number of short-lived magazines and several albums of sketches between 1882 and 1899.⁴ Wirgman stopped producing Punch in 1887 and it was not until 1890 that a viable successor appeared. This was the Box of Curios, an American style paper. It was not highly regarded in some British circles, but thrived.

¹For Wirgman, see the obituary in Japan Weekly Mail, 14 February 1891.

²Yokohama keizai-bunka jiten, supplement p.5. An annual ceremony is held at his grave by Japanese cartoonists, Yomiuri Shimbunsha, Kanagawa no rekishi, p.75.

³They are listed in Appendix B, Part II. Few have survived and their existence can only be discovered from the rather ponderous reviews the more serious papers gave them. See for example, Japan Weekly Mail, 17 June 1871, on the proposed Mosquito.

⁴The Toyo Bunko, Tokyo, has a very good collection of Bigot's work.

Other periodicals included a large number of missionary magazines, most of which have not survived and few of which can have found a great market in the foreign settlements. They were generally not highly regarded by the newspapers.¹ Their main market was among the converted in Japan and the committed at home. There were also several attempts to provide the foreign settlements with a periodical which would be both instructive and entertaining. Wirgman may have tried this in 1866,² but if so no trace has survived. The only really successful attempt was by John Reddie Black. His Far East ran from 1870 to 1876, first at Yokohama and then at Tokyo, and from 1876 to 1877 at Shanghai. It was one of the earliest magazines to be illustrated with photographs. Black was already well-known in journalistic circles in Japan by 1870, having edited both the Japan Herald and the Japan Gazette. At first he intended the Far East to be a newspaper, but decided in May 1871 to concentrate on "furnishing material, historical or otherwise ... illustrative of native life in the far East".³ The new formula must have proved successful, for gradually the news items became fewer and

¹See the Japan Herald (Mail Summary), 24 July 1876, for a condescending account of a temperance magazine, the Japan Fortnightly Review.

²Endo and Shimomura, Kokushi bunken kaisetsu, p.430; Nishida, T., Meiji jidai no shimbun to zasshi, Newspapers and magazines of the Meiji period, (Tokyo, 1961), p.12.

³Far East, 16 May 1871.

fewer. A further sign of success was the announcement in July 1873 that henceforward contributors would be paid.¹ In its heyday the Far East carried work by such noted scholars as Satow, Dickins and Griffis. Prominent Japanese also contributed. But when Black moved to Shanghai in 1876, the amount of space devoted to Japan fell drastically.

Black ceased to publish the Far East in 1877. It was some four years before there was a successor, in the Chrysanthemum, published at Yokohama from 1881 to 1883. It was under missionary auspices,² The magazine at first pursued a similar editorial policy to Black's, but in time became rather too missionary dominated for the taste of many foreign readers in Japan and on the China Coast.³ This departure may have been the reason for its failure to attract sufficient subscribers; even a new and careful editor (this may have been Faulds) proved unable to keep it going.⁴

¹"To our subscribers", Far East, 1 July 1873. It also became a monthly at the same time.

²Miss Fox, Britain and Japan, p.437, says that its editors are unknown. But Rev. C.S. Eby, of the Canadian Methodist Mission, an active journalist, wrote to the British Vice-Consul at Tokyo in 1882 on the paper's notepaper which indicates that he had an interest in it, F.O. 798/38/R.13, Eby to J.H. Longford, 24 July 1882. On the other hand, one source says that it was edited by Presbyterians from the Doshisha, Villion, Rev. A., Cinquante ans du apostolat au Japon, (Hong Kong, 1923) p.213. In 1897 an advertisement referred to the British doctor, Henry Faulds, a Presbyterian medical missionary, as "formerly editor of the Chrysanthemum" London and China Express, 15 October 1897.

³Japan Weekly Mail, 18 November 1882; China Review, X, (1881-82), No.1, 68-69.

⁴China Review, XII, (1883-84), No.2, 133-34. For the last six months of its existence it took the title Chrysanthemum and Phoenix.

No real replacement appeared for the Chrysanthemum until another Far East began publication in 1896. This Far East was a further sign of how Japanese moved into fields which were once left entirely to foreigners, for it was Japanese-owned, being intended as an English-language adjunct to the Kokumin no tomo newspaper. At first it was edited by Japanese but these were not able to handle the mysteries of English. A foreign editor was brought in, and standards greatly improved.¹ But the years from 1883 to 1896 were not completely blank. Two language societies, the German-Japanese Society and the French-Language Society, both of Tokyo, produced magazines which carried articles aimed at a wider range of readers than their names implied. The Germans published Von West nach Ost in 1889-90.² The French La revue française du Japon lasted from 1892 to 1897, and was eventually forced to cease publication not through any lack of subscribers, but because no suitable editor could be found, and there were not enough contributors.³

The periodicals here described were perhaps not of any great literary value,⁴ yet they are still of interest.

¹Endo and Shiomomura, Kokushi bunken kaisetsu, p.430. See also Far East, January 1897.

²For some idea of its contents, see Japan Mail (Summary), 5 June 1889.

³La revue française du Japon, July 1897.

⁴The opinion of a writer claiming to examine writings on Japan from a literary standpoint. Barr, P.M., "The writings on Japan and the Japanese of English and American Visitors, 1852-1910", unpublished M.A. thesis, University of London, 1964, pp.21-23. I think Mrs. Barr's evaluation can be challenged.

Some at least among the foreign residents felt the need for the type of intellectual magazine so popular in Europe and America in the nineteenth century. All welcomed the relief - tastes change, and one would now hesitate to describe the Japan Punch's humour as "light"! - provided by the humorous journals. Yet given the difficulties of producing these magazines, the wonder is that anyone bothered at all.

Periodicals were never more than an interesting sideline in treaty port journalism. The same was true of foreign interest in the Japanese-language press. As early as 1860, enterprising Japanese began translations from foreign newspapers which reached Japan. When foreigners began to publish papers in Japan itself, it was natural that these too should be translated into Japanese.¹ The first newspaper proper was the Kaigai Shimbun (Overseas News), published by Joseph Heco from 1864 to 1866.² Several other newspapers were produced in succeeding years, but none of them enjoyed much success until John Black started his Nisshin Shinjishi in 1872.³

¹Fox, Britain and Japan, pp.438-39; Nishida, Meiji jidai no shimbun to zasshi, pp.5-8.

²Heco, Narrative of a Japanese, II, 53. Heco, of course, was by birth a Japanese, but had become an American citizen. For an account of his life, see Takanashi, K., Eigaku koto hajime, ["The beginning of English studies"], (Tokyo, 1966) pp.106-108.

³For the other papers, see Fox, Britain and Japan, 439-42, and Jones, F.M., "Foreign influence on the early press of Japan", TPJSL, XXXII, (1934-35), 47-62.

Black was notoriously incompetent at financial matters, and his venture into Japanese journalism was probably an attempt to make good his failing fortunes. He mortgaged all his property to start the paper.¹ The new paper was superior to those previously published by foreigners and to the increasing number being produced by the Japanese themselves. It did not ignore politics, but rather went out of its way to comment on the important issues of the day. Useful sources of revenue and influence were obtained by publishing the official notifications of the Japanese government. By 1874, Black felt that he was well on the way to making a good living out of the paper.² But by 1874, Black's paper was not the only one publishing political comment. Black had inspired a host of Japanese imitators and the government determined to control the press. It first of all got Black out of the way. He was persuaded to become a government employee, in the belief that he was to be allowed to help organise a national assembly. He was told that a government employee should not be seen to be connected with the press and therefore agreed to take his name off the paper. It then passed to other hands. Black

¹The mortgage is recorded in F.O.798/18/R.57, J.R. Davidson to M. Dohmen, 25 March 1872.

²F.O.262/508, Dohmen to Parkes, No.3, 1 March 1876, enclosing Black to Dohmen, 15 February 1876.. The same letter, but dated 28 February was also published in Japan Herald (Mail Summary), 10 April 1876.

continued to believe that he was in charge, but soon found that the new nominal owners were the actual owners. Black had been tricked.¹

It was, pointed out the Japan Mail later,² rather obvious what was going to happen next. New press laws were promulgated in June 1875 which laid down that the "manager, editor, and temporary editor" of a newspaper had to be Japanese.³ In July, Black's contract was terminated. Black was angry, but there was little he could do since he had already signed away his rights. He determined to publish another vernacular newspaper, believing that the Japanese press laws were not applicable to him.⁴ But when he issued the first number of his new paper, the Bankoku Shimbun, on 6 January 1876, it was already obvious that the Japanese government would not allow it to continue. The Japanese press, while it might have little love for the press laws had none for this foreign interloper, and sent

¹F.O.262/508, Dohmen to Parkes, No.3, 1 March 1876, enclosing Black to Dohmen, 15 February. Compare Fox, Britain and Japan, p.444. Miss Fox calls Black "discerning and British-bred", and wonders why he agreed to such a contract. He agreed to the contract, it must be presumed, because he thought that he was to have considerable influence and a large salary. I fail to see what his breeding had to do with it.

²Japan Weekly Mail, 9 June 1883.

³Text in Nishida, Meiji jidai no shimbun to zasshi, pp.88-91. Previous press laws in 1869 and 1873 had remained dead letters.

⁴L'Echo du Japon, 11 December 1875.

up a howl of protest, demanding that the government suppress the Bankoku Shimbun.¹ The local authorities took action to prevent the paper being distributed, and then brought pressure to bear on the Japanese staff to stop all production. As Punch pointed out, Black was "nobbled".²

Parkes, as we have seen,³ agreed with the Japanese government that it was dangerous to allow a foreigner to continue publishing in Japanese. He was particularly impressed by Terashima's argument that as Black knew no Japanese he was unable to keep an adequate check on what was published in his paper. Indeed, Terashima claimed that during his period at the Nisshin Shinjishi, Black had not infrequently published "objectionable paragraphs".⁴ Black protested and questions were asked in the British parliament, but to no avail. The Bankoku Shimbun affair marked the end of foreign political journalism in Japanese. It was already doubtful by 1876 whether any foreigner was capable of tackling the Japanese market. In a memorandum on the Japanese press, W.G. Aston pointed out that the press now had an active tradition to build on and did not

¹Hochi Shimbun, 8 January 1876, translated by J.H. Gubbins in F.O.345/21; "The 'Bankoku Shimbun' and the Press Laws", Nichi Nichi Shimbun, 14 January 1876, enclosed in F.O.262/285, Parkes to Derby, draft no.24, 7 February 1876.

²Title of a cartoon showing Black as Liberty with three Japanese policemen in the background, in Japan Punch, January 1876.

³See above pp. 203.

⁴F.O.262/285, Parkes to Derby, draft no.24, 7 February 1876. The same problem arose wherever extraterritoriality operated. Compare Marlow, J., Anglo-Egyptian relations, 1800-1953, (London, 1954), p.201.

need foreign leading strings. Black's old paper, he added, failed because it had grown out of touch with Japanese readers, not as Black alleged, because his guiding hand had been removed.¹ The Japanese remained adamantly opposed to foreigners engaging in political journalism. They even refused a request to allow W.H. Talbot to publish a Japanese-language commercial section to be distributed with the Japan Gazette, since this could lead to political comment. The British government agreed.² Yet they did not interfere with publications which were apolitical. Medical journals and missionary publications, though technically illegal, continued to be published in Japanese.³ It is worth noting that the Japanese have not stinted their praise for Black and the other early pioneers of Japanese journalism. They did what no Japanese could have done, and were forced to leave the field before their influence became a hinderance rather than a help. More than any other aspect of treaty port life, the influence of these journalists is remembered with gratitude.⁴

¹F.O.262/285, Parkes to Derby, draft no.24, 7 February 1876, enclosure.

²F.O.262/532, Ueno to Kennedy, No.50, 27 August 1881; F.O.262/364, Granville to Kennedy, No.79, 19 November 1881.

³See Ritter, H., History of Protestant Missions in Japan, revised edition, (Tokyo, 1898), pp.85, 230, 232, 303, 308 and 330. See also Japan Weekly Mail, 19 April 1890.

⁴See Zumoto, M., "Journalism in Japan", TPJSL, VI, (1901-4), p.14, for the view of a contemporary Japanese editor; and for a recent assessment, Okamoto, K., editor, Nihon shimbun hyakunenshi "A history of one hundred years of Japanese newspapers" (Tokyo, 1961), p.212.

Periodicals and the Japanese-language press were never more than minor interests of treaty port journalists, and we must now return to the foreign-language press. It should be remembered that these were small enterprises. King and Clarke have pointed out the difficulty of establishing accurate circulation figures for this type of paper,¹ but the picture is not completely blank. Claims about vast circulation figures were frequently made by one or other foreign newspaper, and just as frequently mocked by the others. Nobody was so ungentlemanly as to publish figures, perhaps an indication that no single paper enjoyed an appreciably larger circulation than its rivals.

The main papers were those published at Yokohama, the Tokio Times and the Kobe Chronicle. These could normally expect to sell some three hundred copies per issue. Thus the Tokio Times in May and June 1877, sold about three hundred and fifty copies per issue, of which fifteen went to the Japanese Foreign Ministry.² The Japan Mail's circulation before 1885 is not known, but during the early 1870's, it was heavily boosted because the Japanese government took five hundred copies of each issue. This was later reduced to a hundred and fifty.³ By 1885, the

¹King and Clarke, Research Guide to China Coast newspapers, p.31.

²See the legal case, House vs. Call, in Japan Gazette, 16 and 21 July 1880. Five hundred copies per issue were printed.

³Letter from W.G. Howell, formerly editor of the Mail, to Japan Gazette, 5 February 1881.

Mail sold about three hundred copies of its daily edition, while the Japan Gazette could only manage one hundred and fifty. The Mail was still helped by the Japanese government, which took three hundred copies of its weekly edition.¹ By 1891 the Japanese only took seventy-five copies of the weekly edition. By about 1890 the Japan Gazette was selling some two hundred and forty copies a day, and for a brief period nearly four hundred.² The Gazette then passed into the hands of the anti-treaty revision group which emerged at Yokohama. Its new owners also embarked on an attempt to smash the Japan Mail. The result was that the circulation dropped to well below two hundred a day, and the new publishers' venture collapsed.³ No figures have come to light for the smaller papers, but it seems unlikely that any achieved a circulation of more than one hundred to one hundred and fifty copies per issue.

It was hardly surprising, therefore, that subscription rates were high. The Nagasaki Shipping List and Advertiser announced that it cost twenty dollars per annum. For that the subscriber received four sides of news and advertisements twice a week.⁴ Later the basic charge, for

¹F.O.345/27, Memorandum on "The press of Japan", confid., by J.H. Gubbins, 4 April 1885. "The latest outbreak of the Japan Mail - a personal statement", Kobe Chronicle, 1 March 1897.

²Report of Nuttall vs. Anglin, Japan Weekly Mail 7 February 1891.

³Japan Weekly Mail, 1 November 1890, 1 August 1891, and 20 August 1892.

⁴Unless otherwise stated, information on subscription and advertising rates comes from notices in the papers themselves or in the local directories.

which the subscriber received the main edition of the paper, was twenty-four dollars for the major papers. As the dollar fell in value all through the period, this was a real cut in price. Those who paid this charge could obtain the other sections at a reduced rate. Papers published outside Yokohama, and some of the smaller Yokohama papers, tended to charge between five and ten dollars per annum. The Tokyo Independent which appeared briefly in 1886 could describe itself at five dollars a year as the "cheapest foreign newspaper in China or Japan". Assuming that taking an extra section of the paper raised the subscription rate to thirty dollars, papers such as the Japan Mail could expect a maximum income from subscriptions of around \$9000 per annum, while a paper such as the Hiogo News could expect some \$1000 to \$2000.

Advertisements were an equally important source of income. Over the years, the standard charge was between fifty cents and one dollar per insertion. Again, inflation meant that the real cost fell. These rates were at least double and sometimes four times greater than the big London dailies such as The Times and the Daily News charged.¹

¹Moss, R., General Newspaper Catalogue and Advertisers' Guide of the Newspapers and Periodicals in Europe and Abroad, 18th edition, (Berlin, 1882), pp.32-34.

But reductions for special categories of entry were common. An agreement to insert an advertisement for one year could lead to a reduction of between fifty and seventy-five per cent. Since most of the advertising was done by insurance and other agencies, these long-term rates would have applied. To the disgust of a Tokyo paper, the Yokohama press decided unanimously in 1874 to charge for announcements of births, deaths and marriages.¹

The most profitable source of income for the newspapers was neither subscriptions nor advertisements, but job-printing. Gubbins, writing in 1885, claimed that it was the "chief source" of profit,² while in 1897, the acting British Consul at Nagasaki wrote that job printing was "highly lucrative ... far more so than the newspaper".³ The printing ranged from running off auctioneers' handbills to producing books of high quality.⁴ L'Echo du Japon carried an advertisement in 1885 claiming that its printing office could produce works in English, French, German, Italian, Russian, Japanese and Korean. Several papers issued an annual directory through their printing office. Some idea of the money involved can be gained from the

¹Tokei Journal, 8 August 1874.

²F.O.345/27, Gubbins' Memo., 4 April 1885.

³F.O.796/15, R. Forster to R.A. Mowat, draft no.4, 11 January 1897. He was referring to the Rising Sun and Nagasaki Express.

⁴See, for example, Tennant, H., The Great Earthquake in Japan, (Kobe, 1892), produced by the Hiogo News; Palmer, H.S., Letters from the Land of the Rising Sun, (Yokohama, 1894), by the Japan Mail.

following figures. In 1869, the British Legation spent five hundred dollars on printing; the Yokohama Chamber of Commerce spent some three hundred and forty dollars on printing, advertising and newspaper subscriptions in 1879, most of it for printing; and in 1883, the same body spent over a thousand dollars under these headings, the largest amount again being for printing.¹

Costs are as difficult to establish as income. It was not expensive to begin publishing. The Kobe Chronicle was started, according to Lafcadio Hearn, with one thousand yen and was run on very little more for two years.² Nor did it cost a great deal to buy an existing paper, its stock and printing presses. The intending purchaser was not likely to be getting the most up to date equipment. The Japan Gazette was still printed on hand presses in 1891.³ When the British Consul had the estate of the proprietor of the Rising Sun and Nagasaki Express valued in 1893, the paper and binding material were estimated at \$7000, but the presses were only worth \$1000.⁴ The Japan Times was sold for \$15,000 in 1870, but when it was sold

¹Parl. Papers, 1870, vol.lxvi, (C.69), Correspondence respecting Diplomatic and Consular Expenditure in China, Japan and Siam, 261-65, Parkes to Clarendon, No.10, 18 November 1869; Japan Mail (Summary), 10 February 1880; and Japan Weekly Mail, 23 February 1884.

²Bisland, The Japanese letters of Lafcadio Hearn, pp.394-95, Hearn to Chamberlain, 23 October 1894.

³Raper, "The English-language press of Japan", p.149.

⁴F.O.796/15, J.J. Quin to R.A. Mowat, draft no.11, 21 August 1893, enclosure one.

again (as the Japan Mail) in 1877, the price was supposed to be only ¥14,000.¹ The Japan Herald went for ¥5,200 in 1871, but could only fetch 8000 yen when sold in 1905.² Nor was it expensive to have one's paper printed on somebody else's machines. Robert Meiklejohn was producing the Tokio Times in 1877 for seven hundred dollars a year.³

Other costs included salaries. Some of the smaller papers had very little to pay under this head, and where salaries were paid, they varied enormously. The first editor of the Hiogo and Osaka Herald received one hundred and thirty dollars per month in 1868.⁴ Hearn, on the other hand, was offered only a much depreciated hundred dollars per month as editor of the Kobe Chronicle in 1894.⁵ The highest salary was the five hundred dollars a month offered to Walter Denning by the anti-treaty revision group in 1891. Denning accepted, but the Japan Gazette could not afford such an expensive luxury. The owners were then forced to break their contract.⁶ A reporter received

¹Japan Weekly Mail, 15 July 1871; P.R.O.30/33/15/5, diary for 8 March 1877.

²Far East, 16 October 1871; Eastern World, 4 February 1905.

³House vs. Call, Japan Gazette, 16 and 21 July 1881.

⁴Braga vs. Watkins and Hansard, Hiogo News, 23 April 1868.

⁵McWilliams, V., Lafcadio Hearn, (Boston, Mass. 1946), p.344. He accepted.

⁶Nuttall vs. Anglin, Japan Weekly Mail, 7 February 1891.

about eighty to one hundred dollars per month if he worked on the larger Yokohama papers, and a business manager could expect the same as an editor.¹ The Japanese compositors who had largely replaced the Portuguese by about 1880, probably received wages similar to those paid to other Japanese workmen in the foreign settlements, that is about fifteen to twenty dollars per month. It seems unlikely that all fifteen compositors employed by the Mail in 1884 received the same amount as one Tanaka Fukataro, namely, twenty-five dollars per month.²

On the whole, it was not a very profitable business. Allowing for various sundries, such as postage and fire insurance, a newspaper's income and expenditure would have balanced at around \$17,000-\$20,000 per annum, including a profit of some two thousand dollars. Anything extra had to come from printing. No wonder that most papers tried to obtain special privileges in order to beat their rivals. Thus a rumour that the diplomatic body intended to set up an Official Gazette led to the Yokohama papers all offering to print and distribute it free. Providing, of course, each letter-writer stipulated, that only his paper should be allowed to do so.³ The Mail printed the British trade

¹F.O.656/69, Judge's notebook, Schroeder vs. Brooke case.

²Tanaka vs. props. of the Japan Mail, 2 February 1884. For coolie rates, see Scidmore, E.R., Westward to the Far East; A guide to the principal cities in China and Japan, 5th edition, (no place, 1894), pp.27-28.

³F.O.262/181, contains letters from the Herald, Mail and Gazette to Parkes.

reports free of charge, and could then publish them in its columns before any of its rivals.¹

Low profits were the main reason why the press remained primitive. It could not afford to provide an adequate service. Its sources of information, in particular, reflected this. There was little glamour in being a reporter on one of these papers. Most newspaper work, including proof-reading was done by the same two or three people. The chief reporter for many years was a part-time shipping reporter who provided lists of ships in port and due. In time, reporters were taken on but they were "expected to make themselves generally useful".² The first short-hand reporter did not arrive until 1883.³

Other sources of news included the newspapers specially designed for the Far East. The most successful was the London and China Express, founded in 1859. As might be expected, this was primarily concerned with China and the interests of the merchants in the China trade. In many cases the interests of those in Japan coincided, but not always. Information for those in Japan tended to be

¹F.O.262/188, Parkes to Clarendon, draft no.102, 25 July 1870.

²F.O.656/69, Judge's notes for Schroeder vs. Brooke case, evidence of J.E. Beale, manager of the Japan Mail. See also the short story by James Murdoch, ("A. Miall"), A Yoshiwara episode, (Allahbad, 1894), p.7. This was based on Murdoch's experiences as a journalist in Japan.

³He was Robert Hay, who worked on the Mail. Wildes, Social Currents in Japan, p.305, n.1.

scrappy, and of course for general news the Express was well out of date by the time it reached Japan. It also had the temerity to comment on events in Japan from time to time, but did not always agree with the opinions of either the merchants or the foreign editors. For this it was not infrequently given a dressing down on the lines of the Mail's "What an Eastern newspaper in London should be".¹ It was used, but it was not liked. The same was true of other home papers. Their views on the East were bitterly attacked, but extracts from them formed an important source for the foreign press in Japan.

Nor were matters greatly improved with the advent of the telegraph to the Far East. Japan was connected to Europe in 1871, and to the whole world a year later.² The foreign newspapers could subscribe to Reuter's political telegrams service, but the cost was high. They thus found it hard to keep up with the methods of Fleet Street. The Japanese government operated the line from Shanghai to Nagasaki and charged such high rates that not enough subscribers could be found to keep the political service going. In July, 1876, it came to an end.³ The Japanese

¹Japan Weekly Mail, 8 September 1888. See also "Home papers on Japan", Japan Gazette, 15 April 1879.

²Okamoto, K., Nihon shimbun hyakunenshi, pp.696-697.

³Japan Herald, (Mail Summary), 24 July 1876.

would not allow a special press rate, although the use of codes helped to cut the cost. This did not mark the end of the telegrams.¹ Reuter's agent did all possible to restart the arrangement, and by 1878, the Yokohama papers were again receiving political information from Europe and America by this means. Only the Mail's daily edition, the Japan Herald, and the Nichi Nichi Shimbun were subscribers.² Frequent quarrels led to the breakdown of the arrangement by 1883. The Mail was then able to secure exclusive rights to the service. It defended this monopoly as the only way to get any telegrams at all.³ The other papers complained and felt justified in plagiarising the Mail's telegrams. The monopoly continued until 1896. The Japanese government's Official Gazette, was able to break into the field for a time, as was the Japan Advertiser, but in neither case did the intervention last. Finally in 1896 the other Yokohama papers combined to pay for their own service. An attempt to bring in the Mail on this arrangement failed because of opposition from the Japan Gazette and the refusal of the Mail to meet the bulk of the cost.⁴ The new arrangement did not last long. The

¹ Wildes, Social currents in Japan, p.164, is wrong on this point.

² Reuter's announcement, Japan Daily Herald, 27 June 1879.

³ Japan Weekly Mail, 6 and 13 September 1884.

⁴ "Telegrams for Yokohama", Japan Weekly Mail, 18 January 1896. See also the issue for 8 February 1896, and Wildes, Social Currents in Japan, pp.164-69. The last account should be treated with caution.

following year, the Kobe Chronicle and the Japan Times were claiming sole control over the telegrams. And yet another realignment had taken place by the time the Associated Press began to supply a rival service to Reuter's in 1899.¹

Cost was the main problem. The Japan Mail had to pay two shillings a word for telegrams which the Shanghai press could have for sixpence. The small selection the Mail received cost £300 per year; if it had received the same number as the Shanghai papers it would have had to pay £1200. Even with Japanese government's assistance, this was too much.² Nor was the service all that good a source of news. Trivial items about murder cases were sent instead of political information, and the news was often out of date.³

Information about Japan and the Japanese was not always accurate, also because of cost. Translations were of poor quality. The foreign press would not, or could not, pay enough money to have the work done properly. Although "translators" began to appear among the lists of newspaper employees from the early 1870's, they were not

¹Wildes, Social currents in Japan, p.169.

²"Telegrams for Yokohama", Japan Weekly Mail, 18 January 1896.

³L'Echo du Japon, 9 November 1877. As it did not pay for the service but plagiarised from the other papers, this was rather a cheek. The Mail too complained however.

paid much. Murdoch claimed that the maximum salary paid to a Japanese translator was about thirty dollars a month, and added that it was no wonder that the final product was "fearfully and wonderfully made. Their import had to be got at by guesswork, just like Reuters telegrams, or an utterance from the Delphic oracle."¹ In an effort to provide themselves with better quality translations, some newspapers solicited the help of the various foreign Legation translators, while others were not above plagiarising from other papers.²

Most other characteristics of the foreign press were also the result of the over-stocked market and the small financial rewards. Editors might on occasion thunder against those who tried to tell them "that the value of journalistic veracity is just about ten or twelve dollars per annum ...",³ but there was no avoiding the fact that they depended on a very small body of subscribers, and that those subscribers could make or break a paper. This explains why the majority of newspapers were British owned and edited. It is true that the British were not alone in journalistic enterprise in Japan. Several American-owned

¹Murdoch ("A. Miall"), A Yoshiwara Episode, p.30.

²See the complaint about the Herald's translations in Japan Times, 2 November 1897.

³Japan Weekly Mail, 6 September 1884.

papers were published between 1861 and 1899. Indeed, the first rival to the Japan Herald, the Japan Express, was American owned. The owners of the Hiogo News included an American for a time, but the editor was English. The first newspaper to appear in Tokyo, the Tokei Journal, may have been also. It followed a pro-American line, and favoured American policies in the East.¹ But the most successful American-owned journal until the 1890's was E.H. House's Tokio Times, and that was dependent on Japanese assistance.² Even when a successful American newspaper appeared in 1891, its owner was Robert Meiklejohn, a Scots-born naturalised American.³

There were also a number of Portuguese-owned papers, the majority published in English, but including O Argus in 1881-1882. Two attempts to found a German paper at Yokohama in 1876 were presumed abandoned when the founder suddenly departed for San Francisco in November the same year. The Yokohama press was not sorry to see him go.⁴

¹I have found no evidence to support Miss Fox's view, based on a Japanese work, that it was owned and edited by J.R. Black. See Britain and Japan, p.434.

²See below pp. 333, 338.

³M659/135/17, C. Greathouse to G.L. Rivers, No.170, 27 February 1889; Eastern World, 18 June 1904, The paper was the Japan Advertiser.

⁴Japan Herald (Mail Summary), 25 November 1876. It was not until 1887 that the first German-language paper appeared in China.

Until the Deutsche Japan Post appeared in 1902, the only other German-owned paper was Franz Schroeder's Eastern World, which ran from 1892 to 1908. Schroeder was pro-British and most of the paper was written by him in English. Occasional articles appeared in German, but to all intents and purposes, the paper was a British one. Most successful of all was the French L'Echo du Japon, published at Yokohama from 1870 to 1885. Although for a long time, L'Echo avoided the excesses of its English-language rivals, it underwent a change in 1880, and became a more extreme copy of them. Its editor departed for Shanghai in 1885 threatening vengeance on the Japanese Foreign Minister, who, he alleged, had been persecuting his newspaper.¹ Other French papers were very short-lived.

The numerical preponderance of the British was the chief reason why other nationalities were largely unsuccessful in maintaining a newspaper. An American paper, if it supported the policies of the United States, particularly its attitude towards protection or the rights of the Japanese, could expect little support from the British community in the settlements. If it did not, then there was little to distinguish it from British papers, except style. Unfortunately, the conservative British community

¹L'Echo du Japon, 27 November 1885. It appeared at Shanghai for a time as L'Echo du Changhai.

was unlikely to be impressed by what it thought of as "brash Americanisms". Most budding American editors abandoned the struggle. Similar difficulties faced other non-British editors. English was the language of the Far East, and English-language papers were guaranteed a larger circulation than any other. Advertisements and printing went to them rather than to French or German printers. The British papers would happily publish an account of the meetings of the German Asiatic Society or of a Fourteenth of July Dinner (in English, of course), and thus expect to win some German or French readers. Then they would carry on being as anti-German or anti-French as they thought their readers wanted.

For the prejudices of the British against foreigners were well-aired in the press. On the outbreak of the Franco-Prussian war, the editor of one paper wrote that,¹

"In a community of mixed nationalities, such as this, it is plain that the only course open to a newspaper which seeks to represent not any particular division of the community, but the whole, is one of strict neutrality. Whatever the individual opinions of its conductors may be, neutrality is the best policy for a newspaper a considerable percentage of whose readers are natives of the contending countries."

¹Hioogo News, 20 August 1870.

This ideal was seldom lived up to. Anti-American feeling was strong. American Ministers and Consuls complained of the constant attacks on their every action, but to no avail.¹ It would be wrong to suggest that this was all one-sided; when there was an American paper, it tended to lambast the British every bit as hard as they did the Americans. The Tokio Times, for example, conducted what amounted to a personal vendetta against Parkes. As one American missionary wrote: "its opinions must be taken cum grano salis ... [House] hates Sir Harry Parkes with a feeling akin to that which Hannibal felt towards Rome!"² But the control of the press by the British meant that it was mainly anti-American diatribes which saw the light of day.

Not that it was only anti-American feelings that were pandered to. British representatives in Japan had to deal with a steady stream of complaints from their colleagues about the hostility displayed towards everybody but the British in the British-owned press. The French Minister complained in 1869 about the Japan Times' attacks on all things French because a group of French officers had chosen

¹For example, United States, Papers relating to Foreign Affairs, 1875, p.783, Bingham to Fish, No.73, 19 January 1875; 1887, p.655, R. Hubbard to Bayard, 20 December 1887. See also the letter from the American Consul at Kobe, S. Lyons, to the New York Tribune, no date, in Kobe Chronicle, 21 January 1899. For a non-official view, see Maclay, A budget of letters from Japan, p.366.

²Greene, A New Englander in Japan, p.185. The Japan Punch said House suffered from "parkensis". Japan Punch, January 1879.

to throw in their lot with the defeated Tokugawa.¹ When the then French representative complained in 1884 about anti-French articles in the Japan Mail, the British Minister protested that there were far more anti-French items appearing in the Gazette and Herald. In reporting this home, he also mentioned that there were complaints from the German Minister about the anti-German tone of the Mail.² Russia was always a favourite enemy of the press. An American Chargé d'Affaires reported that "Russia is... made to do duty [as a bogeyman] on all occasions and under any pretext ..."³ Plunkett reported in 1885 that both the Japanese government and the Russian Minister were complaining about attacks on Russia in the foreign press. He had promised to use his "moral influence".⁴ Even the Chinese Consul at Nagasaki felt obliged to draw attention to the anti-Chinese tone of the Rising Sun and Nagasaki Express in 1886, but was apparently satisfied with the explanation that the paper was "badly edited" and of "no standing", and that the editor was "an uneducated man, who was in the habit of writing abusive articles against the local authorities..."⁵

¹F.O.391/15, Parkes to Hammond, 28 May 1869. Parkes pointed out that the Japan Herald had been pro-French.

²F.O.262/414, Plunkett to Granville, draft no.216, confid., 19 November 1884. Nor was this the last objection to anti-German articles in the Mail. Japan Weekly Mail, 3 September 1887; von Baelz, Awakening Japan, p.117.

³United States, Papers relating to Foreign Affairs, 1879, pp.612-13, D.W. Stevens to Secretary of State Evarts, No.3, 7 December 1878.

⁴F.O.262/435, Plunkett to Granville, draft no.149, confid., 24 May 1885; draft no.169, confid., 18 June 1885.

⁵F.O.262/570, J.J. Enslie to Plunkett, No.41, 27 August 1886.

The real venom of most British editors however, was reserved for the Japanese. Americans who established newspapers felt a sympathy for Japan and the Japanese which was not shared by their British fellow editors. The French papers, while sometimes sharing the prejudices of the British, did not normally become as obsessed with the supposed wrong-doings of the Japanese as did the latter. The failure of the anti-treaty revision group which bought the Japan Gazette to start a French-language newspaper in 1890 to propagate their ideas indicates a lack of interest among the French community in following the British in their pursuit of the Japanese.¹

From at least the time of the Japan Times' publication of Satow's "Eikoku Sakuron" (English policy), in 1866, the foreign-language press felt that it had the right to advise and criticise the Japanese government in whatever way it chose.² By the early 1870's, this had become an accepted feature of treaty port journalism in Japan.³ It was not always a popular policy with the foreign reader. One wrote to point out that while it was true that the actions of the

¹Japan Directory, 1891, "Yokohama"; Japan Weekly Mail, 4 July 1891. The same group's attempt to set up a periodical, Le Soleil Levant, also proved a failure.

²For "Eikoku Sakuron", see Hirose, "British attitudes towards the Meiji Restoration", pp.2-3; Satow, A diplomat in Japan, pp.159-60.

³"1872", Japan Weekly Mail, 11 January 1873.

Japanese government might deserve some criticism, to be any use it should be "not only honest, but kindly and courteous. If you want a person to follow your advice, you do not begin by knocking him down with a bludgeon and dancing on the top of him".¹ On the whole, however, the constant attacks on the Japanese can only have been in response to consumer demands, for they were the main stock-in-trade of several papers.

Sometimes it was suggested that Japan would be far better off under British rule. This was expressed with varying degrees of contempt for the existing Japanese rulers.² At other times it was the general corruptability of the government and its servants which featured strongest. The Emperor was not exempt from attack. One paper described him as "a youth by no means remarkable for either mental or spiritual advantage".³ The Satsuma rebellion was marked in the foreign press by such wholesale denunciations of the Japanese that the Associated Press correspondent in Yokohama felt constrained to warn newspapers in the United States that "reports of war events in Yokohama newspapers must be received with caution, owing to their open and

¹G.S. Bright to the editor, Japan Weekly Mail, 12 May 1883. Compare "The journalists of Kobe, who curse and never bless". Edwards, O., Residential Rhymes (Tokyo, n.d. [1895?]), No.5.

²Hiogo News, 6 November 1869; Japan Herald, no date, in Tokio Times, 3 September 1879.

³Japan Gazette, 22 March 1879. It is interesting to speculate what Sir Harry Parkes' reaction would have been if Queen Victoria had been attacked in this way. Nor did these attacks die down as the years passed. Fraser, A diplomat's wife in Japan, I, 199-200.

unscrupulous hostility to the Japanese government".¹ The Pall Mall Gazette pointed out that men who in their own country would have had nothing to do with rebels were quite happy to express whole-hearted support for such people in Japan, while the British Secretary of Legation, who wrote a history of the rebellion, included an appendix on "Specimens of Indiscreet Journalism", made up of anti-government extracts from the Japan Mail.² After a period of relative calm in the 1880's, the attacks flared up again. Fear of treaty revision no doubt lay behind this, though it must be said that foreign journalists went about preparing for that event in a peculiar way. Mrs. Fraser, who noted the attacks on the Emperor, also commented on the habit of seizing on the wildest stories about Japanese behaviour, which the most elementary research would have shown to be false, and publishing them as completely true.³

¹Quoted in Tokio Times, 30 June 1877. It is possible that the editor of the Times was the author of the A.P. despatch.

²Pall Mall Gazette, no date, in Tokio Times, 11 August 1877; Mounsey, Satsuma Rebellion, appendix B, pp.290-94. Even Parkes felt it necessary to comment on the unfair attacks on the government. F.O.262/302, Parkes to Derby, draft no.96, 28 June 1877. For examples of the Mail's writings, see Japan Mail, 5 June and 25 July 1877. Having read the Japan Mail for the whole of 1877, and also contemporary assessments of its coverage of the rebellion, I can find nothing to substantiate Miss Fox's view that its editor, "treated the Satsuma Rebellion ... with detachment, viewing it in its historical setting". Britain and Japan, p.431.

³Fraser, A diplomat's wife in Japan, I, 53-54.

The Sino-Japanese war again brought out the worst in the press; so violently anti-Japanese was the Japan Gazette that the Japanese press speculated that it might be in Chinese pay.¹ Both the British Chargé d'Affaires and a visiting British naval officer drew attention to the violence of the language used about Japan's conduct of the war.²

Such attacks did not go unnoticed by the Japanese. Japanese editors not only resented the attacks on their country, but were also understandably annoyed at the freedom allowed to the foreign press in contrast to the strict control exercised over them.³ The Bakufu does not seem to have tried to control the foreign press, and perhaps if its influence had been confined to the treaty ports, the Meiji rulers would not have bothered either. The mail edition however, ensured for the treaty port press a far larger circulation outside Japan than might otherwise have been the case. The Japanese government could not ignore the harm done to its image abroad.

¹"Mr. Inouye Junkichi", Japan Weekly Mail, 6 October 1894. The rumour said that the Gazette was getting 40,000 and an unnamed Kobe paper 20,000. It was also believed that the Japan Herald had been offered a Chinese subsidy, but had refused it. Schroeder, F., Eastern World Back Numbers, (Yokohama, 1906), pp.63-64.

²F.O.262/697, Trench to Kimberley, draft no.198, confid., 20 December 1894; F.O.46/460, Admiralty to Foreign Office, 26 June 1895, enclosing Capt. A. Macleod to the Admiralty, 20 March 1895.

³Choya Shimbun, no date, in Japan Weekly Mail, 20 January 1883; Hochi Shimbun, no date, in Japan Gazette, 6 December 1879; and Tokyo Shimpo and Choya Shimbun, no date, in Japan Weekly Mail, 8 March 1890. Compare J. Okada to the editor, London and China Express, 25 January 1884.

But the government proceeded cautiously. Although as far as Britain was concerned, the Bankoku Shimbun affair showed that the Japanese could, if they so wished, bring the foreign-language press under the same control as the Japanese-language press,¹ they chose not to. A change was apparently contemplated in this policy when Inoue became Foreign Minister in 1879, but nothing was done beyond tentative soundings of the foreign representatives.² At a time when it was determined to win back what it had lost in the "unequal treaties", the Japanese government was not prepared to offend possible friends abroad by an illiberal policy towards the foreign-language press.

Instead of legal controls, therefore, it used subsidies. The financial situation of most papers made them easy targets for this sort of influence. In addition the desire to be able to steal a march on other papers meant that the occasional discreet provision of information could be used to advantage. The Tokio Times was believed to be helped in this way, to the annoyance of the other papers. House denied it, but did not succeed in convincing his attackers.³ Although much emotional writing took place

¹See above pp. 203-204. Plunkett made this clear to Brooke of the Herald in 1885, when he warned him that the Japanese resented his constant attacks. F.O.262/434, Plunkett to Granville, draft no.16, confid., 16 January 1885.

²F.O.262/351, Kennedy to Granville, draft no.200, confid., 21 December 1880 and enclosures; F.O.262/532, Inoue to Kennedy, No.5, semi-official, 20 January 1881; and F.O.262/533, Kennedy to Inoue, draft no.5, semi-official, 31 January 1881.

³Tokio Times, 30 June 1877, 17 August 1878. Parkes believed that the Times obtained information from government sources not available to other papers. F.O.262/319, Parkes to Salisbury, draft no.88, 3 September 1878.

in the foreign press about the evils of "bribery" by the Japanese government, too much should not be made of it. The Racing Association's job printing or assistance from the British Legation with a translation could be equally as useful to a paper as subscriptions from the Japanese government, and just as likely to lead to the paper printing what was required of it. Nor was the practice of accepting assistance confined to one or two newspapers. Hugh Fraser informed Lord Salisbury that "The English newspapers in [Japan] are of two kinds, those which are actually retained by the Japanese government, and those which do not happen to be under any official engagement ..."¹ By judicious placing of advertisements, the Japanese government were sometimes able to persuade a paper to cease a particular line of attack. The Japan Herald, reported Plunkett in 1885, began a series of anti-Japanese articles in 1884, because the editor felt aggrieved at the "harsh treatment ... he had received from the Japanese; they had given some sort of subsidy to his rival the Japan Mail and had taken from the Herald all government advertising".² Apparently the Japanese restored

¹F.O.262/627, Fraser to Salisbury, draft no.77, confid., 15 August 1890.

²F.O.262/434, Plunkett to Granville, draft no.16, confid., 16 January 1885.

some of their advertising to the Herald and the attacks ceased. A troublesome editor was occasionally persuaded to enter Japanese employment at a lucrative salary. This was the case with W.H. Talbot of the Japan Gazette from 1877 to 1886. From 1877 to 1881, Talbot was editor and the Gazette was the scourge of the financial policies of the Japanese government. Then he began to act as an adviser to the government, and the attacks petered out. In 1886 he severed all connection with the Gazette and became a full-time employee of the Nippon Yusen Kaisha.¹

Certain newspapers were more closely connected with the Japanese government. They received direct financial assistance over a number of years, usually in the form of several subscriptions for the mail edition, copies of which were then despatched to governments and libraries overseas. In return, they gave the Japanese point of view on controversial matters. The Japan Mail was the newspaper most frequently used in this way. The Japan Times was sold in 1870 to a syndicate, the most prominent member of which was H.N. Lay, formerly Inspector-General of the Chinese Maritime Customs. The aim, apparently, was to encourage the development of railways through publicity in

¹Japan Weekly Mail, 28 August 1886.

the paper, now renamed the Japan Mail. The collapse of Lay's railway venture led to the sale of the Mail, and it was bought by one member of the syndicate, W.G. Howell. In fact Howell was not bidding on his own behalf; while the paper was published in his name, the real owner was the Japanese government which had put up the purchase money.¹ The arrangement, and it was admitted to exist during a court case in the summer of 1871,² did not last long. Howell proved a strong critic of the Japanese government which consequently refused to continue its assistance to him. Later he claimed that the government had said that he could publish what he liked, as long as he also put forward the Japanese view.³ If the Japanese did make such an agreement, they were singularly naive. It seems more likely that Howell broke his unwritten agreement.⁴

¹"Subventions" Tokei Journal, 25 July 1874.

²Rickerby vs. Howell, Japan Weekly Mail, 17 June and 25 July 1871.

³W.G. Howell to the editor, Japan Gazette, 5 June 1881.

⁴For his attacks on the Formosa Expedition, which appear to have been the last straw, see Japan Weekly Mail, 24 April, 13 May, 19 June and 12 September 1874. For the evidence that this marked the end of Howell's link with the Japanese, see "Ratting", Tokei Journal, 6 August 1874. The Japanese refused to become involved in an attempt to make Howell admit his links with them. Okuma Papers (C85), Okuma to J.R. Black, 18 January 1875. Howell vs. props. Japan Gazette, Japan Herald, (Mail Summary), 7 November 1874 and 23 January 1875.

Some of Howell's successors on the Mail had their own special arrangements with the Japanese, if their rivals are to be believed.¹ But the name most linked with the Japanese government was that of Captain F. Brinkley, who owned the Mail from 1881 until his death in 1912. Brinkley bought the Mail in January 1881, having retired from the Royal Artillery in which he was serving on secondment in Japan. Before the month was out, allegations of a Japanese subsidy were being freely bandied about.² They were to be just as freely bandied about in the following years. Most foreign diplomats and all the foreign press accepted that Brinkley was in Japanese pay; so did many Japanese.³ Brinkley admitted that the Japanese government had increased the number of subscriptions it held for the Mail soon after he had taken over, but always denied that he was asked to publish anything which went against his own convictions.⁴ The Mail under him established a position for itself which few of the other papers could challenge. There was no doubt an element of jealousy

¹Japan Punch, July 1878; Japan Gazette, 20 January 1879.

²Japan Gazette, 31 January 1881; Hiogo News, 24 January 1881. Both the Gazette and the News felt that it was not very important, if true. Both quickly changed their minds.

³See F.O.262/435, Plunkett to Granville, draft no.165, confid., 18 June 1885. P.R.O.30/33/6/2, C.W. Wydenbruck to Satow, 26 September 1898. Shimada Saburo, a Diet Member, accused Brinkley of being bribed by the government in correspondence published in the Japan Weekly Mail, 9 June 1894.

⁴Brinkley to Inoue Kaoru, 1 March 1881, published in Japan Weekly Mail, 1 September 1881. See also Japan Weekly Mail, 1 December 1883.

in their attacks. The paper did tend to give the Japanese view, but it did not ignore foreign views either, and where British interests were concerned, could be highly critical of the Japanese. Yet it did try to maintain a balance.

This was less true of E.H. House's Tokio Times. The Tokio Times, the first issue stated, would "under no circumstances" exist for less than a year.¹ This indicates that House had a guaranteed income and he was forced to admit this in court.² He denied that he was in any sense a "subsidised agent of one or more of the [Japanese] ministers",³ but it was widely accepted that he was just that. Parkes, however, felt that the wilder of his anti-British outbursts were not sponsored but the products of his own hate.⁴ It was perhaps the anti-British tone of the paper which led to its end in 1880; the Japanese no doubt feeling that it was doing more harm than good. Thereafter, only the Mail received regular assistance. It was considered in other cases. When Robert Young decided

¹Tokio Times, 6 January 1877.

²House vs. Call, Japan Gazette, 16 July 1880. Wilde's, Social currents in Japan, pp.266-67, says that this aid came from Okuma, but gives no evidence to prove this.

³Tokio Times, 10 March 1879.

⁴F.O.262/319, Parkes to Salisbury, draft 80, confid., 25 August 1878.

that the Hiogo News was too anti-Japanese for his liking, he approached the Japanese (through Brinkley) for assistance in starting a newspaper at Kobe. They agreed to provide the money needed, apparently without conditions. However, Young's editorial policies were not satisfactory, and the subsidy was soon ended.¹

By and large, the subsidised newspapers were run by men who were deeply committed to the Japanese cause even before they received government help. What was needed was writers who could make a good case, not those who would trot out a standard line. The Japanese realised that if they wished, they could persuade any paper to write for them. J.H. Brooke of the Herald might publish an attack on the Japanese one week, but for the right sort of money he would publish the exact opposite the following week. The switches in editorial policy, even under the same editor, were such a marked feature of treaty port journalism that few bothered to comment. But Brinkley and House wrote as they did because they wanted to. A Japanese newspaper editor saw this when he wrote some years later:²

"It was House, an American, who, indignant at the insolence of Parkes, on behalf of Japan founded the Tokyo [sic] Times, explaining and advocating the

¹"The latest outbreak of the Japan Mail - a personal statement", Kobe Chronicle, 1 March 1899.

²Tokutomi, I, Japanese-American relations, (New York, 1922), p.51.

the Japanese viewpoint. Even though he were [sic] a journalist in the government's pay, he could not have done as he did, had he not had ardent faith in the cause he was championing."

The foreign language press was a mixed blessing. The Japanese have frequently paid tribute to those who pioneered journalism in Japan. Nor is it only those who defended the Japanese cause who have received such praise. But at the same time, the press was hardly faultless. Many of its shortcomings it was true, could not be laid to the door of its editors or publishers. They were trying to provide their readers with the services comparable to those expected from the newspapers of a large capital city, but were expected to do so on the resources available to small village newspapers. At the same time too much editorial space was given up to their own quarrels. The invective of the Yokohama papers became notorious not only in Japan but far outside the country. The lack of real news often meant that editors had little better to fill their pages with than personal attacks on their rivals. The smallness of the foreign communities meant that no such attacks could be ignored and so the cycle went on.¹ At first it might be amusing that the most respectable Japan Mail referred to its competitors' editors as

¹Hiogo News, 19 November 1870.

"these ill-favoured parasites who batten on the bad blood their unwholesome action has engendered",¹ but the novelty did not last. Readers complained to no avail. As the Chrysanthemum put it, the "cross fire of small arms ... might be passed over as a bit of pleasantry, to break the monotony of Eastern life, if it did not become too monotonous".²

By the 1890's, the foreign language press was beginning to change. Its editors and managers were no longer men who tried journalism as a last resort, or as a means of expanding an existing printing establishment. They were increasingly people who had considerable experience on the Straits Times or the North China Herald or even on London or New York papers. Yet the papers they came to work on were not very much removed from Hansard's Nagasaki Shipping List and Advertiser. At a time when even the London and China Express, the European voice of the "old China hands", had come to realise that the doings and aspirations of the native peoples of the East were as important as those of the foreign residents, the foreign press of Japan had not learned that lesson. Alarmist and irrational, the press could be dismissed as an irrelevancy

¹Japan Weekly Mail, 12 May 1883. It later described the editor of L'Echo du Japon as "a reptile ... writing with a prostituted pen". Japan Weekly Mail, 8 March 1884.

²Chrysanthemum, October 1881. See also "C" to the editor, Japan Weekly Mail, 12 August 1882; F.O.262/627, H. Fraser to Salisbury, draft no.77, confid., 15 August 1890.

by many.¹ Those outside Japan tended to agree with Diosy, of the Japan Society of London, who dismissed the Yokohama papers as "mere gutter rags".² They were not very successful in bringing the Japanese to their readers, nor even in bringing the outside world to the ports. Not until the end of the period did they even begin to consider links with their Japanese counterparts.³ In the end even the Japanese realised that the foreign press was so involved with the foreign settlements and so determined to make known only the foreign residents' case that it might safely be ignored. In spite of well-publicised fears, the new treaties saw no attempt to impose restrictions on the foreign press. It was allowed to carry on its slanging matches and personal vendettas virtually unmolested.⁴

¹F.O.262/241, Watson to Granville, draft no.72, 9 March 1873; P.R.O.30/33/5/8, J.C. Hall to Satow, 10 February 1897.

²Diosy, A., "Some account of my recent visit to Japan", TPJSL, V, (1898-1901), 136.

³The "Japan International Association of Journalists" came into existence in 1898. Kobe Chronicle, 2 July 1898.

⁴Satow noted that nobody in the press world outside Japan would have been prepared to take up the case even if the Japanese did decide to control the treaty port press; it had long since forfeited any support it might have expected from outside. P.R.O. 30/33/16/1, Diary for 10 February 1897.

Postscript

The legal end of the foreign settlements, as we have seen, took place quietly. All the doom-laden prophecies of the foreign residents proved unfounded. There were no mass arrests. Foreigners were not compelled to carry lanterns after dark, nor did they find themselves expected to take concubines. The foreign press was allowed to carry on as before. It may have imposed a self-denying ordinance to avoid falling foul of the Japanese government, but if so there is little evidence of it. Social clubs continued to function, and the foreign social round continued very much as before. Some left Japan, but the majority stayed. After a year or so, something like the old attitude towards the Japanese began to reassert itself. Foreign Consuls again found their countrymen demanding a complete exemption from taxation and using the old treaties as evidence of special foreign rights. The question of the old "perpetual leases", not satisfactorily dealt with in the revised treaties, dragged on and on, causing bad feeling between Japanese and foreigners until it was finally settled in 1937.

There were changes, but they were gradual. While Japan's foreign trade continued to grow at an enormous rate, the old treaty ports played a less and less important rôle in it. This was particularly true of Yokohama. Well

before the first world war, Yokohama's pre-eminence in foreign trade had disappeared. Some of the displaced trade went, it is true, to Kobe, but much went to newer ports. Direct trade by the Japanese too continued to increase, at the expense of the foreign merchant. Here again, the foreign merchant houses had lost their predominance by 1914. The same trend towards elimination of the foreigner operated at other levels as well. Japanese shops continued to replace foreign in supplying the needs of foreigners. Even the foreign press did not remain unaffected. Not only did one or two newspapers pass under Japanese control, but the Japanese-owned Japan Times, founded in 1897, soon enjoyed a circulation of over a thousand, far greater than any Yokohama editor could have hoped for in his wildest dreams. When the ^{Great} war came, it accelerated many of these trends and it also ^{marked} perhaps the biggest change of all. The British, the predominant foreign group in Japan since 1859, were pushed into second place by the Americans. Commodore Perry's countrymen at last came into their inheritance. This change did little in itself to alter the remaining features of the old settlements. The new arrivals lived in much the same style, adopted much the same attitudes, and even lived in the same buildings as had their predecessors. To all intents and purposes, the ethos of the old settlements continued.

At Yokohama the real end came in September 1923. The earthquake which then hit Tokyo and Yokohama wiped out most of the distinctive features of the foreign settlement. Not only did the buildings disappear; some of the old residents, including Dr. Wheeler who had lived in Yokohama from the 1860's, also perished. In time, foreigners returned to Yokohama and began to rebuild. But old Yokohama had gone for ever. Kobe and Nagasaki survived until the Pacific war, but in the end they too were destroyed as violently as Yokohama had been. Today little remains of the foreign settlements of Japan.

A violent end was perhaps the most fitting. By 1899 the foreign settlements related more to Japan's violent feudal past than they did to the bustling modern cities which had grown up after 1868. They were, as the Japanese pointed out, an anachronism in the country with Asia's first parliament. Having once helped to open Japan to Western civilisation, they had become real barriers to further opening. It was true that in some ways the foreign settlements had benefitted the Japanese; certainly in trade and journalism this was true. But whatever benefit the settlements had brought to Japan was quickly forgotten once the extent of foreign residents' opposition to the end of extraterritoriality became clear. Ignoring the fact that a determined government was making it increasingly difficult to operate what had always been a poorly

organised and extremely complicated system of jurisdiction, ignoring also the government's legal reforms which increasingly made that inefficient system of jurisdiction unnecessary, the residents of the foreign settlements demanded that their special status should continue indefinitely. Having totally rejected the idea of compromise in 1880, they found that they had lost all by 1900.

Appendix AJapan's Foreign Trade 1859-1900

	<u>Exports</u>	<u>Imports</u>	<u>Total</u>
1859	891,416	603,161	1,494,577
1860	4,713,788	1,658,871	6,372,659
1861	3,786,566	2,364,609	6,151,175
1862	7,278,525	3,881,765	11,160,290
1863	12,208,218	6,199,101	18,407,319
1864	19,572,223	8,102,288	27,674,511
1865	18,490,331	15,144,271	33,634,602
1866	16,616,504	15,770,949	32,386,453
1867	12,123,675	21,673,319	33,796,994
1868	15,553,473	10,693,072	26,246,545
1869	12,908,978	20,783,633	33,692,611
1870	14,543,013	33,741,637	48,284,650
1871	17,968,609	21,916,728	39,885,337
1872	17,026,647	26,174,815	43,201,462
1873	21,635,441	28,107,390	49,742,831
1874	19,317,306	23,461,814	42,779,120
1875	18,611,111	29,975,628	48,586,739
1876	27,711,528	29,964,679	57,676,207
1877	23,348,522	27,420,903	50,769,425
1878	25,988,400	32,874,834	58,863,234
1879	28,175,770	32,953,002	61,128,772
1880	28,395,387	36,626,601	65,021,988
1881	31,058,888	31,191,246	62,250,134
1882	37,721,751	29,446,594	67,168,345
1883	36,268,020	28,444,842	64,712,862
1884	33,871,466	29,672,647	63,544,113
1885	37,146,691	29,356,968	66,503,659
1886	48,876,313	32,168,432	81,044,745
1887	52,407,681	44,304,252	96,711,933
1888	65,705,510	65,455,234	131,160,744
1889	70,060,706	66,103,767	136,164,473
1890	56,603,506	81,728,581	138,332,087
1891	79,527,272	62,927,268	142,454,540
1892	91,102,754	71,326,080	162,428,834
1893	89,712,865	88,257,172	177,969,037
1894	113,246,086	117,481,955	230,728,041
1895	136,112,178	129,260,578	265,372,756
1896	177,842,701	171,674,474	349,517,175
1897	163,135,077	219,300,712	282,435,789
1898	165,755,753	277,502,157	443,257,789
1899	214,929,894	220,401,926	435,331,820
1900	204,429,999	287,261,846	491,691,845

Note:- Figures 1859-1867 in Mexican dollars.
 Figures 1868-1900 in Specie Yen.

Sources 1) Clement, A Handbook of Modern Japan (1903), p.330.

2) Nihon kindai shi jiten, p.875.

3) Kajinishi, Nihon Keizeishi, p.116.

Appendix B

The Foreign-language Press of Japan 1861-1914

Fuller details of the more important newspapers and periodicals will be found in the text. Here only the minimum detail is given.

Variations of title are given under the main heading. Frequency of publication is shown by "D" for daily, "B" for twice-weekly, "W" for weekly, "F" for fortnightly and "M" for monthly. Where a paper also had a mail summary, this is shown by "S". Place of publication is shown by the abbreviation of the name - thus, "Yok." for "Yokohama".

An asterisk indicates that a substantial run of the newspaper or periodical is held in one or several libraries in the world.

Part I: Newspapers.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
1) <u>Nagasaki Shipping* List & Advertiser</u>	Nag.	June-Oct., 1861.	B	A.W. Hansard.	Same.	Hansard moved to Yokohama and started the <u>Japan Herald</u> .
2) <u>Japan Herald*</u>	Yok.	1861-1914	1861-67 B Then D; S	1861-64 A.W. Hansard. 1864-67 Hansard and J.R. Black. 1867-70 A.T. Watkins and M.E. Hansard. 1870-1902 J.H. Brooke. 1902-04 Brooke's sons. 1905-14 <u>Deutsche Japan Post</u> .	Same. 1864-67 J.R. Black. 1870-88 Brooke. 1888-93 J.F. Pinn. 1893-1902 Brooke. 1902 E. Harrison. 1905-12 T. Satchell.	1) Pinn leased the Herald from Brooke. 2) After 1902 it was run as an English- language version of the <u>Deutsche Japan Post</u> .
3) <u>Japan Express</u>	Yok.	1862	W	R. Schoyer.	Same.	
4) <u>Japan Commercial News</u>	Yok.	1863-65		F. Da Roza.	Same.	Plant and goodwill sold to <u>Japan Times</u> consortium.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
5) <u>Japan Times*</u> (Daily advertising sheet known as <u>Japan Daily Advertiser.</u>)	Yok.	1865-70	D W M	Consortium - known C. Rickerby, N.P. Kingdom, and B. Searle.	C. Rickerby.	Plant and goodwill sold in 1870 to <u>Japan Mail consortium.</u>
6) <u>Japan Gazette*</u> (Between 1891 and 1893 there was also a <u>Japan Weekly Gazette.</u>)	Yok.	1867-1923	D M	1867-74 J.R. Black. 1874-76 J.R. Anglin and C.D. Moss. 1877-86 J.R. Anglin and W.H. Talbot. 1886-91 Anglin. 1891-92 "Yokohama Publishing Co." 1895 "Japan Gazette Publishing Co."	Same ? A.H. Cole. 1877(?) -79 W.H. Talbot. 1880- Call. 1887-88 W.T. Watt. 1889 E.P. Nuttall. 1891 W. Denning. 1891-93 Mrs. A. Vaughn Smith. 1894 H. Tennant. 1897 A. Norman. 1899 R. Hay. 1901 E.R. Thomas. 1901-08 I.D. Adam.	The Gazette's offices and plant were destroyed in the 1923 earthquake.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
7) <u>Hiogo News*</u> (Daily edition <u>Hiogo Shipping</u> <u>List 1869-1880.</u>)	Kobe	1868-98	W 1869 B 1880 D; S	1868 F. Braga. 1869 J.E. Wainwright. 1869-88 F. Walsh & Co. 1888 J. Creogh. 1894 "Hyogo Pub. Co."	1868 F. Mayer. 1878 H. Liddell. 1881 J. Creogh. 1890 J. Saunders. 1891 H. Tennant. 1894-98 P. Skinner. 1898 B.A. Hale.	Plant destroyed by fire in 1898. Good-will etc., sold to <u>Kobe Chronicle</u> .
8) <u>Hiogo and</u> <u>Osaka Herald*</u>	Kobe	1868-75	W	1868-69 A.T. Watkins. 1869-75 F.M. Gruchley.	Same. Same.	
9) <u>Nagasaki Times</u> & <u>Shipping List</u>	Nag.	1868-69	W	F. Walsh.	Same.	The <u>Shipping List</u> came out four times a week.
10) <u>Nagasaki</u> <u>Shipping List</u>	Nag.	1869-70	B	Nagasaki Printing Office (owned by C. Sutton).		
11) <u>L'Echo du Japon*</u>	Yok.	1870-85	B	1870-81 C. Levy. 1881-85 L. Levy and S. Salabelle.	1871 Legrand. 1879 A.H. Harmand. 1881 S. Salabelle.	<u>L'Echo</u> moved to Shanghai in 1885 and appeared there as <u>L'Echo du Changhai</u> .

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
12) <u>Japan Mail</u> * i) <u>Daily paper Japan Daily Advertiser</u> until 1879; then <u>Japan Daily Mail</u> . ii) Between July 1878 and July 1879, title <u>Japan Mail</u> , with which is incorporated the <u>Japan Times</u> .)	Yok. From 1912, Tok.	1870-1917	D W M	1870-71 H.N. Ley, W.G. Howell, and W. Cargill. 1871-77 Howell. 1877-78 G.C. Pearson. 1878 Fischer & Pitman. 1878 Fischer. 1881-1912 F. Brinkley. 1912-14 Brinkley's estate. 1914-17 Half share owned by <u>Kokusai Tsushisha News Agency</u> .	1870-77 W.G. Howell. 1877 G.C. Pearson. 1878 F.V. Dickins. 1878 C. Rickerby. 1879 J. Bulgin. 1879-80 H. Gribble. 1880 Cole. 1880 J. Creogh. 1881-1912 F. Brinkley. 1912 T. Statchell. 1913 J.M. Barnard.	1) For much of its history the <u>Mail</u> was associated with the Japanese Government. 2) In 1917 the <u>Mail</u> was amalgamated with the <u>Japan Times</u> . See under No.
13) <u>Nagasaki Express</u> *	Nag.	1870-74	W	1870-72 F. Braga and A.A. Foncea. 1872-74 Braga.		
14) <u>Nagasaki Gazette</u>	Nag.	1872(?) - 73	W	A. Loueiro.	T. Staiding.	A <u>Shipping List</u> was issued four times a week.
15) <u>Tokei Journal</u> *	Tok.	1874-75	W			

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
16) <u>Yokohama Daily Bulletin</u>	Yok.	May-Nov., 1874	D			Probably owned by same group as 15).
17) <u>Cosmopolitan Press</u>	Nag.	1876-78		T.F. Kenneally.	Same.	
18) <u>Nippon Standard</u>	Kobe	1876-77				
19) <u>Ost Asiatische Zeitung</u>	Yok.	Jan.-Oct., 1876.	W	E. Sutor.	Same.	
20) <u>Merkur</u>	Yok.	1876	B	Probably Sutor.	Sutor.	
21) <u>Rising Sun and Nagasaki Express*</u> i) <u>Daily Shipping List to 1897.</u> ii) <u>Nagasaki Press from 1897.</u>	Nag.	1874(?) to the 1920's.	W D	1876-78 W.L. Lewis. 1878-92 C. Sutton. 1892-94 Sutton's estate. 1894-97 A. Norman. 1898-1902 H.O. Palmer.	1876 A.J. Clode. 1876-77 W. Renwick. 1877-94 A. Norman. 1895 W. Fegan. 1896 E. Morphy. 1898-1902 Palmer. 1904 E.R. Parson.	

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
22) <u>Tokio Times*</u>	Tok.	1877-80	W	E.H. House.	Same.	House received help from the Japanese Government.
23) <u>Japan Times*</u>	Yok.	Jan.-July, 1878.	W	C. Rickerby.	Same.	Sold to the <u>Japan Mail</u> .
24) <u>Kiu Siu Times</u>	Nag.	Jan-Feb., 1878.				
25) <u>Kobe Advertiser</u>	Kobe	1878-79		F. Cruchley.	Same.	
26) <u>Le Courrier du Japon</u>	Yok.	1879-82		1879-82 A. Harmand. 1882 - Grelier.	1879-82 Harmand.	Founded as a result of a quarrel on <u>L'Echo du Japon</u> .
27) <u>O Argus</u>	Yok.	1881-82	W		- Da Sylva.	Portuguese.
28) <u>Kobe Shipping List</u>	Kobe	1882				

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
29) <u>Anglo-Japanese Review*</u>	Tok.	1885-86	W	<u>Mainichi Shinbun</u>	F.W. Eastlake.	
30) <u>Tokyo Independent*</u>	Tok.	1886	W	F.W. Eastlake.	Same.	Carried items in <u>Romaji</u> , i.e. Japanese written with Roman letters.
31) <u>Kobe Herald</u>	Kobe	1886-1920's		1886-1920's A.W. Curtis	1886-1917 Curtis. 1917-19 A.J.S. Willis. 1919-26 Curtis.	The <u>Japan Mail</u> (Summary) 20 May 1889 reported that a paper of this name started in that week. This is not supported by any other source.
32) <u>Japan Review and Daily Advertiser</u>	Kobe	1889	D	A.W. Quinton.	Same.	
33) <u>Le Messager du Japon</u>	Yok.	1889	D	Probably A. Harmand.	A. Harmand.	
34) <u>Tokyo Mail</u>	Tok.	1889-90		Probably published by the <u>Japan Mail</u> .		Appeared three times a week.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
35) <u>Japan Advertiser</u>	Yok. 1908, Tok.	1890-1940	D	1890- R. Meiklejohn. 1904 1904 A.M. Knapp.	1890 1891 R. Hay. 1898 G.A. Adam. 1899-1902 Knapp. 1902-4) E. Hemilton 1906)	Started as an advertising sheet, but became a newspaper after a year.
36) <u>Japan Echo*</u>	Tok.	1890-91	F	L. Salabelle.	J. Murdoch.	
37) <u>Tokyo Spectator*</u>	Tok.	1891-92		F.W. Eastlake.	Same.	
38) <u>Le Japon</u>	Yok.	Jan.-July, 1891		"Japan Gazette Printing and Publishing Co."	- Latour.	
39) <u>Kobe Chronicle*</u> (From 1900, <u>Japan Chronicle.</u>)	Kobe	1891-1942	D W	1891-1921 R. Young. 1922 A.M. Young (?).	1891-1921 R. Young. (1894-95 Lafcadio Hearn co-editor.) 1922 A.M. Young.	1) Started with Japanese Government assistance. 2) R. Young and A.M. Young were not related. 3) Suppressed in 1942.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Freq.</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
40) <u>Eastern World*</u>	Yok.	1892-1908	W	F. Schroeder.	Same.	Occasional articles in German.
41) <u>Japan Times*</u>	Tok.	1897 to date.	D	See notes.		1) Japanese-owned and edited. 2) Always regarded as close to the Japanese Government.
42) <u>Kobe Daily News</u>	Kobe	1899-1902	D	A. Rozario.		
43) <u>Deutsche Japan Post*</u>	Yok.	1902-14	D	A German syndicate.	1902 A. Madlung. 1908 M. Ostwell.	Suppressed on the outbreak of war.
44) <u>O Sol Nasante</u>		1908	F	F. da Silva.	M. Polydoro.	Portuguese.

Part II: Periodicals

This cannot claim to be an exhaustive list of foreign language periodicals published in Japan between 1859 and 1914. There were probably many more published under missionary auspices than are listed here, but no record of them has survived in any of the sources which I have examined. Those listed here, therefore, must be taken only as periodicals which seem to have had some circulation, however small, amongst the general foreign community in Japan.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
1) <u>Japan Punch*</u>	Yok.	1862-87	C. Wirgman.	Same.	Humour.
2) <u>Far East</u>	Yok.	1866-67	C. Wirgman.	Same.	Nothing known of its contents.
3) <u>Japan Judy</u>	Yok.	1868			Humour.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
4) <u>Far East*</u>	Yok. (Tok. 1874-6)	1870-76	J.R. Black.	Same.	1) A general interest magazine, using photographs as illustrations. 2) Continued publication at Shanghai 1876-77.
5) <u>The Mosquito</u>	Yok.	June-Aug., 1871.			Humour.
6) <u>China and Japan Temperance Record</u>	Nag.	1874			
7) <u>Japan Fortnightly Review</u>		1876			Missionary news.
8) <u>Bell's Life in Yokohama</u>	Yok.	1878			Humour.
9) <u>Girton Budget</u>	Kobe	1878			A "Ladies' Journal".

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
10) <u>The Chrysanthemum*</u> (1882-83 <u>The Chrysanthemum and Phoenix.</u>)	Yok.	1881-83	Canadian Methodist Mission	1) Revd. C.S. Eby. 2) Dr. H. Faulds.	A general interest magazine.
11) <u>L'Eclairneur*</u>	Yok.	1882	G. Bigot.	Same.	Cartoons.
12) <u>Yokohama Temperance Magazine</u>	Yok.	1888-89			
13) <u>Christian Advocate</u>	Yok.	1888-89	Canadian Methodist Mission	Rev. C.S. Eby.	This may in fact have been the <u>Shinri no kagami</u> , published by the same body.
14) <u>Von West nacht Ost.</u>	Tok.	1889-90	<u>Doitsubun zasshi kai.</u> ("German-language magazine society".)		
15) <u>Industries: Journal of Engineering-Electricity and Chemistry.</u>	Yok.	1889-90	Pearson and Tovey.		Pearson and Tovey were a Yokohama Engineering firm.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
16) <u>Toba-e*</u>	Yok.	1889-90	G. Bigot.	Same.	Humour.
17) <u>La Vie Japonaise*</u>	Yok.	1890	Bigot.	Same.	Humour.
18) <u>L'Acquarelliste*</u>	Yok.	1890		G. Daigrement.	
19) <u>The Unitarian</u>	Yok.	1890 onwards	Unitarian Mission.	First editor C. Macaulay.	
20) <u>Box of Curios.</u>	Yok.	1890-1917.	E.V. Thorn.	1892-94 Thorn. 1894-1900 A.P. Waugh.	Humour.
21) <u>Missionary Tidings</u>	Yok.	1891		Rev. E. Staniland.	
22) <u>The Voice</u>	Yok.	1891 onwards	Methodist Publishing House	Rev. E. Snodgrass.	
23) <u>Japan for Christ</u>	Yok.	1891	Canadian Methodist Mission		

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
24) <u>La Revue Française du Japon</u>	Tok.	1892-97	La Société pour la langue française.	1892-94 G. Boissonade. 1895-96 P. Fouquet. 1896 E. Tronquois. 1897 Mori Noriyoshi.	
25) <u>Japan Evangelist</u>	Sendai	1895	Reformed Church.		
26) <u>C.M.S. Japan Quarterly</u>	Osaka	1896	Church Missionary Society		
27) <u>Far East*</u>	Tokyo	1896 onwards	<u>Kokumin no Tomo</u> newspaper	1) Tokutomi Ichiro. 2) A. Lloyd.	Rev. D.C. Greene acted as an adviser in the early days.
28) <u>Kackling Kagmag</u>	Kobe	1897	<u>Kobe Herald</u>		Humour.
29) <u>British Trade Journal</u>	Tok.	1895-1900	N. Kanazaki.	Same.	There was also a Japanese-language version, <u>Eikoku Shogyo Zasshi</u> .
30) <u>Greater Japan</u>	Tok.	1900	K. Matsumoto.	Same.	Trade.

<u>Name</u>	<u>Place</u>	<u>Dates</u>	<u>Owner</u>	<u>Editor</u>	<u>Notes</u>
31) <u>Japan-America Commercial Journal</u>	Tok.	1900	K. Matsumoto.	Same.	Trade.
32) <u>Gleanings</u>	Tok.	1907	Baptist Mission.	Rev. S. Willis.	Missionary.

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1865-1899.

Foreign Office, General Correspondence, Japan. (F.O.46).

Consulted for the years 1868-1899, especially for the annual volumes of "domestic various" correspondence.

Foreign Office, Embassy and Consular Archives, Japan.

(F.O.262). Volumes consulted for the years 1859-1899.

This archive is made up of the records of the Legation (later Embassy) in Tokyo. It consists of the originals of letters received and the draft of letters sent.

Foreign Office, Embassy and Consular Archives, Japan.

(F.O.344). Three volumes only of letter books of the Legation.

Foreign Office, Embassy and Consular Archives, Japan.

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(F.O.796). Records of the Consulate at Nagasaki, including records of the Consular Court. Volumes consulted related to the years 1859-1899.

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Various. (F.O.83). Contains a variety of miscellaneous correspondence, etc. Occasional volumes consulted for the years 1868-1899.

Foreign Office, Confidential Print, China. (F.O.405).

This series was made up for use within the Foreign Office and at posts. Occasional volumes consulted for the years 1868-1899.

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(ii) Private papers.

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